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PROCEEDINGS AND DEBATES OF THE *109th* CONGRESS, SECOND SESSION

SENATE—*Thursday, November 9, 2006*

The Senate met at 10 a.m. and was called to order by the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Immortal, invisible, God only wise, You still work wonders in the Earth. Help us to possess the humility to learn. Teach us that prayer still brings results. Teach us that we need not fear what the future holds, for Your mercies endure forever. Teach us that Your blessings come new every day. Teach us to number our days, to appreciate life's precious moments. Teach us to trust Your love and to celebrate Your presence.

Bless our Senators, their families, and their staffs in the days ahead. We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN E. SUNUNU led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 9, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. SUNUNU thereupon assumed the Chair as Acting President pro tempore.

MORNING BUSINESS

COSPONSORSHIP OF S. 3709

• Mr. LUGAR. Mr. President, on July 24 the Majority Leader placed in the RECORD a list of the Senators that had sought to be cosponsors of S. 3709, the United States-India Peaceful Atomic Energy Cooperation Act.

Mr. President, I ask that an updated list of those who wish to be listed as cosponsors be printed in the RECORD

The names follow.

LUGAR, BIDEN, HAGEL, CHAFEE, ALLEN, COLEMAN, VOINOVICH, ALEXANDER, SUNUNU, MURKOWSKI, MARTINEZ, DODD, KERRY, NELSON, OBAMA, CORNYN, BAYH, HUTCHISON, DEWINE, and LOTT.•

HONORING OUR ARMED FORCES

STAFF SERGEANT JONATHAN ROJAS

• Mr. BAYH. Mr. President, it is with a heavy heart and deep sense of gratitude that today I honor the life of a brave young man from Hammond. Jonathan Rojas, 27 years old, died on October 3 after being struck by a sniper bullet while on patrol in Baghdad. Jonathan risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Jonathan spent several years in the workforce after graduating from Hammond High School before enlisting. He had been due to return home to Indiana 2 months before he was killed but agreed to stay longer, promising his family in Hammond that he would be home in time for Christmas. Jonathan was remembered by his brother William as playful and warm hearted, when he said, "We're going to miss him being himself, doing stupid things, his company, having a brother, someone to talk to."

Jonathan was killed, while serving his country in Operation Iraqi Freedom. He was assigned to the 1st Battalion, 17th Infantry Regiment, 172nd Stryker Brigde Combat Team. This brave soldier leaves behind wife Tasha Rojas, parents Jose and Catalina Rojas, brother William Rojas, and sister Isaura Rojas.

Today, I join Jonathan's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Jonathan, a memory that will burn brightly during these continuing days of conflict and grief.

Jonathan was known for his dedication to his family and his love of country. He was looking forward to civilian life and starting a family with his wife Tasha. Today and always, Jonathan will be remembered by family members, friends and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Jonathan's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Jonathan's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Jonathan Rojas in the official RECORD of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. When I think about this just cause in which we are engaged and the unfortunate pain that comes with the loss of our heroes, I hope that families like Jonathan's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Jonathan.•

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

HONORING WILLIAM E. OSOS

• Mr. BAYH. Mr. President, it is with a heavy heart that I pay tribute to a true friend and Hoosier, William E. Osos. Bill, a former director for the United Auto Workers Region 3, passed away on October 6th, leaving behind a loving family and thousands of Hoosiers who benefited from his devotion to working men and women. My thoughts and prayers this week are with his wife Genevieve and their children and grandchildren.

Bill was a man of courage and conviction, who did what was right regardless of the popularity at the moment. He served for 2 years in the Navy during World War II. At home in Michigan City, Bill first became active in the UAW while working at Michiana Products Company. It was the beginning of a commitment he would honor throughout his life. In 1966, he was appointed an international representative of the union by UAW president Walter P. Reuther. He eventually was elected to be director of the union's Region 3 in 1984, a position he served in until his retirement in 1992.

Bill's dedication to the working men and women of Indiana was apparent to everyone who met him. He truly relished his role in leading the fight for good jobs and good wages. In fact, many Hoosiers and UAW members could tell you that it is a role he continued well after his retirement. Even after moving from Indiana to Florida, Bill stayed involved in UAW work, always ready to help serve.

His work in Indiana meant so much to the thousands of UAW workers in our State, and I also owe Bill a personal debt of gratitude. When I was running for secretary of state in Indiana, we didn't have much of a Democratic party organization, but we did have organized labor and the UAW, with Bill as Region 3 director. His support during my first political race was a strong foundation to build on, and with his help, I won that election. I went on to serve two terms as Indiana's Governor, when together, we were able to give 30,000 of our workers collective bargaining rights, more than half represented by the UAW.

I have had the privilege of knowing and working with many union leaders over the years, from the days I spent with my father on his campaigns outside plant gates to my work as Governor and through today. But Bill sticks out in my memory for his belief in the importance of his work and his tireless fighting on behalf of working men and women.

Bill spent his life fighting for good jobs, affordable health care, and secure pensions—all the things that make up the American dream. We need more people fighting that fight today, and we will miss Bill greatly as we continue his efforts to ensure that every American who works hard and plays by the rules can do right by his family.

Indiana and its people are better for his leadership. Bill was my friend, and I will miss him. It is my honor to enter his name into the CONGRESSIONAL RECORD of the U.S. Senate.•

ETHAN SCHOOL DISTRICT NO. 17-1

• Mr. THUNE. Mr. President, today I wish to recognize Ethan School District No. 17-1 for being named a No Child Left Behind Blue Ribbon School. The commitment to quality education that has been shown by the faculty, teachers, and students at the Ethan School District is truly invaluable in shaping the future leaders of this country. The work that they are doing to develop higher education standards and greater accountability serves as a model to other schools throughout our State and Nation.

Again, congratulations to Ethan School District No. 17-1 for being named a Blue Ribbon School and for making South Dakota proud.•

WHITE LAKE INDEPENDENT SCHOOL DISTRICT NO. 1-3

• Mr. THUNE. Mr. President, today I wish to recognize White Lake Independent School District No. 1-3 for being named a No Child Left Behind Blue Ribbon School. The commitment to quality education that has been shown by the faculty, teachers, and students at the White Lake Independent School District is truly invaluable in shaping the future leaders of this country. The work that they are doing to develop higher education standards and greater accountability serves as a model to other schools throughout our State and Nation.

Again, congratulations to White Lake Independent School District No. 1-3 for being named a Blue Ribbon School and for making South Dakota proud.•

COMMENDING DAVID HANSEN

• Mr. DEWINE. Mr. President, I want to commend the service of David Hansen, who is ending his term on the Northeast-Midwest Institute's board of directors. David served as the institute's vice chair, provided stable leadership, offered a wealth of ideas, and advanced the organization's credibility. He now directs the Buckeye Institute for Public Policy Solutions, based in Columbus, OH. The Northeast-Midwest Institute provides policy research for the bipartisan Northeast-Midwest Senate Coalition and its Great Lakes Task Force, which I cochair with Senator CARL LEVIN of Michigan. I thank David Hansen for his service on the board of the Northeast-Midwest Institute. People from Ohio and the entire Northeast-Midwest region appreciate his valued counsel.•

COMMENDING TIMOTHY COSGROVE

• Mr. DEWINE. Mr. President, I also want to commend the service of Timothy Cosgrove who is ending his term as chairman of the board of directors for the Northeast-Midwest Institute. Tim has offered exceptional service to the institute and in the process helped to improve our region's economic development and environmental quality. The Northeast-Midwest Institute provides policy analysis for the bipartisan Northeast-Midwest Senate Coalition and its Great Lakes Task Force. Tim is with the Cleveland-based law firm of Squire Sanders & Dempsey. I thank Tim Cosgrove for his leadership on the Northeast-Midwest Institute's board of directors. He has provided valued service and helped to increase that organization's reputation and effectiveness.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT RELATIVE TO THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO IRAN WHICH WAS DECLARED IN EXECUTIVE ORDER NO. 12170 ON NOVEMBER 14, 1979—PM 58

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the Iran emergency declared in Executive Order 12170 on November 14, 1979, is to continue in effect beyond November 14, 2006.

Our relations with Iran have not yet returned to normal, and the process of implementing the January 19, 1981, agreements with Iran is still underway. For these reasons, I have determined that it is necessary to continue for 1 year the national emergency declared on November 14, 1979, with respect to Iran.

GEORGE W. BUSH.
THE WHITE HOUSE, *November 9, 2006.*

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 5, 2005, the Secretary of the Senate, on September 30, 2006, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mr. WOLF) has signed the following enrolled bills, previously signed by the Acting President pro tempore:

H.R. 6138. An act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

H.R. 6198. An act to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 5, 2005, the following enrolled bills, previously signed by the Speaker of the House, were signed on October 2, 2006, during the adjournment of the Senate, by the President pro tempore (Mr. STEVENS):

S. 203. An act to reduce temporarily the royalty required to be paid for sodium produced, to establish certain National Heritage Areas, and for other purposes.

S. 3187. An act to designate the Post Office located at 5755 Post Road, East Greenwich, Rhode Island, as the "Richard L. Cevoli Post Office".

S. 3613. An act to designate the facility of the United States Postal Service located at 2951 New York Highway 43 in Averill Park, New York, as the "Major George Quamo Post Office Building".

ENROLLED BILLS SIGNED

Under the authority of the Order of the Senate of January 5, 2005, the Secretary of the Senate, on October 2, 2006, during the adjournment of the Senate, received a message from the House of Representatives, announcing that the Speaker had signed the following enrolled bills:

S. 2430. An act to amend the Great Lakes Fish and Wildlife Restoration Act of 1990 to provide for implementation of recommendations of the United States Fish and Wildlife Service contained in the Great Lakes Fishery Resources Restoration Study.

S. 2856. An act to provide regulatory relief and improve productivity for insured depository institutions, and for other purposes.

S. 3661. An act to amend section 29 of the International Air Transportation Competition Act of 1979 relating to air transportation to and from Love Field, Texas.

H.R. 4954. An act to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

H.R. 5441. An act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

H.R. 5539. An act to reauthorize the North American Wetlands Conservation Act.

Under the authority of the order of the Senate of January 5, 2005, the enrolled bills were signed on October 2, 2006, during the adjournment of the Senate, by the President pro tempore (Mr. STEVENS).

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 5, 2005, the Secretary of the Senate, on October 3, 2006, during the adjournment of the Senate, received a message from the House of Representatives, announcing that the Speaker pro tempore (Mr. WOLF of Virginia) had signed the following enrolled bills:

H.R. 138. An act to revise the boundaries of John H. Chafee Coastal Barrier Resources System Jekyll Island Unit GA–06P.

H.R. 233. An act to designate certain National Forest System lands in the Mendocino and Six Rivers National Forests and certain Bureau of Land Management lands in Humboldt, Lake, Mendocino, and Napa Counties in the State of California as wilderness, to designate the Elkhorn Ridge Potential Wilderness Area, to designate certain segments of the Black Butte River in Mendocino County, California as a wild or scenic river, and for other purposes.

H.R. 315. An act to designate the United States courthouse at 300 North Hogan Street, Jacksonville, Florida, as the "John Milton Bryan Simpson United States Courthouse".

H.R. 479. An act to replace a Coastal Barrier Resources System map relating to Coastal Barrier Resources System Grayton Beach Unit FL–95P in Walton County, Florida.

H.R. 1463. An act to designate a portion of the Federal building located at 2100 Jamieson Avenue, in Alexandria, Virginia, as the "Justin W. Williams United States Attorney's Building".

H.R. 1556. An act to designate a parcel of land located on the site of the Thomas F. Eagleton United States Courthouse in St. Louis, Missouri, as the "Clyde S. Cahill Memorial Park".

H.R. 2322. An act to designate the Federal building located at 320 North Main Street in McAllen, Texas, as the "Kika de la Garza Federal Building".

H.R. 4109. An act to designate the facility of the United States Postal Service located at 6101 Liberty Road in Baltimore, Maryland, as the "United States Representative Parren J. Mitchell Post Office".

H.R. 4674. An act to designate the facility of the United States Postal Service located at 110 North Chestnut Street in Olathe, Kansas, as the "Governor John Anderson, Jr. Post Office Building".

H.R. 4768. An act to designate the facility of the United States Postal Service located at 777 Corporation Street in Beaver, Pennsylvania, as the "Robert Linn Memorial Post Office Building".

H.R. 4805. An act to designate the facility of the United States Postal Service located at 105 North Quincy Street in Clinton, Illinois, as the "Gene Vance Post Office Building".

H.R. 4902. An act to award a Congressional gold medal to Byron Nelson in recognition of his significant contributions to the game of golf as a player, a teacher, and a commentator.

H.R. 4957. An act to direct the Secret of the Interior to convey the Tylersville division of the Lamar National Fish Hatchery and Fish Technology Center to the State of Pennsylvania, and for other purposes.

H.R. 5026. An act to designate the Investigations Building of the Food and Drug Administration located at 466 Fernandez Juncos Avenue in San Juan, Puerto Rico, as the "Andres Toro Building".

H.R. 5094. An act to require the conveyance of Mattamuskeet Lodge and surrounding property, including the Mattamuskeet National Wildlife Refuge headquarters, to the State of North Carolina to permit the State to use the property as a public facility dedicated to the conservation of the natural and cultural resources of North Carolina.

H.R. 5160. An act to establish the Long Island Sound Stewardship Initiative.

H.R. 5224. An act to designate the facility of the United States Postal Service located at 350 Uinta Drive in Green River, Wyoming, as the "Curt Gowdy Post Office Building".

H.R. 5381. An act to enhance an existing volunteer program of the United States Fish and Wildlife Service and promote community partnerships for the benefit of national fish hatcheries and fisheries program offices.

H.R. 5428. An act to designate the facility of the United States Postal Service located at 202 East Washington Street in Morris, Illinois, as the "Joshua A. Terando Morris Post Office Building".

H.R. 5434. An act to designate the facility of the United States Postal Service located at 40 South Walnut Street in Chillicothe, Ohio, as the "Larry Cox Post Office".

H.R. 5504. An act to designate the facility of the United States Postal Service located at 6029 Broadmoor Street in Mission, Kansas, as the "Larry Winn, Jr. Post Office Building".

H.R. 5546. An act to designate the United States courthouse to be constructed in Greenville, South Carolina, as the "Carroll A. Campbell, Jr. United States Courthouse".

H.R. 5606. An act to designate the Federal building and United States courthouse located at 221 and 211 West Ferguson Street in Tyler, Texas, as the "William M. Steger Federal Building and United States Courthouse".

H.R. 5664. An act to designate the facility of the United States Postal Service located at 110 Cooper Street in Babylon, New York, as the "Jacob Samuel Fletcher Post Office Building".

H.R. 5929. An act to designate the facility of the United States Postal Service located at 950 Missouri Avenue in East St. Louis, Illinois, as the "Katherine Dunham Post Office Building".

H.R. 6033. An Act to designate the facility of the United States Postal Service located at 39–25 61st Street in Woodside, New York, as the "Thomas J. Manton Post Office Building".

H.R. 6051. An act to designate the Federal building and United States courthouse located at 2 South Main Street in Akron, Ohio, as the "John F. Seiberling Federal Building and United States Courthouse".

H.R. 6075. An act to designate the facility of the United States Postal Service located at 101 East Gay Street in West Chester, Pennsylvania, as the "Robert J. Thompson Post Office Building".

H.R. 6106. An act to extend the waiver authority for the Secretary of Education under title IV, section 105, of Public Law 109–148.

H.R. 6159. An act to extend temporarily certain authorities of the Small Business Administration.

Under the authority of the order of the Senate of January 5, 2005, the enrolled bills were signed on October 4, 2006, during the adjournment of the Senate, by the President pro tempore (Mr. STEVENS).

ENROLLED BILLS SIGNED

Under the authority of the Order of the Senate of January 5, 2005, the Secretary of the Senate, on October 4, 2006, during the adjournment of the Senate, received a message from the House of Representatives, announcing that the Speaker pro tempore (Mr. WOLF of Virginia) had signed the following enrolled bills:

S. 2562. An act to increase, effective as of December 1, 2006, the rates on compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

S. 3728. An act to promote nuclear nonproliferation in North Korea.

H.R. 3508. An act to authorize improvements in the operation of the government of the District of Columbia, and for other purposes.

H.R. 5122. An act to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

H.R. 6197. An act to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 2007 through 2011, and for other purposes.

Under the authority of the order of the Senate of January 5, 2005, the enrolled bills were signed on October 4, 2006, during the adjournment of the Senate, by the President pro tempore (Mr. STEVENS).

ENROLLED BILL SIGNED

Under the authority of the Order of the Senate of January 5, 2005, the Secretary of the Senate, on October 23, 2006, during the adjournment of the Senate, received a message from the House of Representatives, announcing that the Speaker pro tempore (Mr. DAVIS of Virginia) had signed the following enrolled bill:

H.R. 6061. An act to establish operational control over the international land and maritime borders of the United States.

Under the authority of the order of the Senate of January 5, 2005, the enrolled bills were signed on October 23, 2006, during the adjournment of the Senate, by the Vice President.

MESSAGE FROM THE HOUSE

At 10 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 491. Concurrent resolution providing for a correction to the enrollment of H.R. 6233.

ENROLLED BILLS PRESENTED

The Secretary of the Senate announced that on October 2, 2006, she had presented to the President of the United States the following enrolled bills:

S. 56. An act to establish the Rio Grande Natural Area in the State of Colorado, and for other purposes.

S. 203. An act to reduce temporarily the royalty required to be paid for sodium produced, to establish certain National Heritage Areas, and for other purposes.

S. 213. An act to direct the Secretary of the Interior to convey certain Federal land to Rio Arriba County, New Mexico.

S. 2146. An act to extend relocation expenses test programs for Federal employees.

S. 3187. An act to designate the Post Office located at 5755 Post Road, East Greenwich, Rhode Island, as the "Richard L. Cevoli Post Office".

S. 3613. An act to designate the facility of the United States Postal Service located at 2951 New York Highway 43 in Averill Park, New York, as the "Major George Quamo Post Office Building".

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–8474. A communication from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, the report of the initiation of a multi-function standard competition of the Base Operation and Support Functions at Sheppard Air Force Base, Texas; to the Committee on Armed Services.

EC–8475. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, the report of a retirement; to the Committee on Armed Services.

EC–8476. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, notice of the Department's intent to close the Defense commissary store at Babenhausen, Germany, on or about December 31, 2006; to the Committee on Armed Services.

EC–8477. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Flumetsulam; Pesticide Tolerance" (FRL No. 8092–7) received on September 29, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8478. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Soybean Oil, Ethoxylated; Tolerance Exemption" (FRL No. 8092–4) received on September 29, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8479. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Acetic Acid Ethenyl Ester, Polymer with 1-Ethenyl-2-Pyrrolidinone; Tolerance Exemption" (FRL No. 8092–5) received on September 29, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8480. A communication from the Assistant Secretary, Office of Regulatory Policy, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Mutual Fund Redemption Fees" (RIN3235–AJ51) received on September 29, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–8481. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, a copy of a document that the Agency recently issued related to its regulatory programs; to the Committee on Environment and Public Works.

EC–8482. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the agency's report relative to its strategic plan for years 2006–2011; to the Committee on Environment and Public Works.

EC–8483. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Implementation of section 402(a)(1) of H.R. 4" (Announcement 2006–70) received on September 29, 2006; to the Committee on Finance.

EC–8484. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Bureau of Labor Statistics Price Indexes for Department Stores—July 2006" (Rev. Rul. 2006–48) received on September 29, 2006; to the Committee on Finance.

EC–8485. A communication from the General Counsel, Office of Justice Programs, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "International Terrorism Victim Expense Reimbursement Program" (RIN1121–AA63) received on September 29, 2006; to the Committee on the Judiciary.

EC–8486. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Community Food and Nutrition Program for Fiscal Year 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–8487. A communication from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled "Changes in NARA Research Room and Museum Hours" (RIN3095–AB52) received on September 29 , 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–8488. A communication from the Special Assistant to the Secretary, White House Liaison, Department of Veterans Affairs, transmitting, pursuant to law, the report of the designation of an acting officer for the position of General Counsel, received on October 6, 2006; to the Committee on Veterans' Affairs.

EC–8489. A communication from the Special Assistant to the Secretary, White House Liaison, Department of Veterans Affairs, transmitting, pursuant to law, the report of a vacancy in the position of General Counsel, received on October 6, 2006; to the Committee on Veterans' Affairs.

EC–8490. A communication from the Special Assistant to the Secretary, White House Liaison, Department of Veterans Affairs, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary for Information and Technology, received on October 6, 2006; to the Committee on Veterans' Affairs.

EC–8491. A communication from the Immediate Past National President, Women's Army Corps Veterans' Association, transmitting, pursuant to law, the Association's annual audit report for the year ending June 30, 2006; to the Committee on Veterans' Affairs.

EC–8492. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Facility Change Process Involving Items Relied on for Safety" (RIN3150–AH96) received on October 6, 2006; to the Committee on Environment and Public Works.

EC–8493. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Charges for Reproducing Records" (RIN3150–AH66) received on October 6, 2006; to the Committee on Environment and Public Works.

EC–8494. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Administrative Reporting Exemption for Certain Air Releases of NO_x (NO and NO_2)" (FRL No. 8227–7) received on October 6, 2006; to the Committee on Environment and Public Works.

EC–8495. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Consumer and Commercial Products, Group II: Control Techniques Guidelines in Lieu of Regulations for Flexible Packaging Printing Materials, Lithographic Printing Materials, Letterpress Printing Materials, Industrial Cleaning Solvents, and Flat Wood Paneling Coatings" (FRL No. 8228–4) received on October 6, 2006; to the Committee on Environment and Public Works.

EC–8496. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement the 8-Hour Ozone National Ambient Air Quality Standard—Phase 2; Final Rule to Implement Certain Aspects of the 1990 Amendments Relating to New Source Review and Prevention of Significant Deterioration as they Apply in Carbon Monoxide, Particulate Matter and Ozone NAAQS; Final Rule for Reformulated Gasoline; Correction" ((RIN2060–AJ99) (FRL No. 8227-6)) received on October 6, 2006; to the Committee on Environment and Public Works.

EC–8497. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Guidelines Establishing Test Procedures for the Analysis of Pollutants; Analytical Methods for Biological Pollutants in Wastewater and Sewage Sludge" ((RIN2040–AE68) (FRL No. 8228–1)) received on October 6, 2006; to the Committee on Environment and Public Works.

EC–8498. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing" ((RIN2060–AM72) (FRL No. 8227–5)) received on October 6, 2006; to the Committee on Environment and Public Works.

EC–8499. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "New Hampshire: Final Approval of Underground Storage Tank Program Revisions" (FRL No: 8226–5) received on October 6, 2006; to the Committee on Environment and Public Works.

EC–8500. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Protection of Stratospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2006" ((RIN2060–AN29) (FRL No. 8227–4)) received on October 6, 2006; to the Committee on Environment and Public Works.

EC–8501. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to Ambient Air Monitoring Regulations" (FRL No. 8227–2) received on October 6, 2006; to the Committee on Environment and Public Works.

EC–8502. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2006–07 Late Season" (RIN1018–AU42) received on October 4, 2006; to the Committee on Environment and Public Works.

EC–8503. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Pine Shoot Beetle Host Material from Canada" (Docket No. 00–073–3) received on October 3, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8504. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Noxious Weeds; South African Ragwort and Madagascar Ragwort" (Docket No. APHIS–2006–0019) received on October 3, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8505. A communication from the Director, Regulatory Review Group , Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Non-insured Crop Disaster Assistance Program—Topical Regions" (RIN0560–AH19) received on October 3, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8506. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to the Critical Skills Retention Bonus Program; to the Committee on Armed Services.

EC–8507. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, the report of an officer authorized to wear the insignia of the grade of rear admiral (lower half) in accordance with title 10; United States Code, section 777; to the Committee on Armed Services.

EC–8508. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, the report of (28) officers authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–8509. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Limitations on Tiered Evaluation of Offers" (DFARS Case 2006–D009) received on October 3, 2006; to the Committee on Armed Services.

EC–8510. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Acquisition Planning" (DFARS Case 2003–D044) received on October 3, 2006; to the Committee on Armed Services.

EC–8511. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Prohibition on Acquisition from Communist Chinese Military Companies" (DFARS Case 2006–D007) received on October 3, 2006; to the Committee on Armed Services.

EC–8512. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Training for Contractor Personnel Interacting with Detainees" (DFARS Case 2005–D007) received on October 3, 2006; to the Committee on Armed Services.

EC–8513. A communication from the Assistant Secretary of the Navy (Installations and Environment), transmitting, pursuant to law, a report of the beginning of preliminary planning under Office of Management and Budget Circular A–76 for the possible competition of Naval Facilities Engineering Command recycling functions; to the Committee on Armed Services.

EC–8514. A communication from the Assistant Secretary of the Navy (Installations and Environment), transmitting, pursuant to law, a report relative to the Department's plan to conduct a standard A–76 competition of the non-guard security support service functions performed by civilian and military personnel at installations nationwide; to the Committee on Armed Services.

EC–8515. A communication from the Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, a report relative to the Department's plan for screening military mail for chemical, biological, radiological, and explosive hazards; to the Committee on Armed Services.

EC–8516. A communication from the Chief Counsel, Federal Emergency Management

Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "List of Communities Eligible for the Sale of Flood Insurance" ((Docket No. FEMA-7788)(71 FR 50856)) received on October 3, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–8517. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((Docket No. FEMA-7941)(71 FR 50359)) received on October 3, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–8518. A communication from the Assistant Director, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Global Terrorism Sanctions Regulations; Terrorism Sanctions Regulations; Foreign Terrorist Organizations Sanctions Regulations" (31 CFR Parts 594, 595, and 597) received on October 3, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–8519. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report relative to the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–8520. A communication from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Counterintelligence Evaluation Regulations" (RIN1992–AA33) received on October 3, 2006; to the Committee on Energy and Natural Resources.

EC–8521. A communication from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "State Energy Program" (RIN1904–AB63) received on October 3, 2006; to the Committee on Energy and Natural Resources.

EC–8522. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Revision of Regulations to Require Reporting of Damage to Natural Gas Pipeline Facilities" (RM06–18–000) received on October 3, 2006; to the Committee on Energy and Natural Resources.

EC–8523. A communication from the Director, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report relative to the Minerals Management Service's Royalty-in-Kind Operation; to the Committee on Energy and Natural Resources.

EC–8524. A communication from the Secretary of Energy, transmitting, pursuant to law, the Department's new 2006 Strategic Plan; to the Committee on Environment and Public Works.

EC–8525. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the current trends and shortages in the workforce of electric power and transmission engineers; to the Committee on Energy and Natural Resources.

EC–8526. A communication from the Secretary of Energy, transmitting, pursuant to law, the Department's annual report on the Biomass Research and Development Initiative for fiscal year 2005; to the Committee on Energy and Natural Resources.

EC–8527. A communication from the Acting Commissioner, Bureau of Reclamation, Department of the Interior, transmitting, pursuant to law, a copy of the Arkansas Valley Conduit Reevaluation Statement; to the Committee on Energy and Natural Resources.

EC–8528. A communication from the Secretary of the Interior, transmitting, pursuant to law, a joint report relative to the cost of implementation of the Rocky Flats National Wildlife Refuge Act of 2001 during fiscal year 2005; to the Committee on Energy and Natural Resources.

EC–8529. A communication from the Chairman of the U.S. International Trade Commission, transmitting, pursuant to law, a report relative to the Andean Trade Preference Act; to the Committee on Finance.

EC–8530. A communication from the Chairman of the U.S. International Trade Commission, transmitting, pursuant to law, a report relative to the Commission's Strategic Plan covering the period from fiscal year 2006 through fiscal year 2011; to the Committee on Finance.

EC–8531. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Open-Loop Biomass under Section 45" (Notice 2006–88) received on October 2, 2006; to the Committee on Finance.

EC–8532. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "October–December 2006 Section 42 Bond Factor Amounts" (Revenue Ruling 2006–51) received on October 2, 2006; to the Committee on Finance.

EC–8533. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—October 2006" (Revenue Ruling 2006–50) received on October 2, 2006; to the Committee on Finance.

EC–8534. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2006 National Pool" (Revenue Procedure 2006–38) received on October 2, 2006; to the Committee on Finance.

EC–8535. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "'Tie-breaking' Rule for Two or More Taxpayers Claiming a Child as a Qualifying Child" (Notice 2006–86) received on October 2, 2006; to the Committee on Finance.

EC–8536. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice: Guidance on the Application of Section 911 to U.S. Individuals Working at Guantanamo Bay" (Notice 2006–84) received on October 2, 2006; to the Committee on Finance.

EC–8537. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Attained Age of the Insured Under Section 7702" ((RIN1545–BE53) (TD 9287)) received on October 2, 2006; to the Committee on Finance.

EC–8538. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Treatment Under Section 367(b) of Property Used to Purchase Parent Stock in Certain Triangular Reorganizations" (Notice 2006–85) received on October 2, 2006; to the Committee on Finance.

EC–8539. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Fringe Benefits Aircraft Valuation Formula" (Revenue Ruling 2006–47) received on October 2, 2006; to the Committee on Finance.

EC–8540. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Phase-Out of Credit for New Qualified Hybrid Motor Vehicles and New Advanced Lean Burn Technology Motor Vehicles" (Notice 2006–78) received on October 2, 2006; to the Committee on Finance.

EC–8541. A communication from the Acting Secretary of Transportation, transmitting, pursuant to law, a report relative to Tribal-State maintenance agreements and transferable funds to the Indian tribes in effect for Fiscal Year 2005; to the Committee on Commerce, Science, and Transportation.

EC–8542. A communication from the Acting Under Secretary for Industry and Security, Department of Commerce, transmitting, pursuant to law, a report relative to the Secretary's imposition of foreign policy-based controls on surreptitious communications intercepting devices and related software and technology; to the Committee on Commerce, Science, and Transportation.

EC–8543. A communication from the Attorney Advisor, Research and Innovative Technology Administration, Department of Transportation, transmitting, pursuant to law, the report of a vacancy in the position of Administrator, received on October 3, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8544. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Chiniak Gully Research Area for Vessels Using Trawl Gear" (ID No. 090506C) received on October 3, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8545. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule: Closure of Closed Area II Scallop Access Area (CAII) to Scallop Vessels" (RIN0648–AU47) received on October 3, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8546. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska" (ID No. 082906C) received on October 3, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8547. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of

Alaska" (ID No. 090606B) received on October 3, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8548. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska" (ID No. 090606A) received on October 3, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8549. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska (ID No. 090606C) received on October 3, 2006; to the Committee on Commerce; Science, and Transportation.

EC–8550. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule for Great South Channel Scallop Dredge Exemption Area" (RIN0648–AU50) received on October 3, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8551. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries in the Western Pacific; Omnibus Amendment for the Bottomfish and Seamount Groundfish Fisheries, Crustacean Fisheries, and Precious Coral Fisheries of the Western Pacific Region" (RIN0648–AT33) received on October 3, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8552. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Enforcement of Operating Authority Requirements" (RIN2126–AA78) received on October 3, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8553. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737–100, –200, and –200C Series Airplanes" ((RIN2120–AA64) (Docket No. 2005–NM–227)) received on October 3, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8554. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330–200 and –300, and A340–200 and –300 Series Airplanes" ((RIN2120–AA64) (Docket No. 2006–NM–002)) received on October 3, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8555. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Raytheon Model 400 and 400A Series Airplanes" ((RIN2120–AA64) (Docket No. 2006–NM–018)) received on October 3, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8556. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Model F28 Mark 0070 and 0100 Airplanes" ((RIN2120–AA64) (Docket No. 2006–NM–103)) received on October 3, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8557. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737–300, –400, –500, –600, –700, –700C, –800, and –900 Series Airplanes" ((RIN2120–AA64) (Docket No. 2004–NM–108)) received on October 3, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8558. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Hamilton Sundstrand Model 14RF–19 Propellers" ((RIN2120–AA64) (Docket No. 2005–NE–13)) received on October 3, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8559. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Twin Commander Aircraft Corporation Models 690, 690A, and 690B Airplanes" ((RIN2120–AA64) (Docket No. 2006–CE–10)) received on October 3, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8560. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Mitsubishi Heavy Industries MU–2B Series Airplanes" ((RIN2120–AA64) (Docket No. 2006–CE–03)) received on October 3, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8561. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Sikorsky Aircraft Corporation Model S–92A Helicopters" ((RIN2120–AA64) (Docket No. 2006–SW–18)) received on October 3, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8562. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce Corporation 250–B and 250–C Series Turboshaft and Turboprop Engines" ((RIN2120–AA64) (Docket No. 2004–NE–10)) received on October 3, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8563. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Additional Types of Child Restraint Systems that May be Furnished and Used on Aircraft; Request for Comments" ((RIN2120–AI76) (Docket No. FAA–2006–25334)) received on October 3, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8564. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company CF6–80 Turbofan Engines" ((RIN2120–AA64) (Docket No. 2004–NE–05)) received on October 3, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8565. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; B–N Group Ltd. BN–2, BN–2A, BN–2B, BN–2T, and BN–2T–4R Series Airplanes" ((RIN2120–AA64) (Docket No. 2005–CE–47)) received on October 3, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8566. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pilatus Aircraft Ltd. Models PC–12 and PC–12/45 Airplanes" ((RIN2120–AA64) (Docket No. 2006–CE–30)) received on October 3, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8567. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Turbomeca Arriel 1B, 1D, 1D1, and 1S1 Turboshaft Engines" ((RIN2120–AA64) (Docket No. 2005–NE–09)) received on October 3, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8568. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; DG Flugzeugbau GmbH Model DG–1000S Sailplanes" ((RIN2120–AA64) (Docket No. 2006–CE–25)) received on October 3, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8569. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747–200B, 747–200C, 747–200F, 747–300, and 747SR Series Airplanes" ((RIN2120–AA64) (Docket No. 2006–NM–035)) received on October 3, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8570. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL–600–2B19 Series Airplanes" ((RIN2120–AA64) (Docket No. 2006–NM–158)) received on October 3, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8571. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737–700 and 737–800 Series Airplanes" ((RIN2120–AA64) (Docket No. 2006–NM–026)) received on October 3, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8572. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model DC–10–10, DC–10–10F, DC–10–30, DC–10–30F, DC–10–40, and DC–10–40F Airplanes" ((RIN2120–AA64) (Docket No. 2006–NM–072)) received on October 3, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8573. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model MD–90–30 Airplanes" ((RIN2120–AA64) (Docket No. 2006–NM–105)) received on October 3, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8574. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt and Whitney PW4164, PW4168, and PW4168A Series Turbofan Engines" ((RIN2120–AA64), (Docket No. 97–ANE–44)) received on October 3, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8575. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model DC–10–10, DC–10–10F, DC–10–15, DC–10–30, DC–10–30F, DC–10–40, and DC–10–40F Airplanes" ((RIN2120–AA64) (Docket No. 2006–NM–069)) received on October 3, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8576. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model DC–9–81, DC–9–82, DC–9–83, DC–9–87, and MD–88 Airplanes" ((RIN2120–AA64) (Docket No. 2006–NM–087)) received on October 3, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8577. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Part 95 Instrument Flight Rules; Miscellaneous Amendments (59); Amdt. No. 3172" (RIN2120–AA63) received on October 3, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8578. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Kalispell, MT" ((RIN2120–AA66) (Docket No. 05–ANM–15)) received on October 3, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8579. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Pinedale, WY" ((RIN2120–AA66) (Docket No. 05–ANM–17)) received on October 3, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8580. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter Canada Limited Model BO 105 LS A–3 Helicopters" ((RIN2120–AA64) (Docket No. 2005–SW–31)) received on October 3, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8581. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model DC–9–81, DC–9–82, DC–9–83, DC–9–87, and MD–88 Airplanes" ((RIN2120–AA64) (Docket No. 2001–NM–387)) received on October 3, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8582. A communication from the Interim Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (22 CFR Parts 4022 and 4044) received on October 3, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–8583. A communication from the Director, Regulations and Policy Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Listing of Color Additives Exempt From Certification; Mica-Based Pearlescent Pigments; Confirmation of Effective Date" (Docket No. 1998C–0790) received on October 3, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–8584. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Blood Vessels Recovered With Organs and Intended for Use in Organ Transplantation; Withdrawal" (Docket No. 2006N–0051) received on October 3, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–8585. A communication from the Assistant General Counsel for Regulatory Services, Office of Elementary and Secondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Title I—Improving the Academic Achievement of the Disadvantaged" (RIN1810–AA97) received on October 3, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–8586. A communication from the Regulations Coordinator, Administration for Children and Families, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Head Start Program" (RIN0970–AC26) received on October 3, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–8587. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of the designation of an acting officer for the position of Under Secretary, received on October 3, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–8588. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of the discontinuation of service in the acting role for the position of Under Secretary, received on October 3, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–8589. A communication from the Secretary of Labor, transmitting, pursuant to law, a report relative to the Department's Strategic Plan for Fiscal Years 2006–2011; to the Committee on Health, Education, Labor, and Pensions.

EC–8590. A communication from the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, a report relative to the final revisions of the Department's 2005 inventories of inherently governmental and commercial activities; to the Committee on Health, Education, Labor, and Pensions.

EC–8591. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Audit of Advisory Neighborhood Commission 6D for Fiscal Years 2004 Through 2006, as of March 31, 2006"; to the Committee on Homeland Security and Governmental Affairs.

EC–8592. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Audit of Advisory Neighborhood Commission 4B for Fiscal Years 2004 Through 2006, as of March 31, 2006"; to the Committee on Homeland Security and Governmental Affairs.

EC–8593. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Audit of Advisory Neighborhood Commission 8C for Fiscal Years 2004 Through 2006, as of March 31, 2006"; to the Committee on Homeland Security and Governmental Affairs.

EC–8594. A communication from the Chairman, Farm Credit System Insurance Corporation, transmitting, pursuant to law, a report relative to the Corporation's updated Strategic Plan for Fiscal Years 2007 through 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–8595. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the annual report relative to the activities and operation of the Public Integrity Section, Criminal Division, and the nationwide federal law enforcement effort against public corruption for 2005; to the Committee on the Judiciary.

EC–8596. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, an annual report relative to the Department's efforts regarding prison rape abatement for 2005; to the Committee on the Judiciary.

EC–8597. A communication from the Deputy General Counsel and Designated Reporting Official, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the report of action on a nomination and a change in previously submitted reported information for the position of Deputy Director for Demand Reduction, received on October 3, 2006; to the Committee on the Judiciary.

EC–8598. A communication from the Deputy General Counsel and Designated Reporting Official, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the report of a change in previously submitted reported information for the position of Deputy Director for Supply Reduction, received on October 3, 2006; to the Committee on the Judiciary.

EC–8599. A communication from the Executive Secretary and Chief of Staff, U.S. Agency for International Development, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Administrator, received on October 3, 2006; to the Committee on Foreign Relations.

EC–8600. A communication from the Executive Secretary and Chief of Staff, U.S. Agency for International Development, transmitting, pursuant to law, the report of the designation of an acting officer for the position of Deputy Administrator, received on October 3, 2006; to the Committee on Foreign Relations.

EC–8601. A communication from the Acting Assistant Secretary of State for International Organization Affairs, transmitting, pursuant to law, notification of the denial of official status, accreditation, or recognition for any organization which promotes and condones or seeks the legalization of pedophilia; to the Committee on Foreign Relations.

EC–8602. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, a report relative to international agreements other than treaties that have been entered into by the United States within the past sixty days; to the Committee on Foreign Relations.

EC–8603. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, a report relative to international agreements other than treaties that have been entered into by the United States within the past sixty days; to the Committee on Foreign Relations.

EC–8604. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $100,000,000 or more to Australia, Canada, and the United Kingdom; to the Committee on Foreign Relations.

EC–8605. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad (India); to the Committee on Foreign Relations.

EC–8606. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification for fiscal year 2006 that no United Nations organization or affiliated agency grants any official status, accreditation, or recognition to any organization which promotes and condones or seeks the legalization of pedophilia; to the Committee on Foreign Relations.

EC–8607. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $50,000,000 or more to Hong Kong; to the Committee on Foreign Relations.

EC–8608. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $50,000,000 or more to the United Arab Emirates; to the Committee on Foreign Relations.

EC–8609. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $50,000,000 or more to Vietnam; to the Committee on Foreign Relations.

EC–8610. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles in the amount of $50,000,000 or more to Russia and Kazakhstan; to the Committee on Foreign Relations.

EC–8611. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $100,000,000 or more to Canada; to the Committee on Foreign Relations.

EC–8612. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the administrative expenses incurred by institutes supported by the Research and Training Program for Eastern Europe and the Independent States of the Former Soviet Union in fiscal year 2005; to the Committee on Foreign Relations.

EC–8613. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the annual report for 2005 on United States Participation in the United Nations; to the Committee on Foreign Relations.

EC–8614. A communication from the Secretary of Agriculture and the Secretary of the Interior, transmitting, the report of draft legislation entitled "Healthy Forests Partnership Act" to the Committee on Agriculture, Nutrition, and Forestry.

EC–8615. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Flumioxazin; Pesticide Tolerances for Emergency Exemptions" (FRL No. 8098–5) received on October 4, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8616. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Asian Longhorned Beetle; Additions to Quarantined Areas" (Docket No. APHIS–2006–0127) received on October 4, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8617. A communication from the Under Secretary of Defense (Acquisition, Technology, and Logistics), transmitting, pursuant to law, a determination that increases in the Program Acquisition Unit Cost for the Chemical Demilitarization's Assembled Chemical Weapons Alternatives program exceed 25 percent; to the Committee on Armed Services.

EC–8618. A communication from the Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Federal Process Agents of Surety Corporation" (RIN1510–AB08) received on October 11, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–8619. A communication from the Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Obtaining Payments from the Judgment Fund and Under Private Relief Bills" (RIN1510–AA52) received on October 11, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–8620. A communication from the Acting General Counsel, Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Review of Custody Determinations" (RIN1125–AA47) received on October 11, 2006; to the Committee on the Judiciary.

EC–8621. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, the report of draft legislation that would amend the federal criminal restitution statutes to allow victims of identity theft to recover for the value of the time they spend attempting to remediate the harm caused by a criminal defendant; to the Committee on the Judiciary.

EC–8622. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Action on Decision: Erickson Post Acquisition, Inc. V. Commissioner" (AOD 2006–24) received on October 11, 2006; to the Committee on Finance.

EC–8623. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Transition Rule for Section 906 of the Pension Protection Act of 2006" (Notice 2006–89) received on October 11, 2006; to the Committee on Finance.

EC–8624. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "User Fees Relating to Enrollment" ((RIN1545–BF68)(TD9288)) received on October 11 , 2006; to the Committee on Finance.

EC–8625. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2006–2007 Per Diem Rates" (Rev. Proc. 2006–41) received on October 11, 2006; to the Committee on Finance.

EC–8626. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Administrative Appeal of Proposed Adverse Determination of Tax-exempt Status of Bond Issue" (Rev. Proc. 2006–40) received on October 11, 2006; to the Committee on Finance.

EC–8627. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Alternative Fuel and Alternative Fuel Mixtures; Blood Collector Organizations" (Notice 2006–92) received on October 11, 2006; to the Committee on Finance.

EC–8628. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Extension of Replacement Period for Livestock Sold on Account of Drought in Specified Counties" (Notice 2006–91) received on October 11, 2006; to the Committee on Finance.

EC–8629. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Additional Transition Relief under Section 409A" (Notice 2006–79) received on October 11, 2006; to the Committee on Finance.

EC–8630. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Delay in the Effective Date of New User Fee Charges for Processing Form 8802" (Notice 2006–90) received on October 11, 2006; to the Committee on Finance.

EC–8631. A communication from the Chairman, Federal Energy Regulatory Commission, transmitting, pursuant to law, a report on the Commission's Strategic Plan for fiscal years 2006–2011; to the Committee on Energy and Natural Resources.

EC–8632. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled

"Air Quality Designations and Classifications for the 8-Hour Ozone National Ambient Air Quality Standards; Early Action Compact Areas with Deferred Effective Dates" (FRL No. 8231–1) received on October 11, 2006; to the Committee on Environment and Public Works.

EC–8633. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Announcement of the Delegation of Partial Administrative Authority for Implementation of Federal Implementation Plan for the Umatilla Indian Reservation to the Confederated Tribes of the Umatilla Indian Reservation" (FRL No. 8230–8) received on October 11, 2006; to the Committee on Environment and Public Works.

EC–8634. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Alabama: Volatile Organic Compounds" (FRL No. 8229–8) received on October 11, 2006; to the Committee on Environment and Public Works.

EC–8635. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Missouri, Correction" (FRL No. 8228–9) received on October 11, 2006; to the Committee on Environment and Public Works.

EC–8636. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Regional Haze Regulations; Revisions to Provisions Governing Alternative to Source-Specific Best Available Retrofit Technology (BART) Determinations" (FRL No. 8230–4) received on October 11, 2006; to the Committee on Environment and Public Works.

EC–8637. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Secretary's recommendation for project modifications to reduce navigation and flood damage at Bayou Sorrel Lock; to the Committee on Environment and Public Works.

EC–8638. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to the transfer of funds made during fiscal year 2006 under acts such as the Defense Appropriations Act and the National Defense Authorization Act; to the Committee on Armed Services.

EC–8639. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Congressional Notification of Architect-Engineer Services/Military Family Housing Contracts" (DFARS Case 2006–D015) received on October 6, 2006; to the Committee on Armed Services.

EC–8640. A communication from the Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Waiver of Debts Resulting from Erroneous Payments of Pay and Allowances" (RIN0790–AG90) received on October 6, 2006; to the Committee on Armed Services.

EC–8641. A communication from the Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Settling Personnel and General Claims and Processing Advance Decision Requests" (RIN0790–AG47) received on October 6, 2006; to the Committee on Armed Services.

EC–8642. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report relative to the national emergency declared in Executive Order 13313; to the Committee on Banking, Housing, and Urban Affairs.

EC–8643. A communication from the Acting Secretary of Transportation, transmitting, pursuant to law, a report relative to the National Plan of Integrated Airport Systems for years 2007–2011; to the Committee on Commerce, Science, and Transportation.

EC–8644. A communication from the Acting Assistant Secretary, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Rota Bridled White-eye (Zosterops rotensis)" (RIN1018–AU32) received on October 6, 2006; to the Committee on Environment and Public Works.

EC–8645. A communication from the Acting Assistant Secretary, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Southern California Distinct Population Segment of the Mountain Yellow-Legged Frog (Rana muscosa)" (RIN1018–AU30) received on October 3, 2006; to the Committee on Environment and Public Works.

EC–8646. A communication from the Acting Assistant Secretary, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Perdido Key Beach Mouse, Choctawhatchee Beach Mouse, and St. Andrew Beach Mouse" (RIN1018–AT90) received on October 3, 2006; to the Committee on Environment and Public Works.

EC–8647. A communication from the Acting Assistant Secretary, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Alameda Whipsnake" (RIN1018–AT93) received on October 11, 2006; to the Committee on Environment and Public Works.

EC–8648. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the possible expansion of the Poplar Island Environmental Restoration Project; to the Committee on Environment and Public Works.

EC–8649. A communication from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program: Test Procedures for Distribution Transformers; Correction" (RJN1904–AA85) received on October 6, 2006; to the Committee on Energy and Natural Resources.

EC–8650. A communication from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "New Mexico Regulatory Program" (NM–045–FOR) received on October 6, 2006; to the Committee on Energy and Natural Resources.

EC–8651. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, transmitting, pursuant to law, the report of a rule entitled "State Allotments for Payment of Medicare Part B Premiums for Qualifying Individuals: Fiscal Year 2006 and Federal Fiscal Year 2007" (RIN0938–A031) received on October 16, 2006; to the Committee on Finance.

EC–8652. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Treatment of Disregarded Entities Under Section 752" ((RIN1545–BD48) (TD9289)) received on October 16, 2006; to the Committee on Finance.

EC–8653. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Entry of Softwood Lumber Products from Canada" (RIN1505–AB73) received on October 16, 2006; to the Committee on Finance.

EC–8654. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, a consolidated report of the Administration's processing of continuing disability reviews for fiscal year 2005; to the Committee on Finance.

EC–8655. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report of the President's intention to exercise his authority to waive the prohibition on the use of fiscal year 2006 Economic Support Funds in relation to certain countries; to the Committee on Foreign Relations.

EC–8656. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report detailing the President's exercise of the waiver authority in certain countries with regard to the prohibition on military assistance provided in section 2007 of the American Servicemembers' Protection Act of 2002; to the Committee on Foreign Relations.

EC–8657. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the current military, diplomatic, political, and economic measures that are being or have been undertaken to complete the mission in Iraq successfully; to the Committee on Foreign Relations .

EC–8658. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the amount the Government of Israel expends on certain activities; to the Committee on Foreign Relations.

EC–8659. A communication from the Assistant Secretary for Administration and Management, Office of Public Affairs, Department of Labor, transmitting, pursuant to law, the report of action on a nomination and the discontinuation of service in the acting role for the position of Assistant Secretary for Public Affairs, received on October 16, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–8660. A communication from the Chairman, U.S. Equal Employment Opportunity Commission, transmitting, pursuant to law, the Commission's Strategic Plan for Fiscal

Years 2007–2012; to the Committee on Health, Education, Labor, and Pensions.

EC–8661. A communication from the Director, Office of Labor-Management Standards, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Labor Organization Annual Financial Reports for Trusts in Which a Labor Organization is Interested, Form T–1" (RIN1215–AB54) received on October 16, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–8662. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Food Labeling; Guidelines for Voluntary Nutrition Labeling of Raw Fruits, Vegetables, and Fish" (Docket No. 2001N–0548) received on October 11, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–8663. A communication from the Director, Office of Personnel Management, transmitting, the report of a draft bill to make improvements to the Civil Service Retirement System and the Federal Employees' Retirement System, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

EC–8664. A communication from the General Counsel, Occupational Safety and Health Review Commission, transmitting, pursuant to law, the report of a rule entitled "Regulations Implementing the Privacy Act of 1974" (29 CFR Part 2400) received on October 16, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–8665. A communication from the Staff Director, U.S. Sentencing Commission, transmitting, a request for a correction to Amendment 10 of the document entitled "Amendments to the Sentencing Guidelines"; to the Committee on the Judiciary.

EC–8666. A communication from the Special Assistant to the Secretary, Department of Veterans Affairs, transmitting, pursuant to law, the report of an action on a nomination for the position of Assistant Secretary for Information and Technology, received on October 16, 2006; to the Committee on Veterans' Affairs.

EC–8667. A communication from the Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Novaluron; Pesticide Tolerance for Emergency Exemptions" (FRL No. 8098–8) received on October 23, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8668. A communication from the Secretary of Defense, transmitting, a report on the approved retirement of General Michael W. Hagee, United States Marine Corps, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC–8669. A communication from the Acting Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Deposit Insurance Regulations; Inflation Index; Certain Retirement Accounts and Employee Benefit Plan Accounts" (RIN3064–AD01) received on October 23, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–8670. A communication from the Acting Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Revisions to Reflect the Merger of the BIF and the SAIF" (RIN3064–AD04) received on October 23, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–8671. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((Docket No. FEMA–7945) (71 FR 55128)) received on October 23, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–8672. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Withdrawal of Final Flood Elevation Determination for the Listed Communities in Yuma and Coconino Counties, AZ" ((Docket No. FEMA–D–7642) (71 FR 54933)) received on October 23, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–8673. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((Docket No. FEMA–7943) (71 FR 54202)) received on October 23, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–8674. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Share Insurance and Appendix" (RIN3133–AD18) received on October 18, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–8675. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, the Commission's 2005 Annual Report of the Securities Investor Protection Corporation; to the Committee on Banking, Housing, and Urban Affairs.

EC–8676. A communication from the Chairman, Federal Housing Finance Board, transmitting, pursuant to law, a report relative to the Board's Strategic Plan for fiscal years 2007 through 2012 and its Annual Performance Budget for fiscal year 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–8677. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Children's Television Obligations of Digital Television Broadcasters" (FCC 06–143) received on October 23, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8678. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. Ashland, Greensburg, and Kinsley, Kansas; and Alva, Medford, and Mustang, Oklahoma" (MB Docket No. 06–65) received on October 23, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8679. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. Oak Harbor and Sedro-Woolley, Washington" (MB Docket No. 04–305) received on October 23, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8680. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. Columbus and Monona, Wisconsin" (MB Docket No. 05–122) received on October 23, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8681. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. Eatonton and Lexington, Georgia" (MB Docket No. 04–379) received on October 23, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8682. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. Ione, Oregon; Walla Walla, Washington and Athena, Hermiston, La Grande, and Arlington, Oregon; and Monument, Oregon; Prairie City, Prineville, and Sisters, Oregon and Weiser, Idaho; The Dalles, Tualatin, Eugene, Albany, Lebanon, Paisley, and Diamond Lake, Oregon, and Goldendale, Washington" (MB Docket Nos. 05–9 and 05–10) received on October 23, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8683. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. Lake Park, Florida" (MB Docket No. 05–147) received on October 23, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8684. A communication from the Deputy Chief Counsel for Regulations, Transportation Security Administration, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Air Cargo Security Requirements; Compliance Dates; Amendment" (RIN1652–AA52) received on October 23, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8685. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. Homerville, Georgia; Jacksonville, Florida" (MB Docket No. 05–32) received on October 23, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8686. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. Atwood, Kansas; McCook and Ogallala, Nebraska; Burlington and Flagler, Colorado" (MB Docket No. 05–45) received on October 23, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8687. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM

Broadcast Stations. Huntsville, Missouri" (MB Docket No. 04-115) received on October 23, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8688. A communication from the Associate Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of the Commission's Rules Regarding Dedicated Short-Range Communications Services in the 5.850–5.925 GHz Band (5.9 GHz Band)" (WT Docket No. 01-90) received on October 23, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8689. A communication from the Associate Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of the Commission's Rules Regarding Maritime Automatic Identification Systems" (WT Docket No. 04-344) received on October 23, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8690. A communication from the Associate Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Review of Part 87 of the Commission's Rules Concerning the Aviation Radio Service" (WT Docket No. 01–289) received on October 23, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8691. A communication from the Associate Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Part 97 of the Commission's Rules Governing the Amateur Radio Services" (WT Docket No. 04–140) received on October 23, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8692. A communication from the Associate Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Parts 13 and 80 of the Commission's Rules Concerning Maritime Communications" (WT Docket No. 00–48) received on October 23, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8693. A communication from the Attorney, Wireline Competition Bureau, transmitting, pursuant to law, the report of a rule entitled "Biennial Regulatory Review of Regulations Administered by the Wireline Competition Bureau" (WC Docket No. 02–313) received on October 23, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8694. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule: Closure (Massachusetts Summer Flounder Commercial Fishery)" (ID 092206D) received on October 23, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8695. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska" (ID 092206E) received on October 23, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8696. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Central Aleutian District of the Bering Sea and Aleutian Islands Management Area" (ID 092106G) received on October 23, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8697. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Adjustments of Recreational Fishery from U.S.-Canada Border, to Cape Falcon, Oregon" (ID 092106D) received on October 23, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8698. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule: Closure (Closure of Quota Period I Fishery for Spiny Dogfish" (RIN0648–AT59) received on October 23, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8699. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Adjustments of Recreational Fishery from U.S.-Canada Border, to Cape Falcon, Oregon" (ID 092106C) received on October 23, 2006; to. the Committee on Commerce, Science, and Transportation.

EC–8700. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Adjustments of the Commercial Fishery from U.S.-Canada Border to Cape Falcon, Oregon" (ID 092006E) received on October 23, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8701. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Adjustments of Recreational Fishery from U.S.-Canada Border to Cape Falcon, Oregon" (ID 092106E) received on October 23, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8702. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Adjustments of Recreational Fishery from U.S.-Canada Border to Cape Falcon, Oregon" (ID 092106B) received on October 23, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8703. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Adjustments of Recreational Fishery from U.S.-Canada Border to Cape Falcon, Oregon" (ID 092006D) received on October 23, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8704. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Amendment 18A" (ID 041906B) received on October 23, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8705. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule for Amendment 13C to the Snapper Grouper Fishery Management Plan for the South Atlantic Region" (RIN0648–AT75) received on October 23, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8706. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery of the Gulf of Mexico; Amendment 13" (ID 111605A) received on October 23, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8707. A communication from the Deputy General Counsel, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Code of Conduct for the International Space Station Crew" (RIN2700–AC40) received on October 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8708. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries in the Western Pacific; Hawaii-based Shallow-set Longline Fishery—Temporary rule; Emergency Action Extended" (RIN0648–AU41) received on October 23, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8709. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska" (ID 091806B) received on October 23, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8710. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Adjustment of Pacific Cod Total Allowable Catch Amount in the Bering Sea and Aleutian Islands" (ID 091806A) received on October 23, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8711. A communication from the White House Liaison, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a change in previously submitted reported information and a nomination for the position of Assistant Secretary for Oceans and Atmosphere, received on October 23, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8712. A communication from the Managing Director, Federal Communications Commission, transmitting, pursuant to law, the Commission's Auction Expenditures Report for Fiscal Year 2005; to the Committee on Commerce, Science, and Transportation.

EC–8713. A communication from the Attorney Advisor, Saint Lawrence Seaway Development Corporation, Department of Transportation, transmitting, pursuant to law, the report of a nomination for the position of Administrator, received on October 23, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8714. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department of Transportation's Strategic Plan for Fiscal Years 2006–2011; to the Committee on Commerce, Science, and Transportation.

EC–8715. A communication from the Director, Office of Civilian Radioactive Waste Management, Department of Energy, transmitting, pursuant to law, a report relative to the Office's inability to meet the specified deadline for its report on the activities and expenditure of the office; to the Committee on Energy and Natural Resources.

EC–8716. A communication from the Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, a report relative to a document the Agency recently issued relative to its regulatory programs; to the Committee on Environment and Public Works.

EC–8717. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; State Implementation Plan Revision for American Cyanamid Company, Havre de Grace, Maryland" (FRL No. 8233–2) received on October 23, 2006; to the Committee on Environment and Public Works.

EC–8718. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; State of California; PM–10; Determination of Attainment for the San Joaquin Valley Nonattainment Area; Determination Regarding Applicability of Certain Clean Air Act Requirements" (FRL No. 8234–1) received on October 23, 2006; to the Committee on Environment and Public Works.

EC–8719. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Tennessee; Memphis/Shelby County Area Second 10-Year Maintenance Plan for the Carbon Monoxide National Ambient Air Quality Standard" (FRL No. 8233–8) received on October 23, 2006; to the Committee on Environment and Public Works.

EC–8720. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors (Amendment)" (FRL No. 8233–9) received on October 23, 2006; to the Committee on Environment and Public Works.

EC–8721. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Department's projects, or separable elements of projects, which have been authorized, but for which no funds have been obligated for planning, design or construction during the preceding seven full fiscal years; to the Committee on Environment and Public Works.

EC–8722. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, the Administration's report entitled "Annual Energy Review 2005"; to the Committee on Environment and Public Works.

EC–8723. A communication from the Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, a report relative to a document recently issued by the Agency that is related to its regulatory programs; to the Committee on Environment and Public Works.

EC–8724. A communication from the Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Primary Drinking Water Regulations: Ground Water Rule" (FRL No. 8231–9) received on October 23, 2006; to the Committee on Environment and Public Works.

EC–8725. A communication from the Acting Branch Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Allocation of Creditable Foreign Taxes" ((RIN1545–BB11)(TD9292)) received on October 23, 2006; to the Committee on Finance.

EC–8726. A communication from the Inspector General, Department of Health and Human Services, transmitting, pursuant to law, a report relative to a review of the information security of Medicare contractors in fiscal year 2004; to the Committee on Finance.

EC–8727. A communication from the Secretary of Health and Human Services, transmitting, the Department's report on the capitation rates for Medicare Advantage plans; to the Committee on Finance.

EC–8728. A communication from the Assistant General Counsel, Division of Regulatory Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Final Priority—Upward Bound Program" (71 FR 37926) received on October 23, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–8729. A communication from the Human Resources Specialist, Office of the Assistant Secretary of Administration and Management, Department of Labor, transmitting, pursuant to law, (2) reports relative to vacancies within the Department, received on October 23, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–8730. A communication from the White House Liaison, Office of Communications and Outreach, Department of Education, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary, received on October 23, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–8731. A communication from the Chairman, U.S. Merit Systems Protection Board, transmitting, pursuant to law, the Board's report entitled "Reforming Federal Hiring: Beyond Faster and Cheaper"; to the Committee on Homeland Security and Governmental Affairs.

EC–8732. A communication from the Chairman, Postal Rate Commission, transmitting, pursuant to law, a report relative to results of an outside risk assessment of the Commission; to the Committee on Homeland Security and Governmental Affairs.

EC–8733. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Audit of Advisory Neighborhood Commission 4C for Fiscal Years 2004 Through 2006, as of March 31, 2006"; to the Committee on Homeland Security and Governmental Affairs.

EC–8734. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Audit of Advisory Neighborhood Commission 5B for Fiscal Years 2004 Through 2006, as of March 31, 2006"; to the Committee on Homeland Security and Governmental Affairs.

EC–8735. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relative to the organization and resources of the Department with respect to privacy and related information management functions; to the Committee on the Judiciary.

EC–8736. A communication from the Senior Counsel, Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Review of Custody Determinations" (RIN1125–AA47) received on October 23, 2006; to the Committee on the Judiciary.

EC–8737. A communication from the Chairman, U.S. Commission on Civil Rights, transmitting, pursuant to law, the Commission's report entitled "Voting Rights Enforcement and Reauthorization: The Department of Justice's Record of Enforcing the Temporary Voting Rights Act Provisions"; to the Committee on the Judiciary.

EC–8738. A communication from the Deputy Assistant Administrator of the Office of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled " Schedules of Controlled Substances: Exempt Anabolic Steroid Products" (RIN1117–AB04) received on October 18, 2006; to the Committee on the Judiciary.

EC–8739. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bacillus Thuringiensis Modified Cry3A Protein and the Genetic Material Necessary for Its Production in Corn; Exemption from the Requirement of a Tolerance" (FRL No. 8096–4) received on October 24, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8740. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the budgeting of the Department of Defense for the sustainment of key military equipment; to the Committee on Armed Services.

EC–8741. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067; to the Committee on Banking, Housing, and Urban Affairs.

EC–8742. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12170; to the Committee on Banking, Housing, and Urban Affairs.

EC–8743. A communication from the Chief of Regulations and Administrative Law, U.S.

Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations (including 2 regulations beginning with CGD05–06–044)" (RIN1625–AA09) received on October 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8744. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations for Marine Events (including 4 regulations beginning with CGD05–06–066)" (RIN1625–AA08) received on October 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8745. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations (including 5 regulations beginning with CGD07–06–204)" (RIN1625–AA09) received on October 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8746. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations (including 2 regulations beginning with CGD13–06–044)" (RIN1625–AA08) received on October 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8747. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zones (including 3 regulations beginning with CGD05–06–093)" (RIN1625–AA00) received on October 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8748. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Shipping and Transportation; Technical, Organizational, and Conforming Amendments" ((RIN1625–ZA10) (USCG–2006–25697)) received on October 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8749. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Geographical Extension of Coast Guard Authority to Enforce Naval Vessel Protection Zones; Conforming Amendment" ((RIN1625–ZA11) (USCG–2006–25411)) received on October 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8750. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Vessel Documentation: Lease Financing for Vessels Engaged in the Coastwise Trade" ((RIN1625–AA95) (USCG–2005–20258)) received on October 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8751. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Indiana" (FRL No. 8224–3) received on October 24, 2006; to the Committee on Environment and Public Works.

EC–8752. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Louisiana; Transportation Conformity" (FRL No. 8234–8) received on October 24, 2006; to the Committee on Environment and Public Works.

EC–8753. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Antelope Valley Air Quality Management District" (FRL No. 8231–5) received on October 24, 2006; to the Committee on Environment and Public Works.

EC–8754. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Yolo-Solano Air Quality Management District" (FRL No. 8225–7) received on October 24, 2006; to the Committee on Environment and Public Works.

EC–8755. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Nevada State Implementation Plan, Clark County" (FRL No. 8225–5) received on October 24, 2006; to the Committee on Environment and Public Works.

EC–8756. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Washington: Final Authorization of State Hazardous Waste Management Program Revisions" (FRL No. 8235–5) received on October 24, 2006; to the Committee on Environment and Public Works.

EC–8757. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Intercountry Adoption—Department Issuance of Certifications in Hague Convention Adoption Cases" (RIN1400–AC19) received on October 24, 2006; to the Committee on Foreign Relations.

EC–8758. A communication from the Interim Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Parts 4022 and 4044) received on October 24, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–8759. A communication from the Assistant General Counsel for Regulations, Office for Civil Rights, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance" (RIN1870–AA11) received on October 24, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–8760. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Georgia Advisory Committee; to the Committee on the Judiciary.

EC–8761. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Utah Advisory Committee; to the Committee on the Judiciary.

EC–8762. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model DHC–8–102, –103, and –106 Airplanes, and Model DHC–8–200 and DHC–8–300 Series Airplanes" ((RIN2120–AA64) (Docket No. 2006–NM–064)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8763. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747 Airplanes" ((RIN2120–AA64)(Docket No. 2005–NM–194)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8764. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce Corporation Models 250–C30, 250–C40, and 250–C47 Series Turboshaft Engines" ((RIN2120–AA64)(Docket No. 2005–NE–47)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8765. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Air Tractor, Inc. Models AT–802 and AT–802A Airplanes" ((RIN2120–AA64)(Docket No. 2006–CE–29)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8766. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Lycoming Engines (L)O–360, (L)IO–360, AEIO–360, O–540, IO–540, AEIO–540, (L)TIO–540, IO–580, and IO–720 Series Reciprocating Engines" ((RIN2120–AA64)(Docket No. 2006–NE–20)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8767. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter Model AS350B, B1, B2, B3, BA, D, and AS355E Helicopters" ((RIN2120–AA64)(Docket No. 2006–SW–16)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8768. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Honeywell RCZ–833J/K, –851J/K, and –854J Communication Units, Equipped with XS–852E/F Mode S Transponders; and Honeywell XS–856A/B and –857A Mode S Transponders; Installed on But Not Limited to Certain Transport Category Airplanes" ((RIN2120–

AA64)(Docket No. 2005–NM–171)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8769. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model DC–10–10 and DC–10–10F Airplanes; Model DC–10–15 Airplanes; Model DC–10–30 and DC–10–30F (KC–10A and KDC–10) Airplanes; Model DC–10–40 and DC–10–40F Airplanes; Model MD–10–10F and MD–10–30F Airplanes; and Model MD–11 and MD–11F Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–043)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8770. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 B4–600, B4–600R, and F4–600R Series Airplanes, and Model A300 C4–605R Variant F Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–028)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8771. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Cirrus Design Corporation Models SR20 and SR22 Airplanes" ((RIN2120–AA64)(Docket No. 2006–CE–24)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8772. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330, A340–200, and A340–300 Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–056)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8773. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Raytheon Aircraft Company Model B300 Airplanes" ((RIN2120–AA64)(Docket No. 2005–CE–42)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8774. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Gippsland Aeronautics Pty. Ltd. Model GA8 Airplanes" ((RIN2120–AA64)(Docket No. 2006–CE–31)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8775. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 777–200 and –300 Series Airplanes" ((RIN2120–AA64)(Docket No. 2005–NM–173)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8776. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A310 Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–074)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8777. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A319, A320, and A321 Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–013)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8778. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL–600–2B16 Airplanes and Model CL–600–2B19 Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–197)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8779. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 777–200LR Series Airplanes Powered by General Electric Model GE90–110B Engines, and Model 777–300ER Series Airplanes Powered by GE Model GE90–115B Engines" ((RIN2120–AA64)(Docket No. 2006–NM–222)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8780. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Mineral Point, WI" ((RIN2120–AA66)(Docket No. 06–AGL–02)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8781. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; West Plains, MO" ((RIN2120–AA66)(Docket No. 06–ACE–10)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8782. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Saint Mary's, AK" ((RIN2120–AA66)(Docket No. 06–AAL–22)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8783. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Iliamna, AK" ((RIN2120–AA66)(Docket No. 06–AAL–21)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8784. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Mountain Village, AK" ((RIN2120–AA66)(Docket No. 06–AAL–20)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8785. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Kokohanok, AK" ((RIN2120–AA66)(Docket No. 06–AAL–19)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8786. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 757–200, –200PF, and –200CB Series Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–045)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8787. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model EMB–145, –145ER, –145MR, –145LR, –145XR, –145MP, and –145EP Airplanes" ((RIN2120–AA64)(Docket No. 2000–NM–215)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8788. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Raytheon Model 400, 400A, and 400T Series Airplanes; and Raytheon Model MU–300 Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–212)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8789. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model 717–200 Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–010)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8790. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737 Airplanes" ((RIN2120–AA64)(Docket No. 2005–NM–222)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8791. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A340–541 and –642 Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–141)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8792. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model DC–9–14, DC–9–15, and DC–9–15F Airplanes; Model DC–9–21 Airplanes; Model DC–9–30 Series Airplanes; Model DC–9–41 Airplanes; and Model DC–9–51 Airplanes" ((RIN2120–AA64)(Docket No. 2004–NM–275)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8793. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model ERJ 170 Airplanes" ((RIN2120–AA64)(Docket No. 2005–NM–130)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8794. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–025)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8795. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Goodyear Aviation Tires, Part Number 217K22–1, Installed on Various Transport Category Airplanes, Including But Not Limited to Bombardier Model BD–700–1A10 and BD–700–1A11 Airplanes; and Gulfstream Model G–1159, G–1159A, G–1159B, G–IV, GIV–X, GV, and GV–SP Series Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–009)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8796. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce Deutschland Ltd. and Co. KG Tay 650–15 and Tay 651–54 Turbofan Engines" ((RIN2120–AA64)(Docket No. 98–NE–61)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8797. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Gulfstream Model GV and GV–SP Series Airplanes" ((RIN2120–AA64)(Docket No. 2005–NM–184)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8798. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Saab Model SAAB–Fairchild SF340A and SAAB 340B Airplanes" ((RIN2120–AA64)(Docket No. 2003–NM–114)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8799. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Hartzell Propeller Inc., ()HC–()2Y()–() Series Propellers" ((RIN2120–AA64)(Docket No. 2006–NE–25)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8800. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Raytheon Aircraft Company Model 390 Airplanes" ((RIN2120–AA64)(Docket No. 2006–CE–26)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8801. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747–400, 747–400D, and 747–400F Series Airplanes" ((RIN2120–AA64)(Docket No. 2005–NM–110)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8802. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Arrow Falcon Exporters, Inc.; Firefly Aviation Helicopter Services; California Department of Forestry; Garlick Helicopters, Inc.; Global Helicopter Technology, Inc.; Hagglund Helicopters, LLC; International Helicopters, Inc.; Precision Helicopters, LLC; Robinson Air Crane, Inc.; San Joaquin Helicopters; S.M. and T. Aircraft; Smith Helicopters; Southern Helicopter, Inc.; Southwest Florida Aviation International, Inc.; Tamarack Helicopters, Inc.; US Helicopter, Inc.; West Coast Fabrication; and Williams Helicopter Corporation Model HH–1K, TH–1F, TH–1L, UH–1A, UH–1B, UH–1E, UH–1F, UH–1H, UH–1L, and UH–1P Helicopters; and Southwest Florida Aviation Model SW204, SW204HP, SW205, and SW205A–1 Helicopters" ((RIN2120–AA64)(Docket No. 2005–SE–19)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8803. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Occupational Noise Exposure for Railroad Operating Employees" (RIN2130–AB56) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8804. A communication from the Deputy Assistant Chief Counsel, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Passenger Equipment Safety Standards; Miscellaneous Amendments and Attachments of Safety Appliances on Passenger Equipment" (RIN2130–AB67) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8805. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Track Safety Standards; Inspection of Joints in Continuous Welded Rail" (RIN2130–AB71) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8806. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Revised Format for Materials Being Incorporated by Reference for Wyoming" (FRL No. 8236–2) received on November 1, 2006; to the Committee on Environment and Public Works.

EC–8807. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Utah; Revisions to the Utah Administrative Code; Direct Final Rule" (FRL No. 8236–8) received on November 1, 2006; to the Committee on Environment and Public Works.

EC–8808. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Amendments to Nonattainment New Source Review Air Quality Permit Program" (FRL No. 8236–6) received on November 1, 2006; to the Committee on Environment and Public Works.

EC–8809. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Amendments to Prevention of Significant Deterioration Air Quality Permit Program" (FRL No. 8236–5) received on November 1, 2006; to the Committee on Environment and Public Works.

EC–8810. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Act Approval and Promulgation of Air Quality Implementation Plan Revision for Colorado; Long-Term Strategy of State Implementation Plan for Class I Visibility Protection" (FRL No. 8232–2) received on November 1, 2006; to the Committee on Environment and Public Works.

EC–8811. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law , a report relative to the status of machine-readable passport programs in countries participating in the Visa Waiver Program; to the Committee on the Judiciary.

EC–8812. A communication from the Chairperson, District of Columbia Commission on Judicial Disabilities and Tenure, transmitting, the Commission's thirtieth annual report; to the Committee on the Judiciary.

EC–8813. A communication from the National Service Officer, American Gold Star Mothers, Inc., transmitting, pursuant to law, a report relative to the annual audit of the organization; to the Committee on the Judiciary.

EC–8814. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC–8815. A communication from the Secretary, Office of Chief Counsel, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Definition of Eligible Portfolio Company Under the Investment Company Act of 1940" (RIN3235–AJ31) received on October 31, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–8816. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Class Exemption to Permit Certain Loans of Securities by Employee Benefit Plans" (RIN1210–ZA10) received on November 1, 2006; to the Committee on Health , Education, Labor, and Pensions.

EC–8817. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Appeals Settlement Guidelines: Discounts on Family Limited Partnerships" (UIL: 2031.01–00) received on November 1, 2006; to the Committee on Finance.

EC–8818. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Bureau of Labor Statistics Price Indexes for Department Stores—August 2006" (Rev. Rul. 2006–53) received on November 1, 2006; to the Committee on Finance.

EC–8819. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Attained Age of the Insured Under Section 7702" (RIN1545–BD00) received on November 1, 2006; to the Committee on Finance.

EC–8820. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Use of Electronic Media for Providing Employee Benefit Notices and Making Employee Benefit Elections and Consents" (RIN1545–BD68) received on November 1, 2006; to the Committee on Finance.

EC–8821. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance Regarding Appraisal Requirements for Noncash Charitable Contributions" (Notice 2006–96) received on November 1, 2006; to the Committee on Finance.

EC–8822. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (211)" ((RIN2120–AA65)(Amdt. No. 3180)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8823. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (85)" ((RIN2120–AA65)(Amdt. No. 3178)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8824. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Lake Ozark, MO" ((RIN2120–AA66) (Docket No. 06–ACE–6)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8825. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishes Class E Airspace; Butler, GA" ((RIN2120–AA66) (Docket No. 06–ASO–10)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8826. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Chamberlain, SD" ((RIN2120–AA66) (Docket No. 06–AGL–04)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8827. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Barter Idland, AK" ((RIN2120–AA66) (Docket No. 06–AAL–07)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8828. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Pierre, SD" ((RIN2120–AA66) (Docket No. 06–AGL–03)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8829. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Enroute Domestic Airspace Area, San Louis Obispo, CA" ((RIN2120–AA66) (Docket No. 05–AWP–12)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8830. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Legal Description of Class D and E Airspace; Fairbanks, Fort Wainwright Army Airfield, AK" ((RIN2120–AA66) (AAL–16)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8831. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Class E2 Surface Area; Elko, NV" ((RIN2120–AA66) (Docket No. 06–AWP–12)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8832. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Legal Description of Class D and E Airspace; Fairbanks, Fort Wainwright Army Airfield, AK" ((RIN2120–AA66) (Docket No. 06–AAL–16)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8833. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratty and Whitney Canada Turboprop Engines" ((RIN2120–AA64) (Docket No. 2005–NE–51)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8834. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (29)" ((RIN2120–AA65) (Amdt. No. 3187)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8835. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (29)" ((RIN2120–AA65) (Amdt. No. 3189)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8836. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (92)" ((RIN2120–AA65) (Amdt. No. 3188)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8837. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (48)" ((RIN2120–AA65) (Amdt. No. 3186)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8838. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Use of Additional Portable Oxygen Concentrator Devices Onboard Aircraft" ((RIN2120–AI81)(Docket No. FAA–2004–18596)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8839. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Civil Penalty Inflation Adjustment Rules and Tables" (RIN2120–AI52) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8840. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Antidrug and Alcohol Misuse Prevention Programs for Personnel Engaged in Specified Aviation Activities; Delay of Compliance Date" (RIN2120–AH14) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8841. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airman and Medical Certificate Disqualification Based on Alcohol Violations and Refusals to Submit to Drug or Alcohol Testing" ((RIN2120–AH82)(Docket No. FAA–2004–19835)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8842. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airman and Medical Certificate Disqualification Based on Alcohol Violations and Refusals to Submit to Drug or Alcohol Testing" ((RIN2120–AH82)(Docket No. FAA–2004–19835)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8843. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airspace Designations; Incorporation by Reference" ((RIN2120–AA66)(Docket No. 29334)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8844. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Removal of References to Part 123 from 14 CFR Part 43" (RIN2120–ZZ82) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8845. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Thermal Acoustic Insulation Installed on Transport Category Airplanes; Disposition of Comments on Final Rule" ((RIN2120–AI64)(Docket No. 2005–23462)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8846. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL–600–2B16 Airplanes and Model CL–600–2B19 Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–197)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8847. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt and Whitney JT8D–1, –1A, –1B, –7, –7A, –7B, –9, –9A, –11, –15, –15A, –17, –17A, –17R, –17AR, –209, –217, –217A, –217C, and –279 Turbofan Engines" ((RIN2120–AA64)(Docket No. 2001–NE–30)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8848. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model EMB–145XR Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–039)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8849. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model DC–9–10, –20, –30, –40, and –50 Series Airplanes" ((RIN2120–AA64)(Docket No. 2005–NM–230)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8850. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; MD Helicopters, Inc. Model MD900 Helicopters" ((RIN2120–AA64)(Docket No. 2005–SW–01)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8851. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model DHC–8–100, DHC–8–200, DHC–8–300, and DHC–8–400 Series Airplanes" ((RIN2120–AA64) (Docket No. 2006–NM–014)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8852. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Model F28 Mark 0070 and 0100 Airplanes" ((RIN2120–AA64) (Docket No. 2005–NM–258)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8853. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model DC–10–10 and DC–10–10F Airplanes; and Model MD–10–10F Airplanes" ((RIN2120–AA64) (Docket No. 2006–NM–060)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8854. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; RECARO Aircraft Seating GmbH and Co. Model 3410 Seats" ((RIN2120–AA64) (Docket No. 2005–NE–39)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8855. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 767–400ER Series Airplanes and Model 777–200 and –300 Series Airplanes" ((RIN2120–AA64) (Docket No. 2005–NM–085)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8856. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model DHC–8–100, DHC–8–200, and DHC–8–300 Series Airplanes" ((RIN2120–AA64) (Docket No. 2005–NM–243)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8857. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt and Whitney PW4077D, PW4084D, PW4090, and PW4090–3 Turbofan Engines" ((RIN2120–AA64) (Docket No. 2006–NE–05)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8858. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL–600–2B19 Airplanes" ((RIN2120–AA64) (Docket No. 2006–NM–187)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8859. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce plc RB211 Series Turbofan Engines" ((RIN2120–AA64) (Docket No. 2000–NE–62)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8860. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Stemme GmbH and Co. KG Model STEMME S10–VT Sailplanes" ((RIN2120–AA64) (Docket No. 2006–CE–45)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8861. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737–200, –300, –400, and –500 Series Airplanes Equipped with an Auxiliary Fuel System Installed in Accordance with Supplemental Type Certificate SA83NE, SA1078NE, SA725NE, ST00040NY, or ST01337NY" ((RIN2120–AA64) (Docket No. 2006–NM–151)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8862. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model EMB–135 Airplanes and Model EMB–145, –145ER, –145MR, –145LR, –145XR, –145MP, and –145EP Airplanes" ((RIN2120–AA64) (Docket No. 2004–NM–218)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8863. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Raytheon Aircraft Company Models 1900, 1900C, and 1900D Airplanes" ((RIN2120–AA64)(Docket No. 2006–CE–48)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8864. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce plc Models RB211 Trent 892, 884, 877, 875, and 892B Series Turbofan Engines" ((RIN2120–AA64)(Docket No. 97–ANE–09)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8865. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Sandel Avionics Incorporated Model ST3400 Terrain Awareness Warning System/Radio Magnetic Indicator Units Approved Under Technical Standard Order(s) C113, C151a, or C151b; Installed on Various Small and Transport Category Airplanes" ((RIN2120–AA64)(Docket No. 2005–NM–103)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8866. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (32)" ((RIN2120–AA65)(Amdt. No. 3185)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8867. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (19)" ((RIN2120–AA65)(Amdt. No. 3184)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8868. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (70)" ((RIN2120–AA64)(Amdt. No. 3183)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8869. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (185)" ((RIN2120–AA65)(Amdt. No. 3182)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8870. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Part 95 Instrumental Flight Rules (4)" ((RIN2120–AA63)(Amdt. No. 462)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8871. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Licensing and Safety Requirements for Launch" ((RIN2120–AG37)(Docket No. FAA–2000–7953)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8872. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BAE Systems Limited Model ATP Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–132)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8873. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Airworthiness Certification of New Aircraft" ((RIN2120–AH90)(Docket No. FAA–2003–14825)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8874. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "FAA Approved Child Restraint Systems That May be Furnished and Used on Aircraft" ((RIN2120–AI76)(Docket No. FAA–2006–25334)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8875. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model EMB–135BJ, –135ER, –135KE, –135KL, and –135LR Airplanes; and Model EMB–145, –145ER, –145MR, –145LR, –145XR , –145MP, and –145EP Airplanes" ((RIN2120–AA64)(Docket No. 2004–NM–138)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8876. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Aerospatiale Model ATR42–500 Airplanes and Model ATR72–212A Airplanes" ((RIN2120–AA64) (Docket No. 2005–NM–260)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8877. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Model F27 Mark 050 Airplanes" ((RIN2120–AA64) (Docket No. 2006–NM–114)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8878. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Mitsubishi Heavy Industries MU–2B Series Airplanes" ((RIN2120–AA64) (Docket No. 2006–CE–13)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8879. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Mitsubishi Heavy Industries MU–2B Series Airplanes" ((RIN2120–AA64) (Docket No. 2006–CE–12)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8880. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; GROB–WERKE GmbH and Co. KG Model G102 ASTIR CS Sailplanes" ((RIN2120–AA64) (Docket No. 2006–CE–23)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8881. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Airplanes" ((RIN2120–AA64) (Docket No. 2005–NM–252)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8882. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model MD–10–10F and MD–10–30F Airplanes and Model MD–11 and MD–11F Airplanes" ((RIN2120–AA64) (Docket No. 2005–NM–126)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8883. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Cessna Aircraft Company Models 172R, 172S, 182T, T182T, 206H, and T206H Airplanes" ((RIN2120–AA64) (Docket No. 2006–CE–39)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8884. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Stemme GmbH and Co. KG Models S10, S10–V, and S10–VT Sailplanes" ((RIN2120–AA64) (Docket No. 2006–CE–27)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8885. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model EMB–135BJ Airplanes" ((RIN2120–AA64) (Docket No. 2006–NM–040)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8886. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D Airspace; Modification to Class E; Clovis, NM" ((RIN2120–AA66) (Docket No. 06–ASW–09)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8887. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Half Moon Bay, CA" ((RIN2120–AA66) (Docket No. 06–AWP–8)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8888. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class D Airspace; Provo, UT" ((RIN2120–AA66) (Docket No. 06–AWP–14)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8889. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Provo, UT" ((RIN2120–AA66) (Docket No. 06–AWP–5)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8890. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Barter Island, AK" ((RIN2120–AA66) (Docket No. 06–AAL–07)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8891. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Class E2 Surface Area; Elko, NV" ((RIN2120–AA66) (Docket No. 06–AWP–12)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8892. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Class D Airspace; Elko, NV" ((RIN2120–AA66) (Docket No. 06–AWP–11)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8893. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Provo, UT" ((RIN2120–AA66) (Docket No. 06–AWP–5)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8894. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D and E Airspace at Leesburg, FL, Leesburg Regional Airport, FL" ((RIN2120–AA66) (Docket No. 06–ASO–3)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8895. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishes Class E Airspace at Mooresville, NC, Lake Norman Airpark, Mooresville, NC" ((RIN2120–AA66) (Docket No. 06–ASO–8)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8896. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Willow, AK" ((RIN2120–AA66) (Docket No. 06–AAL–02)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8897. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Adak, AK" ((RIN2120–AA66) (Docket No. 06–AAL–12)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8898. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Wellington, KS" ((RIN2120–AA66) (Docket No. 06–ACE–4)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8899. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Lake Ozark, MO" ((RIN2120–AA66) (Docket No. 06–ACE–6)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8900. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Mason City, IA" ((RIN2120–AA66) (Docket No. 06–ACE–3)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8901. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Scottsbluff, NE" ((RIN2120–AA66) (Docket No. 06–ACE–5)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8902. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Keokuk, IA" ((RIN2120–AA66) (Docket No. 06–ACE–7)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8903. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E5 Airspace; Higginsville, MO" ((RIN2120–AA66) (Docket No. 05–ACE–8)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8904. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; West Plains, MO" ((RIN2120–AA66) (Docket No. 06–ACE–10)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8905. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Eagle, CO" ((RIN2120–AA66) (Docket No. 06–ANM–2)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8906. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class D Airspace; Broomfield, CO" ((RIN2120–AA66) (Docket No. 06–AWP–10)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8907. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Part 95 Instrument Flight Rules (11)" ((RIN2120–AA64) (Amdt. No. 463)) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8908. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pelagic Shelf Rockfish in the Central Regulatory Area of the Gulf of Alaska" (ID No. 100206B) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8909. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Aleutian District of the Bering Sea and Aleutian Islands" (ID No. 081605D) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8910. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; Pacific Coast Groundfish Fishery: Specifications and Management Measures" (ID No. 120805A) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8911. A communication from the Deputy Assistant Administrator for Regulatory Programs, Sustainable Fisheries Division, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule to Extend Emergency Management Measures in the Northeast Multispecies Fishery Management Plan" (RIN0648–AU09) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8912. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska" (ID No. 092606B) received on October 31, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8913. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska" (ID No. 092606C) received on October 31, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8914. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Specifications and Management Measures; Inseason Adjustments" (ID No. 092106A) received on October 31, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8915. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure" (ID No. 091306A) received on November 1, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8916. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Hospital Outpatient Prospective Payment System and CY 2007 Payment Rates; CY 2007 Update to the Ambulatory Surgical Center Covered Procedures List; Medicare Administrative Contractors; and Reporting Hospital Quality Data for FY 2008 Inpatient Prospective Payment System Annual Payment Update Program—HCAHPS Survey, SCIP, and Mortality" (RIN0938–AO15) received on November 1, 2006; to the Committee on Finance.

EC–8917. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Home Health Prospective Payment System Rate Update for Calendar Year 2007 and Deficit Reduction Act of 2005 Changes to Medicare Payment for Oxygen Equipment and Capped Rental Durable Medical Equipment" (RIN0938–AN76) received on November 1, 2006; to the Committee on Finance.

EC–8918. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Revisions to Payment Policies, Five Year Review of the Relative Value Units, Changes to the Practice Expense Methodology Under the Physician Fee Schedule, and Other Changes to Payment Under Part B; Revisions to the Payment Policies of Ambulance Services Under the Fee Schedule for Ambulance Services; Ambulance Inflation Factor Update for CY 2007" ((RIN0938–AO24) (RIN0938–AO11)) received on November 1, 2006; to the Committee on Finance.

EC–8919. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–482, "Omnibus Public Safety Amendment Act of 2006" received on October 24, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–8920. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–485, "Child and Family Services Grant-making Temporary Amendment Act of 2006" received on October 24, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–8921. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–486, "Health-Care Decisions for Persons with Developmental Disabilities Temporary Amendment Act of 2006" received on October 24, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–8922. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–488, "Anti-Drunk Driving Clarification Amendment Act of 2006" received on October 24, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–8923. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–489, "Metro Bus Funding Requirement Temporary Amendment of Act of 2006" received on October 24, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–8924. A message from the President of the United States, transmitting, pursuant to law, a report on the issuance of an Executive Order blocking the property of certain persons contributing to the conflict in the Democratic Republic of the Congo; to the Committee on Banking, Housing, and Urban Affairs.

EC–8925. A message from the President of the United States, transmitting, pursuant to law, a report on the continuation of the national emergency declared by Executive Order 12938 of November 14, 1994; to the Committee on Banking, Housing, and Urban Affairs.

EC–8926. A message from the President of the United States, transmitting, pursuant to law, a report on the continuation of the national emergency relative to narcotics traffickers centered in Colombia; to the Committee on Banking, Housing, and Urban Affairs.

EC–8927. A message from the President of the United States, transmitting, pursuant to law, a report on the issuance of an Executive Order intended to take additional steps with respect to the national emergency declared in Executive Order 13067 of November 3, 1997; to the Committee on Banking, Housing, and Urban Affairs.

ADDITIONAL COSPONSORS

S. 2916

At the request of Mrs. CLINTON, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2916, a bill to amend title XIX of the Social Security Act to expand access to contraceptive services for women and men under the Medicaid program, help low income women and couples prevent unintended pregnancies and reduce abortion, and for other purposes.

S. 3744

At the request of Mr. DURBIN, the names of the Senator from Colorado (Mr. SALAZAR), the Senator from Delaware (Mr. CARPER), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New York (Mrs. CLINTON), the Senator from Iowa (Mr. HARKIN), and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 3744, a bill to establish the Abraham Lincoln Study Abroad Program.

S. 3912

At the request of Mrs. LINCOLN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 3912, a bill to amend title XVIII of the Social Security Act to extend the exceptions process with respect to caps on payments for therapy services under the Medicare program.

S. 4032

At the request of Mr. COLEMAN, the names of the Senator from Tennessee (Mr. FRIST), the Senator from Oregon (Mr. SMITH), and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 4032, a bill to discourage international assistance to the nuclear program of Iran and transfers to Iran of advanced conventional weapons and missiles.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, November 15, 2006 at 2:30 p.m. in room SD–366 of the Dirksen Building.

The purpose of the hearing is to receive testimony on the December 2005 report from the President's Task Force on Puerto Rico's status.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Josh Johnson at (202) 224–5861 or Steve Waskiewicz at (202) 228–6195.

committee on national parks

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the following bills are added to the agenda for the Subcommittee on National Parks hearing for Wednesday, November 15, 2006 at 4 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC:

S. 2475, a bill to establish the Commission to Study the Potential Creation of a National Museum of the American Latino Community, to develop a plan of action for the establishment and maintenance of a National Museum of the American Latino Community in Washington, DC, and for other purposes; S. 2645, a bill to establish the Journey Through Hallowed Ground National Heritage Area, and for other purposes; S. 2822 and H.R. 5057, bills to authorize the Marion Park Project and Committee of the Palmetto Conservation Foundation to establish a commemorative work on Federal land in the District of Columbia and its environs to honor Brigadier General Francis Marion; S. 3805, a bill to direct the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including in the National Park System certain sites in Monroe County, Michigan, relating to the Battles of the River Raisin during the War of 1812; and H.R. 323, a bill to redesignate the Ellis Island Library on the third floor of the Ellis Island Immigration Museum, located on Ellis Island in New York Harbor, as the "Bob Hope Memorial Library".

Because of the limited time available for the hearings, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Tom Lillie at (202) 224–5161, David Szymanski at (202) 224–6293, or Sara Zecher 202–224–8276.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, November 16, 2006 at 10 a.m. in room SD–366 of the Dirksen Senate Officer Building in Washington, DC.

The purpose of this hearing is to consider the nomination of:

Kevin M. Kolevar, of Michigan, to be an Assistant Secretary of Energy (Electricity Delivery and Energy Reliability), vice John S. Shaw, resigned.

For further information, please contact Judy Pensabene or Kara Gleason of the Committee staff at (202) 224–5305.

ADJOURNMENT UNTIL MONDAY, NOVEMBER 13, 2006, AT 2 P.M.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until the hour of 2 p.m. on Monday, November 13, 2006.

Thereupon, the Senate, at 10:03 a.m., adjourned until Monday, November 13, 2006, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate November 9, 2006:

DEPARTMENT OF STATE

JOHN ROBERT BOLTON, OF MARYLAND, TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY, AND THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA IN THE SECURITY COUNCIL OF THE UNITED NATIONS.

JOHN ROBERT BOLTON, OF MARYLAND, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS.

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. THOMAS J. SELLARS, 7334

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. DONALD C. LEINS, 4652

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

ADM. ROBERT F. WILLARD, 1564

HOUSE OF REPRESENTATIVES—*Thursday, November 9, 2006*

The House met at 2 p.m.

The Reverend Eugene F. Hemrick, St. Joseph's Catholic Church, Washington, DC, offered the following prayer:

Lord God, in a beautiful lunette in the Library of Congress across from our U.S. Capitol, your psalmist implores us:

"Wisdom is the principal thing. Therefore, get wisdom. And with all thy getting, get understanding."

May the Congress whose office is to serve our citizens be filled with a renewed taste for the goodness that wisdom advocates. May it be graced with profound insights and the wise discernment that understanding espouses. May wisdom and understanding reign here, reflecting Your love among us and for our Nation.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Virginia (Mr. TOM DAVIS) come forward and lead the House in the Pledge of Allegiance.

Mr. TOM DAVIS of Virginia led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 30, 2006.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 30, 2006, at 2:30 am:

That the Senate passed with an amendment H.R. 5585.

That the Senate passed without amendment H.R. 6138.

That the Senate passed without amendment H.R. 6198.

That the Senate passed without amendment H.R. 6159.

With best wishes, I am,
Sincerely,

KAREN L. HAAS,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, October 2, 2006.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 2, 2006, at 10:25 am:

That the Senate passed without amendment H.R. 6033.

That the Senate passed without amendment H.R. 5664.

That the Senate passed without amendment H.R. 5504.

That the Senate passed without amendment H.R. 5434.

That the Senate passed without amendment H.R. 5428.

That the Senate passed without amendment H.R. 4768.

That the Senate passed without amendment H.R. 4674.

That the Senate passed without amendment H.R. 4109.

That the Senate passed without amendment H.R. 1463.

That the Senate passed without amendment H.R. 315.

That the Senate passed without amendment H.R. 4957.

That the Senate passed without amendment H.R. 4902:

With best wishes, I am,
Sincerely,

KAREN L. HAAS,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, October 2, 2006.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 2, 2006, at 10:25 am:

That the Senate passed without amendment H.R. 5160.

That the Senate passed without amendment H.R. 5381.

That the Senate passed without amendment H.R. 5094.

That the Senate passed without amendment H.R. 479.

That the Senate passed without amendment H.R. 138.

That the Senate passed without amendment H.R. 5539.

That the Senate passed without amendment H.R. 6197.

That the Senate passed without amendment H.R. 6106.

That the Senate passed without amendment H.R. 5929.

That the Senate passed without amendment H.R. 5224.

That the Senate passed without amendment H.R. 6075.

That the Senate passed without amendment H.R. 4805.

That the Senate passed without amendment H.R. 6051.

That the Senate passed without amendment H.R. 5606.

That the Senate passed without amendment H.R. 5546.

That the Senate passed without amendment H.R. 5026.

That the Senate passed without amendment H.R. 2322.

That the Senate passed without amendment H.R. 1556.

With best wishes, I am,
Sincerely,

KAREN L. HAAS,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, October 2, 2006.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 2, 2006, at 10:25 a.m.:

That the Senate agree to the conference report accompanying the bill H.R. 4954.

That the Senate agree to the conference report accompanying the bill H.R. 5122.

That the Senate passed S. 3880.

That the Senate passed S. 3526.

That the Senate passed S. 3867.

That the Senate passed S. 4044.

That the Senate passed S. 3845.

That the Senate passed S. 1726.

That the Senate passed S. 3523.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

That the Senate passed S. 3879.

That the Senate passed S. 3938.

That the Senate passed S. 1409.

With best wishes, I am,

Sincerely,

KAREN L. HAAS,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, October 20, 2006.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 20, 2006, at 11:59 am:

That the Senate passed without amendment H.R. 6061.

With best wishes, I am,

Sincerely,

KAREN L. HAAS,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to clause 4 of rule I, the following enrolled bills were signed:

by the Speaker on Monday, October 2, 2006:

H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes;

H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes;

H.R. 5539, to reauthorize the North American Wetlands Conservation Reauthorization Act;

S. 2430, to amend the Great Lakes Fish and Wildlife Restoration Act of 1990 to provide for implementation of recommendations of the United States Fish and Wildlife Service contained in the Great Lakes Fishery Resources Restoration Study;

S. 2856, to provide regulatory relief and improve productivity for insured depository institutions, and for other purposes;

S. 3661, to amend section 29 of the International Air Transportation Competition Act of 1979 relating to air transportation to and from Love Field, Texas;

by Speaker pro tempore TOM DAVIS of Virginia on Thursday, October 5, 2006:

H.R. 6197, to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 2007 through 2011, and for other purposes:

on Friday, October 20, 2006:

H.R. 6061, to establish operational control over the international land and maritime borders of the United States;

by Speaker pro tempore WOLF on Saturday, September 30, 2006:

H.R. 6138, to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes;

H.R. 6198, to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran;

on Monday, October 2, 2006:

H.R. 138, to revise the boundaries of John H. Chafee Coastal Barrier Resources System Jekyll Island Unit GA–06P;

H.R. 233, to designate certain National Forest System lands in the Mendocino and Six Rivers National Forests and certain Bureau of Land Management lands in Humboldt, Lake, Mendocino, and Napa Counties in the State of California as wilderness, to designate the Elkhorn Ridge Potential Wilderness Area, to designate certain segments of the Black Butte River in Mendocino County, California as a wild or scenic river, and for other purposes;

H.R. 315, to designate the United States courthouse at 300 North Hogan Street, Jacksonville, Florida, as the "John Milton Bryan Simpson United States Courthouse";

H.R. 479, to replace a Coastal Barrier Resources System map relating to Coastal Barrier Resources System Grayton Beach Unit FL–95P in Walton County, Florida;

H.R. 1463, to designate a portion of the Federal building located at 2100 Jamieson Avenue, in Alexandria, Virginia, as the "Justin W. Williams United States Attorney's Building";

H.R. 1556, to designate a parcel of land located on the site of the Thomas F. Eagleton United States Courthouse in St. Louis, Missouri, as the "Clyde S. Cahill Memorial Park";

H.R. 2322, to designate the Federal building located at 320 North Main Street in McAllen, Texas, as the "Kika de la Garza Federal Building";

H.R. 4109, to designate the facility of the United States Postal Service located at 6101 Liberty Road in Baltimore, Maryland, as the "United States Representative Parren J. Mitchell Post Office";

H.R. 4674, to designate the facility of the United States Postal Service located at 110 North Chestnut Street in Olathe, Kansas, as the "Governor John Anderson, Jr. Post Office Building";

H.R. 4768, to designate the facility of the United States Postal Service located at 777 Corporation Street in Beaver, Pennsylvania, as the "Robert Linn Memorial Post Office Building";

H.R. 4805, to designate the facility of the United States Postal Service located at 105 North Quincy Street in Clinton, Illinois, as the "Gene Vance Post Office Building";

H.R. 4902, to award a Congressional gold medal to Byron Nelson in recognition of his significant contributions to the game of golf as a player, a teacher, and a commentator;

H.R. 4957, to direct the Secretary of the Interior to convey the Tylersville division of the Lamar National Fish Hatchery and Fish Technology Center to the State of Pennsylvania, and for other purposes;

H.R. 5026, to designate the Investigations Building of the Food and Drug Administration located at 466 Fernandez Juncos Avenue in San Juan, Puerto Rico, as the "Andres Toro Building";

H.R. 5094, to require the conveyance of Mattamuskeet Lodge and surrounding property, including the Mattamuskeet National Wildlife Refuge headquarters, to the State of North Carolina to permit the State to use the property as a public facility dedicated to the conservation of the natural and cultural resources of North Carolina;

H.R. 5160, to establish the Long Island Sound Stewardship Initiative;

H.R. 5224, to designate the facility of the United States Postal Service located at 350 Uinta Drive in Green River, Wyoming, as the "Curt Gowdy Post Office Building";

H.R. 5381, to enhance an existing volunteer program of the United States Fish and Wildlife Service and promote community partnerships for the benefit of national fish hatcheries and fisheries program offices;

H.R. 5428, to designate the facility of the United States Postal Service located at 202 East Washington Street in Morris, Illinois, as the "Joshua A. Terando Morris Post Office Building";

H.R. 5434, to designate the facility of the United States Postal Service located at 40 South Walnut Street in Chillicothe, Ohio, as the "Larry Cox Post Office";

H.R. 5504, to designate the facility of the United States Postal Service located at 6029 Broadmoor Street in Mission, Kansas, as the "Larry Winn, Jr. Post Office Building";

H.R. 5546, to designate the United States courthouse to be constructed in Greenville, South Carolina, as the "Carroll A. Campbell, Jr. United States Courthouse";

H.R. 5606, to designate the Federal building and United States courthouse located at 221 and 211 West Ferguson Street in Tyler, Texas, as the "William M. Steger Federal Building and United States Courthouse";

H.R. 5664, to designate the facility of the United States Postal Service located at 110 Cooper Street in Babylon, New York, as the "Jacob Samuel Fletcher Post Office Building";

H.R. 5929, to designate the facility of the United States Postal Service located at 950 Missouri Avenue in East St. Louis, Illinois, as the "Katherine Dunham Post Office Building";

H.R. 6033, to designate the facility of the United States Postal Service located at 39–25 61st Street in Woodside, New York, as the "Thomas J. Manton Post Office Building";

H.R. 6051, to designate the Federal building and United States courthouse located at 2 South Main Street in Akron, Ohio, as the "John F. Seiberling Federal Building and United States Courthouse";

H.R. 6075, to designate the facility of the United States Postal Service located at 101 East Gay Street in West Chester, Pennsylvania, as the "Robert J. Thompson Post Office Building";

H.R. 6106, to extend the waiver authority for the Secretary of Education under title IV, section 105, of Public Law 109–148;

H.R. 6159, to extend temporarily certain authorities of the Small Business Administration;

On Wednesday, October 4, 2006:

H.R. 3508, to authorize improvements in the operation of the government of the District of Columbia, and for other purposes;

H.R. 5122, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes;

S. 3728, to promote nuclear nonproliferation in North Korea;

S. 2562, to increase, effective as of December 1, 2006, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109–150)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the Federal Register for publication, stating that the Iran emergency declared in Executive Order on November 14, 1979, is to continue in effect beyond November 14, 2006.

Our relations with Iran have not yet returned to normal, and the process of implementing the January 19, 1981, agreements with Iran is still underway. For these reasons, I have determined that it is necessary to continue for 1 year the national emergency declared on November 14, 1979, with respect to Iran.

GEORGE W. BUSH.

THE WHITE HOUSE, *November 9, 2006.*

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House the following resignation from the House of Representatives:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: It has been an honor to serve the people of the 18th Congressional District of Ohio for the past 12 years. I am deeply grateful to the constituents for the opportunity to represent them in the United States House of Representatives.

I am proud of the many accomplishments that have helped improve the lives of people in the 18th Congressional District of Ohio during my tenure of public service.

Having completed all outstanding work in my congressional office, I now hereby resign from the United States House of Representatives effective close of business on Friday, November 3, 2006.

Sincerely,

ROBERT W. NEY,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC.

Hon. BOB TAFT,
Governor, State of Ohio.

DEAR GOVERNOR TAFT: It has been an honor to serve the people of the 18th Congressional District of Ohio for the past 12 years. I am deeply grateful to the constituents for the opportunity to represent them in the United States House of Representatives.

I am proud of the many accomplishments that have helped improve the lives of people in the 18th Congressional District of Ohio during my tenure of public service.

Having completed all outstanding work in my congressional office, I now hereby resign from the United States House of Representatives effective close of business on Friday, November 3, 2006.

Sincerely,

ROBERT W. NEY,
Member of Congress.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the resignations of the gentleman from Florida (Mr. FOLEY) and the gentleman from Ohio (Mr. NEY), the whole number of the House is adjusted to 431.

CORRECTION TO THE CONGRESSIONAL RECORD OF THURSDAY, SEPTEMBER 28, 2006 AT PAGE 20433

☐ 1300

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Pursuant to section 2 of House Resolution 1046, House Resolutions 654 and 767 were laid on the table.

ENROLLED BILLS SIGNED

Mrs. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker on Monday, October 2, 2006:

H.R. 4954. An act to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

H.R. 5441. An act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and

H.R. 5539. An act to reauthorize the North American Wetlands Conservation Act.

Mrs. Haas, Clerk of the House, further reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker pro tempore, TOM DAVIS of Virginia, on Thursday, October 5, 2006:

H.R. 6197. An act to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 2007 through 2011, and for other purposes.

On Friday, October 20, 2006:

H.R. 6061. An act to establish operational control over the international land and maritime borders of the United States.

Mrs. Haas, Clerk of the House, further reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker pro tempore, Mr. WOLF, on Saturday, September 30, 2006:

H.R. 6138. An act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

H.R. 6198. An act to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

On Monday, October 2, 2006:

H.R. 138. An act to revise the boundaries of John H. Chafee Coastal Barrier Resources System Jekyll Island Unit GA–06P.

H.R. 233. An act to designate certain National Forest System lands in the Mendocino and Six Rivers National Forests and certain Bureau of Land Management lands in Humboldt, Lake, Mendocino, and Napa Counties in the State of California as wilderness, to designate the Elkhorn Ridge Potential Wilderness Area, to designate certain segments of the Black Butte River in Mendocino County, California as a wild or scenic river, and for other purposes.

H.R. 315. An act to designate the United States courthouse at 300 North Hogan Street, Jacksonville, Florida, as the "John Milton Bryan Simpson United States Courthouse".

H.R. 479. An act to replace a Coastal Barrier Resources System map relating to Coastal Barrier Resources System Grayton Beach Unit FL–95P in Walton County, Florida.

H.R. 1463. An act to designate a portion of the Federal building located at 2100 Jamieson Avenue, in Alexandria, Virginia, as the "Justin W. Williams United States Attorney's Building".

H.R. 1556. An act to designate a parcel of land located on the site of the Thomas F. Eagleton United States Courthouse in St. Louis, Missouri, as the "Clyde S. Cahill Memorial Park".

H.R. 2322. An act to designate the Federal building located at 320 North Main Street in McAllen, Texas, as the "Kika de la Garza Federal Building".

H.R. 4109. An act to designate the facility of the United States Postal Service located at 6101 Liberty Road in Baltimore, Maryland, as the "United States Representative Parren J. Mitchell Post Office".

H.R. 4674. An act to designate the facility of the United States Postal Service located at 110 North Chestnut Street in Olathe, Kansas, as the "Governor John Anderson, Jr. Post Office Building".

H.R. 4768. An act to designate the facility of the United States Postal Service located at 777 Corporation Street in Beaver, Pennsylvania, as the "Robert Linn Memorial Post Office Building".

H.R. 4805. An act to designate the facility of the United States Postal Service located at 105 North Quincy Street in Clinton, Illinois, as the "Gene Vance Post Office Building".

H.R. 4902. An act to award a Congressional gold medal to Byron Nelson in recognition of his significant contributions to the game of golf as a player, a teacher, and a commentator.

H.R. 4957. An act to direct the Secretary of the Interior to convey the Tylersville division of the Lamar National Fish Hatchery and Fish Technology Center to the State of Pennsylvania, and for other purposes.

H.R. 5026. An act to designate the Investigations Building of the Food and Drug Administration located at 466 Fernandez Juncos Avenue in San Juan, Puerto Rico, as the "Andres Toro Building".

H.R. 5094. An act to require the conveyance of Mattamuskeet Lodge and surrounding property, including the Mattamuskeet National Wildlife Refuge headquarters, to the State of North Carolina to permit the State to use the property as a public facility dedicated to the conservation of the natural and cultural resources of North Carolina.

H.R. 5160. An act to establish the Long Island Sound Stewardship Initiative.

H.R. 5224. An act to designate the facility of the United States Postal Service located at 350 Uinta Drive in Green River, Wyoming, as the "Curt Gowdy Post Office Building".

H.R. 5381. An act to enhance an existing volunteer program of the United States Fish and Wildlife Service and promote community partnerships for the benefit of national fish hatcheries and fisheries program offices.

H.R. 5428. An act to designate the facility of the United States Postal Service located at 202 East Washington Street in Morris, Illinois, as the "Joshua A. Terando Morris Post Office Building".

H.R. 5434. An act to designate the facility of the United States Postal Service located at 40 South Walnut Street in Chillicothe, Ohio, as the "Larry Cox Post Office".

H.R. 5504. An act to designate the facility of the United States Postal Service located at 6029 Broadmoor Street in Mission, Kansas, as the "Larry Winn, Jr. Post Office Building".

H.R. 5546. An act to designate the United States courthouse to be considered in Greenville, South Carolina, as the "Carroll A. Campbell, Jr. United States Courthouse".

H.R. 5606. An act to designate the Federal building and United States courthouse located at 221 and 211 West Ferguson Street in Tyler, Texas, as the "William M. Steger Federal Building and United States Courthouse".

H.R. 5664. An act to designate the facility of the United States Postal Service located at 110 Cooper Street in Babylon, New York, as the "Jacob Samuel Fletcher Post Office Building".

H.R. 5929. An act to designate the facility of the United States Postal Service located at 950 Missouri Avenue in East St. Louis, Illinois, as the "Katherine Dunham Post Office Building".

H.R. 6033. An act to designate the facility of the United States Postal Service located at 39-25 61st Street in Woodside, New York, as the "Thomas J. Manton Post Office Building".

H.R. 6051. An act to designate the Federal building and United States courthouse located at 2 South Main Street in Akron, Ohio, as the "John F. Seiberling Federal Building and United States Courthouse".

H.R. 6075. An act to designate the facility of the United States Postal Service located at 101 East Gay Street in West Chester, Pennsylvania, as the "Robert J. Thompson Post Office Building".

H.R. 6106. An act to extend the waiver authority for the Secretary of Education under title IV, section 105, of Public Law 109–148.

H.R. 6159. An act to extend temporarily certain authorities of the Small Business Administration.

On Wednesday, October 4, 2006:

H.R. 3508. An act to authorize improvements in the operation of the government of the District of Columbia, and for other purposes.

H.R. 5122. An act to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature on Monday, October 2, 2006, to enrolled bills of the Senate of the following titles:

S. 2430. An act to amend the Great Lakes Fish and Wildlife Restoration Act of 1990 to provide for implementation of recommendations of the United States Fish and Wildlife Service contained in the Great Lakes Fishery Resources Restoration Study.

S. 2856. An act to provide regulatory relief and improve productivity for insured depository institutions, and for other purposes.

S. 3661. An act to amend section 29 of the International Air Transportation Competition Act of 1979 relating to air transportation to and from Love Field, Texas.

The SPEAKER pro tempore, Mr. WOLF, on Wednesday, October 4, 2006, to enrolled bills of the Senate of the following titles:

S. 2562. An act to increase, effective as of December 1, 2006, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

S. 3728. An act to promote nuclear nonproliferation in North Korea

BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reports that on September 29, 2006, she presented to the President of the United States, for his approval, the following bills.

H.R. 683. To amend the Trademark Act of 1946 with respect to dilution by blurring or tarnishment.

H.R. 1036. To amend title 17, United States Code, to make technical corrections relating to Copyright Royalty Judges, and for other purposes.

H.R. 2066. To amend title 40, United States Code, to establish a Federal Acquisition Service, to replace the General Supply Fund and the Information Technology Fund with an Acquisition Services Fund, and for other purposes.

H.R. 5074. To amend the Railroad Retirement Act of 1974 to provide for continued payment of railroad retirement annuities by the Department of the Treasury, and for other purposes.

H.R. 5187. To amend the John F. Kennedy Center Act to authorize additional appropriations for the John F. Kennedy Center for the Performing Arts for fiscal year 2007.

H.R. 5574. To amend the Public Health Service Act to reauthorize support for graduate medical education programs in children's hospitals.

H.R. 5631. Making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes.

Karen L. Haas, Clerk of the House, further reports that on September 30, 2006, she presented to the President of the United States, for his approval, the following bills.

H.R. 6138. To temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

H.R. 6198. To hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

Karen L. Haas, Clerk of the House, further reports that on October 2, 2006, she presented to the President of the United States, for his approval, the following bills.

H.R. 318. To authorize the Secretary of the Interior to study the suitability and feasibility of designating Castle Nugent Farms located on St. Croix, Virgin Islands, as a unit of the National Park System, and for other purposes.

H.R. 326. To amend the Yuma Crossing National heritage Area Act of 2000 to adjust the boundary of the Yuma Crossing National Heritage Area and for other purposes.

H.R. 562. To authorize the Government of Ukraine to establish a memorial on Federal land in the District of Columbia to honor the victims of the manmade famine that occurred in Ukraine in 1932–1933.

H.R. 1728. To authorize the Secretary of the Interior to study the suitability and feasibility of designating portions of Ste. Genevieve County in the State of Missouri as a unit of the National Park System, and for other purposes.

H.R. 2107. To amend Public Law 104–329 to modify authorities for the use of the National Law Enforcement Officers Memorial Maintenance Fund, and for other purposes.

H.R. 2720. To further the purposes of the Reclamation Projects Authorization and Adjustment Act of 1992 by directing the Secretary of the Interior, acting through the Commissioner of Reclamation, to carry out an assessment and demonstration program to control salt cedar and Russian olive, and for other purposes.

H.R. 3127. To impose sanctions against individuals responsible for genocide, war crimes, and crimes against humanity, to support measures for the protection of civilians and humanitarian operations, and to support peace efforts in the Darfur region of Sudan, and for other purposes.

H.R. 3443. To direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District.

H.R. 4841. To amend the Ojito Wilderness Act to make a technical correction.

Karen L. Haas, Clerk of the House, further reports that on October 3, 2006, she presented to the President of the United States, for his approval, the following bills.

H.R. 4954. To improve maritime and cargo security through enhanced layered defenses, and for other purposes.

H.R. 5441. Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

H.R. 5539. To reauthorize the North American Wetlands Conservation Act.

Karen L. Haas, Clerk of the House, further reports that on October 4, 2006, she presented to the President of the United States, for his approval, the following bills.

H.R. 5504 To designate the facility of the United States Postal Service located at 6029 Broadmoor Street in Mission, Kansas, as the "Larry Winn, Jr. Post Office Building".

H.R. 5546 To designate the United States courthouse to be constructed in Greenville, South Carolina, as the "Carroll A. Campbell, Jr. United States Courthouse".

H.R. 5606 To designate the Federal building and United States courthouse located at 221 and 211 West Ferguson Street in Tyler, Texas, as the "William M. Steger Federal Building and United States Courthouse".

H.R. 5664 To designate the facility of the United States Postal Service located at 110 Cooper Street in Babylon, New York, as the "Jacob Samuel Fletcher Post Office Building".

H.R. 5929 To designate the facility of the United States Postal Service located at 950 Missouri Avenue in East St. Louis, Illinois, as the "Katherine Dunham Post Office Building".

H.R. 6033 To designate the facility of the United States Postal Service located at 39–25 61st Street in Woodside, New York, as the "Thomas J. Manton Post Office Building".

H.R. 6051 To designate the Federal building and United States courthouse located at 2 South Main Street in Akron, Ohio, as the "John F. Seiberling Federal Building and United States Courthouse".

H.R. 6075 To designate the facility of the United States Postal Service located at 101 East Gay Street in West Chester, Pennsylvania, as the "Robert J. Thompson Post Office Building".

H.R. 6106 To extend the waiver authority for the Secretary of Education under title IV, section 105, of Public Law 109–148.

H.R. 6159 To extend temporarily certain authorities of the Small Business Administration.

Karen L. Haas, Clerk of the House, further reports that on October 5, 2006, she presented to the President of the United States, for his approval, the following bills.

H.R. 138 To revise the boundaries of John H. Chafee Coastal Barrier Resources System Jekyll Island Unit GA–06P.

H.R. 233 To designate certain National Forest System lands in the Mendocino and Six Rivers National Forests and certain Bureau of Land Management lands in Humboldt, Lake, Mendocino, and Napa Counties in the State of California as wilderness, to designate the Elkhorn Ridge Potential Wilderness Area, to designate certain segments of the Black Butte River in Mendocino County, California as a wild or scenic river, and for other purposes.

H.R. 315 To designate the United States courthouse at 300 North Hogan Street, Jacksonville, Florida, as the "John Milton Bryan Simpson United States Courthouse".

H.R. 479 To replace a Coastal Barrier Resources System map relating to Coastal Barrier Resources System Grayton Beach Unit FL–95P in Walton County, Florida.

H.R. 1463 To designate a portion of the Federal building located at 2100 Jamieson Avenue, in Alexandria, Virginia, as the "Justin W. Williams United States Attorney's Building".

H.R. 1556 To designate a parcel of land located on the site of the Thomas F. Eagleton United States Courthouse in St. Louis, Missouri, as the "Clyde S. Cahill Memorial Park".

H.R. 2322 To designate the Federal building located at 320 North Main Street in McAllen, Texas, as the "Kika de la Garza Federal Building".

H.R. 3508 To authorize improvements in the operation of the government of the District of Columbia, and for other purposes.

H.R. 4109 To designate the facility of the United States Postal Service located at 6101 Liberty Road in Baltimore, Maryland, as the "United States Representative Parren J. Mitchell Post Office".

H.R. 4674 To designate the facility of the United States Postal Service located at 110 North Chestnut Street in Olathe, Kansas, as the "Governor John Anderson, Jr. Post Office Building".

H.R. 5122 To authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Karen L. Haas, Clerk of the House, further reports that on October 6, 2006, she presented to the President of the United States, for his approval, the following bills.

H.R. 4768 To designate the facility of the United States Postal Service located at 777 Corporation Street in Beaver, Pennsylvania, as the "Robert Linn Memorial Post Office Building".

H.R. 4805 To designate the facility of the United States Postal Service located at 105 North Quincy Street in Clinton, Illinois, as the "Gene Vance Post Office Building".

H.R. 4902 To award a Congressional gold medal to Byron Nelson in recognition of his significant contributions to the game of golf as a player, a teacher, and a commentator.

H.R. 4957 To direct the Secretary of the Interior to convey the Tylersville division of the Lamar National Fish Hatchery and Fish Technology Center to the State of Pennsylvania, and for other purposes.

H.R. 5026 To designate the Investigations Building of the Food and Drug Administration located at 466 Fernandez Juncos Avenue in San Juan, Puerto Rico, as the "Andres Toro Building".

H.R. 5094 To require the conveyance of Mattamuskeet Lodge and surrounding property, including the Mattamuskeet National Wildlife Refuge headquarters, to the State of North Carolina to permit the State to use the property as a public facility dedicated to the conservation of the natural and cultural resources of North Carolina.

H.R. 5160 To establish the Long Island Sound Stewardship Initiative.

H.R. 5224 To designate the facility of the United States Postal Service located at 350 Uinta Drive in Green River, Wyoming, as the "Curt Gowdy Post Office Building".

H.R. 5381 To enhance an existing volunteer program of the United States Fish and Wildlife Service and promote community partnerships for the benefit of national fish hatcheries and fisheries program offices.

H.R. 5428 To designate the facility of the United States Postal Service located at 202 East Washington Street in Morris, Illinois, as the "Joshua A. Terando Morris Post Office Building".

H.R. 5434 To designate the facility of the United States Postal Service located at 40 South Walnut Street in Chillicothe, Ohio, as the "Larry Cox Post Office".

H.R. 6197 To amend the Older American Act of 1965 to authorize appropriations for fiscal years 2007 through 2011, and for other purposes.

Karen L. Haas, Clerk of the House, further reports that on October 23, 2006, she presented to the President of the United States, for his approval, the following bills.

H.R. 6061 To establish operational control over the international land and maritime borders of the United States.

ADJOURNMENT

Mr. TOM DAVIS of Virginia. Mr. Speaker, pursuant to House Concurrent Resolution 483, 109th Congress, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER. Pursuant to House Concurrent Resolution 483, 109th Congress, the House stands adjourned until 2 p.m. on Monday, November 13, 2006.

Thereupon (at 2 o'clock and 15 minutes p.m.), pursuant to House Concurrent Resolution 483, the House adjourned until Monday, November 13, 2006, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9841. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on U.S. military personnel and U.S. individual civilians retained as contractors involved in supporting Plan Colombia, pursuant to Public Law 106–246, section 3204 (f) (114 Stat. 577); to the Committee on Armed Services.

9842. A letter from the Director, Defense Research and Engineering, Department of Defense, transmitting Notification of the intent to fund Foreign Comparative Testing Program projects for the Fiscal Year 2007 program, pursuant to 10 U.S.C. 2350a(g); to the Committee on Armed Services.

9843. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the grade of brigadier general accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

9844. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Captain Steven R. Eastburg to wear the insignia of the grade of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

9845. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement Vice Admiral James K. Moran, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

9846. A letter from the Under Secretary for Acquisitions, Technology and Logistics, Department of Defense, transmitting a report on the budgeting of the Department of Defense for the sustainment of key military equipment, pursuant to Public Law 109-163, section 361; to the Committee on Armed Services.

9847. A letter from the Assistant Secretary of the Navy for Installations and Environment, Department of Defense, transmitting notification of the Department's decision to conduct a streamlined competition of military personnel performing aircraft, air control, and maintenance and repair support functions, as prescribed by OMB Circular A-76; to the Committee on Armed Services.

9848. A communication from the President of the United States, transmitting notification that the national emergency declared with respect to Sudan by Executive Order 13067, is to continue in effect beyond November 3, 2006, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 109-143); to the Committee on International Relations and ordered to be printed.

9849. A communication from the President of the United States, transmitting notification that the national emergency declared with respect to the proliferation of weapons of mass destruction and their delivery systems declared by Executive Order 12938 on November 14, 1994, as amended, is to continue in effect beyond November 14, 2006, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 109-149); to the Committee on International Relations and ordered to be printed.

9850. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on International Relations.

9851. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on International Relations.

9852. A letter from the Deputy Secretary, Department of Defense, transmitting the report on Measuring Stability and Security in Iraq pursuant to Section 9010 of the Department of Defense Appropriations Act, 2006, Pub. L. 109-148; to the Committee on International Relations.

9853. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a possible unauthorized transfer of U.S.-origin defense articles pursuant to Section 3(e) of the Arms Export Control Act (AECA); to the Committee on International Relations.

9854. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a possible unauthorized retransfer of U.S.-origin defense articles pursuant to Section 3(e) of the Arms Export Control Act (AECA); to the Committee on International Relations.

9855. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of a Presidential Determination, pursuant to Section 102 (a)(2) of the Arms Export Control Act; to the Committee on International Relations.

9856. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a possible unauthorized retransfer of U.S.-origin defense articles pursuant to Section 3(e) of the Arms Export Control Act (AECA); to the Committee on International Relations.

9857. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting an Accountability Review Board report and recommendations concerning serious injury, loss of life or significant destruction of property at a U.S. mission abroad, pursuant to 2 U.S.C. 4831 et seq.; to the Committee on International Relations.

9858. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting transmitting the 2005 Report on CFE Compliance pursuant to the resolution of advice and consent to ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe of November 19, 1990, ("the CFE Flank Document"); to the Committee on International Relations.

9859. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-486, "Health-Care Decisions for Persons with Development Disabilities Temporary Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

9860. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-489, "Metro Bus Funding Requirement Temporary Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

9861. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-485, "Child and Family Services Grant-making Temporary Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

9862. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-488, "Anti-Drunk Driving Clarification Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

9863. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-482, "Omnibus Public Safety Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

9864. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-509, "Anti-Tagging and Anti-Vandalism Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

9865. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-523, "Digital Inclusion Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

9866. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-502, "Crispus Attucks Park Indemnification Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

9867. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-493, "Health Insurance Coverage for Habilitative Services for Children Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

9868. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-492, "Library Procurement Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

9869. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-496, "Square 2910 Residential Development Stimulus Temporary Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

9870. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-495, "Wisconsin Avenue Bridge Project and Noise Control Temporary Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

9871. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-494, "Seperation Pay, Term of Office and Voluntary Retirement Modification for Chief of Police Charles H. Ramsey Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

9872. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-504, "Domestic Violence Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

9873. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-508, "July Local Supplemental Other Type Appropriations Approval Temporary Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

9874. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-507, "Neighborhood Investment Amendment Temporary Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

9875. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-506, "Deed Transfer and Recordation Clarification Temporary Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

9876. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-505, "Uniform Disclaimers of Property Interests Revision Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

9877. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-503, "District of Columbia Poverty Lawyer Loan Assistance Repayment Program Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

9878. A letter from the White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9879. A letter from the White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9880. A letter from the White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9881. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9882. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9883. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9884. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9885. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

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9889. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9890. A letter from the Assistant Secretary for Administration and Management, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9891. A letter from the Assistant Secretary for Administration and Management, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9892. A letter from the Assistant Secretary for Administration and Management, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9893. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9894. A letter from the Attorney, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9895. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9896. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9897. A letter from the White House Liaison, Department of Veterans Affairs, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9898. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9899. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

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9909. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9910. A letter from the General Counsel, Peace Corps, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9911. A letter from the Secretary, Postal Rate Commission, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9912. A letter from the Secretary, Postal Rate Commission, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9913. A letter from the Executive Secretary/Chief of Staff, U.S. Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9914. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period July 1, 2006 through September 30, 2006 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a Public Law 88–454; (H. Doc. No. 109–138); to the Committee on House Administration and ordered to be printed.

9915. A letter from the Chief Administrative Officer, United States Capitol Police, transmitting the semiannual report of receipts and expenditures of appropriations and other funds for the period April 1, 2006 through September 30, 2006 as compiled by the Chief Administrative Officer, pursuant to Public Law 109–55, section 1005; (H. Doc. No. 109–140); to the Committee on House Administration and ordered to be printed.

9916. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter Canada Limited Model BO 105 LS A–3 Helicopters [Docket No. FAA–2006–24632; Directorate Identifier 2005–SW–31–AD; Amendment 39–14695; AD 2006–15–14] (RIN: 2120–AA64) received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9917. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), DC–9–87 (MD–87), MD–88 Airplanes [Docket No. 2001–NM–387–AD; Amendment 39–14696; AD 2006–15–15] (RIN: 2120–AA64) received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9918. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon (Beech) Model 400 and 400A Series Airplanes [Docket No. FAA–2006–24694; Directorate Identifier 2006–NM–018–AD; Amendment 39–14697; AD 2006–15–16] (RIN: 2120–AA64) received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9919. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Airplanes [Docket No. FAA–2006–24868; Directorate Identifier 2006–NM–103–AD; Amendment 39–14698; AD 2006–15–17] (RIN: 2120–AA64) received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9920. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–300,

–400, –500, –600, –700, –700C, –800, and –900 Series Airplanes [Docket No. FAA–2004–19245; Directorate Identifier 2004–NM–108–AD; Amendment 39–14699; AD 2006–15–18] (RIN: 2120–AA64) received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9921. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Hamilton Sundstrand Model 14RF–19 Propellers No. FA–2005–21691; Directorate Identifier 2005–NE–13–AD; Amendment 39–14701; AD 2006–16–01] (RIN: 2120–AA64) received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9922. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Twin Commander Aircraft Corporation Models 690, 690A, and 690B Airplanes [Docket No. FAA–2006–23785; Directorate Identifier 2006–CE–10–AD; Amendment 39–14681; AD 2006–15–01] (RIN: 2120–AA64) received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9923. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–100, –200, and –200C Series Airplanes [Docket No. FAA–2006–24432; Directorate Identifier 2005–NM–227–AD; Amendment 39–14678; AD 2006–14–07] (RIN: 2120–AA64) received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9924. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330–200 and –300, and A340–200 and –300 Series Airplanes [Docket No. FAA–2006–24522; Directorate Identifier 2006–NM–002–AD; Amendment 39–14680; AD 2006–14–09] (RIN: 2120–AA64) received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9925. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Mitsubishi Heavy Industries MU–2B Series Airplanes [Docket No. FAA–2006–23644; Directorate Identifier 2006–CE–03–AD; Amendment 39–14679; AD 2006–14–08] (RIN: 2120–AA64) received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9926. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Sikorsky Aircraft Corporation Model S–92A Helicopters [Docket No. FAA–2006–25444; Directorate Identifier 2006–SW–18–AD; Amendment 39–147000; AD 2006–15–19] (RIN: 2120–AA64) received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9927. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce Corporation (Formerly Allison Engine Company, Allison Gas Turbine Division, and Detroit Diesel Allison) (RRC) 250–B and 250–C Series Turboshaft and Turboprop Engines [Docket No. 2004–NE–10–AD; Amendment 39–14704; AD 2006–16–04] (RIN: 2120–AA64) received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9928. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company (GE) CF6–80 Series Turbofan Engines [Docket No. 2004–NE–05–AD; Amendment 39–14706; AD 2006–16–06] (RIN: 2120–AA64) received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9929. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; B-N Group Ltd. BN–2, BN–2A, BN–2B, BN–2T, and BN–2T–4R Series (all individual models included in Type Certificate Data Sheet (TCDS) A17EU, Revision 16, dated December 9, 2002) Airplanes [Docket No. FAA–2005–22420; Directorate Identifier 2005–CE–47–AD; Amendment 39–14719; AD 2006–16–19] (RIN: 2120–AA64) received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9930. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Aircraft Ltd. Models PC–12 and PC–12/45 Airplanes [Docket No. FAA–2006–24954; Directorate Identifier 2006–CE–30–AD; Amendment 39–14713; AD 2006–16–13] (RIN: 2120–AA64) received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9931. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives Turbomeca Arriel 1B, 1D, 1D1, and 1S1 Turboshaft Engines [Docket No. FAA–2005–21242; Directorate Identifier 2005–NE–09–AD; Amendment 39–14721; AD 2006–02–08R1] (RIN: 2120–AA64) received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9932. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; DG Flugzeugbau GmbH Model DG–1000S Sailplanes [Docket No. FAA–2006–24255; Directorate Identifier 2006–CE–25–AD; Amendment 39–14720; AD 2006–16–20] (RIN: 2120–AA64) received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9933. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Being Model 747–200B, 747–200C, 747–200F, 747–300, and 747SR Series Airplanes [Docket No. FAA–2006–24695; Directorate Identifier 2006–NM–035–AD; Amendment 39–14710; AD 2006–16–10] (RIN: 2120–AA64) received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9934. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL–600–2B19(Regional Jet Series 100 & 440) Airplanes [Docket No. FAA–2006–25536; Directorate Identifier 2006–NM–158–AD; Amendment 39–14707; AD 2006–16–07] (RIN: 2120–AA64) received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9935. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–700 and 737–800 Series Airplanes [Docket No. FAA–2006–24698; Directorate Identifier 2006–NM–026–AD; Amendment 39–14711; AD 2006–16–11] (RIN: 2120–AA64) received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9936. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–10–10, DC–10–10F, DC–10–30, DC–10–30F (KDC–10), DC–10–40, and DC–10–40F Airplanes [Docket No. FAA–2006–24864; Directorate Identifier 2006–NM–072–AD; Amendment 39–14712; AD 2006–16–12] (RIN: 2120–AA64) received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9937. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–90–30 Airplanes [Docket No. FAA–2006–24866; Directorate Identifier 2006–NM–105–AD; Amendment 39–14709; AD 2006–16–09] (RIN: 2120–AA64) received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9938. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney PW4164, PW4168, and PW4168A Series Turbofan Engines [Docket No. 97–ANE–44–AD; Amendment 39–14705; AD 2006–16–05] (RIN: 2120–AA64) received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9939. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–10–10, DC–10–10F, DC–10–15, DC–10–30, DC–10–30F (KC–10A and KDC–10), DC–10–40, and DC–10–40F Airplanes [Docket No. FAA–2006–24780; Directorate Identifier 2006–NM–069–AD; Amendment 39–14703; AD 2006–16–03] (RIN: 2120–AA64) received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9940. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), DC–9–87 (MD–87), and MD–88 Airplanes [Docket No. FAA–2006–24786; Directorate Identifier 2006–NM–087–AD; Amendment 39–14702; AD 2006–16–02] (RIN: 2120–AA64) received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9941. A letter from the Adjutant General, Veterans of Foreign Wars of the U.S., transmitting proceedings of the 102nd National Convention of the Veterans of Foreign Wars of the United States, held in Milwaukee, Wisconsin, August 19–August 24, 2001, pursuant to 36 U.S.C. 118 and 44 U.S.C. 1332; (H. Doc. No. 109–144); to the Committee on Veterans' Affairs and ordered to be printed.

9942. A letter from the Adjutant General, Veterans of Foreign Wars of the U.S., transmitting proceedings of the 103rd National Convention of the Veterans of Foreign Wars of the United States, held in Nashville, Tennessee, August 24–August 30, 2002, pursuant to 36 U.S.C. 118 and 44 U.S.C. 1332; (H. Doc. No. 109–145); to the Committee on Veterans' Affairs and ordered to be printed.

19943. A letter from the Adjutant General, Veterans of Foreign Wars of the U.S., transmitting proceedings of the 104th National

Convention of the Veterans of Foreign Wars of the United States, held in San Antonio, Texas, August 23–August 29, 2003, pursuant to 36 U.S.C. 118 and 44 U.S.C. 1332; (H. Doc. No. 109–146); to the Committee on Veterans' Affairs and ordered to be printed.

9944. A letter from the Adjutant General, Veterans of Foreign Wars of the U.S., transmitting proceedings of the 105th National Convention of the Veterans of Foreign Wars of the United States, held in Cincinnati, Ohio, August 14–August 20, 2004, pursuant to 36 U.S.C. 118 and 44 U.S.C. 1332; (H. Doc. No. 109–147); to the Committee on Veterans' Affairs and ordered to be printed.

9945. A letter from the Adjutant General, Veterans of Foreign Wars of the U.S., transmitting proceedings of the 106th National Convention of the Veterans of Foreign Wars of the United States, held in Salt Lake City, Utah, August 20–August 25, 2005, pursuant to 36 U.S.C. 118 and 44 U.S.C. 1332; (H. Doc. No. 109–148); to the Committee on Veterans' Affairs and ordered to be printed.

9946. A letter from the Acting SSA Regulations Officer, Social Security Administration, transmitting the Administration's "Major" final rule—Medicare Part B Income-Related Monthly Adjustment Amount (RIN: 0960–AG11) received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. KING of New York: Committee on Homeland Security. H.R. 5351. A bill to amend the Homeland Security Act of 2002 to establish a Directorate of Emergency Management, to codify certain existing functions of the Department of Homeland Security, and for other purposes; with amendments (Rept. 109–712 Pt. 1). Ordered to be printed.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. KING of New York: Committee on Homeland Security. H.R. 5814. A bill to authorize appropriations for the Department of Homeland Security, and for other purposes, with an amendment; referred to the Committees on Ways and Means, and Energy and Commerce for a period ending not later than November 17, 2006, for considerations of such provisions of the bill and amendment as fall within the jurisdication of those committees pursuant to clause 1(t), rule C and clause 1(f), rule X, respectively (Rept. 109–713, Pt. 1). Ordered to be printed

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 517: Mr. PORTER and Mr. KUCINICH.

H.R. 752: Ms. ESHOO.

H.R. 1125: Mrs. NAPOLITANO and Mr. VAN HOLLEN.

H.R. 1330: Mr. MEEHAN.

H.R. 1447: Mr. ALLEN.

H.R. 3352: Mr. FORTENBERRY.

H.R. 4293: Ms. MCCOLLUM of Minnesota, Mr. REYES, and Mr. GORDON.

H.R. 4949: Mr. PASCRELL.

H.R. 5770: Mr. MCNULTY, Mr. SCOTT of Georgia, and Mr. RANGEL.

H.R. 6022: Mr. PAUL.

H. Con. Res. 469: Ms. JACKSON-LEE of Texas.

H. Res. 790: Mr. GONALEZ.

H. Res. 1008: Mr. GONZALEZ.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

(Correction to the Congressional Record of September 29, 2006, on page H–8059.)

Petition 18, September 28, 2006, by Mr. PATRICK J. KENNEDY on H.R. 1402, was signed by the following Members: Patrick J. Kennedy, Jim Ramstad, Betty McCollum, Fortney Pete Stark, Bob Filner, Michael M. Honda, Ellen O. Tauscher, Raúl M. Grijalva, Janice D. Schakowsky, Anna G. Eshoo, Christopher Shays, Artur Davis, Peter A. DeFazio, James R. Langevin, Hilda L. Solis, Mike Thompson, James A. Leach, Jim McDermott, Gene Green, Alcee L. Hastings, Brian Baird, Marcy Kaptur, Lucille Roybal-Allard, Ruben Hinojosa, Collin C. Peterson, Michael R. McNulty, Sam Farr, Xavier Becerra, Wm. Lacy Clay, George Miller, Bill Pascrell, Jr., John Sullivan, Dennis Moore, Steny H. Hoyer, Robert Wexler, Juanita Millender-McDonald, Carolyn McCarthy, Gary L. Ackerman, Rahm Emanuel, Lloyd Doggett, Thomas H. Allen, Jo Ann Emerson, Sherrod Brown, John F. Tierney, William D. Delahunt, David R. Obey, Rush D. Holt, Lois Capps, Stephen F. Lynch, Jerry F. Costello, Henry Cuellar, Bobby L. Rush, James P. Moran, Tom Udall, Sheila Jackson-Lee, Joseph Crowley, Brian Higgins, James E. Clyburn, Sanford D. Bishop, Jr., Michael H. Michaud, Anthony D. Weiner, Steven R. Rothman, Carolyn B. Maloney, Robert E. Andrews, Benjamin L. Cardin, Danny K. Davis, Diane E. Watson, Emanuel Cleaver, Ed Case, Russ Carnahan, Steve Israel, John W. Olver, John M. Spratt, Jr., Neil Abercrombie, Doris O. Matsui, Nydia M. Velázquez, Jim Costa, Dan Boren, Jim Davis, Ron Kind, Henry A. Waxman, Charles A. Gonzalez, Lynn C. Woolsey, Grace F. Napolitano, Nita M. Lowey, Brad Sherman, Adam B. Schiff, Maurice D. Hinchey, Susan A. Davis, Dennis A. Cardoza, Dennis J. Kucinich, Elijah E. Cummings, John B. Larson, Debbie Wasserman Schultz, Joe Baca, Sander M. Levin, Martin Olav Sabo, Earl Blumenauer, Barney Frank, David E. Price, James P. McGovern, Chris Van Hollen, Rosa L. DeLauro, Bart Gordon, Michael E. Capuano, David Wu, Melvin L. Watt, Alan B. Mollohan, Richard E. Neal, Gwen Moore, Julia Carson, Vic Snyder, Shelley Berkley, C.A. Dutch Ruppersberger, Dale E. Kildee, Harold E. Ford, Jr., Cynthia McKinney, Howard L. Berman, John Conyers, Jr., Bart Stupak, Edolphus Towns, Daniel Lipinski, William J. Jefferson, David Scott, Louise McIntosh Slaughter, Gregory W. Meeks, Silvestre Reyes, Ed Pastor, Norman D. Dicks, Jay Inslee, Tom Lantos, Corrine Brown, John Barrow, G.K. Butterfield, Albert Russell Wynn, Chaka Fattah, Nancy Pelosi, Frank Pallone, Jr., Stephanie Herseth, Robert A. Brady, Tim Holden, Melissa L. Bean, Timothy H. Bishop, Tammy Baldwin, Edward J. Markey, Leonard L. Boswell, Jane Harman, Michael F. Doyle, Donald M. Payne, Ike Skelton, Diana DeGette, Jim Cooper, Bob Etheridge, Brad Miller, Robert C. Scott, Tim Ryan, Charlie Melancon, Jim Matheson, Nick J. Rahall II, Loretta Sanchez, Marion Berry, José E. Serrano, Mark Udall, Darlene Hooley, and Jerrold Nadler.

EXTENSIONS OF REMARKS

TRIBUTE TO THE CHILD ADVOCACY CENTER OF GENESEE COUNTY 2006 HONOREES

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 2006

Mr. KILDEE. Mr. Speaker, I ask the House of Representatives to join me in congratulating the organizations and individuals honored by the Child Advocacy Center of Genesee County for their service to the youths of our community that are the victims of child abuse. Genesee County will express its gratitude to these persons at a dinner today in Flint, Michigan.

The Child Advocacy Center of Genesee County was founded to react to allegations of child abuse. A multidisciplinary team responds by providing forensic interviews, medical evaluations, therapeutic intervention, and victim support/advocacy. Their goal is to provide these services to children and families in a safe and consistent manner.

This year the Child Advocacy Center is honoring the following Stars for Children. Four individuals will be recognized as Multi-Disciplinary Team Members: Detective Matthew Bade of the Burton Police Department, Detective James Santa of the Flint Township Police Department, Lieutenant Timothy P. Johnson of the City of Flint Police Department, Detective Diana Mills with the Mt. Morris Township Police Department.

Three persons have been nominated as the Law Enforcement Officer of the Year: Trooper Ryan Pennell with the Michigan State Police, Detective Diana Mills of the Mt. Morris Township Police Department, and Detective Matthew Bade of the Burton Police Department.

There are three nominees for the Department of Human Services Worker of the Year: Jana Carroll, Adriane Laugavitz and Marie Putnam. All three are with the Genesee County Department of Human Services High Risk Unit.

Three Genesee County Assistant Prosecutors are nominated for the Prosecutor of the Year Award. They are Gerald Snodgrass, Andrea Legendre, and Gladys Christopherson.

Receiving the Board of Directors Award is Sheryl Thompson, Director of the Genesee County Department of Human Services. Detective Sean Murphy is the recipient of the CEO Award. Nancy Walsh-Clifford of the McLaren Specialty Clinic is the Social Worker of the Year. Marie Putnam of the Genesee County Department of Human Services High Risk Unit will receive the Outstanding Service to Children Award. The Ruth Mott Foundation is being honored as Foundation of the Year. The Corporation of the Year Award is being given to Genesys Regional Medical Center. The Child Advocacy Center Award will go to McLaren Specialty Clinic, Dr. Edwin Gullekson and Dr. Mischa Pollard.

Mr. Speaker, please join me in congratulating these individuals and organizations for their service to the most vulnerable of our society, our children. They are to be commended for their work in providing on a daily basis, a safe, nurturing environment for children victimized by abuse and neglect.

TRIBUTE TO THE HOSPITAL OF SAINT RAPHAEL AS THEY CELEBRATE THEIR CENTENNIAL ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 2006

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to join all administration, staff, and the New Haven community in extending my sincere congratulations to the Hospital of Saint Raphael as they mark their 100th Anniversary. The Hospital of Saint Raphael is one of New Haven's leading employers as well as one of the largest providers of healthcare in Connecticut. As we commemorate this remarkable milestone, we also celebrate all that the Hospital of Saint Raphael has brought to our community and look forward to the innovations that are sure to come in the future.

Since its founding by the Sisters of Charity of Saint Elizabeth 100 years ago, the Hospital of Saint Raphael has grown from a 12-bed facility to a 511-bed community teaching hospital. The Sisters came to New Haven at the request of a group of local physicians who asked that they administer a hospital that would be open to all—all members of the medical profession and any patient, regardless of race, creed, color, or economic status. The Hospital of Saint Raphael, named for one of the few archangels recognized by many faiths and who has been long revered as a patron of the sick and healing, has built on this original vision and has become a local leader in providing quality healthcare to all members of our community. In addition to meeting the general healthcare needs of their patients, the administration and staff have developed a myriad of outreach programs designed specifically to ensure that those most in need—those who are the most underserved—are educated about healthcare and have access to the care that they need. It is that special vision that has driven the success of Saint Raphael's and how they continue to make a difference in our community.

Over the course of my career I have been proud to stand with the leaders of Saint Raphael's—those like my dear friends Sister Louise Anthony, Sister Anne Virginie, and David Benfer—to work with them to bring both local and national attention to a number of healthcare issues facing our communities. Devoting their lives to the Sisters of Charity, Sister Louise and Sister Anne brought not only their compassion, but a unique dedication to the mission of Saint Raphael Hospital. Sister Louise began her time at Saint Raphael's as a nursing student and retired as the chief executive officer. It was under the leadership of Sister Louise that the Hospital of Saint Raphael opened the first freestanding, self contained radiation therapy treatment center in New England as well as became the first community hospital in Connecticut to perform open-heart surgery and open a coronary care unit. Beginning her career as associate administrator, then as president of the hospital. and finally as president and chief executive officer of the Saint Raphael Healthcare System, Sister Anne provided Connecticut residents with the highest quality health care. Today their outstanding leadership is followed by David Benfer who, during his tenure of six years, has enabled Saint Raphael's to further its reputation as a clinical pioneer in cardiac, cancer, orthopedic, neurosciences, and geriatric services.

The Hospital of Saint Raphael has been a long-standing champion of efforts to bring awareness to lawmakers of the seriousness of today's healthcare crisis as well as the plight of uninsured Americans. Saint Raphael's and its staff were also one of the leading advocates for and were instrumental in the passage state legislation which protects women from the dangers of drive through mastectomies. This is an issue which I have taken an active interest in at the federal level and I am grateful for the support I have received from the Hospital, its staff and its leaders. It is this kind of advocacy, compassion, and commitment to quality healthcare that has made Saint Raphael's such a success over the last century.

It is a privilege for me to rise today to pay tribute to the invaluable contributions the Hospital of Saint Raphael has made, not only to our community, but to the healthcare community as well. I am proud to extend my sincere congratulations to this outstanding institution as they celebrate their centennial anniversary. I have no doubt that in the years to come, the Hospital of Saint Raphael will continue to be a leader in the healthcare industry and a vigilant advocate on behalf of those most in need.

RECOGNIZING THE HONORABLE FRANCES TYDINGCO-GATEWOOD ON HER INVESTITURE AS A FEDERAL JUDGE

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 2006

Ms. BORDALLO. Mr. Speaker, I rise today to congratulate the Honorable Frances Marie

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Tydingco-Gatewood, who was nominated by the President and sworn in on October 30, 2006 to serve as a United States District Court Chief Judge for the District of Guam. One of our island's finest jurists, Judge Tydingco-Gatewood has a distinguished career of service to our island in the judicial system.

Born on January 21, 1958 on the island of Oahu, Hawaii to Daniel J. and Francesca S. Tydingco, she returned with her family to her island of Guam as a young child and grew up in the village of Mongmong-Toto-Maite. She attended Yigo Elementary School, Barrigada Junior High, Dededo Junior High and graduated from George Washington High School in Mangilao in 1976.

Proving that hard work leads to success, Judge Tydingco-Gatewood earned her Bachelor of Arts degree from Marquette University in 1980 and in 1983 achieved a personal milestone as she earned her law degree from the University of Missouri-Kansas City. After graduating from law school, Judge Tydingco-Gatewood began her career as a law clerk for the Presiding Judge of the Jackson County Circuit Courts in Kansas City, Missouri. In 1984, she returned home to Guam and became the first Chamorro woman to be appointed as an Assistant Attorney General. She served as an Assistant Prosecutor in Jackson County, Missouri from 1988 to 1990, and upon returning to Guam with her new experience, became Guam's first Chamorro woman appointed as Chief Prosecutor.

As Chief Prosecutor, Frances Tydingco-Gatewood exhibited the professionalism and leadership skills that would earn the respect of her peers and later appointment to the bench. She gained a reputation as a tough prosecutor and a savvy lawyer. In 1994 Governor Joseph F. Ada appointed her as a Judge in the Superior Court of Guam and in 2001 she was appointed by Governor Carl T. C. Gutierrez as an Associate Justice on the Supreme Court of Guam.

She was appointed by Chief Justice F. Philip Carbullido to chair seven Guam Supreme Court subcommittees. She served as co-chairperson of the Family Violence Task Force where she has been a community leader in raising awareness about domestic violence. Justice Tydingco-Gatewood serves as co-chairperson for the Pacific Judicial Council Education Committee, which is dedicated to improving the education of all Justices, Judges and Courts staff for Guam, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, American Samoa, the Republic of the Marshall Islands, and the Federated States of Micronesia.

It is Judge Tydingco-Gatewood's character and her distinguished career that led me to confidently recommend her for the federal bench at her confirmation hearing before the Senate Committee on the Judiciary on July 11, 2006. She is a leader, a role model for our young citizens, and a strong Chamorro woman who embodies the integrity and pride of the Chamorro people. On behalf of the people of Guam, it is my privilege to recognize Judge Frances Tydingco-Gatewood and her achievements which are an inspiration to women in Guam and throughout our nation.

As she stands alongside her husband of 25 years, Dr. Robert Gatewood and their three sons, Daniel, Michael and Stephen, she has the support of our community and the confidence of the President and the Congress. We all share her joy with her family and friends and we wish her every success as she undertakes the greatest challenge of her remarkable legal career.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 2006

Mrs. MYRICK. Mr. Speaker, on rollcall No. 514, I was unable to vote due to unforeseen circumstances. Had I been present, I would have voted "yea."

TRIBUTE TO DR. PRASAD KOMMAREDDI

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 2006

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to Dr. Prasad Kommareddi as he completes his term as President of the Genesee County Medical Society. Dr. Kommareddi was honored at the annual President's Ball held on November 4th in my hometown of Flint, Michigan.

After attending Guntur Medical College in India, Dr. Kommareddi completed a residency in Pediatrics at St. John's Episcopal Hospital and a residency in Internal Medicine at Hurley Medical Center. After adopting Flint as his new home, Dr. Kommareddi went on to become board certified in three areas, Internal Medicine, Addiction Medicine, and Quality Assurance and Utilization Review.

Dr. Kommareddi has been active in enhancing the relationship between physicians and third party payers. He served as a medical advisor to MCare, Blue Care Network, and served as a member of the Michigan State Medical Society Committees on Licensing and Regulation and Third Party Payer Liaison.

Recognized by his peers for his leadership, insight, and focus, Dr. Kommareddi has been elected to several positions by his fellow physicians. He is the past president of the Physicians of India Association, has served on the Genesee County Medical Society Board of Directors, and as a delegate to the Genesee County Medical Society House of Delegates, and president of the Genesee County Medical Society Affiliated Companies. He is currently a Member of the Board of Genesys PHO, Chair of its Finance Committee and serves as its Administrative Medical Director.

Prasad Kommareddi's term as the President of the Genesee County Medical Society was underscored by his excellent guidance and concentration on implementing major components of the Medical Society's Strategic and Long Range plan. He worked to increase cooperation and involvement by the members and spotlighted the need for quality and evidence based initiatives.

Compassion is an integral part of being a good medical doctor and Dr. Kommareddi has worked over the years to educate patients about maintaining healthy lifestyles. Conducting weekly group meetings to explain the repercussions of diabetes, high cholesterol, cardiovascular disease and obesity. He provides these meetings free of charge. The Michigan Surgeon General has acknowledged his motivational efforts: He is the recipient of the Michigan Steps Up Award from the State of Michigan and the Health Plus Award for 25 years of service. In addition to being an outstanding physician, Dr. Kommareddi and his wife, Jay, are the proud parents of two daughters, Malika and Madhuri.

Mr. Speaker, I would like to take this opportunity to thank Dr. Prasad Kommareddi for sharing his skill with his patients, his co-workers, fellow medical doctors, and the people of Michigan. The Flint area is a better place because of his commitment to improving the health of its citizens. I wish him the best as he continues to serve to community.

TRIBUTE TO DR. MEL GOLDSTEIN AS HE CELEBRATES HIS 10TH ANNIVERSARY AS A CANCER SURVIVOR

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 2006

Ms. DELAURO Mr. Speaker, in each of our communities we have local celebrities and there is always one to which we feel most akin—that personality that touches your life in a way that you never expected. For me, and for residents across Connecticut, that person is Dr. Mel Goldstein, meteorologist for WTNH News Channel 8. Tonight, family, friends, colleagues, and community leaders have gathered to celebrate a very special occasion for Dr. Mel—his 10th anniversary as a cancer survivor. This is a remarkable milestone—one which I am honored to share with him.

Dr. Mel, as he is affectionately known by all Connecticut residents, has been welcomed into thousands of homes over the years. He is more than just our weatherman—he is our friend. You can only imagine how stunned we all were when Dr. Mel announced that he had been diagnosed with multiple myeloma, an incurable but treatable cancer of the plasma cell. With a strength and determination that continues to inspire all of us, Dr. Mel shared his story with the world and in the 10 years since his diagnosis has brought much needed attention to this disease, the technological advancements in treatments that are available, and about living and coping with myeloma.

In bringing his personal battle with multiple myeloma to the public, Dr. Mel brought light to this rare disease and hope to the thousands of Americans, as well as their families and loved ones, who have been diagnosed with this cancer. Driven by his determination to win this fight, Dr. Mel established the Dr. Mel Goldstein Multiple Myeloma Fund at the Yale Cancer Center. Donating all proceeds from his speaking engagements as well as those from the two editions of his book, The Complete Idiot's Guide to the Weather, in the 7 years since its establishment, the Fund has raised thousands of dollars which have been directed to ongoing research and clinical trials that target this incurable form of cancer.

As a cancer survivor myself, I have the deepest respect and admiration for Dr. Mel and his willingness to be so open about something so personal and a health concern that can be the most frightening experience of your life. In describing himself, he uses the words optimistic, positive, and persistent—I cannot think of a more fitting description. Perhaps what has been most inspiring about his 10-year battle with myeloma is that we have never seen him without that engaging smile and good-natured laugh. He has and continues to face the challenges of this disease with integrity and determination—he is one of a kind!

The late Rabbi Jerome Malino of Danbury, Connecticut once said, "It is much better to live one's life as an optimist and be wrong, than a pessimist and be right." This has been the motto by which Dr. Mel has not only approached his life, but his battle with cancer as well. He has given us all reason to be optimistic that we will find what we all seek—a cure. It is my great pleasure to rise today to salute Dr. Mel Goldstein for all that he has and will accomplish towards that goal. I am pleased to join his wife, Arlene, family, friends, and colleagues in extending my heartfelt congratulations on this very special occasion as well as my very best wishes for continued health and happiness.

RECOGNIZING THE 35TH ANNIVERSARY OF SANCTUARY, INCORPORATED

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 2006

Ms. BORDALLO. Mr. Speaker, I rise today to recognize the achievements of Sanctuary, Incorporated on the occasion of the organization's 35th Anniversary. Sanctuary is a community-based nonprofit organization in Guam dedicated to facilitating and supporting conflict resolution activities aimed to reconcile differences between family members and reunite estranged families.

Sanctuary was incorporated under the law of Territory of Guam in 1971. Originally the organization sought to provide counseling teenage runaways on the island. Sanctuary's primary purpose was to provide these youths with a temporary residential shelter while offering family counseling services. Sanctuary has grown over the last 35 years and it has expanded its services to accommodate the diverse needs and complex issues of today's youth.

Sanctuary began expanding its mission in the late 1980s. For instance, the organization opened its Transitional Living Program, TLP, to assist older youth who were aging out of the foster care system but who were unable to return to their families. The TLP program helped prepare these youths for adulthood by teaching them the fundamentals of independent living. Sanctuary also established a community-based Drug Prevention program in the 1990s. What is more, the organization developed the parental assistance program Ayuda Para I Manaina, APIM. Lastly, it created programs to provide for the emotional and physical needs of teens and young adults victimized by domestic violence, child abuse, sexual assault or other crimes. These programs have made and continue to make important contributions to strengthening our community on Guam.

Sanctuary has led other initiatives as well. The organization recently received federal funding to create theatrical productions to prevent teenage tobacco use in Guam. With those funds, the organization produced a music album and video in 2003 featuring young musicians and aspiring actors and actresses from Guam. The project advocated a tobacco-free lifestyle and was distributed to Guam's middle and high schools for use as a classroom instructional resource. Most recently, Sanctuary opened Guam's first and only substance abuse treatment program for adolescents, Sagan Na' Homlo (Para I Manhoben). Sagan Na' Homlo provides two cycles of services and counseling to youth between the ages of 12 and 17 who struggle with drugs and alcohol. This two cycle approach is taken to ensure these at-risk youths receive the maximum benefits of the service and counseling available to them through this program. Today, Sanctuary also operates a Co-Ed Emergency Shelter that has the capacity to care for 18 youths. The shelter is designed as a safe alternative for abused, runaway, homeless and troubled youth to turn to when they are experiencing challenges.

For the 35 years, Sanctuary, Incorporated has been the leader in increasing public awareness of at-risk youth situations and providing those youths, their families, and the community of Guam with resources, counseling and support services. With the steadfast commitment, dedication, and leadership of Sanctuary's current Executive Director, Sarah Thomas-Nededog, and Sanctuary's staff, faculty, Board of Directors and volunteers, the organization has become a true force for good on Guam, helping countless youths coping with the physical and emotional abuse to become valuable, functional and contributing members of society.

On behalf of all the people of Guam, I extend a most Dangkolo' Na Si Yu'os Ma'ase, Maraming Salamat Po, and Congratulations to Sanctuary, Incorporated on the occasion of its 35th Anniversary.

HONORING THE TOWN OF MIDDLEBURY, CONNECTICUT ON THE OCCASION OF ITS BICENTENNIAL CELEBRATION

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 2006

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise today to honor the Town of Middlebury, Connecticut, on the occasion of its bicentennial.

Once a Revolutionary War camp for French General Rochambeau and his troops on their march to Yorktown, West Farms and adjoining portions of Woodbury and Southbury first formed a distinct ecclesiastical society in 1790. The society took up the name Middlebury, derived from the central position its meetinghouse occupied six miles from its three older neighbors, Waterbury, Southbury, and Woodbury. After repeated petitions to the Connecticut General Assembly for independence from Waterbury, the Town of Middlebury was formally incorporated in 1807.

Today, recreational facilities and year-round cultural events are close by; Quassy Amusement Park, a local ski trail, and a town lake are some of the more popular amusements. Teikyo Post University is a short drive away, offering a variety of courses for students in pursuit of undergraduate and graduate degree programs.

Mr. Speaker, I am proud to represent the Town of Middlebury in the United States House of Representatives, and extend my best wishes to the city and its citizens for another 200 years of prosperity.

TRIBUTE TO BISHOP AND MRS. ODIS A. FLOYD

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 2006

Mr. KILDEE. Mr. Speaker, I rise today to honor Bishop and Mrs. Odis A. Floyd as they celebrate their 37th Pastoral Anniversary. The congregation is planning several events to commemorate this anniversary throughout the month of November starting with a banquet on November 4 and ending with a day of celebration on November 26.

Bishop Floyd accepted his call to ministry in April 1964. Working with his grandfather, Reverend L.W. Owens, he helped organize the New Jerusalem Missionary Baptist Church and in November 1969 was unanimously elected as pastor. In 1991 he changed the church's name to New Jerusalem Full Gospel Baptist Church.

Over the years New Jerusalem Full Gospel Baptist Church has grown under Bishop Floyd's guidance. As a "Church on the Move for Christ" the congregation has answered the Bishop's call to expand the ministry beyond the sanctuary doors. The church operates several outreach programs including the New Jerusalem Intervention Ministry Team, Operation Blessing, Nurses and Health Team, Philadelphia Ministry, Youth Ministry, and Singles Ministry. Mrs. Floyd heads the United Women of New Jerusalem. Bishop Floyd's message of salvation is broadcast throughout the week through several media outlets. The New Jerusalem Tape Ministry makes available copies of church services, special programs and Bible Study. The Christian Education Department runs the vibrant Children's Church, Sunday School, Adult Bible Class and the Upward Bound program. As part of the foundation of church life, the Prayer Ministry is at the forefront of the Wednesday Night Intercessory Prayer services and the 24-hour prayer vigil, "The Jerusalem Watch." The church moved into the present worship complex in 1994.

Bishop Floyd is the 2nd Presiding Bishop of the Full Gospel Baptist Church Fellowship, a board member of Concerned Pastors for Social Action, the Visually Impaired Center, and Gospel Today Magazine. He is the Past President of the Baptist Assembly of Free Spirit Churches, the Past Youth Director of the Great Lakes District Congress of Christian Education, he has received the Good Scout Award, and he was a nominee for the Soul Train Award, the Gospel Music Workshop of America Excellence Award, and a Grammy nominee for Best Soul Gospel Male Performance. Music has played an important part in the church ministry and Bishop Floyd can be heard performing on several albums.

His participation in the Flint community goes beyond New Jerusalem Full Gospel Baptist Church. Bishop Floyd has served on the boards of several organizations and is involved in improving the quality of life in the Flint area including the Bishop International Airport Authority Board and the Flint Urban Insurance List Steering Committee with the Governor's Office of Community and Faith-Based Initiatives. In addition to their service to Our Lord, Bishop Floyd and his wife Brenda are the devoted parents of Anthony and Nikki.

Mr. Speaker I ask the House of Representatives to join me in congratulating Bishop Odis and Brenda Floyd as they celebrate their 37th Pastoral Anniversary. May Our Lord bless them and bless New Jerusalem Full Gospel Baptist Church.

TRIBUTE TO ROBERT LATORRACA ON THE OCCASION OF HIS RETIREMENT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 2006

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to join the many family, friends, and colleagues who have gathered in extending my sincere congratulations to Robert LaTorraca as he celebrates his retirement after more than thirty years of dedicated service to American Medical Response.

In each of our communities, we have emergency response services which we depend on. However, ambulatory services, like those provided by American Medical Response, are often overlooked with police, fire, and other services at the forefront of discussion and debate. American Medical Response serves more communities and customers than any other private ambulance service provider in the nation. But more importantly, the organization's employees, those like Bob LaTorraca, serve their local communities on a personal basis, as part of the community where they live and work.

A graduate of Hamden High School and alumni of Quinnipiac College and Southern Connecticut State University, Bob has spent a lifetime in the community and his dedication to its protection and safety is unquestionable. Bob began his career as a field emergency medical technician with the New Haven Ambulance service and quickly earned his way to the position of Vice President of Operations. During the beginning of his career, Bob distinguished himself as an innovator by developing the first proprietary accounts receivable system in the state and establishing the first neonatal transport contract with Yale-New Haven Hospital. When, in the early nineties, New Haven Ambulance Service became one of the four founding companies of American Medical Response, Bob was named Chief Operating Officer for Connecticut and for the Northeast Operations just a few years later.

Leading a team of more than eight thousand employees in 23 states prior to his retirement, Bob achieved great professional success, however, his innumerable contributions to communities in need are what set him apart. Most recently, and perhaps most notably, were the actions he took following two of the most devastating events in our Nation's history. On September 11, 2001, he personally led a contingent of American Medical Response personnel from both Connecticut and New York to support of Fire Department of New York, and, just this past year, Bob has made a number of trips to assist in the ongoing relief efforts in Mississippi in the wake of Hurricane Katrina. Bob has also left an indelible mark on his own community with his outstanding efforts on behalf of a variety of local organizations and committees. The Hamden Fire Commission, the Shirley Frank Foundation, the Clelian Adult Daycare Center, and Mothers Against Drunk Driving are just a few of those who have benefited from Bob's support. The myriad of awards and citations that he has been honored with are testament to his enduring commitment to our community.

I have often said our communities would not be the same without the efforts of those who dedicate their time and energies to making a difference. Bob is a reflection of all that we want our community members to be. His compassion, generosity, and faithful service has touched countless lives. It is an honor for me to stand today to join his wife, Marby; his children, Maresa, Rob, and Jared; as well as the family, friends, and colleagues who have gathered today in extending my sincerest thanks and appreciation to Robert LaTorracca for all that he has given to our community. He is an inspiration to many and leaves a legacy that will continue to have a positive impact on the lives of others for generations to come. I wish he and Marby the very best as they enjoy his retirement and many more years of health and happiness.

PETE WHEELER, COMMISSIONER, GEORGIA DEPARTMENT OF VETERANS SERVICE

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 2006

Mr. KINGSTON. Mr. Speaker, I rise today to honor the life and contributions of Pete Wheeler, the Georgia Commissioner of Veterans Affairs, who is being honored this Veterans Day as Georgia's "Veteran of the Century." Pete Wheeler is an incredible person and a true friend to all those who have served in our country's armed forces.

Pete Wheeler's dedication to public service and our veterans is deep-rooted. He enlisted in the U.S. Army in 1942 and served in the Army Infantry. He retired as a Brigadier General in the National Guard in 1978. After graduating from the University of Georgia, he began his career with the Georgia Department of Veterans Service In 1949, and has worked personally with the 11 U.S. Presidents and 11 Georgia Governors since then. In 1954, he was appointed Georgia Chairman, National Veterans Day Committee and he still serves in that capacity. He was appointed to the U.S. Veterans Advisory Commission by President Lyndon B. Johnson in 1967. Upon his appointment in 1994, he served as chairman of the World War II Memorial Advisory Board for President Clinton and President George W. Bush.

A true and faithful friend to veterans, Pete Wheeler has been an advocate of their causes for more than half a century. On a national level he is looked upon among the State Directors and Commissioners as the "Dean of Veterans." He has been instrumental in many innovative programs to benefit veterans and their families, including starting the first ever "State Supermarket of Veterans Benefits" in 1966, a one-stop service for veterans and their families to gather information regarding Federal and State benefits to which they might be entitled. During his tenure, established two State veteran's cemeteries and played an influential part in the establishment of the GA National Cemetery in Cherokee County, Georgia, and the Annual Service Officer School was established. This workshop brings together veterans benefit counselors from field offices as well as leadership from the State's veterans groups and national offices involved in veteran's issues. This has been an annual event for 47 years.

His awards include the Silver Helmet Award, presented by AMVETS; Freedoms Foundation at Valley Forge George Washington Honor Medal; the American Legion Gold Honor Medal and the Veterans of Foreign Wars Silver Medal of Merit.

Veterans and all Georgians are fortunate to have Pete Wheeler working for them. He is a model of civic pride and community service. Pete Wheeler has made an immeasurable contribution to our State, and our Nation.

WELCOMING THE UNITED JEWISH COMMUNITIES GENERAL ASSEMBLY TO LOS ANGELES

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 2006

Mr. WAXMAN. Mr. Speaker, it is a pleasure to welcome the 2006 United Jewish Communities General Assembly to Los Angeles. It is an honor to host this national gathering and showcase our very own LA Jewish Federation, which has deep roots and a long and accomplished history of community service.

The UJC's tireless advocacy on behalf of seniors, children, and countless others in need is critically important and deeply valued. The reach of their care and concern extends across the United States, Israel and to Jewish communities around the world. I am particularly proud of the UJC's efforts to expand the Naturally Occurring Retirement Communities (NORC) program, which brings dignity and much-needed help to the elderly. I would also like to commend their immediate mobilization to rebuild neighborhoods and kibbutzim in Northern Israel recovering from Hezbollah rocket attacks.

Collectively, UJC shines as a beacon of the Jewish value of tzedakah. Individually, each one of the dedicated UJC staff, volunteers and contributors deserves recognition for making a real difference in people's lives, one person at a time. I look forward to working with UJC in the future to achieve the goals we share.

TRIBUTE TO DARLENE HUNTER DAVIS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 2006

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to Darlene Hunter Davis, the Illustrious Commandress of Oman Court Number 132, Daughters of Isis Auxiliary, to the Imperial Council Ancient Egyptian Arabic Order Nobles of the Mystic Shrine. Darlene was honored at the 46th Annual Commandress Ball on October 28th in my hometown of Flint, Michigan.

The Daughters of Isis Auxiliary was formed in 1910 as an auxiliary of the family members of the Prince Hall Shriners. The purpose was to unite the relatives of A.E.A.O.N.M.S. Inc. members together under one bond of friendship, charity, benevolence, honor and integrity as symbolized in the legend of the Egyptian queen, the goddess Isis.

Darlene Hunter Davis embodies these qualities. After graduating from Flint Central High School she attended Detroit College of Business and started working for Hurley Medical Center. She went back to school after 20 years and obtained her Associate's Degree in Business Administration/General Management from Detroit College of Business.

She is active with Mount Pisgah Church, her family and friends and serves on various committees at Hurley Medical Center. Married to Emery Davis, she is the mother of Gaquilla H. Skinner, the grandmother of three and has several great-grandchildren. Darlene is a member of the Royal Star Chapter 27 O.E.S., P.H.A. Jurisdiction of Michigan.

Mr. Speaker, please join me in commending Darlene Hunter Davis on her service to the Oman Temple and the Flint community and I wish her the best in her future endeavors.

HOUSE OF REPRESENTATIVES—*Monday, November 13, 2006*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. GINGREY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 13, 2006.

I hereby appoint the Honorable PHIL GINGREY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God of the universe, we praise You and thank You as the 109th Congress gathers to resume its work in serving this Nation. Grant all the Members of this assembly wisdom; prudence and courage as these words of Moses are taken to heart and You pour forth Your spirit upon two new Members as well:

"If you will only obey the Lord your God by diligently observing all the commandments that I enjoin on you today, the Lord your God will raise you high above all the nations of the Earth. Every blessing shall come upon you and overwhelm you, if only you obey the Lord your God."

With renewed faith, we place all our trust in You, and give You glory, Lord, by our words and deeds both now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. POE) come forward and lead the House in the Pledge of Allegiance.

Mr. POE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

NO SUBSTITUTE FOR VICTORY

(Mr. POE asked and was given permission to address the House for 1 minute.

Mr. POE. Mr. Speaker, as the war wages on in the deserts of Iraq, there is talk of a new direction. There are only three options: one, retreat because the fight is a bit rough-going. Two, stalemate. A Vietnam-type politically correct draw. Three, victory.

Mr. Speaker, there is no substitute for victory. Let the generals finish the job, win and bring our troops home. Abandoning Iraq is not in the best interest of the United States. If we sneak out now, who is to say the Iranians and their rogue dictator will not come in and make Iraq a puppet nation of their radicalism.

Confront the armed militias who murder Iraqis in the name of religion, like al-Sa'dr's Mahdi army. The thugs who roam the streets are not engaged in civil war, but terror and anarchy and murder.

The question I was asked when I was in Iraq by Iraqi citizens was, is America going to leave like in 1991 before the war is won? While American politicians are debating that question, turn the U.S. military loose on the enemy and let our troops decide that question with total victory.

And that's just the way it is.

AMERICA'S NEED FOR FUEL INDEPENDENCE

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, at one time the United States of America overwhelmingly was an agrarian country, but today only 2 percent of the population are farmers. Yet those 2 percent feed all 100 percent of us and a great portion of the rest of the world as well.

Now, when it comes to energy, however, we import 60 percent; yet America consumes 25 percent of the world's oil. We need, for the sake of national security, fuel independence. In 2004, we bought over $100 billion of oil from non-democratic countries, countries like Saudi Arabia, Iran, Iraq, Russia, Venezuela, countries that are not always with the United States on a lot of matters and particularly on their votes in the U.N.

When we do this, we are funding both sides in the war on terrorism. We need to move towards alternatives: biofuel, ethanol, hydrogen. These technologies are already out there; we just need to have a national commitment to have fuel independence.

I have proposed a bill, H.R. 4409, which is cosponsored by Mr. ENGEL of New York, that moves us in that direction in 20 years. I urge my colleagues to join us and take a good serious look at fuel independence.

CONGRATULATING THE HOUSTON DYNAMO

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, soccer anyone? Mr. Speaker, I rise today to congratulate the Houston Dynamo, located in the 18th Congressional District, who are now the 2006 Major League Soccer Cup champions, as they won it just yesterday in front of thousands of soccer fans at Pizza Hut Park. The Houston Dynamo emerged victorious against the New England Revolution.

A bet was made with the mayor of the City of Houston and the mayor of Boston now has to pay up, legally. The win was with a score of 4-3 on penalty kicks after the team played to a 1-1 draw through regulation and extra time.

This is a young team that moved from San Jose, and we in Houston are enthusiastic and absolutely dynamic about the Dynamo. Congratulations to Kelly Gray, Stuart Holden, Dwayne De Rosario and Brian Ching who successfully converted from the penalty spot in the shoot-out. Brian Ching was recognized as the match's most valuable player.

This is the Dynamo's first season in Houston. They have surely made a warm welcome for themselves. The team is led by 2005 Major League Soccer Coach of the Year, Dominic Kinnear. Let me acknowledge Dynamo investor-operator Philip Anschutz for the time and commitment he has given to U.S. soccer and the City of Houston.

Let me also thank Oliver Luck and all of the management team family. I also congratulate the players and their families for making the transition from their other city to Houston, Texas. Let me also say that the Dynamo are great civic leaders and participants. I am delighted that they are going to be involved with our school districts in Houston, the North Forest Independent School District to be able

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

to uplift those students and let them know that staying in school is the right thing to do.

Soccer, anyone? The Houston Dynamo, they are the Major League Soccer Cup winners of 2006. We are proud of them. I yield back knowing that we can play soccer in Houston, Texas.

HOUR OF MEETING ON TOMORROW

Mr. RADANOVICH. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow for morning hour debate, thereafter to resume its session at 11 a.m.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:20 p.m. today.

SIERRA NATIONAL FOREST LAND EXCHANGE ACT OF 2006

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 409) to provide for the exchange of land within the Sierra National Forest, California, and for other purposes.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sierra National Forest Land Exchange Act of 2006".

SEC. 2. DEFINITIONS.

In this Act:

(1) COUNCIL.—The term "Council" means the Sequoia Council of the Boy Scouts of America.

(2) FEDERAL LAND.—The term "Federal land" means the parcel of land comprising 160 acres and located in E½SW¼ and W½SE¼, sec. 30, T. 9 S., R. 25 E., Mt. Diablo Meridian, California.

(3) NON-FEDERAL LAND.—The term "non-Federal land" means a parcel of land comprising approximately 80 acres and located in N½NW¼, sec. 29, T. 8 S., R. 26 E., Mt. Diablo Meridian, California.

(4) PROJECT NO. 67.—The term "Project No. 67" means the hydroelectric project licensed pursuant to the Federal Power Act (16 U.S.C. 791a et seq.) as Project No. 67.

(5) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

SEC. 3. LAND EXCHANGE, SIERRA NATIONAL FOREST, CALIFORNIA.

(a) EXCHANGE AUTHORIZED.—

(1) IN GENERAL.—If, during the 1-year period beginning on the date of enactment of this Act, the owner of the non-Federal land offers to convey to the United States title to the non-Federal land and to make a cash equalization payment of $50,000 to the United States, the Secretary shall convey to the owner of the non-Federal land, all right, title, and interest of the United States in and to the Federal land, except as provided in subsection (d), subject to valid existing rights, and under such terms and conditions as the Secretary may require.

(2) CORRECTION AND MODIFICATION OF LEGAL DESCRIPTIONS.—

(A) IN GENERAL.—The Secretary, in consultation with the owner of the non-Federal land, may agree to make corrections to the legal descriptions of the Federal land and non-Federal land.

(B) MODIFICATIONS.—The Secretary and the owner of the non-Federal land may agree to make minor modifications to the legal descriptions if the modifications do not affect the overall value of the exchange by more than 5 percent.

(b) VALUATION OF LAND TO BE CONVEYED.—For purposes of this section, during the period referred to in subsection (a)(1)—

(1) the value of the non-Federal land shall be considered to be $200,000; and

(2) the value of the Federal land shall be considered to be $250,000.

(c) ADMINISTRATION OF LAND ACQUIRED BY UNITED STATES.—On acquisition by the Secretary, the Secretary shall manage the non-Federal land in accordance with—.

(1) the Act of March 1, 1911 (commonly known as the "Weeks Act") (16 U.S.C. 480 et seq.); and

(2) any other laws (including regulations) applicable to the National Forest System.

(d) CONDITIONS ON CONVEYANCE OF FEDERAL LAND.—The conveyance by the Secretary under subsection (a) shall be subject to the conditions that—

(1) the recipient of the Federal land convey all 160 acres of the Federal land to the Council not later than 120 days after the date on which the recipient receives title to the Federal land;

(2) in accordance with section 4(a), the Secretary grant to the owner of Project No. 67 an easement; and

(3) in accordance with section 4(b), the owner of Project No. 67 has the right of first refusal regarding any reconveyance of the Federal land by the Council.

(e) DISPOSITION AND USE OF CASH EQUALIZATION FUNDS.—

(1) IN GENERAL.—The Secretary shall deposit the cash equalization payment received under subsection (a)(1) in the fund established by Public Law 90–171 (commonly known as the "Sisk Act") (16 U.S.C. 484a).

(2) USE.—Amounts deposited under paragraph (1) shall be available to the Secretary until expended, without further appropriation, for the acquisition of land and any interests in land for the National Forest System in the State of California.

(f) COST COLLECTION FUNDS.—

(1) IN GENERAL.—The owner of the non-Federal land shall pay to the Secretary all direct costs associated with processing the land exchange under this section.

(2) COST COLLECTION ACCOUNT.—

(A) IN GENERAL.—Any amounts received by the Secretary under paragraph (1) shall be deposited in a cost collection account.

(B) USE.—Amounts deposited under subparagraph (A) shall be available to the Secretary until expended, without further appropriation, for the costs associated with the land exchange.

(C) REFUND.—The Secretary shall provide to the owner of the non-Federal land a refund of any amounts remaining in the cost collection account after completion of the land exchange that are not needed to cover expenses of the land exchange.

(g) LAND AND WATER CONSERVATION FUND.—For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9), the boundaries of the Sierra National Forest shall be considered to be the boundaries of the Sierra National Forest as of January 1, 1965.

SEC. 4. GRANT OF EASEMENT AND RIGHT OF FIRST REFUSAL.

In accordance with the agreement entered into by the Forest Service, the Council, and the owner of Project No. 67 entitled the "Agreement to Convey Grant of Easement and Right of First Refusal" and executed on April 17, 2006—

(1) the Secretary shall grant an easement to the owner of Project No. 67; and

(2) the Council shall grant a right of first refusal to the owner of Project No. 67.

SEC. 5. EXERCISE OF DISCRETION.

In exercising any discretion necessary to carry out this Act, the Secretary shall ensure that the public interest is well served.

SEC. 6. GRANTS TO IMPROVE THE COMMERCIAL VALUE OF FOREST BIOMASS FOR ELECTRIC ENERGY, USEFUL HEAT, TRANSPORTATION FUELS, AND OTHER COMMERCIAL PURPOSES.

Section 210(d) of the Energy Policy Act of 2005 (42 U.S.C. 15855(d)) is amended by striking "$50,000,000 for each of the fiscal years 2006 through 2016" and inserting "$50,000,000 for fiscal year 2006 and $35,000,000 for each of fiscal years 2007 through 2016".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentlewoman from South Dakota (Ms. HERSETH) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. RADANOVICH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RADANOVICH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 409 provides for the exchange of land within the Sierra National Forest in California. This bill originally passed the House of Representatives on September 20, 2005, but was recently amended by the Senate.

The land exchange portion of the bill remains unchanged and would exchange 160 acres of Forest Service property, of which only 15 acres is above water, for 80 acres of private land surrounded by national forest. The land owner has agreed to pay the difference of $50.000 to the Forest Service to finalize the land transfer.

After the completion of the exchange, the land owner will then convey the property to the Sequoia Council Boy Scouts who have run a camp on the land under a special use permit for the last 30 years.

The Senate amendment reduces funding for a biomass grant program authorized by the Energy Policy Act of 1995 to pay, in part, for the funding authorized by the unrelated package of other energy and natural resource-related bills.

This biomass grant program was originally authorized at $50 million per year, but only received $4 million in funding this year. The Resources Committee has been very supportive of biomass funding to help reduce hazardous fuels and create valuable byproducts for otherwise unmerchantable woody debris.

And while the Senate's reduction in authorization funding is somewhat distressing, the Resources Committee agrees to pass this bill with the understanding that both the House and the Senate work together to increase the amount appropriated for biomass grants in the future. This would, in turn, reduce the cost of removing hazardous fuels from the forest and save taxpayer dollars.

Mr. Speaker, I urge adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

Ms. HERSETH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as Mr. RADANOVICH explained, H.R. 409 directs the Secretary of Agriculture to exchange 160 acres of Federal land in the Sierra National Forest at Shaver Lake for an 80-acre inholding also in the Sierra National Forest.

H.R. 409 also requires that the owners of the non-Federal land make a $50,000 cash equalization payment and convey the Federal land to the Sequoia Council of the Boy Scouts of America within 120 days of receiving it.

Furthermore, an amendment to H.R. 409 made by the other body makes changes to the biomass grants under the Energy Policy Act of 2005.

Mr. Speaker, we have no objections to H.R. 409.

Mr. Speaker, I yield back the balance of my time.

Mr. RADANOVICH. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 409.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

TRAIL OF TEARS STUDY ACT

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 3085) to amend the National Trails System Act to update the feasibility and suitability study originally prepared for the Trail of Tears National Historic Trail and provide for the inclusion of new trail segments, land components, and campgrounds associated with that trail, and for other purposes.

The Clerk read as follows:

Senate amendment:

On page 3, strike lines 1 through 3 and insert the following:

"(iv) The related campgrounds located along the routes and land components described in clauses (i) through (iii).

"(D) No additional funds are authorized to be appropriated to carry out subparagraph (C). The Secretary may accept donations for the Trail from private, nonprofit, or tribal organizations.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentlewoman from South Dakota (Ms. HERSETH) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. RADANOVICH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RADANOVICH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3085, introduced by Congressman ZACH WAMP of Tennessee and amended by the Senate, would amend the National Trails System Act to update a feasibility study originally prepared for the Trail of Tears in 1987. This new study would examine new trail segments, land components and campgrounds associated with the trail, particularly Bell and Benge Segments.

As my colleagues are aware, the Trail of Tears National Historic Trail encompasses the primary water route and northern land route used during the forced removal of the Cherokee Nation from its homelands in the southeast United States to Indian Territory, which is present-day Oklahoma.

Mr. Speaker, I urge adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

Ms. HERSETH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the majority has already explained the purpose of H.R. 3085, which was introduced by our colleague from Tennessee, Representative ZACH WAMP. H.R. 3085 passed the Senate this past July and has been returned to us with an amendment from the Senate.

Mr. Speaker, while the amendment made to H.R. 3085 is, in our view, unnecessary, the overall bill is a good one and we have no objection to the adoption of the legislation by the House today.

□ 1415

Mr. Speaker, I reserve the balance of my time.

Mr. RADANOVICH. Mr. Speaker, I yield 4 minutes to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Mr. Speaker, I just want to thank Chairman POMBO, Chairman RADANOVICH, Ranking Member HERSETH, all of the staffs involved for their work through the Resources Committee and subcommittees on this bill. I would also like to thank my Senate cosponsors, Senator COBURN, Senator FRIST, and majority leader Senator ALEXANDER for their involvement as well. I am very proud to be the lead sponsor of H.R. 3085. Completing the story of the Cherokee removal is an important issue for Congress to address. I urge all of my colleagues to vote for it.

I understand we are going to have a recorded vote on this. We are under suspensions, and I am going to need the votes. I am going to ask everyone to come and vote for this.

It has been cosponsored by 20 of my colleagues, all from districts and States in which the additional components are located. I would also like to add that S. 1970, the Senate companion bill, was sponsored by COBURN, FRIST, and ALEXANDER.

As a consequence of the Indian Removal Act of 1830, a detachment led by John Benge traveled 734 miles starting at Fort Payne, Alabama, continuing through Tennessee, Kentucky, Missouri, Arkansas, and Oklahoma.

The treaty party group led by John A. Bell traveled 765 miles starting at Charleston, Tennessee, traveling through Arkansas, collectively passing through 10 counties in Tennessee eventually.

Also included are 29 forts and the emigration depots located near Fort Payne, Alabama; Ross' Landing, present-day Chattanooga, Tennessee; and Fort Cass, present-day Charleston, Tennessee, where the Cherokee initially were taken after being rounded up from their homes.

Consequently, the intent of H.R. 3085 is to study an expansion of the current Trail of Tears National Historic Trail, which Congress designated in 1987, to include these additional documented components in the National Trails System Act. The proposed additions have been documented by National Park Service historians, military journals, and newspaper accounts.

The bill directs the Secretary of the Interior to complete within 6 months the remaining criteria necessary to determine the designation of additional routes to the Trail of Tears National Historic Trail.

Even today, many interpretation activities along the Trail of Tears seek to remember the historic routes taken by the Benge detachment and the Bell Treaty Party as we are considering inclusion in the National Trails System.

I want to be very clear that it is my intent that this legislation respect private property rights absolutely. I believe the National Park Service has demonstrated strong partnerships geared towards respecting the private property of citizens in its administering of the current Trail of Tears National Historic Trail and will continue to do so upon the addition of the routes.

The designation and interpretation of the sites and trails associated with the Cherokee removal will enhance public understanding of American history. Our greatness as a Nation is our ability to look at our own history objectively and in proper perspective, being mindful of the errors of the past in order to not repeat them. Through this legislation we will honor the historic footsteps taken by the Cherokee and celebrate our future as we remember the past.

Finally, because of historical significance, H.R. 3085 enjoys broad support not only within Congress but also within the Cherokee Nation, Eastern Band of Cherokee and associated trail organizations such as the Trail of Tears Association. The legislation is a wonderful example of how we can better understand a national event through commemoration of the Cherokees' story.

I want to thank principle chief of the Cherokee Nation, Chad Smith; principle chief of the Eastern Band of the Cherokee Nation, Michell Hicks; and everyone at the National and State Trail of Tears Associations, especially Dr. Duane King and Jack Baker.

In closing, Mr. Speaker, let me say that basically in the last 20 years, we have been missing a big piece of the Trail of Tears. It was enacted by statute 20 years ago, but it was very incomplete. Two major trails were never added, and now that we have that documentation, it is important for history, it is important for the Cherokee Nation, it is important for the future of our country to understand what happened and where this happened, where we forcibly removed thousands upon thousands of Cherokee and forced them to their new land in Oklahoma, many dying along the way.

It is a tragic story, but it is one that cannot be swept under the rug. The Cherokee are a proud people, and I am very proud of the Cherokee blood in my veins, and I urge all of my colleagues to join me today in honoring the Cherokee Nation in this great story of Native Americans who were forced from their homeland but have survived and are even stronger today because of the challenges they have been through and to make this wrong right in the history of America.

Ms. HERSETH. Mr. Speaker, I would just like to congratulate the gentleman from Tennessee for his hard work on this important legislation and for his statement on the floor today, and I yield back the balance of my time.

Mr. RADANOVICH. Mr. Speaker, I have no other speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3085.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those voting have responded in the affirmative.

Mr. RADANOVICH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

IDAHO LAND ENHANCEMENT ACT

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1131) to authorize the exchange of certain Federal land within the State of Idaho, and for other purposes.

The Clerk read as follows

S. 1131

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Idaho Land Enhancement Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term "Agreement" means the agreement executed in April 2005 entitled "Agreement to Initiate, Boise Foothills—Northern Idaho Land Exchange", as modified by the agreement executed in March 2006 entitled "Amendment No. 1", and entered into by—

(A) the Bureau of Land Management;

(B) the Forest Service;

(C) the State; and

(D) the City.

(2) BUREAU OF LAND MANAGEMENT LAND.—The term "Bureau of Land Management land" means the approximately 605 acres of land administered by the Bureau of Land Management (including all appurtenances to the land) that is proposed to be acquired by the State, as identified in exhibit A2 of the Agreement and as generally depicted on the maps.

(3) BOARD.—The term "Board" means the Idaho State Board of Land Commissioners.

(4) CITY.—The term "City" means the city of Boise, Idaho.

(5) FEDERAL LAND.—The term "Federal land" means the Bureau of Land Management land and the National Forest System land.

(6) MAPS.—The term "maps" means maps 1 through 7 entitled "Parcel Identification Map: Idaho Lands Enhancement Act Land Exchange" and dated February 28, 2006.

(7) NATIONAL FOREST SYSTEM LAND.—The term "National Forest System land" means the approximately 7,220 acres of land (including all appurtenances to the land) that is—

(A) administered by the Secretary of Agriculture in the Idaho Panhandle National Forests and the Clearwater National Forest;

(B) proposed to be acquired by the State;

(C) identified in exhibit A2 of the Agreement; and

(D) generally depicted on the maps.

(8) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(9) STATE.—The term "State" means the State of Idaho, Department of Lands.

(10) STATE LAND.—The term "State land" means the approximately 11,815 acres of land (including all appurtenances to the land) administered by the State that is proposed to be acquired by the United States, as identified in exhibit A1 of the Agreement and as generally depicted on the maps.

SEC. 3. LAND EXCHANGE.

(a) IN GENERAL.—In accordance with the Agreement and this Act, if the State offers to convey the State land to the United States, the Secretary and the Secretary of Agriculture shall—

(1) accept the offer; and

(2) on receipt of title to the State land, simultaneously convey to the State the Federal land.

(b) VALID EXISTING RIGHTS.—The conveyance of the Federal land and State land shall be subject to all valid existing rights.

(c) EQUAL VALUE EXCHANGE.—

(1) IN GENERAL.—The value of the Federal land and State land to be exchanged under this Act—

(A) shall be equal; or

(B) shall be made equal in accordance with subsection (d).

(2) APPRAISALS.—The value of the Federal land and State land shall be determined in accordance with appraisals—

(A) conducted in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(ii) the Uniform Standards of Professional Appraisal Practice;

(B) reviewed by an interdepartmental review team comprised of representatives of Federal and State agencies; and

(C) approved by the Secretary or the Secretary of Agriculture, as appropriate.

(3) TERM OF APPROVAL.—The term of approval of the appraisals by the interdepartmental review team is extended to September 13, 2008.

(d) CASH EQUALIZATION.—

(1) IN GENERAL.—If the value of the Federal land and State land is not equal, the value may be equalized by the payment of cash to the United States or to the State, as appropriate, in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

(2) DISPOSITION AND USE OF PROCEEDS.—

(A) DISPOSITION OF PROCEEDS.—Any cash equalization payments received by the United States under paragraph (1) shall be deposited in the fund established under Public Law 90-171 (commonly known as the "Sisk Act") (16 U.S.C. 484a).

(B) USE OF PROCEEDS.—Amounts deposited under subparagraph (A) shall be available to the Secretary of Agriculture, without further appropriation and until expended, for the acquisition of land and interests in land for addition to the National Forest System in the State.

(e) TIMING.—It is the intent of Congress that the land exchange authorized and directed by this Act shall be completed not later than 180 days after the date of enactment of this Act.

(f) RIGHTS-OF-WAY.—

(1) RIGHTS-OF-WAY TO NATIONAL FOREST SYSTEM LAND.—The Secretary of Agriculture,

under the authority of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), shall convey to the State any easements or other rights-of-way to National Forest System land that are—

(A) appropriate to provide access to the National Forest System land acquired by the State; and

(B) agreed to by the Secretary of Agriculture and the State.

(2) RIGHTS-OF-WAY TO STATE LAND.—The State shall convey to the United States any easements or other rights-of-way to land owned by the State that are—

(A) appropriate to provide access to the State land acquired by the United States; and

(B) agreed to by—

(i) the Secretary or the Secretary of Agriculture; and

(ii) the State.

(g) COSTS.—The City, either directly or through a collection agreement with the Secretary and the Secretary of Agriculture, shall pay the administrative costs associated with the conveyance of the Federal land and State land, including the costs of any field inspections, environmental analyses, appraisals, title examinations, and deed and patent preparations.

SEC. 4. MANAGEMENT OF FEDERAL LAND.

(a) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(1) IN GENERAL.—There is transferred from the Secretary to the Secretary of Agriculture administrative jurisdiction over the land described in paragraph (2).

(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) is the approximately 2,110 acres of land that is administered by the Bureau of Land Management and located in Shoshone County, Idaho, as generally identified in exhibit A3 of the Agreement.

(3) WILDERNESS STUDY AREAS.—Any land designated as a Wilderness Study Area that is transferred to the Secretary of Agriculture under paragraph (1) shall be managed in a manner that preserves the suitability of land for designation as wilderness until Congress determines otherwise.

(b) ADDITIONS TO THE NATIONAL FOREST SYSTEM.—The Secretary of Agriculture shall administer any land transferred to, or conveyed to the United States for administration by, the Secretary of Agriculture in accordance with—

(1) the Act of March 1, 1911 (commonly known as the "Weeks Act") (16 U.S.C. 480 et seq.); and

(2) the laws (including regulations) applicable to the National Forest System.

(c) LAND TO BE MANAGED BY THE SECRETARY.—The Secretary shall administer any State land conveyed to the United States under this Act for administration by the Secretary in accordance with—

(1) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(2) other applicable laws.

(d) LAND AND WATER CONSERVATION FUND.—For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of the Idaho Panhandle National Forests and the Clearwater National Forest shall be considered to be the boundaries of the Idaho Panhandle National Forests and the Clearwater National Forest, respectively, as of January 1, 1965.

SEC. 5. MISCELLANEOUS PROVISIONS.

(a) LEGAL DESCRIPTIONS.—The Secretary, the Secretary of Agriculture, and the Board may modify the descriptions of land specified in the Agreement to—

(1) correct errors; or

(2) make minor adjustments to the parcels based on a survey or other means.

(b) REVOCATION OF ORDERS.—Subject to valid existing rights, any public land orders withdrawing any of the Federal land from appropriation or disposal under the public land laws are revoked to the extent necessary to permit disposal of the Federal land.

(c) WITHDRAWALS.—

(1) FEDERAL LAND.—Subject to valid existing rights, pending completion of the land exchange, the Federal land is withdrawn from—

(A) all forms of location, entry, and patent under the mining and public land laws; and

(B) disposition under the mineral leasing laws and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.).

(2) STATE LAND.—Subject to valid existing rights, the land transferred to the United States under this Act is withdrawn from—

(A) all forms of location, entry, and patent under the mining and public land laws; and

(B) disposition under the mineral leasing laws and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.).

(3) EFFECT.—Nothing in this section precludes the Secretary or the Secretary of Agriculture from using common varieties of mineral materials for construction and maintenance of Federal roads and facilities on the State land acquired under this Act.

Passed the Senate September 29, 2006.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentlewoman from South Dakota (Ms. HERSETH) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. RADANOVICH. Mr. Speaker, I ask unanimous consent that all Members may be given 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RADANOVICH. Mr. Speaker, I yield myself as much time as I may consume.

The Boise foothills provide a beautiful, open-space backdrop for the city of Boise. For decades, community members have sought a way to protect open space, and in May 2001, the citizens of Boise approved a tax to secure open space in the foothills.

Roughly 7,700 acres of land in the Boise foothills is owned by the State of Idaho. The State is required to manage these lands to maximize revenue, which would likely lead to development. S. 1131, introduced by Senator LARRY CRAIG in the Senate and Congressman BUTCH OTTER in the House, would remedy this problem by codifying an agreement produced collaboratively by the city of Boise and the State of Idaho and the Forest Service and the Bureau of Land Management. The agreement would exchange Idaho State endowment lands on an equal-value basis with other Federal and State lands across a broad area in the State.

I urge support of this important measure.

Mr. Speaker, I reserve the balance of my time.

Ms. HERSETH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this land exchange reflects an agreement reached between the Forest Service, Bureau of Land Management, Idaho Department of Lands, and the city of Boise.

The city of Boise has significant interest in preserving the Boise foothills for open space. However, the State of Idaho has a constitutional mandate to maximize revenue on their State lands and cannot manage State lands in the Boise foothills for open space.

Therefore, S. 1131 transfers 11,815 acres of lands from the Idaho Department of Lands to the Forest Service and Bureau of Land Management to be managed for open space preservation for the benefit of the city of Boise. The State Department of Lands will acquire 7,220 acres of National Forest System lands that are timber-producing lands and 605 acres of lands from the Bureau of Land Management.

Mr. Speaker, we have no objections to S. 1131.

Mr. OTTER. Mr. Speaker, I rise today in support of S. 1131 the Idaho Land Enhancement Act. This legislation directs the Secretaries of Agriculture and Interior to exchange land with the State of Idaho, including key parcels in the Boise Foothills and North Idaho.

Protecting the Boise Foothills from unchecked development has long been a priority for residents of Boise, Idaho. In May 2001 the citizens of Boise, in one of the highest voter turnouts in city history, elected to tax themselves in order to provide funding to secure permanent public open space in the Boise Foothills. The land exchange before you today is a key component of that effort.

The exchange concept was developed between the Idaho Department of Lands, the Bureau of Land Management and the U.S. Forest Service with the assistance of the City of Boise. It uses both Bureau of Land Management and Forest Service acreage to balance an exchange with Idaho State Endowment lands on an equal-value basis. Bureau of Land Management, Forest Service and Idaho Department of Lands staff have identified parcels that help reduce threats to federal forests and grasslands identified by the Chief of the Forest Service while conveying land to the State of Idaho that help the State's endowment fund beneficiaries.

I introduced identical legislation H.R. 2718, and I appreciate all of the assistance we got from the House Resources Committee in moving this bill through the process. This land exchange is an agreement on which everyone wins. The state of Idaho gets more timberland; the schools get more timber revenue; the people of the Boise area get more open space; and the state and federal agencies involved get a higher level of management efficiency.

I would appreciate your support of this small but important piece of legislation.

Ms. HERSETH. Mr. Speaker, I yield back the balance of my time.

Mr. RADANOVICH. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the Senate bill, S. 1131.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

PITKIN COUNTY LAND EXCHANGE ACT OF 2006

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 1129) to authorize the exchange of certain land in the State of Colorado.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pitkin County Land Exchange Act of 2006".

SEC. 2. PURPOSE.

The purpose of this Act is to authorize, direct, expedite, and facilitate the exchange of land between the United States, Pitkin County, Colorado, and the Aspen Valley Land Trust.

SEC. 3. DEFINITIONS.

In this Act:

(1) Aspen Valley Land Trust.—

(A) In general.—The term "Aspen Valley Land Trust" means the Aspen Valley Land Trust, a nonprofit organization as described in section 501(c)(3) of the Internal Revenue Code of 1986.

(B) Inclusions.—The term "Aspen Valley Land Trust" includes any successor, heir, or assign of the Aspen Valley Land Trust.

(2) County.—The term "County" means Pitkin County, a political subdivision of the State of Colorado.

(3) Federal land.—The term "Federal land" means—

(A) the approximately 5.5 acres of National Forest System land located in the County, as generally depicted on the map entitled "Ryan Land Exchange-Wildwood Parcel Conveyance to Pitkin County" and dated August 2004;

(B) the 12 parcels of National Forest System land located in the County totaling approximately 5.92 acres, as generally depicted on maps 1 and 2 entitled "Ryan Land Exchange-Smuggler Mountain Patent Remnants Conveyance to Pitkin County" and dated August 2004; and

(C) the approximately 40 acres of Bureau of Land Management land located in the County, as generally depicted on the map entitled "Ryan Land Exchange-Crystal River Parcel Conveyance to Pitkin County" and dated August 2004.

(4) Non-federal land.—The term "non-Federal land" means—

(A) the approximately 35 acres of non-Federal land in the County, as generally depicted on the map entitled "Ryan Land Exchange-Ryan Property Conveyance to Forest Service" and dated August 2004; and

(B) the approximately 18.2 acres of non-Federal land located on Smuggler Mountain in the County, as generally depicted on the map entitled "Ryan Land Exchange-Smuggler Mountain-Grand Turk & Pontiac Claims Conveyance to Forest Service" and dated August 2004.

(5) Secretary.—The term "Secretary" means the Secretary of Agriculture.

SEC. 4. LAND EXCHANGE.

(a) In General.—If the County offers to convey to the United States title to the non-Federal land that is acceptable to the Secretary, the Secretary and the Secretary of the Interior shall—

(1) accept the offer; and

(2) on receipt of acceptable title to the non-Federal land, simultaneously convey to the County, or at the request of the County, to the Aspen Valley Land Trust, all right, title, and interest of the United States in and to the Federal land, except as provided in section 5(d), subject to all valid existing rights and encumbrances.

(b) Timing.—It is the intent of Congress that the land exchange directed by this Act shall be completed not later than 1 year after the date of enactment of this Act.

SEC. 5. EXCHANGE TERMS AND CONDITIONS.

(a) Equal Value Exchange.—The value of the Federal land and non-Federal land—

(1) shall be equal; or

(2) shall be made equal in accordance with subsection (c).

(b) Appraisals.—The value of the Federal land and non-Federal land shall be determined by the Secretary through appraisals conducted in accordance with—

(1) the Uniform Appraisal Standards for Federal Land Acquisitions;

(2) the Uniform Standards of Professional Appraisal Practice; and

(3) Forest Service appraisal instructions.

(c) Equalization of Values.—

(1) Surplus of non-federal land.—If the final appraised value of the non-Federal land exceeds the final appraised value of the Federal land, the County shall donate to the United States the excess value of the non-Federal land, which shall be considered to be a donation for all purposes of law.

(2) Surplus of federal land.—

(A) In general.—If the final appraised value of the Federal land exceeds the final appraised value of the non-Federal land, the value of the Federal land and non-Federal land may, as the Secretary and the County determine to be appropriate, be equalized by the County—

(i) making a cash equalization payment to the Secretary;

(ii) conveying to the Secretary certain land located in the County, comprising approximately 160 acres, as generally depicted on the map entitled "Sellar Park Parcel" and dated August 2004; or

(iii) using a combination of the methods described in clauses (i) and (ii).

(B) Disposition and use of proceeds.—

(i) Disposition of proceeds.—Any cash equalization payment received by the Secretary under clause (i) or (iii) of subparagraph (A) shall be deposited in the fund established by Public Law 90–171 (commonly known as the "Sisk Act") (16 U.S.C. 484a).

(ii) Use of proceeds.—Amounts deposited under clause (i) shall be available to the Secretary, without further appropriation, for the acquisition of land or interests in land in Colorado for addition to the National Forest System.

(d) Conditions on Certain Conveyances.—

(1) Conditions on conveyance of crystal river parcel.—

(A) In general.—As a condition of the conveyance of the parcel of Federal land described in section 3(3)(C) to the County, the County shall agree to—

(i) provide for public access to the parcel; and

(ii) require that the parcel shall be used only for recreational, fish and wildlife conservation, and public open space purposes.

(B) Reversion.—At the option of the Secretary of the Interior, the parcel of land described in section 3(3)(C) shall revert to the United States if the parcel is used for a purpose other than a purpose described in subparagraph (A)(ii).

(2) Conditions on conveyance of wildwood parcel.—In the deed of conveyance for the parcel of Federal land described in section 3(3)(A) to the County, the Secretary shall, as determined to be appropriate by the Secretary, in consultation with the County, reserve to the United States a permanent easement for the location, construction, and public use of the East of Aspen Trail.

SEC. 6. MISCELLANEOUS PROVISIONS.

(a) Incorporation, Management, and Status of Acquired Land.—

(1) In general.—Land acquired by the Secretary under this Act shall become part of the White River National Forest.

(2) Management.—On acquisition, land acquired by the Secretary under this Act shall be administered in accordance with the laws (including rules and regulations) generally applicable to the National Forest System.

(3) Land and water conservation fund.—For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9), the boundaries of the White River National Forest shall be deemed to be the boundaries of the White River National Forest as of January 1, 1965.

(b) Revocation of Orders and Withdrawal.—

(1) Revocation of orders.—Any public orders withdrawing any of the Federal land from appropriation or disposal under the public land laws are revoked to the extent necessary to permit disposal of the Federal land.

(2) Withdrawal of federal land.—On the date of enactment of this Act, if not already withdrawn or segregated from entry and appropriation under the public land laws (including the mining and mineral leasing laws) and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.), the Federal land is withdrawn, subject to valid existing rights, until the date of the conveyance of the Federal land to the County.

(3) Withdrawal of non-federal land.—On acquisition of the non-Federal land by the Secretary, the non-Federal land is permanently withdrawn from all forms of appropriation and disposal under the public land laws (including the mining and mineral leasing laws) and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.).

(c) Boundary Adjustments.—The Secretary, the Secretary of the Interior, and the County may agree to—

(1) minor adjustments to the boundaries of the parcels of Federal land and non-Federal land; and

(2) modifications or deletions of parcels and mining claim remnants of Federal land or non-Federal land to be exchanged on Smuggler Mountain.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentlewoman from South Dakota (Ms. HERSETH) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. RADANOVICH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RADANOVICH. Mr. Speaker, I yield myself as much time as I may consume.

H.R. 1129, introduced by Representative MARK UDALL, would authorize a small land exchange in Pitkin County, Colorado, between the Bureau of Land Management, the U.S. Forest Service, and Pitkin County. This bill was passed by the House of Representatives on December 6, 2005, but was recently amended by the Senate. The amendment simply removed a provision of the bill encumbering the land known as the Crystal River parcel with a conservation easement.

The remaining portion of the bill would transfer 35 acres, once part of the Ryan Ranch in the White River National Forest to the Forest Service. This property is nearly surrounded by public land and valued by the community as open space. In exchange, Pitkin County would acquire 5.5 acres known as the Wildwood parcel from the Forest Service and a total of 45.92 acres from the Bureau of Land Management consisting of mining claims and land along the Crystal River.

The exchange is strongly supported by local officials and would help to consolidate public and private ownership in Pitkin County.

Mr. Speaker, I reserve the balance of my time.

Ms. HERSETH. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1129 authorizes the exchange of certain lands between the Forest Service, Bureau of Land Management, and Pitkin County in Colorado.

One of the properties the Forest Service will acquire is a 35-acre parcel referred to as the Ryan property, which is one of the scenic gems of the Roaring Fork Valley. At the urging of the Forest Service, in 2000 Pitkin County and the Aspen Valley Land Trust acquired the Ryan property to protect it from development until a land exchange transferring it to Forest Service ownership could be arranged. Five years later, H.R. 1129 accomplishes that goal.

We would like to recognize Representative MARK UDALL for his leadership on H.R. 1129, as well as cosponsor Representative JOHN SALAZAR.

Mr. Speaker, we support H.R. 1129.

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of the motion to concur in the Senate amendment to H.R. 1129, the Pitkin County Land Exchange Act and to express my thanks to Chairman POMBO and Ranking Member RAHALL for making it possible for the House to consider it today.

The bill provides for completion of a land exchange that involves Pitkin County, Colorado, on the one hand and two federal agencies—the Forest Service and BLM—on the other.

Under the exchange, the county will transfer two parcels to the Forest Service—a 35-acre tract known as the "Ryan property" near the ghost town of Ashcroft; and addition about 18.2 acres of patented mining claims on Smuggler Mountain near Aspen, Colorado.

In return, the Federal Government would transfer to the county—

A 5.5 acre tract south of Aspen known as the "Wildwood" parcel, which the county will transfer to private ownership after reserving a permanent public easement for a trail;

About 5.92 acres in 12 scattered locations on Smuggler Mountain that abut or are near lands now owned by the county;

And, finally, a 40-acre tract of BLM land along the Crystal River, which will be subject to a permanent conservation easement limiting future use to recreational, fish and wildlife, and open space purposes.

The bill requires standard appraisals of all properties involved. It provides that if the lands going to the county are worth less than what the county is giving to the Federal Government, the county will waive additional payment, while if the lands provide by the county are worth less than those the county is to receive, the county will either pay cash to equalize or will convey an additional tract of about 160 acres, in the Sellers' Meadow area near Hagerman Pass, to make up the difference.

The Resources Committee made some technical changes suggested by the administration and the county and the House passed the bill as so amended last year.

On September 29th, the Senate by unanimous consent passed an amended version of the House-passed bill, adding some provisions regarding public access to and future use of the lands to be acquired by the county and making a number of other, technical changes.

The Senate's changes are consistent with the original intent of the legislation and are acceptable to the county. Accordingly, I urge the House to concur in the Senate amendment and so to send the bill to the President for signing into law.

Ms. HERSETH. Mr. Speaker, I yield back the balance of my time.

Mr. RADANOVICH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 1129.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

LOWER FARMINGTON RIVER AND SALMON BROOK WILD AND SCENIC RIVER STUDY ACT OF 2005

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 435) to amend the Wild and Scenic Rivers Act to designate a segment of the Farmington River and Salmon Brook in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes.

The Clerk read as follows:

S. 435

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lower Farmington River and Salmon Brook Wild and Scenic River Study Act of 2005".

SEC. 2. DESIGNATION OF ADDITIONAL SEGMENT OF FARMINGTON RIVER AND SALMON BROOK IN CONNECTICUT FOR STUDY FOR POTENTIAL ADDITION TO NATIONAL WILD AND SCENIC RIVERS SYSTEM.

(a) DESIGNATION.—Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding at the end the following:

"(139) LOWER FARMINGTON RIVER AND SALMON BROOK, CONNECTICUT.—The segment of the Farmington River downstream from the segment designated as a recreational river by section 3(a)(156) to its confluence with the Connecticut River, and the segment of the Salmon Brook including its mainstream and east and west branches.".

(b) TIME FOR SUBMISSION.—Not later than 3 years after the date on which funds are made available to carry out this Act, the Secretary of the Interior shall submit to Congress a report containing the results of the study required by the amendment made by subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentlewoman from South Dakota (Ms. HERSETH) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. RADANOVICH. Mr. Speaker, I yield myself such time as I may consume

Mr. Speaker, Senate 435, introduced by Senator LIEBERMAN of Connecticut and a companion to H.R. 1344 sponsored by our colleague NANCY JOHNSON, would study a segment of Farmington River and Salmon Brook in Connecticut for potential addition to the National Wild and Scenic River System.

I urge adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

Ms. HERSETH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the majority has already explained the purpose of S. 435, which passed the Senate in December 2005. The legislation is nearly identical to a bill which has already passed the House. Since S. 435 simply authorizes a study of a proposed river designation, we have no objection to the adoption of the legislation by the House today.

Mr. Speaker, I reserve the balance of my time.

☐ 1430

Mr. RADANOVICH. Mr. Speaker, I yield 5 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. I thank the gentleman. Mr. Speaker, I rise today in strong support of S. 435, the Lower Farmington River and Salmon Brook Wild and Scenic River Study Act of 2005. Once passed, the bill will designate a segment of the Farmington River and Salmon Brook in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System. I would like to thank the chairman of the Resources Committee, Mr. POMBO, for bringing this legislation to the floor and for working with me to ensure that this important study can commence promptly.

The bill commissions a feasibility study to evaluate whether the Lower Farmington River and the Salmon Brook qualify as a Wild and Scenic Partnership River within the National Park Service's Wild and Scenic Rivers System. The Lower Farmington River is defined as the 40-mile stretch between the end of the west branch of the Farmington River in Canton, Connecticut, and the Rainbow Dam in Windsor, and the Salmon Brook, an additional 32-mile stretch in the top 12 in the State of Connecticut for diversity of aquatic insects it hosts. The study area crosses both the Fifth and First Congressional Districts. The Farmington River and Salmon Brook's recreational and environmental contributions to our State are well-known and a valuable resource for future generations.

The 14 miles of the Farmington River's west branch, designated as a Wild and Scenic Partnership River in 1994, is a resounding environmental and economic success story. Partnership designation for the west branch has fostered public-private partnerships to preserve the area's environment and heritage while yielding economic benefits to river towns. Its designation has preserved it as a home to trout, river otter, and bald eagle populations; and historic structures still grace its banks. Fishermen, hikers, canoeists, and kayakers enjoy the river year-round.

I hope to see the rest of the Farmington River, as well as Salmon Brook, enjoy similar success. This new initiative is a an ideal way to showcase the whole river's unique cultural and recreational resources. The direct economic impact of the final designation is estimated at $3 million and an additional $9 million in total economic impact from recreational users.

This legislation has broad bipartisan support at the local, State, and Federal level, and I urge my colleagues' support for the bill.

Ms. HERSETH. Mr. Speaker, I would like to congratulate the gentlewoman from Connecticut for her hard work and bipartisanship in advancing this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. RADANOVICH. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the Senate bill, S. 435.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

PACTOLA RESERVOIR REALLOCATION AUTHORIZATION ACT OF 2005

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 819) to authorize the Secretary of the Interior to reallocate costs of the Pactola Dam and Reservoir, South Dakota, to reflect increased demands for municipal, industrial, and fish and wildlife purposes.

The Clerk read as follows:

S. 819

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pactola Reservoir Reallocation Authorization Act of 2005".

SEC. 2. FINDINGS.

Congress finds that—

(1) it is appropriate to reallocate the costs of the Pactola Dam and Reservoir, South Dakota, to reflect increased demands for municipal, industrial, and fish and wildlife purposes; and

(2) section 302 of the Department of Energy Organization Act (42 U.S.C. 7152) prohibits such a reallocation of costs without congressional approval.

SEC. 3. REALLOCATION OF COSTS OF PACTOLA DAM AND RESERVOIR, SOUTH DAKOTA.

The Secretary of the Interior may, as provided in the contract of August 2001 entered into between Rapid City, South Dakota, and the Rapid Valley Conservancy District, reallocate, in a manner consistent with Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)), the construction costs of Pactola Dam and Reservoir, Rapid Valley Unit, Pick-Sloan Missouri Basin Program, South Dakota, from irrigation purposes to municipal, industrial, and fish and wildlife purposes.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentlewoman from South Dakota (Ms. HERSETH) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. RADANOVICH. Mr. Speaker, I ask unanimous consent that all Members may be given 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RADANOVICH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Senate 819, introduced by Senator TIM JOHNSON of South Dakota, reallocates the costs of the Pactola Dam and Reservoir to reflect growing municipal needs for water. As Rapid City's municipal water needs are growing at a rapid rate and demand for local irrigation water decreases, this legislation appropriately reallocates the costs associated with the changing water needs. This bill is a win for the citizens of Rapid City and a win for the American taxpayer, and I urge my colleagues to support this commonsense legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. HERSETH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I strongly support S. 819, sponsored by Senator TIM JOHNSON, which is the counterpart to legislation I sponsored which passed this body earlier this year. This bill authorizes the Secretary of the Interior to reallocate the construction costs of Pactola Dam and Reservoir. This important water supply project is located just 15 miles west of Rapid City in my home State of South Dakota.

The water supply needs of the Rapid City area have changed dramatically since the Bureau of Reclamation built Pactola Dam 50 years ago. Rapid City is the second largest city in South Dakota, and there is no doubt this metropolitan area will continue to enjoy strong economic and population growth. The cost reallocation authorized in this legislation will simply allow the Secretary of the Interior to modernize the financial structure of the project to reflect the changing water supply needs of this area of my State.

I want to thank Chairman RADANOVICH, Ranking Member NAPOLITANO, and committee staff for working with me to advance the House counterpart of this legislation, and I urge my colleagues to support S. 819.

Ms. HERSETH. Mr. Speaker, I rise today in support of S. 819, the Pactola Reservoir Reallocation Authorization Act, and its House companion H.R. 3967. As has been noted during numerous legislative hearings, markups, and previous Floor proceedings, this legislation is critical to meet the changing water needs of one of South Dakota's largest and fastest growing communities—Rapid City.

Part of this legislative process has included additional consultation with the Bureau of Reclamation, which administers the Pactola Dam and Reservoir, and the Ellsworth Air Force Base, one of the most important entities to rely on the reservoir's water. Accordingly, I would like to submit the following comments to clarify the intent of this legislation.

The Pactola Dam and Reservoir is currently authorized for both irrigation and municipal and industrial use with its costs allocated to reflect those uses. Over time, municipal and industrial uses have increased while irrigation uses have decreased, creating a need to reallocate costs better reflecting current usage. When the Secretary of the Interior needs to reallocate costs from an existing allocation where there are multiple uses to a new allocation with multiple uses in different amounts, Congressional approval is required under the McGovern Amendment.

The current language in the Bill under section 3 could be read to imply that the Pactola Dam and Reservoir is a single purpose, irrigation only project. This interpretation is incorrect as the Pactola Dam and Reservoir remain multipurpose projects. Both S. 819 and H.R. 3967 simply reallocate costs from an older multi-purpose allocation to a new multi-purpose allocation. This is consistent with the McGovern Amendment.

Some additional clarification is also warranted with respect to the needs of the Ellsworth Air Force Base. As already stated, this legislation allocates additional costs to the municipal and industrial component of the Pactola Reservoir effectively making available additional water for municipal and industrial use. It is anticipated that Rapid City, South Dakota will contract for much of this allocation. Nothing in the legislation should be construed to change in any way the Bureau of Reclamation's and Rapid City's existing obligations to the Ellsworth Air Force Base.

The definite plan report for this project prepared by the Bureau of Reclamation dated June 1952 makes it clear that the Air Force would contribute its share of the capital cost of the project in advance. The Air Force Appropriation for the year 1954 included funds to cover the Air Force share of the project. Accordingly, the Air Force has fully paid its capital contribution and remains entitled to its share of the water without paying additional capital cost. Ellsworth Air Force Base currently has an allocation of 1810 acre-feet per year of water from the project. The Air Force is required to pay only the reasonable cost of transporting, and if appropriate, treating the water it uses. Nothing in this legislation is intended to affect the Bureau of Reclamation's obligation to make that water available to Ellsworth, and nothing is intended to suggest in any way that the Air Force Base should pay more than the reasonable cost of treating and transporting the water.

In entering revised contracts with Rapid City, the Bureau of Reclamation is expected to ensure that Rapid City provides the delivery of water to the Air Force Base at no more than the reasonable cost of treating and transporting the water.

This legislation is not intended to limit in any way the Air Force's ability to make an arrangement with a party other than Rapid City for the delivery of its allocation of water from Pactola Reservoir. There may be private parties or others who are able to build a pipeline for water delivery at lower cost than using Rapid City's distribution system. Making such arrangements is not inconsistent with this legislation or the definite plan report.

Although Rapid City's increased demand for water is a key consideration supporting this legislation, Ellsworth Air Force Base may also be obtaining an additional allocation of water in the event that the Air Force directs new mission to Ellsworth or reconfigures Ellsworth's existing mission in such a way that it needs additional water beyond the amount it has already been allotted. It is Congress' intent that water from Pactola Reservoir is provided at no more than the reasonable cost of treating and transporting the water without regard to the number of missions at Ellsworth Air Force Base.

With these clarifications in mind, I urge my colleagues to support this important legislation. I have appreciated the opportunity to advance this legislation on the House Resources Committee and would like to thank the Chairman and Ranking Member for their support.

Mr. Speaker, I reserve the balance of my time.

Mr. RADANOVICH. Mr. Speaker, the Pactola Dam, located near Rapid City, South Dakota, stores water from Rapid Creek and is part of the Pick-Sloan Missouri Basin Program. This bill authorizes reallocation of a portion of the construction costs of the Pactola Dam and Reservoir from irrigation purposes to municipal and industrial and fish and wildlife purposes.

The effort to reallocate Pactola Dam costs stems from the population growth around Rapid City, with corresponding increases in demand for M&I water and decreases in demand for irrigation water. Pactola Dam originally provided water storage for flood control, irrigation, and M&I uses. A 40-year water service contract between the Bureau of Reclamation and Rapid City for M&I water expired in 1991. Water for Rapid City has been subsequently provided under annual contracts. A second 40-year contract between reclamation and the Rapid Valley Conservancy District for irrigation water expired in 2001. The district decided not to renew this contract due to decreased irrigation demand and sufficient alternative water sources. Since the district no longer needs Pactola water, repayment of construction costs originally allocated to irrigation can be reallocated to M&I uses and fish and wildlife purposes. Under law, Congress must authorize this reallocation.

As I close with the Resources Committee issues today, Mr. Speaker, I want to thank Lisa Pittman, our chief counsel on the Resources Committee, for all her hard work during the 109th Congress.

Thank you, Lisa

Mr. Speaker, I yield back the balance of my time.

Ms. HERSETH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the Senate bill, S. 819.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those voting have responded in the affirmative.

Mr. RADANOVICH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. RADANOVICH. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the 6 bills just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REAUTHORIZING LAKE PONTCHARTRAIN BASIN RESTORATION PROGRAM

Mr. PETRI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6121) to amend the Federal Water Pollution Control Act to reauthorize a program relating to the Lake Pontchartrain Basin, and for other purposes.

The Clerk read as follows:

H.R. 6121

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAKE PONTCHARTRAIN BASIN RESTORATION REAUTHORIZATION.

The first section 121 of the Federal Water Pollution Control Act (33 U.S.C. 1273) (relating to Lake Pontchartrain Basin) is amended in subsection (f) by striking "2005" and inserting "2011".

SEC. 2. TECHNICAL CORRECTION.

The second section 121 of the Federal Water Pollution Control Act (33 U.S.C. 1274) (relating to wet weather watershed pilot projects) is redesignated as section 122.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. PETRI) and the gentleman from Oregon (Mr. BLUMENAUER) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. PETRI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of H.R. 6121, to reauthorize the Lake Pontchartrain Basin Restoration Program.

The Lake Pontchartrain Basin is a 5,000 square mile watershed encompassing 16 parishes in Louisiana and four Mississippi counties. The area comprises the largest estuary in the gulf coast region and one of the largest estuaries in these United States.

In 2000, Congress added section 121 to the Clean Water Act to establish a Lake Pontchartrain Basin Restoration Program within EPA. The program authorizes the Environmental Protection Agency to help people in Louisiana and Mississippi address pollution problems affecting Lake Pontchartrain. Now it is time to reauthorize the Lake Pontchartrain Basin Program.

H.R. 6121, introduced by Mr. BAKER, would reauthorize the Lake Pontchartrain Basin Restoration Program for an additional 5 years. I would like to commend Representative BAKER for his efforts to restore the ecological health of Lake Pontchartrain, and I urge all Members to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. BLUMENAUER. Mr. Speaker, I yield myself such time as I may consume, and I too rise in support of H.R. 6121, the reauthorization of the Lake Pontchartrain Basin Program. My good friend and colleague from Wisconsin gave a clear and convincing summary of what the bill is about, and I see no reason to actually prolong this. I agree with the sentiment, and I strongly support it.

Mr. Speaker, I yield back the balance of my time.

Mr. PETRI. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. PETRI) that the House suspend the rules and pass the bill, H.R. 6121.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SENATOR WILLIAM V. ROTH, JR. BRIDGE

Mr. PETRI. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1140) to designate the State Route 1 Bridge in the State of Delaware as the "Senator William V. Roth, Jr. Bridge".

The Clerk read as follows

S. 1140

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF SENATOR WILLIAM V. ROTH, JR. BRIDGE.

The State Route 1 Bridge over the Chesapeake and Delaware Canal in the State of Delaware is designated as the "Senator William V. Roth, Jr. Bridge".

SEC. 2. REFERENCES.

Any reference in a law (including regulations), map, document, paper, or other record of the United States to the bridge described in section 1 shall be considered to be a reference to the Senator William V. Roth, Jr. Bridge.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. PETRI) and the gentleman from Oregon (Mr. BLUMENAUER) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. PETRI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

This bill will designate the State Route 1 bridge in the State of Delaware as the Senator William V. Roth, Jr. Bridge.

Senator Roth began his public service when he was elected to the House in 1966. He served two terms in the House before being elected to the Senate in 1970, where he served for 30 years. During that time, Bill Roth rose to the chairmanship of the Senate Committee on Governmental Affairs and the Senate Finance Committee. Senator Roth was a well-known fiscal conservative who is probably best known outside his home State of Delaware as the creator of the individual retirement account that bears his name, the Roth IRA.

I would note that the Senate passed this bill by unanimous consent last year, and our colleague, Representative MIKE CASTLE, has introduced an identical bill here in the House. Mr. Speaker, I urge my colleagues to support S. 1140. Naming this bridge after Senator Roth is a fitting tribute to his many years of public service.

Mr. Speaker, I reserve the balance of my time.

Mr. BLUMENAUER. Mr. Speaker, I yield myself such time as I may consume, and I too rise in support of S. 1140.

I appreciate the clear analysis from my friend from Wisconsin. I would have just one other element to add, and that is that I think it is particularly fitting and appropriate for our committee to advance this and to commemorate Senator Roth. He was keenly interested in environmental protection in the course of his career and was one of the most aggressive and active supporters of Amtrak, at a time when, as my colleague and friend mentioned, Senator Roth was a fiscal conservative to the bone.

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But he was very clear that investment in a national rail passenger service, Amtrak, was good sound fiscal investment. It was good for the environment. It was good for transportation. I am only sorry that it is not a railroad bridge that we are naming after Senator Roth, but I am proud to support this legislation.

Mr. CASTLE. Mr. Speaker, I rise today in strong support of S. 1140, legislation to name the State Route 1 Bridge over the Chesapeake and Delaware Canal in Delaware after the late Senator William V. Roth, Jr.

S. 1140 passed the Senate unanimously in June 2005, and as the sponsor of the House companion, H.R. 2800, I am pleased to join Senators CARPER and BIDEN in offering my full support for S. 1140 and to encourage its adoption by the House today.

A leader and dedicated public servant, Senator Roth served honorably during his years in Congress and set a tremendous example for future generations of Americans. Best known for creating the successful "Roth IRA," Senator Roth also fought hard in Congress to improve the quality of transportation in the State of Delaware. In the early 1990s, Senator Roth played an important role in helping to build the State Route 1 Bridge in New Castle County, Delaware.

Senator Roth was first elected to the House in 1966, serving two terms, before being elected to the Senate, where he served for 30 years. He also won the Bronze Star for his service in the U.S. Army during World War II. He died in 2003 at the age of 82.

Nothing in my mind would serve as a better tribute to Senator Roth's many years of dedicated public service than to rename this bridge, a true architectural gem in Delaware, in his honor.

I urge all my colleagues to join me in supporting S. 1140.

Mr. BLUMENAUER. I yield back the balance of my time.

Mr. PETRI. I have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. PETRI) that the House suspend the rules and pass the Senate bill, S. 1140.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

ANIMAL ENTERPRISE TERRORISM ACT

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3880) to provide the Department of Justice the necessary authority to apprehend, prosecute, and convict individuals committing animal enterprise terror.

The Clerk read as follows:

S. 3880

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Animal Enterprise Terrorism Act".

SEC. 2. INCLUSION OF ECONOMIC DAMAGE TO ANIMAL ENTERPRISES AND THREATS OF DEATH AND SERIOUS BODILY INJURY TO ASSOCIATED PERSONS.

(a) IN GENERAL.—Section 43 of title 18, United States Code, is amended to read as follows:

"§43. Force, violence, and threats involving animal enterprises

"(a) OFFENSE.—Whoever travels in interstate or foreign commerce, or uses or causes to be used the mail or any facility of interstate or foreign commerce—

"(1) for the purpose of damaging or interfering with the operations of an animal enterprise; and

"(2) in connection with such purpose—

"(A) intentionally damages or causes the loss of any real or personal property (including animals or records) used by an animal enterprise, or any real or personal property of a person or entity having a connection to, relationship with, or transactions with an animal enterprise;

"(B) intentionally places a person in reasonable fear of the death of, or serious bodily injury to that person, a member of the immediate family (as defined in section 115) of that person, or a spouse or intimate partner of that person by a course of conduct involving threats, acts of vandalism, property damage, criminal trespass, harassment, or intimidation; or

"(C) conspires or attempts to do so;

shall be punished as provided for in subsection (b).

"(b) PENALTIES.—The punishment for a violation of section (a) or an attempt or conspiracy to violate subsection (a) shall be—

"(1) a fine under this title or imprisonment not more than 1 year, or both, if the offense does not instill in another the reasonable fear of serious bodily injury or death and—

"(A) the offense results in no economic damage or bodily injury; or

"(B) the offense results in economic damage that does not exceed $10,000;

"(2) a fine under this title or imprisonment for not more than 5 years, or both, if no bodily injury occurs and—

"(A) the offense results in economic damage exceeding $10,000 but not exceeding $100,000; or

"(B) the offense instills in another the reasonable fear of serious bodily injury or death;

"(3) a fine under this title or imprisonment for not more than 10 years, or both, if—

"(A) the offense results in economic damage exceeding $100,000; or

"(B) the offense results in substantial bodily injury to another individual;

"(4) a fine under this title or imprisonment for not more than 20 years, or both, if—

"(A) the offense results in serious bodily injury to another individual; or

"(B) the offense results in economic damage exceeding $1,000,000; and

"(5) imprisonment for life or for any terms of years, a fine under this title, or both, if the offense results in death of another individual.

"(c) RESTITUTION.—An order of restitution under section 3663 or 3663A of this title with respect to a violation of this section may also include restitution—

"(1) for the reasonable cost of repeating any experimentation that was interrupted or invalidated as a result of the offense;

"(2) for the loss of food production or farm income reasonably attributable to the offense; and

"(3) for any other economic damage, including any losses or costs caused by economic disruption, resulting from the offense.

"(d) DEFINITIONS.—As used in this section—

"(1) the term 'animal enterprise' means—

"(A) a commercial or academic enterprise that uses or sells animals or animal products for profit, food or fiber production, agriculture, education, research, or testing;

"(B) a zoo, aquarium, animal shelter, pet store, breeder, furrier, circus, or rodeo, or other lawful competitive animal event; or

"(C) any fair or similar event intended to advance agricultural arts and sciences;

"(2) the term 'course of conduct' means a pattern of conduct composed of 2 or more acts, evidencing a continuity of purpose;

"(3) the term 'economic damage'—

"(A) means the replacement costs of lost or damaged property or records, the costs of repeating an interrupted or invalidated experiment, the loss of profits, or increased costs, including losses and increased costs resulting from threats, acts or vandalism, property damage, trespass, harassment, or intimidation taken against a person or entity on account of that person's or entity's connection to, relationship with, or transactions with the animal enterprise; but

"(B) does not include any lawful economic disruption (including a lawful boycott) that results from lawful public, governmental, or business reaction to the disclosure of information about an animal enterprise;

"(4) the term 'serious bodily injury' means—

"(A) injury posing a substantial risk of death;

"(B) extreme physical pain;

"(C) protracted and obvious disfigurement; or

"(D) protracted loss or impairment of the function of a bodily member, organ, or mental faculty; and

"(5) the term 'substantial bodily injury' means—

"(A) deep cuts and serious burns or abrasions;

"(B) short-term or nonobvious disfigurement;

"(C) fractured or dislocated bones, or torn members of the body;

"(D) significant physical pain;

"(E) illness;

"(F) short-term loss or impairment of the function of a bodily member, organ, or mental faculty; or

"(G) any other significant injury to the body.

"(e) RULES OF CONSTRUCTION.—Nothing in this section shall be construed—

"(1) to prohibit any expressive conduct (including peaceful picketing or other peaceful demonstration) protected from legal prohibition by the First Amendment to the Constitution;

"(2) to create new remedies for interference with activities protected by the free speech or free exercise clauses of the First Amendment to the Constitution, regardless of the point of view expressed, or to limit any existing legal remedies for such interference; or

"(3) to provide exclusive criminal penalties or civil remedies with respect to the conduct prohibited by this action, or to preempt State or local laws that may provide such penalties or remedies.".

(b) CLERICAL AMENDMENT.—The item relating to section 43 in the table of sections at the beginning of chapter 3 of title 18, United States Code, is amended to read as follows:

"43. Force, violence, and threats involving animal enterprises.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 3880 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 3880, the Animal Enterprise Terrorism Act.

In recent years, some animal rights activist groups have employed violence and intimidation against enterprises that use or sell animals or animal products for food, agriculture, research testing or entertainment uses. In 1992, the Animal Enterprise Protection Act was enacted to provide additional authority to prosecute extremists whose attacks create damages or research losses of at least $10,000.

However, the last several years have seen an increase in the number and the severity of criminal acts and intimidation against those engaged in animal enterprises. These groups have attacked not only employees of companies conducting research, but also those with any remote link to such research or activities. This has included employees of banks, underwriters, insurance companies, investors, university research facilities, and even the New York Stock Exchange.

Victims have experienced threatening letters, e-mails and phone calls, repeated organized protests at their homes and the blanketing of their neighborhoods with defamatory literature. Some of the more violent acts by these groups include arson, pouring acid on cars, mailing razor blades, and defacing victims' homes.

Many of the actions that the groups have engaged in are not addressed by the current animal enterprise terrorism statute, 18 United States Code 43. This legislation would expand the reach of Federal criminal law to specifically address the use of force, violence or threats against not only animal enterprise organizations, but also those who do business with them. S. 3880 would make it a Federal crime to intentionally damage the property of a person or entity having a connection to, relationship with, or transactions with an animal enterprise. The bill would also make it a criminal act to intentionally place a person or family member in reasonable fear of death or sèrious bodily injury because of their relationship with an animal enterprise.

Additionally, the legislation expands the definition of economic damage to include loss of property, the costs incurred because of a lost experiment or lost profits. It also includes a definition of the term "economic disruption" to mean losses or increased costs resulting from threats, acts of violence, property damage, trespass, harassment, or intimidation against a person or entity because of their relationship with an animal enterprise. This does not include a lawful boycott.

Finally, an amendment to S. 3880 incorporated during floor consideration in the other body addresses concerns that were raised about the bill's potential impact on lawful protests. S. 3880 clarifies that nothing in this bill shall be construed to prohibit any expressive conduct protected by the first amendment, nor shall it criminalize nonviolent activities designed to change public policy or private conduct.

Before closing, I would like to recognize the efforts of my colleague from Wisconsin, Mr. PETRI, who introduced a similar measure in this body and has helped raise awareness of this important issue. I believe this bill can help protect law-abiding citizens who are engaged in lawful activities such as research, farming sales, or manufacturing that involves animals or animal products.

I urge my colleagues to support S. 3880, so we may send this important legislation to the President for his signature.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 3880 is a companion bill to H.R. 4239, the Animal Enterprise Terrorism Act. It reflects a compromise bill arrived at after considerable effort of a bipartisan group involving both House and Senate Judiciary Committee staff over several months.

From hearings in the House and from other reports, we have learned that current Federal law designed to protect animal enterprises have been proven to be reasonably effective in protecting animal enterprises. However, serious gaps and loopholes have been identified in current law with respect to protecting employees and associates of animal enterprises. Present law protects employees of an animal enterprise, but we have found that employees, board members and family members of businesses and nonprofits affiliated with or doing business with such enterprises are complaining that they are now being stalked, harassed, intimidated or threatened, with some individuals even being physically assaulted, and had their homes, businesses or cars vandalized. Since the Animal Enterprise Terrorism law was enacted in 1992, there have been some 1,100 complaints of such incidents, with property losses reported of being more than $120 million. Those complaining include farmers, scientists, biomedical and biotechnology industries, research universities, teaching hospitals, financial institutions, magazines, newspapers and other advertising groups and others who are viewed as assisting or enabling targeted animal enterprises.

The evidence is that in many instances extremist elements among the animal rights groups are taking advantage of the fact that the animal enterprise laws do not cover affiliates and associates by using threats, harassment, intimidation and fear and other extreme tactics to pressure them into severing their activities with such enterprises.

S. 3880 is designed to cover these gaps or loopholes by providing to employees, businesses and associates of animal enterprises similar protections to those already covered. In other words, the bill prevents a person from doing indirectly to an animal enterprise what they are prohibited to do directly.

Now, citizens engaging in legitimate animal enterprise activities and anyone associated with them are entitled to be protected from criminal acts and to be able to go about their daily activities free from threats to their person or property and that of their family and associates. State laws are generally good at providing those protections. However, the interstate nature of the planning and execution of the criminal harassment tactics used by some individuals or groups skilled at exploiting gaps or weaknesses in the laws have made it difficult for States to get at problems effectively. That is why this bill is deemed necessary.

While we must protect those engaged in animal enterprises, we must also protect the right of those engaged in first amendment freedoms of expression regarding such enterprises. It goes without saying that first amendment freedoms of expression cannot be defeated by statute. However, to reassure anyone concerned with the intent of this legislation, we have added in the bill assurances that it is not intended as a restraint on freedoms of expression such as lawful boycotting, picketing or otherwise engaging in lawful advocacy for animals.

In addition, we also wanted to recognize that there are some who conscientiously believe that it is their duty to peacefully protest the operation of animal enterprises to the extent of engaging in civil disobedience. If a group's intention were to stage a sit-in or lie-down or to block traffic to a targeted facility, they certainly run the risk of arrest for whatever traffic, trespass or other laws they may be breaking. But they should not be held more accountable for business losses due to causes such as delivery trucks being delayed any more than a boycott or protest against any other business.

To violate the provision of the bill, one must travel or otherwise engage in interstate activity with the intent to cause damage or loss to an animal enterprise. While the losses of profits, lab experiments or other intangible losses are included, it must be proved that such losses were specifically intended for the law to be applied. If there is no damage or economic loss, or damage or loss is less than $10,000, the offense is a misdemeanor, not a felony.

This bill does not satisfy everyone, but it does represent a reasonable compromise in protecting employees and associates of animal enterprises while avoiding violation of first amendment freedoms.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 6 minutes to my colleague from Wisconsin (Mr. PETRI).

Mr. PETRI. Mr. Speaker, I would like to express my support for the bill before us, the Animal Enterprise Terrorism Act, which is the Senate version of legislation I introduced earlier this Congress. The bipartisan legislation that passed the Senate by unanimous consent amends the existing animal enterprise terrorism statute which has been law since 1992. It extends existing protections for animal enterprises to individuals, businesses and agencies including farmers, scientists, biomedical and biotechnical industries, research universities, teaching hospitals, financial institutions and others who have associations with animal enterprise.

This legislation is in response to rising incidents of violence and threats against these entities as a way to adversely impact animal enterprises without directly violating the existing Animal Enterprise Terrorism Act. The bill before us clarifies that it is a crime to damage or interfere with animal enterprise and expands parameters in existing law to cover threats, harassment and other illegal activities against those who are connected with such enterprises, not just the enterprises themselves. The law increases criminal penalties based on the level of violence or property loss, while specifically exempting from its coverage all first amendment protected activities.

Between January of 1990 and June of 2004, extremist movements such as the Animal Liberation Front, Stop Huntington Animal Cruelty, and the Environmental Liberation Front committed more than 1,100 acts of terrorism, causing more than $120 million in damage. Animal rights extremists advance their cause through direct action, which includes death threats, vandalism, animal releases and bombings. Their actions are calculated to aggressively intimidate and harass those identified as targets.

The FBI considers these extremist groups among its most serious domestic threats. Current Federal law including the Animal Enterprise Protection act is inadequate to address the threats and violence committed by animal rights extremists.

In my own State of Wisconsin, mink farmers and biomedical researchers have experienced their own share of intimidation, harassment and vandalism at the hands of animal rights extremists. Farmers have had their properties raided, causing thousands of dollars of damage.

Scientists around the State have received, in the mail or at their home, razor blades with letters stating that they were laced with the AIDS virus. Personal information such as home addresses, phone numbers, and photographs of researchers have been posted on extremist Web sites. Many of these same scientists report death threats and home visits by animal rights extremists who, through their terrorism, have a goal of driving the scientists out of their research, research which has and will continue to improve human health and quality of life.

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The House Judiciary Subcommittee on Crime, Terrorism, and Homeland Security held a hearing on the act in May of this year. At the hearing, a primate researcher from the University of Wisconsin, Madison, testified about the harassment and intimidation which she has experienced.

She has even considered leaving the Parkinson's research field and fears others may do so in the current environment. This statement has proven to be true. Just this past August, a researcher at UCLA halted his primate research because of the repeated harassments by animal rights extremists. The bill will provide Federal authorities with the necessary tools to help prevent and better investigate and prosecute ecoterror cases.

This legislation is widely supported by those in agriculture, biomedical and biotechnology industries, as well as many research universities, teaching hospitals and other research institutes. Enactment of this legislation will enhance the ability of law enforcement and the Justice Department to protect law-abiding American citizens from violence and the threat of violence posed by animal rights extremists.

I would like to take this opportunity to thank my colleague, Chairman SENSENBRENNER, Subcommittee Chairman COBLE, Ranking Member CONYERS, Subcommittee Ranking Member ROBERT SCOTT, Senator INHOFE and Senator FEINSTEIN for their support in moving this bill forward.

Mr. Speaker, I also have a letter from Advance Publications that details some of the violent and threatening acts made against editors of their magazines, such as Vogue, because of the fashion industry's use of fur or animal products that would be covered under this legislation.

ADVANCE PUBLICATIONS, INC.,
Staten Island, NY, November 13, 2006.

Re Animal Enterprise Terrorism Act S. 3880

Hon. THOMAS E. PETRI,
Rayburn House Office Building,
Washington, DC.

DEAR CONGRESSMAN PETRI: I write to support the passage of the Animal Enterprise Terrorism Act, S. 3880. Advance Publications is engaged throughout the United States in the publication of newspapers, business journals, and consumer magazines and websites on a variety of topics. Advance Publications is also affiliated with Bright House Networks, an operator of cable television systems in numerous states. For your information, a representative listing of Advance's publications and of the locations of Bright House Networks' cable systems is attached.

Our interest in this bill arises from the unfortunate fact that at least one of our publications, Vogue magazine, and its editor, Anna Wintour, have been repeatedly targeted by animal activists who disagree with Vogue magazine's decision to publish editorial content about, and carry advertising for, fur and other animal products, and its support for fashion designers who may use fur. These opponents are, of course, entitled to express their views, but their opposition often takes the form of physical attacks on Ms. Wintour and her home, threats and efforts to harm her, stalking her on the streets and at industry events, and even at a memorial service for her deceased father, and at least one actual physical invasion of Vogue's offices (which put numerous persons in fear, behind locked doors), as well as other attempts to do so.

While fortunately Ms. Wintour has not yet sustained any serious lasting injuries, she has suffered physical pain from those attacks (for example, from a "flour bomb" thrown in her eyes, the effects of which hurt and hampered her for days) and has often with good cause been concerned for her safety and the safety of her family. Indeed, when Ms. Wintour is appearing in public as part of her job (for example, at fashion shows or fashion industry events), we now feel we must provide guards, sometimes armed, to protect her. On a number of occasions we are convinced, had it not been for the presence of these unusual safeguards, Ms. Wintour could have been injured by the efforts to make physical attacks on her. We are of course concerned that these extreme activists will step up the severity of their attacks because their efforts have so far been unsuccessful at silencing Vogue.

We understand that among the arguments made in opposition to the AETA are alleged concerns that it may infringe on First Amendment rights. Our business is wholly dependent upon respect for First Amendment rights, and we are second to none in our defense of such rights. We have closely examined the AETA with this in mind, and we do not agree that the AETA, especially with the "rules of construction" that were added to it, in any way would inhibit or punish free speech or other First Amendment rights.

If anything, the opposite is the case. The real chilling effect on First Amendment rights comes about when editors and others are put in fear of physical, violent attack because of what they publish or say. It is the violent animal activists who diminish free speech and free press by threatening and attacking editors, publications, and telecasters.

We strongly believe that enactment of S. 3880 will serve to deter many persons from engaging in these and worse violent and threatening acts in the future. In addition, the new law will give prosecutors a powerful new tool to go after those who continue to commit these acts.

Please let me know if we can provide any further information that would be helpful to you.

Very truly yours,
S.I. NEWHOUSE, Jr.,
Chairman.

ADVANCE PUBLICATIONS INC.—REPRESENTATIVE NEWSPAPERS AND MAGAZINES (PUBLISHED BY SUBSIDIARIES AND AFFILIATES)

I. Daily Newspapers

Alabama: The Birmingham News, The Huntsville Times, Mobile Register.

Louisiana: The Times-Picayune. (New Orleans).

Massachusetts: The Union News/Sunday Republican (Springfield).

Michigan: The Ann Arbor News, The Bay City Times, The Flint Journal, The Grand Rapids Press, Jackson Citizen Patriot, Kalamazoo Gazette, The Muskegon Chronicle, The Saginaw News.

Mississippi: Mississippi Press (Pascagoula).

New Jersey: Bridgeton News, The Jersey Journal (Jersey City), The Star Ledger (Newark), Today's Sunbeam (Salem), The Times of Trenton, Gloucester County Times, (Woodbury).

New York: Staten Island Advance, The Post-Standard (Syracuse).

Ohio: Plain Dealer (Cleveland).

Oregon: The Oregonian (Portland).

Pennsylvania: The Express-Times (Easton), The Patroit-News (Harrisburg).

II. Consumer Magazines

The Condé Nast Publications: Allure, Architectural Digest, Bon Appétit, Bride's, Condé Nast Traveler, Details, Domino, Elegant Bride, Glamour, Golf Digest, Golf for Women, Gourmet, GQ, House & Garden, Jane, Lucky, Modern Bride, Self, Teen Vogue, The New Yorker, Vanity Fair, Vogue, W, Wired.

Parade Publications: Parade.

III. Cable Systems

Bright House Networks: Bakersfield, CA; Birmingham, AL; Central Florida; Detroit Suburbs, MI; Indianapolis, IN; Tampa Bay, FL.

IV. Business Journals

American City Business Journals Inc. Group:

Alabama: Birmingham Business Journal.

Arizona: The Business Journal Phoenix.

California: East Bay Business Times (Oakland), Sacramento Business Journal, San Francisco Business Times, Silicon Valley/San Jose Business Journal.

Colorado: Denver Business Journal.

District of Columbia: Washington Business Journal.

Florida: The Business Journal Serving Jacksonville and Northeast Florida, South Florida Business Journal (Miami), Orlando Business Journal, The Business Journal Tampa Bay.

Georgia: Atlanta Business Chronicle.

Hawaii: Pacific Business News (Honolulu).

Kansas: The Business Journal Serving Metropolitan Kansas City, Wichita Business Journal.

Kentucky: Business First: Greater Louisville's Definitive Source of Local Business.

Massachusetts: Boston Business Journal.

Maryland: Baltimore Business Journal.

Minnesota: City Business: The Business Journal (Minneapolis/St. Paul).

Missouri: St. Louis Business Journal.

New Mexico: New Mexico Business Weekly (Albuquerque).

New York: The Business Review Serving New York's Capital Region (Albany), Business First: Western New York's Business Newspaper (Buffalo).

North Carolina: The Business Journal Serving Charlotte and the Metropolitan Area, The Business Journal Serving the Greater Triad Area (Greensboro Winston-Salem), The Business Journal Serving The Triangle's Business Communities (Raleigh).

Ohio: Business Courier Serving the Cincinnati-Northern Kentucky Region, Columbus Business First (Columbia), Dayton Business Journal.

Oregon: Business Journal Portland.

Pennsylvania: Philadelphia Business Journal, Pittsburgh Business Times.

Tennessee: Memphis Business Journal, Nashville Business Journal.

Texas: Austin Business Journal, Dallas Business Journal, Houston Business Journal, San Antonio Business Journal.

Washington: Puget Sound Business Journal (Seattle).

Wisconsin: The Business Journal Serving Milwaukee.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Would the distinguished gentleman from Wisconsin yield for a question?

Mr. SENSENBRENNER. Certainly.

Mr. KUCINICH. Mr. SENSENBRENNER, as I am reading through this act and looking at the types of injuries that would occur to people, it occurs to me that there are existing Federal statutes which come into play with respect to inflicting bodily harm on individuals. Why are we creating a specific classification here?

Mr. SENSENBRENNER. Would the gentleman yield?

Mr. KUCINICH. Please.

Mr. SENSENBRENNER. The reason the bill is before us is that the current statute is drafted too narrowly and does not deal with threats by animal rights extremists in inflicting bodily harm, for example, against the publisher of Vogue magazine, because they put ads in depicting people wearing furs.

Mr. KUCINICH. Well, reclaiming my time, I certainly stand with every Member of this House in defense of the rights of individuals to be free of bodily harm or injury under all and any circumstances. I think it would be a little bit easier for some of us to support this legislation.

Mr. SENSENBRENNER. Well, will the gentleman yield?

Mr. KUCINICH. I certainly will yield.

Mr. SENSENBRENNER. The reason the bill is before us is that the current statute does not extend the reach of the Federal criminal law to those who do business with animal enterprise organizations, and the bill will make it a specific crime to intentionally damage the property of a person or entity having the connection to or relationship with or transactions with an animal enterprise. That is not in the current law now.

Mr. KUCINICH. Reclaiming my time, and I thank the gentleman for pointing that out. However, I must say that the reach of the Federal law includes any place which does Federal research, and all these universities are involved in research projects as universities who are supporting this bill.

I cannot see why we need to have a specific law with this regard. I mean, just as we need to protect peoples' right to conduct their work without fear of assault, so too this Congress has yet to address some fundamental ethical principles with respect to animals. How should animals be treated humanely? This is a debate that hasn't come here.

There are some specific principles with respect to humane treatment of animals. My concern about this bill is that it could have a chilling effect on people who, the law says, well, their first amendment rights are protected. But the law also is written in such a way as to have a chilling effect on the exercise of the constitutional rights of protest, and so for that reason, I can't support this. I think that it would be important for this Congress to look at the claims of people who are sincere advocates of animal rights.

I am not talking about people who would threaten anyone with death because they don't agree with them, but there are individuals who love animals, who don't want to see animals hurt, who have a point and a right to speak out. I think for that reason, this bill has not yet reached its maturity.

I think I understand what the sponsors of this bill are trying to do, but I don't think that the end that it is going to, you are hoping to achieve, that you are going to reach, because unless this Congress makes a clear statement about ethical principles with respect to animals, and how we treat animals, how are animals treated in research, these are really serious questions that millions and millions of Americans care about.

So I understand the intent here. But I just think that you have got to be very careful about painting everyone with the broad brush of terrorism who might have a legitimate objection to a type of research or treatment of animals that is not humane. So, again, I wanted to express this note of caution about this legislation, but notwithstanding that there are specific statements about protection of the first amendment. This bill is written in such a way as to have a chilling effect on the exercise of peoples' first amendment rights.

Mr. SENSENBRENNER. Mr. Speaker, how much time do I have left?

The SPEAKER pro tempore. The gentleman from Wisconsin has 11 minutes.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am afraid that my distinguished colleague from Ohio hasn't read the bill, so I will read it for him. At the end of page 7 in the Senate-passed bill, there is a subsection (e) called "rules of construction," which says, in part: nothing in this section shall be construed, one, to prohibit any expressive conduct, including peaceful picketing or other peaceful demonstration, protected from legal prohibition by the first amendment to the Constitution.

Two, to create new remedies for interference with activities protected by the free speech or free exercise clause of the first amendment to the Constitution regardless of the point of view expressed or to limit any existing legal remedies for such interference.

That means that if somebody wishes to peacefully protest research on animals, they can do so, as the statute, with the amendment that was adopted on the floor in the other body, specifically prohibits a prosecution for that.

Now, let's look at what the people this bill has been designed to go after have been saying:

"I don't think you would have to kill too many researchers. I think that for 5 lives, 10 lives, 15 human lives, we could save 1 million, 2 million or 10 million nonhuman lives." Animal Liberation Press Officer Jerry Vlasak at the 2003 National Animal Rights Conference in Los Angeles.

Second: "Arson property destruction, burglary and theft are 'acceptable crimes' when used for the animal cause." That quote was from Alex Pacheco, who is the director of PETA.

Third: "I wish we all would get up and go into the labs and take the animals out or burn them down." That is Ingrid Newkirk, president of PETA at the National Animal Rights Convention '97, June 27, 1997.

"Get arrested. Destroy the property of those who torture animals. Liberate those animals interned in the hellholes our society tolerates." That is Jerry Vlasak of the Animal Defense League again on an Internet post of June 21, 1996.

"We have found that civil disobedience and direct action has been powerful in generating massive attention in our communities . . . and has been very effective in traumatizing our targets." J.P. Goodwin, Committee to Abolish the Fur Trade at the National Animal Rights Convention in Los Angeles June 27, 1997.

Or: "In a war you have to take up arms, and people will get killed, and I can support that kind of action by petrol bombing and bombs under cars, and probably at a later stage, the shooting of vivisectors on their doorsteps. It is a war, and there is no other way you can stop vivisectors." Tim Daley, British Animal Liberation Front leader.

Finally, another one from Jerry Vlasak: "If they won't stop when you ask them nicely, they don't stop when you demonstrate to them what they are doing is wrong, then they should be stopped using whatever means are necessary."

This bill is designed to criminalize whatever means are necessary outside the Constitution.

Mr. KUCINICH. Would the gentleman yield?

Mr. SENSENBRENNER. I am happy to yield.

Mr. KUCINICH. I thank the gentleman. To calm the gentleman's concerns, I have read the bill, and I underlined the sections that I expressed concern about. I am concerned about, as you are, anyone who wants to commit violence against anyone. Remember, I am the author of the bill to create a Department of Peace and Nonviolence. I share your concern about violence. I am suggesting that carving out a special section of law here has a chilling effect.

Mr. SENSENBRENNER. Reclaiming my time, again, I will reread page 7, lines 10 through 21 of the bill that was passed by the other body that says nothing in this section shall be construed to prohibit any expressive conduct, including peaceful picketing or other peaceful demonstration protected from legal prohibition by the first amendment to the Constitution.

Two, to create new remedies for interference with activities protected by the free speech or free exercise clause of the first amendment to the Constitution, regardless of the point of view expressed or to limit any existing legal remedies for such interference, unquote.

Now, what this section says is that nothing in the bill, absolutely nothing in the bill shall be construed to restrict what I have just read. This bill should pass. We should reject the red herrings that we are hearing from the gentleman from Ohio and other opponents.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Again, I applaud the gentleman from Wisconsin for his commitment to protecting people from harm. I would like to read the next paragraph that he didn't get to, because it raises a question about why this bill is necessary: nothing in this section shall be construed, number 3, to provide exclusive criminal penalties or civil remedies with respect to the conduct prohibited by this action.

So what is this all about? This bill, in effect, does provide exclusive criminal penalties for a certain type of conduct, and yet the drafting of this bill makes section 3, under rules of construction, totally contradictory. This says there aren't any exclusive penalties, but the whole of the bill maintains and establishes exclusive penalties. So this is why bringing up a bill like this under suspension, no matter how well intentioned it may be, is problematic.

This bill has an inherent flaw that I am pointing out. In addition, when that flaw is held up against the constitutional mandate to protect freedom of speech, what we have done here is we have crippled free expression.

I am not and never have been in favor of anyone using a cloak of free speech to commit violence. The Supreme Court Justice said, your right to swing your fist ends at the tip of my nose. No one has the right to yell "fire" in a crowded theater. We have heard those kinds of admonitions.

On the other hand, the chairman's recitation of the statements of animal rights activists, statements that I, myself, would disagree with, those statements, in and of themselves, are constitutionally protected speech.

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Yet under this bill they suddenly find themselves shifting into an area of doubt, which goes back to my initial claim that this bill was written to have a chilling effect upon a specific type of protest.

Again, I am not for anyone abusing their rights by damaging another person's property or person, but I am for protecting the first amendment and not creating a special class of violations for a specific type of protest.

Mr. SCOTT of Virginia. Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

I would just like to sum up that on October 30 the American Civil Liberties Union sent a letter to the gentleman from Michigan (Mr. CONYERS), my ranking member, and myself, not opposing this legislation. They did ask for minor changes, but they did not express one concern about constitutionally protected first amendment rights being infringed upon or jeopardized in any way by this bill.

Now, if there ever was an organization that really goes all the way on one side in interpreting the first amendment as liberally as it can, it is the American Civil Liberties Union. My friend from Ohio, whom I have a great respect for, is even outside the definition of the first amendment that the ACLU has eloquently advanced in the halls of this Capitol for decades and will do so for decades to come.

This is a good bill. I think that all of the fears that the gentleman from Ohio has placed on the record are ill-founded by practically everybody who has looked through this bill, including the ACLU. All I need to do is go back to the quotes that I cited a couple of minutes ago to show why this bill is vitally necessary.

I urge a "yes" vote on the bill.

Mr. ISRAEL. Mr. Speaker, I rise today to express my concerns with S. 3880, The Animal Enterprise Terrorism Act.

I believe that individuals and groups cannot resort to intimidation, vandalism or violence in the advancement of a cause. Protests must be lawful and disagreements respected. But, this bill, as drafted, could criminalize lawful and constitutionally protected activists.

This bill criminalizes conduct that "intentionally damages or causes the loss of any real or personal property," however, the bill fails to define what "real or personal property" means. As a result, legitimate advocacy—such as a boycott, protest, or mail campaign—that causes an animal enterprise to merely lose profits could be criminalized under S. 3880.

It also fails to adequately define the term "animal enterprise." Nothing in the current definition requires that an enterprise be lawful. Therefore, investigations into unlawful animal enterprises, such as animal fighting organizations or illegal puppy mills, could be deterred as employees, citizens, and legitimate animal activists may be afraid to cooperate or provide information to law enforcement agencies for fear of prosecution under the terms of this bill.

I am a strong supporter of research, but I also believe that animal rights need to be vigilantly enforced. In order to achieve that goal, I have been working with the Humane Society on amendments to the Animal Rights Act, which is the law that governs the humane care, handling, treatment and transportation of animals in laboratories and dealers who sell animals to laboratories and animal exhibitors. My bill would provide two keys changes to this law. First, it doubles the fine for violations (from $5,000 to $10,000) and increases the number of annual inspections at laboratories.

I will be introducing this measure when the House comes back for the 110th Congress, and I hope that all of my colleagues will join me in providing these additional animal protections.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the Senate bill, S. 3880.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

EXTENDING PERMANENT NORMAL TRADE RELATIONS TO VIETNAM

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5602) to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Vietnam, as amended.

The Clerk read as follows:

H.R. 5602

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds the following:

(1) In July 1995, President Bill Clinton announced the formal normalization of diplomatic relations between the United States and Vietnam.

(2) Vietnam has taken cooperative steps with the United States under the United States Joint POW/MIA Accounting Command (formerly the Joint Task Force-Full Accounting) established in 1992 by President George H.W. Bush to provide the fullest possible accounting of MIA and POW cases.

(3) In 2000, the United States and Vietnam concluded a bilateral trade agreement that included commitments on goods, services, intellectual property rights, and investment. The agreement was approved by joint resolution enacted pursuant to section 405(c) of the Trade Act of 1974 (19 U.S.C. 2435(c)), and entered into force in December 2001.

(4) Since 2001, normal trade relations treatment has consistently been extended to Vietnam pursuant to title IV of the Trade Act of 1974.

(5) Vietnam has undertaken significant market-based economic reforms, including the reduction of government subsidies, tariffs and nontariff barriers, and extensive legal reform. These measures have dramatically improved Vietnam's business and investment climate.

(6) Vietnam is in the process of acceding to the World Trade Organization. On May 31, 2006, the United States and Vietnam signed a comprehensive bilateral agreement providing greater market access for goods and services and other trade liberalizing commitments as part of the World Trade Organization accession process.

SEC. 2. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO VIETNAM.

(a) Presidential Determinations and Extension of Non-Discriminatory Treatment.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(1) determine that such title should no longer apply to Vietnam; and

(2) after making a determination under paragraph (1) with respect to Vietnam, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(b) Termination of the Applicability of Title IV.—On and after the effective date of the extension of nondiscriminatory treatment to the products of Vietnam under subsection (a), title IV of the Trade Act of 1974 shall cease to apply to that country.

SEC. 3. PROCEDURE FOR DETERMINING PROHIBITED SUBSIDIES BY VIETNAM.

(a) Authority of Trade Representative.—The Trade Representative may conduct proceedings under this section to determine whether the Government of Vietnam is providing, on or after the date on which Vietnam accedes to the World Trade Organization, a prohibited subsidy to its textile or apparel industry, if such proceedings are begun, and consultations under section 4(a) are initiated, during the 1-year period beginning on the date on which Vietnam accedes to the World Trade Organization.

(b) Petitions.—

(1) Filing.—Any interested person may file a petition with the Trade Representative requesting that the Trade Representative make a determination under subsection (a). The petition shall set forth the allegations in support of the request.

(2) Review by Trade Representative.—The Trade Representative shall review the allegations in any petition filed under paragraph (1) and, not later than 20 days after the date on which the Trade Representative receives the petition, shall determine whether to initiate proceedings to make a determination under subsection (a).

(3) Procedures.—

(A) Determination to Initiate Proceedings.—If the Trade Representative makes an affirmative determination under paragraph (2) with respect to a petition, the Trade Representative shall publish a summary of the petition in the Federal Register and notice of the initiation of proceedings under this section.

(B) Determination Not to Initiate Proceedings.—If the Trade Representative determines not to initiate proceedings with respect to a petition, the Trade Representative shall inform the petitioner of the reasons therefor and shall publish notice of the determination, together with a summary of those reasons, in the Federal Register.

(c) Initiation of Proceedings by Other Means.—If the Trade Representative determines, in the absence of a petition, that proceedings should be initiated under this section, the Trade Representative shall publish in the Federal Register that determination, together with the reasons therefor, and notice of the initiation of proceedings under this section.

SEC. 4. CONSULTATIONS UPON INITIATION OF INVESTIGATION.

If the Trade Representative initiates a proceeding under subsection (b)(3)(A) or (c) of section 3, the Trade Representative, on behalf of the United States, shall, on the day on which notice thereof is published under the applicable subsection, so notify the Government of Vietnam and request consultations with that government regarding the subsidy.

SEC. 5. PUBLIC PARTICIPATION AND CONSULTATION.

(a) Public Participation.—In the notice published under subsection (b)(3)(A) or (c) of section 3, the Trade Representative shall provide an opportunity to the public for the presentation of views concerning the issues—

(1) within the 30-day period beginning on the date of the notice (or on a date after such period if agreed to by the petitioner), or

(2) at such other time if a timely request therefor is made by the petitioner or by any interested person,

with a public hearing if requested by an interested person.

(b) Consultation.—The Trade Representative shall consult with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, and with the appropriate advisory committees established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155), with respect to whether to initiate proceedings under section 3 and, if proceedings are conducted, with respect to making the determination under subsection (c).

(c) Determination.—After considering all comments submitted, and within 30 days after the close of the comment period under subsection (a), the Trade Representative shall determine whether the Government of Vietnam is providing, on or after the date on which Vietnam accedes to the World Trade Organization, a prohibited subsidy to its textile or apparel industry. The Trade Representative shall publish that determination in the Federal Register, together with the justification for the determination.

(d) Record.—The Trade Representative shall make available to the public a complete record of all nonconfidential information presented in proceedings conducted under this section, together with a summary of confidential information so submitted.

SEC. 6. ARBITRATION AND IMPOSITION OF QUOTAS.

(a) Arbitration.—If, within 60 days after consultations are requested under section 4, in a case in which the Trade Representative makes an affirmative determination under section 5(c), the matter in dispute is not resolved, the Trade Representative shall request arbitration of the matter under the Dispute Settlement Understanding.

(b) Imposition of Quotas.—

(1) In general.—The Trade Representative shall impose, for a period of not more than 1 year, the quantitative limitations described in paragraph (2) on textile and apparel products of Vietnam—

(A) if, pursuant to arbitration under subsection (a), the arbitrator determines that the Government of Vietnam is providing, on or after the date on which Vietnam accedes to the World Trade Organization, a prohibited subsidy to its textile or apparel industry; or

(B) if the arbitrator does not issue a decision within 120 days after the request for arbitration, in which case the limitations cease to be effective if the arbitrator, after such limitations are imposed, determines that the Government of Vietnam is not providing, on or after the date on which Vietnam accedes to the World Trade Organization, a prohibited subsidy to its textile or apparel industry.

(2) Limitations described.—The quantitative limitations referred to in paragraph (1) are those quantitative limitations that were in effect under the Bilateral Textile Agreement during the most recent full calendar year in which the Bilateral Textile Agreement was in effect.

(c) Determination of Compliance.—If, after imposing quantitative limitations under subsection (b) because of a prohibited subsidy, the Trade Representative determines that the Government of Vietnam is not providing, on or after the date on which Vietnam accedes to the World Trade Organization, a prohibited subsidy to its textile or apparel industry, the quantitative limitations shall cease to be effective on the date on which that determination is made.

SEC. 7. DEFINITIONS.

In this Act:

(1) Bilateral textile agreement.—The term "Bilateral Textile Agreement" means the Agreement Relating to Trade in Cotton, Wool, Man-Made Fiber, Non-Cotton Vegetable Fiber and Silk Blend Textiles and Textile Products Between the Governments of the United States of America and the Socialist Republic of Vietnam, entered into on July 17, 2003.

(2) Dispute settlement understanding.—The term "Dispute Settlement Understanding" means the Understanding on Rules and Procedures Governing the Settlement of Disputes referred to in section 101(d)(16) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(16)).

(3) Interested person.—The term "interested person" includes, but is not limited to, domestic firms and workers, representatives of consumer interests, United States product exporters, and any industrial user of any goods or services that may be affected by action taken under section 6(b).

(4) Prohibited subsidy.—

(A) IN GENERAL.—The term "prohibited subsidy" means a subsidy described in article 3.1 of the Agreement on Subsidies and Countervailing Measures.

(B) SUBSIDY.—The term "subsidy" means a subsidy within the meaning of article 1.1 of the Agreement on Subsidies and Countervailing Measures.

(C) AGREEMENT ON SUBSIDIES AND COUNTERVAILING MEASURES.—The term "Agreement on Subsidies and Countervailing Measures" means the Agreement on Subsidies and Countervailing Measures referred to in section 101(d)(12) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(12)).

(5) TEXTILE OR APPAREL PRODUCT.—The term "textile or apparel product" means a good listed in the Annex to the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

(6) TRADE REPRESENTATIVE.—The term "Trade Representative" means the United States Trade Representative.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. THOMAS) and the gentleman from Washington (Mr. MCDERMOTT) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5602 was a bill that was introduced in June of this year by the gentleman from Minnesota (Mr. RAMSTAD) and principally the gentleman from California (Mr. THOMPSON). This is the culmination of a long and sometimes very difficult process.

The relationships between the United States and Vietnam have been difficult. When I was a member of the committee as a member of the minority and the chairman of the Trade Subcommittee was the gentleman from Nevada, Mr. GIBBONS, we traveled to Vietnam as the first official United States Delegation on Trade. That was a number of years ago. So we arrive today after an 11-year effort in working with Vietnam to enjoy the announcement that Vietnam is on the verge of joining the World Trade Organization.

Vietnam joining the WTO will bring substantial economic benefits obviously to the Vietnamese and to the United States, because Vietnam has agreed to open its markets to U.S. goods and services. However, to fully benefit from this move on the part of Vietnam to the World Trade Organization, the United States must first extend the so-called permanent normal trade relationship to Vietnam, and that is what this bill does.

I asked to take it up with the "as amended" phrase attached because we have been able to come to an agreement. One of the real concerns with an increase in trade between the United States and Vietnam is the textile industry. We have concerns about those areas in the United States that still have an ability to provide and afford the production of textiles and the relationship we are going to continue to grow with Central America with the free trade agreement there and with the pending free trade agreements with Andean countries that will provide us with an excellent opportunity to move our raw and partially finished textile products to an area that will both advance those countries and the United States.

Vietnam will be a major player in the textile industry. The concern we have is in balancing the concerns of those who are on the retail side and those who are on the production side, and we believe that the amendment that we have offered will go a long way toward resolving those concerns.

There is still concern as far as the chairman is concerned and, I know, of other Members on Vietnam's record on human rights and religious freedom. Just because it decides to join the World Trade Organization doesn't mean that it has decided in all aspects to join the world's civilized nations in its behavior not only to its people and to others. However, I do firmly believe that if Vietnam lives up to its commitment in its membership in the World Trade Organization, it will encourage and accelerate the opportunity for needed reforms in a tangible way that impacts the Vietnamese people's lives daily. So although I have a number of reservations in that regard, I do support going forward.

This is a regime that is not a democracy. I do hope as we examine trade relationships that may be presented to this Congress before we adjourn sine die, that we take cognizance of the fact that we have an opportunity to enter into free trade agreements with growing and vibrant democracies in this hemisphere, and if we are anxious to move a trade agreement with a country that is not democratic, that we extend that same courtesy to those in the Western Hemisphere, specifically Peru, that have made significant sacrifices to come to a free trade agreement. They are, after all, a deserving people.

Mr. Speaker, I ask unanimous consent that I turn the balance of my time over to the gentleman from Florida (Mr. SHAW), the chairman of the Trade Subcommittee of the Ways and Means Committee, and that he be allowed to yield said time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MCDERMOTT. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I support this legislation because I believe, on balance, Vietnam's accession to the WTO is a positive step. It is a growing economy with 90 million people. It remains a command economy basically and a one-party state, and that always leads to some concerns and some qualifications. That is true here in terms of some problems, serious ones in the past with human rights, and also some economic issues. However, I think, on balance, it is wise to proceed. Their becoming part of the WTO will mean that the disciplines of international regulations will apply to them.

Let me say, however, I have several concerns. One is that this bill is on the suspension calendar. This bill did not go through committee. There was no hearing. I think this is not a wise procedure. In fact, I am sure it is not a wise procedure, and it is not going to be followed in the future. Bills of this nature, I believe, will have hearings before a committee and will not come up on suspension.

Secondly, a second concern, there is an important omission here and there is no safeguard mechanism in this accession agreement. When nonmarket economies operate, they usually do not do so through the usual mechanisms of supply and demand or international market dynamics, and so it is easier for there to be surges of imports into this country and more difficulty in dealing with them. The Bush administration did not negotiate a general surge provision here nor a textile surge provision. They were both in the China accession agreement. This is a serious omission, or at least an omission that should not be replicated.

For example, there is now negotiation with Russia of an accession agreement. The bilateral has been completed and the multilateral will start. I don't think we should be approving PNTR bills, for example, with Russia, until there is a safeguard mechanism negotiated in the agreement itself.

I believe all of us on this side who are speaking today will be dedicated to making sure that there is such a safeguard mechanism, so that if there is that surge of exports to us, we have a mechanism to deal with it.

On balance, I think it is important to proceed with this bill, and therefore I urge support.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5602 would grant permanent normal trade relations with Vietnam and permit U.S. businesses to take full advantage of the commitments that Vietnam has made as part of its accession into the World Trade Organization.

On November 7, 2006, World Trade Organization members voted to approve Vietnam's entry into the organization and Vietnam is expected to officially become a member by the end of the year. To get to this point, Vietnam has clearly made significant economic reforms and will benefit not only the international community, but also the people of Vietnam.

As part of Vietnam's accession into the World Trade Organization, more than 94 percent of all U.S. exports of manufactured goods will face duties no higher than 15 percent. Tariffs will also be reduced 15 percent or less on three-quarters of United States agricultural products.

Additionally, U.S. service providers will have increased access to Vietnam's market. My own State of Florida already exports over $20 million of goods to Vietnam. With Vietnam's entry into the World Trade Organization, I expect this number to grow even higher, thus benefiting those that manufacture, create, grow and harvest these products, as well as those that package, store and transport them.

To say the United States and Vietnam have had a rocky relationship would be a dramatic understatement. Yet, much like with Japan, this opportunity to promote cooperation and conciliation demonstrates the great progress that is important when countries engage economically.

By enacting this legislation, the United States and Vietnam have a unique opportunity to show the world that no matter what the history between these countries may be, they can still have substantial economic and foreign policy benefits when the countries turn away from violent conflict and focus their efforts on economic interaction with an international rule-based system.

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This legislation can provide an important symbolic example to countries throughout the world facing an important choice between violence and isolation or economic prosperity.

Mr. Speaker, I urge all Members to support H.R. 5602 and support the efforts of American businesses striving to compete in this new and expanding market.

Mr. Speaker, I reserve the balance of my time.

Mr. McDERMOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support this legislation granting Vietnam permanent normal trade relations.

Today is a day that shows America really at its best. With one piece of legislation, we will show the world the heart and spirit of our country. In the grand scheme of things, there is not a lot of money involved here, but there is an enormous amount of history and healing involved. Democrats support permanent normal trade relations with Vietnam because granting PNTR to Vietnam allows it to join the rules-based, multilateral trading system, the World Trade Organization. Vietnam's accession to the WTO will ensure that Vietnam is bound to international rules and concessions that aim to provide trade-related economic growth that is fair.

But PNTR does more than just bring Vietnam into a multinational trading relationship. PNTR continues to heal the wounds of a conflict whose wounds are still felt today. The healing of the Vietnam War continues, and today marks another important step in that process.

The U.S.-Vietnam accession agreement, for the most part, is a strong one. The agreement will open an emerging market of almost 90 million people to American exporters of goods and services. This agreement will provide the Nation's exporters and consumers opportunities which are not available today.

In my home State of Washington, a State that relies heavily on exports to drive its economy, products like computer software, commercial aircraft, and agricultural goods will find better access to an increasingly dynamic economy through this agreement.

Subjecting Vietnam to the disciplines of the WTO and its rules and dispute settlement mechanisms will be a positive step in providing the United States more of an opportunity to ensure that Vietnam's economic reforms continue and move in the right direction. This will provide a new opportunity for the Vietnamese to improve their lives by participating in freer and fair markets. That is what makes this agreement worthy of support despite its flaws.

Even as we move, I hope, to pass this resolution, we must recognize a deeply flawed process by which the resolution is brought before the House. First, this is a major trade bill that is coming to the floor on a suspension calendar, the legislation introduced and made available to the Members and the public just a few hours ago without any significant debate, without any hearing in the committee of jurisdiction, and without the opportunity of any markup. I doubt most Members know anything about this bill, which was introduced just a few hours ago, as most Members are presently flying back from their districts across the country.

This is not the way the Congress should operate when we are legislating on matters of importance to the American people. We should follow the regular order, and I am hopeful that in the future we will do that. In fact, I am absolutely certain we will do that, having listened to Mr. LEVIN talk about it.

In fact, the bill, and Vietnam's accession agreement to the WTO, omits a critically important provision. The Bush administration failed once again to negotiate a safeguard mechanism with Vietnam, which is a country with a nonmarket economy. This is a major oversight. Nonmarket economies do not respond to normal market signals of supply and demand, and thereby they often create surplus supply that can lead to import surges in the U.S. market. These surges, and this administration's failure to address them effectively, are one of the areas in which the Bush administration has failed to stand up for American businesses, for their workers and the manufacturing sector in general.

In the new Congress, the House of Representatives and the Committee on Ways and Means will need to consider ways that our trade law remedies can be updated and strengthened, including the antidumping laws. American firms are among the most competitive in the world, but they cannot compete with the treasury of foreign countries. The administration should know that in the new Congress: the new majority will insist that the administration incorporate safeguard tools in future PNTR agreements.

In closing, I support this bill because it is an important step that we should take to strengthen the multilateral trading system. It is an important step to provide opportunities for American and Vietnamese workers and entrepreneurs. Most importantly, this is a step we can take to improve U.S.-Vietnamese relations and our relationship with emerging Asian economies. It is unfortunate that the agreement has some key shortcomings that my colleagues on the House Ways and Means intend to address in the coming months.

Mr. Speaker, I reserve the balance of my time.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

I would like to clarify the record on the statement by the gentleman from Washington. He may have just gotten the amendments, but the bill has been out there since last spring and amendments were delivered to the staff of the minority office last Thursday asking for comments. We are trying to do this in as bipartisan a way as we can because we have support from the other side.

So I don't want anyone watching this process going forward to think that the majority here has in any way not shared the information that it has with the minority.

Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker, I thank the gentleman from Florida for yielding me this time.

I want to rise in strong support of this legislation, and I want to commend the chairman of the full committee and the chairman of the subcommittee for the work that they have done in advancing this bill, which will benefit both America and Vietnam for years to come. And I want to especially pay tribute to the chairman of the Trade Subcommittee for his long service in this Congress and for the work that he has done over the years in the area of trade, which has made such advances for better relations between the United States and other countries and improved the lot of people in other countries as well as the lot of workers and citizens here at home in the United States. His service will be greatly missed in the next Congress.

Permanent normal trade relations with Vietnam is the next logical step in our partnership with that country. Back in 1995, with my support and that of many others on both sides of the aisle, we embarked on a new path of political progress with Vietnam. We restored political relations and we restored economic relations. We recognized how important it was to integrate a former adversary into the global economy.

Then in December of 2001, we passed a bilateral trade agreement that has spurred economic growth for all parties. By the end of 2005, two-way trade between the United States and Vietnam had reached nearly $8 billion, a huge increase from the base it started at just a few years earlier. Now, with the passage of this legislation, with the adoption of permanent normal trade relations, we will magnify those benefits and we will allow the United States and Vietnam to work as partners in the World Trade Organization.

The impact for our Nation will be especially dramatic in the services sector. The bill will provide more open access in telecommunications, financial services, and energy services. This is crucial, absolutely crucial, for jobs here at home in the United States. Eighty percent of the American workforce is in the service sector.

At the same time, this legislation is about more than just economics, and I think that those on both sides of the aisle recognize this fact. Permanent normal trade relations will promote additional domestic reforms in Vietnam. By increasing transparency in that country's trade practices, this bill will contribute to greater transparency in all areas of government.

From the first time that I visited Vietnam after my service in the conflict there, more than 15 years ago, to today we have seen enormous changes take place in the political structure of Vietnam. And as a Vietnam veteran, I find this especially heartwarming and especially important. We are working and we must continue to work on behalf of development and of good governance in Vietnam.

This legislation shows us that Vietnam's best interests can align with the interests of this country as well, and this is what free trade is all about. This is what free trade does for two countries, and this is why this bill has bipartisan support, and it is why it will pass, why it should pass, today.

I can only hope that in the next Congress my colleagues will take the same commonsense approach to other trade bills that will be considered and that they will have the courage to embrace a free trade agenda which will benefit Americans and people around the world alike.

Mr. MCDERMOTT. Mr. Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy in permitting me to speak on this bill.

I am honored to follow my friends Mr. SHAW and Mr. KOLBE, who have invested in making this work, and it is an example of how trade policy can, in fact, be bipartisan. This is one of those examples.

For those of us who entered political life during the Vietnam War era, the passage of normal trade relations and the final step towards normalization of relations with Vietnam is nothing short of astonishing. I was honored to accompany President Clinton on his historic visit to Vietnam in 2000 and to watch the spontaneous outpouring of, interest and it appeared even affection, for the American President and for America at that point. This agreement cements this important political relationship with a key Southeast Asia partner and demonstrates a roadmap for other former enemy countries to repair relations and proceed together along a mutually beneficial path.

It contributes to the continued process of reform in Vietnam, strengthening the rule of law, promoting transparency in government, and decreasing that government's role in the Vietnamese economy.

It is also good economic policy for both the United States and Vietnam, strengthens the international trading system in the wake of the collapse of the Doha Round. U.S. exports to Vietnam have increased over 150 percent since that historic visit with President Clinton to over $1.2 billion last year, and Vietnam continues to be the second fastest economic growth engine in the world.

Vietnam has agreed to open their markets to U.S. manufactured goods, services, and agricultural commodities, including things we care about in Oregon like beef, apples and pears.

Imports from Vietnam are also important in supporting many jobs in the Northwest, as my friend from Puget Sound mentioned. Companies, I would say, like Nike and Intel have the same sort of interests, and it will also provide advantages for American consumers. Access to U.S. markets can also play an important role in Vietnam's fight against poverty as it seeks to emulate the progress of the other "Asian tigers," which have lifted hundreds of millions of people out of poverty and sickness in East Asia.

However, I would offer two points of caution. I am concerned that the administration has agreed to self-initiate antidumping investigations against the Vietnamese textile industry, which employs 2 million people and is Vietnam's second largest export earner. By creating an uncertain atmosphere for U.S. business in Vietnam, I am concerned, and I hope that this concern is not proven to be founded, that the agreement between the administration and the Senators from North Carolina will deter U.S. companies from operating in Vietnam and harm companies that depend on imports from that country, limiting the benefits of this agreement both for the United States and the Vietnamese people, as well as setting, shall we say, a dubious precedent for future trade policy.

I do encourage the administration to work closely with the United States stakeholders and attempt to find a mutually acceptable conclusion to this issue that is fair to the parties involved and does not set a dangerous precedent.

I would also repeat on the floor what I have said to friends and people that I have met in Vietnam, Vietnamese officials at the highest level in both countries, that the Vietnam record on religious freedom and human rights continues to be an impediment to a full flowering of the partnership with the United States. It decreases the legitimacy of the Vietnamese Government in the eyes of their people and people around the world.

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A truly close relationship can only be based on shared values and the Vietnam Government's record must improve in the area of human rights and religious freedom. And it is not just about the relationship between the United States and Vietnam and helping oppressed people in Vietnam. It is only with this freedom of the economy and religion that they are going to be able to benefit the full flowering of their economy.

Mr. Speaker, in the end, permanent normal trade relations with Vietnam is a win for both the United States and Vietnam on all fronts. And I for one enjoyed working with the junior Senator from Oregon who helped lead the passage in the Senate, demonstrating once again that trade does not have to be one of these mindless partisan issues. I strongly support this legislation and urge my colleagues to do as well.

Mr. SHAW. Mr. Speaker, I continue to reserve the balance of my time.

Mr. MCDERMOTT. Mr. Speaker, I yield 4½ minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I rise in opposition to H.R. 5602. Opposing PNTR for Vietnam is in the interest of the Vietnamese and the American people. As you know, Vietnam has been subject to a trade agreement with the United States since 2001. How has it gone? If you care about Vietnam, then you should care to know that Vietnam has a lot to lose as poor as that country may be.

Vietnam had a growth rate of 9 percent between 1993 and 1997, the year the Asian financial crisis hit. In other words, under the Socialist Republic of Vietnam, economic growth was very respectable, but the global experience of developing countries with WTO roles is disappointing at best.

During the WTO decade, that is 1995 to 2005, the number and percentage of people living on less than $2 a day has jumped in South Asia, sub-Saharan Africa, Latin America, the Middle East and the Caribbean. The rate of worldwide poverty reduction has slowed. Per capita income growth in poor nations decline when they sign up for the WTO.

And structural adjustment policies by the IMF and the World Bank also cause the economic situation of the people in those countries that sign up for the WTO to be impaired.

Per capita growth from 1980 to 2000 fell to half of what occurred between 1960 and 1980, 1980 prior to the imposition of the WTO–IMF package. I worry about the Vietnamese people if the PNTR should pass. If you care about Vietnam, then you should care to know that the PNTR could have the effect of causing, one, millions of peasants to be thrown off the land as agricultural supports are withdrawn; two, millions of workers to lose their jobs as state enterprises wither in the face of foreign competition or downsize and speed up operations in an effort to stay competitive.

Privatization, right on its way. At the beginning of this year, I was one of the Democratic representatives chosen by the Speaker of the House to visit Southeast Asia, and we visited Vietnam.

One of the things that struck me during the visit, particularly to the south part of Vietnam, was the ubiquitous nature of the bicycle. People use bicycles as a primary means of getting around, and it is linked to the culture. There are rules that impose high tariffs and taxes on bringing cars in to operate in Vietnam. Those rules and tariffs are just going to be wiped off the books, pushed aside.

This agreement is going to have a profound impact in creating a transition in the culture of Vietnam away from a use of an effective and efficient means of transportation, towards choking streets that are already clogged with a lot of people, with automobiles at a time that we should be thinking about the relationship between trade and global climate change.

I mean, after all, the WTO does not permit human rights, workers' rights or environmental quality principles to be put into trade agreements. So here we are celebrating the growth of free trade at the same time the worldwide economic crisis continues.

Somebody has got to make the connection between demanding that the WTO have environmental quality principles written into these agreements, and you are going to see countries like Vietnam suffer as a result of that lack. Have we not had enough of the folly of the World Trade Organization? Have we not lost enough good-paying jobs in this country? Have we not learned that the U.S. cannot for long be the world's biggest market and biggest consumer if our people are not making wealth through manufacturing? I mean, we need an American manufacturing policy where the maintenance of steel, automotive, aerospace and agriculture is seen as vital to our Nation's national security.

Mr. Speaker, if you care about jobs in the United States, then you should be concerned to learn that the U.S. balance of trade with Vietnam has gone from a surplus in 1993 to a deficit of over $5 billion.

As Chinese manufacturers move south to Vietnam in search of even cheaper labor, more and more exports will come from Vietnam to the United States and more and more jobs in the U.S. will disappear. Wake up, Congress. We have got close to an $800 billion trade deficit, and this bill just keeps going in the same direction.

Goodbye, American jobs. No workers rights. No human rights. No environmental quality principles. Why are we doing this?

Mr. McDERMOTT. Mr. Speaker, the gentleman from Florida has the right to close?

The SPEAKER pro tempore. The gentleman from Florida has the right to close, that is correct.

Mr. McDERMOTT. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I feel confident this measure before us will pass quite easily. I am glad that you have allowed the House to consider it today. I am sorry that Mr. RAMSTAD did not get a chance to come. We are going to miss Mr. SHAW as he leaves us. Mr. KOLBE, I am sorry he has left the floor. He was also a promoter of trade in underdeveloped countries and has been a real contributor to that effort here in the Congress.

However, this House has a little bit of work left to do in trade. And I talked to the chairman of the committee, Mr. THOMAS, before he left about whether or not we can get a bill between now and the time we get out of here. I would urge the Speaker and the chairman to act on a bill that extends the expiring trade preference programs, the Andean Trade Promotion Program and the generalized system of preferences. These are programs that have been in place for many, many years and have had a very positive effect in the underdeveloped world. And I think it is important that we not allow them to lapse in the midst of transition between party control and whatever.

There are a lot of people out there whose jobs depend on how those are implemented. And I think that the chairman understands that and has given me his assurance that he is going to talk to the Senate about whether we can get through such a piece of legislation, because it is vital to these developing countries and the workers and the American businessmen and consumers.

If you are trying to plan to source some of your material overseas and you do not know what the law is going to be applying to it, it is very hard for you to plan in advance, as the garment industry does or other industries. You need some certainty about when things are going to be available and what preferences will be in place so that the costs can be considered.

I would urge the Speaker in this thing to bring us a short-term clean extension. There are a lot of things out there that can get onto these bills that really do not add, in fact are very controversial.

But the clean extension should include the provisions for Haiti, which is the poorest country in our hemisphere, and certainly we want to do what we can for them. Sub-Saharan Africa is also a very undeveloped area that is having enormous economic problems. And for those kinds of supports I think there ought not to be any kind of opposition to them. The problem is they always get coupled with everything else under the sun that people have always wanted to do.

I hope the chairman and the committee and the subcommittee and the Speaker will all come together and bring us a bill and we will support it as we have done this one today.

Mr. Speaker, I yield back the balance of my time.

Mr. SHAW. Mr. Speaker, I yield myself the balance of our time.

Mr. Speaker, I would like to acknowledge that after all of these years, I finally found something that I agree with with the gentleman from Washington, and that is the statement with regard to the Andean countries, Africa, and with Haiti.

I would hope if we cannot conclude a satisfactory agreement, free trade agreement with the countries that we are working with now, most notably Peru and Colombia, that we should have some short-term extension of the Andean preference for those countries.

At this time we do not have one, an agreement with Ecuador. However, Ecuador is in a situation now of going into an election where they have one pro-American candidate, and one that is pro-Chavez. I think we should watch that very closely, and I think that we have an obligation to do everything we can for our friends and their economic growth. I will leave it right there.

But I think that we need to, and I would hope that in the next Congress, which I regret that I will not be part of, to see these things through that we should continue our work to become, and continue to be free trade.

I would like to also comment on the comments made by my friend from Ohio with regard to the low wages and low standard of living in Vietnam. I traveled there in the late 1980s with then-chairman Gibbons. It is the same CODEL that Mr. THOMAS made reference to in his opening remarks.

There we saw a very impoverished nation. We stayed at a government house in which the conditions were deplorable. In fact, one of the spouses along on the trip took all of her husband's undershirts and laid them on the bed before she would even get into the bed. We had rolling blackouts. The country was an economic disaster.

But we saw something very important. And I think this was really driven home, particularly, Jake Pickrel, whom many of us know, his wife fell and broke her hip. The doctors who was traveling with us took her down to the hospital in Vietnam, and he came back and said this is 1950s technology, the x-ray equipment there. And of course we immediately flew her out of Vietnam, where she could get and did get proper treatment.

I think we can look at Vietnam now, and I have not been back since then. But I understand the economic strides that they have made are really tremendous. And that is almost 100 percent due to their changing their economy so that it can thrive and it can grow and is not held back by the 100 percent socialistic tendencies that it seemed to have at the time.

Also I think that there is no question but that our trade will grow with Vietnam, because this is an agreement that works both ways. Their tariffs come down, our exports will increase, there is no question about that. As usual, and we find in most countries, that the tariffs of the country that we are taking down tariffs with has a higher tariff than we do.

So we should benefit, Vietnam should benefit and the economy of both countries will be better off for it. And when an economy as small as Vietnam mixes with an economy as large as the United States, it is very easy to realize that any type of stimulus that you give those economies will be a very, very big impact on their economy.

I have a letter here from the U.S.-Vietnam World Trade Coalition, and it is signed by Madeleine Albright, Jim Baker, Charlene Barshefsky, Samuel Berger, Harold Brown, Warren Christopher, William Cohen, Lawrence Eagleburger, Carla Hills, Michael Kantor, Henry Kissinger, Anthony Lake, Robert McNamara, Colin Powell, Robert Rubin, George Shultz, Robert Strauss, and Clayton Yeutter, very much in favor of this agreement.

Washington, DC, September 8, 2006.

DEAR COLLEAGUE: As the bipartisan cosponsors of H.R. 5602, to provide Vietnam with Permanent Normal Trade Relations (PNTR) status, we forward you the following letter signed by numerous former Cabinet Secretaries, U.S. Trade Representatives and others involved in trade and foreign policy in previous administrations.

We hope you find this letter useful as you consider your vote on this important issue.

Sincerely,

JIM RAMSTAD,
Member of Congress.
MIKE THOMPSON,
Member of Congress.

U.S. VIETNAM, WTO COALITION,
July 11, 2006.

Hon. J. DENNIS HASTERT, *Speaker,*
House of Representatives.
Hon. NANCY PELOSI,
Minority Leader,
House of Representatives.
Hon. BILL FRIST,
Majority Leader,
U.S. Senate.
Hon. HARRY REID,
Minority Leader,
U.S. Senate.

We strongly support the President's proposal to grant Permanent Normal Trade Relations (PNTR) status to Vietnam. America's long-term security and economic interests will be advanced by Vietnam's full integration into the rules-based global trading system. Vietnam can become a catalyst for growth and development in Southeast Asia, and will offer significant opportunities for U.S. companies, workers, and consumers.

In the thirty years since the end of the conflict in Southeast Asia, the United States has worked steadfastly to normalize relations with its former adversary. This effort proceeded, step by step, as we sought the fullest possible accounting of American prisoners of war and personnel missing in action. The "Roadmap" to normalization helped to achieve significant progress in this regard. We enjoy today a multifaceted, mutually beneficial relationship with Vietnam that has enabled us to engage on a range of issues, including protection of religious freedom, labor, and human rights.

Vietnam is home to nearly eighty-five million people, more than half of whom are under the age of twenty-five. As a country facing a host of infrastructure and human development challenges, Vietnam merits not only our attention, but also our support for the promising reform process that is underway. In this vein, the 2001 U.S.-Vietnam Bilateral Trade Agreement was an important milestone, and it has contributed to the development of a more open, market-oriented economy with important potential benefits for the Vietnamese and American peoples.

PNTR and WTO accession for Vietnam will strengthen America's linkages with the commercially and strategically important region of Southeast Asia, which, with a GDP of nearly $3 trillion, represents our fourth largest export market. The comprehensive WTO accession agreement reached by Vietnam and U.S. negotiators will provide even broader market access across a range of U.S. goods and services. Equally important, it will enhance transparency, accountability, and the rule of law.

The granting of PNTR for Vietnam represents the logical next step in the normalization of relations between our two countries, a process that has been made more effective by broad bipartisan support in Congress, and that has spanned successive presidential administrations during the past three decades. We support the granting of PNTR in advance of Vietnam hosting the Annual APEC Leaders Meeting in November, in which President Bush will participate. This will further encourage Vietnam's emergence as a responsible regional partner, as we together address a myriad of complex international economic and security issues.

We urge the Congress to approve PNTR for Vietnam at the earliest possible opportunity this summer.

Sincerely,

Madeleine K. Albright, James A. Baker III, Charlene Barshefsky, Samuel L. Berger, Harold Brown, Warren Christopher, William S. Cohen, Lawrence S. Eagleburger, Carla A. Hills, Michael Kantor, Henry A. Kissinger, Anthony Lake, Robert McNamara, Colin L. Powell, Robert E. Rubin, George P. Shultz, Robert S. Strauss, Clayton K. Yeutter.

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I think the Members on both sides of the aisle will certainly find somebody on that list that they have a great deal of respect for for their particular view with regard to matters pertaining to trade.

GENERAL LEAVE

Mr. SHAW. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SHAW. Mr. Speaker, in closing, I would like to thank Mr. RAMSTAD, who is trying to get back here in order to take time on the floor, and really I think if he were here, and I will not hesitate because he is not, to praise him for the good work that he has done and his foresight in bringing this particular bill forward.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I have serious concerns about establishing Permanent Normal Trade Relations (PNTR) with Vietnam without mandating essential human rights protections.

In August, the Government of Vietnam arrested and held a U.S. Citizen, Cong Thanh Do, on false charges. Only with the efforts of many U.S. officials was Mr. Do released.

The Government of Vietnam arrested and imprisoned Mr. Do, a U.S. citizen, on false charges even when it was trying to convince the U.S. Congress to grant permanent normal trade relations.

What practices will the Government of Vietnam engage in when they are not trying to convince the U.S. Congress to pass PNTR?

I believe that had the Majority allowed us ample time for consideration and debate on PNTR, we may have been able to include critical human rights protections.

I urge my colleagues to oppose this bill until sufficient time is granted to include necessary human rights protections.

Mr. CUELLAR. Mr. Speaker, I would like to express my strong support for the permanent normalization of trade relations (PNTR) with Vietnam. With the Doha round of global trade talks in limbo, the U.S. must continue to pursue an active bilateral trade agenda that makes real gains for America's working families.

My hometown of Laredo has been transformed by trade. Since the implementation of the North American Free Trade Agreement (NAFTA), I have watched as trade transformed communities in Texas from areas of marginal business activity, to some of the most rapidly developing counties in the nation. Laredo now serves as the largest inland port in North America and takes in 60 percent of all NAFTA traffic.

But our current trade agreements are simply not enough. In today's global economy, we cannot afford to stand idle but instead must push ahead with increased trade liberalization. The Vietnam agreement does just that.

Agricultural products are crucial exports for my congressional district. With Vietnam's accession to the World Trade Organization (WTO) and our new trade relations, Vietnam will reduce tariffs on most U.S. agricultural exports to 15 percent or less. Texas farmers will be able to sell in the Vietnamese market on a level playing field with competitors in other WTO member countries. Without PNTR with Vietnam, Texas's exporters will lose. I urge my colleagues to join me today in making history and supporting America's working families by granting Permanent Normal Trade Relations to Vietnam.

Mr. ROHRABACHER. Mr. Speaker, I rise in opposition to H.R. 5602 legislation to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Vietnam, and to establish a procedure for imposing quotas on imports of subsidized textile and apparel products of Vietnam.

Mr. Speaker, as we speak American soldiers are dying in Iraq in support of a noble effort to create a democratic government. Why then are we about to give Permanent Normal Trading Treatment to the dictatorship in Vietnam, a cabal of gangsters and thugs that mercilessly prohibits in Vietnam and Laos any democracy, freedom of law, freedom of the press, and human and religious rights? The Vietnamese government has never come clean on the whereabouts of over 600 American soldiers who were left behind in Vietnam after the war. I'm not talking about granting us permission to dig for American remains, I'm talking about their refusal to hand over the prison documents of those men who we know were alive when we left Vietnam thirty years ago.

Mr. Speaker, the same political party that forced us to cut and run from Vietnam has stubbornly refused to acknowledge the complete lack of freedom there and in Laos. It doesn't care if we retreat from Iraq just like we did from Vietnam, before the job is done. But what truly disturbs me is how the majority can go along with this and reward the thugs in Hanoi for what they did and continue to do to their own people and to the relatives of our veterans who never returned. Have we completely lost our moral compass? Is cheap labor so much more important than democracy, freedom of religion and supporting our soldiers and their families? Do we care anymore about freedom?

Accordingly, I strongly urge my colleagues to reject this misconceived initiative that insults our troops and ignores the wishes of good people of Vietnam who want to live free from the thugs in Hanoi.

Mr. RAMSTAD. Mr. Speaker, I have long been an ardent supporter of trade expansion because the bottom line is jobs. Fully 95 percent of the world's population lives outside the United States, and the global economy is projected to grow at three times the rate of the U.S. economy. We must continue to take steps to make sure American farmers, manufacturers and service providers remain leaders in the international marketplace and our products have fair access to foreign markets.

Vietnam is the fastest growing economy in Southeast Asia and continues to grow in significance as a U.S. trading partner. By our granting Vietnam PNTR status, U.S. businesses will be able to take advantage of the increased market-access opportunities the Vietnamese have offered in return. And increased market access to Vietnam will also help provide U.S. companies a competitive sourcing counterbalance to China in the region.

Without passage of this legislation, U.S. companies will not be able to take advantage of the Vietnamese concessions. And in addition, the United States will not be able to engage in dispute-settlement cases with Vietnam in the World Trade Organization.

Therefore, Mr. Speaker, I would like to thank Chairmen THOMAS and SHAW for their leadership on bringing forward this important legislation, and I would also like to thank Ranking Member RANGEL and Representative THOMPSON for their support of this legislation.

Mr. Speaker, I urge my colleagues to support passage of H.R. 5602.

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise today in opposition to granting permanent normal trade relations (PNTR) to Vietnam.

Just two months ago, the Vietnamese government arrested my constituent, a U.S. citizen, Cong Thanh Do. Mr. Do had posted comments on the Internet while at home in San Jose, California advocating that Vietnam undergo a peaceful transition to a multi-party democracy. For exercising his U.S. Constitutional right of free speech, the Vietnamese arrested him and held him in prison for 38 days in Vietnam without charges.

Other U.S. citizens have been imprisoned in Vietnam for what appear to be political reasons, including the sister of another one of my constituents, Thuong Nguyen "Cuc" Foshee.

Although both are free today and back in America, I am concerned about hundreds of Vietnamese nationals as well as other U.S. citizens imprisoned in Vietnam.

The Vietnamese government has repeatedly violated human rights. Hundreds of Vietnamese have been imprisoned, put under house arrest, or placed under intense surveillance for simply practicing their religion or speaking out about democracy and human rights in Vietnam.

Following his return to the U.S., Mr. Do provided me a disturbing list of over 130 Vietnamese nationals and U.S. citizens he believes are currently imprisoned in Vietnam as prisoners of conscience or harassed by the government for simply speaking about democracy and human rights.

In addition, groups such as the Human Rights Watch have published reports of 355 Montagnard prisoners of conscience currently imprisoned in Vietnam.

I am not alone in my concerns about Vietnam's human rights record. The Department of State, the U.S. Commission on International Religious Freedom, Amnesty International, the Committee to Protect Journalists, and various Vietnamese-American groups have documented egregious violations of religious freedom, human rights, and free speech in Vietnam.

I have been a supporter of international trade. But I also know that the Vietnamese Government would correct their behavior in order to perfect a trading relationship with the United States. Given the alarming human rights violations currently underway in Vietnam, it seems a mistake for our country to grant PNTR to Vietnam without requiring that the Vietnamese Government make significant improvements in respecting human rights, free speech, and freedom of religion.

The United States of America has a long and honorable tradition of safeguarding freedom and human rights throughout the world, especially with our trading partners. We should not make an exception for Vietnam.

At a time when we are spending 8 to 10 billion dollars a month and shedding the blood of our American servicemen and women proclaiming the cause to be democracy for Iraq, how is it that we can fail to use our mere economic leverage to try to achieve human rights in Vietnam?

Mr. WOLF. Mr. Speaker, I rise in opposition to this bill which would grant permanent normal trade relations for the government of Vietnam.

Why are we here today ready to give Vietnam—a country with an abysmal human rights record, which continues to abuse and oppress its own people—favorable trade status?

I am strongly opposed to this action and urge defeat of this legislation.

There are people in Vietnam right now, as we debate this bill, in jail for their support of religious freedom, democracy, and freedom of speech—universal freedoms on which our country was built. If someone says they are for you, but do not want to be identified with you, how much are they really for you? Are we for democracy and religious freedom in Vietnam or are we more interested in promoting trade?

The answer to that question may lie in the incredible news just announced today that the State Department has conveniently removed Vietnam from its list of Countries of Particular Concern—a designation stamped on countries with egregious violations of human rights and religious freedom. Vietnam had been on the list in the company of China, Eritrea, Iran, Myanmar, North Korea, Saudi Arabia and Sudan.

I stand with the dissidents who remain in jails across Vietnam because they spoke out against human rights abuses being committed and condoned by their own government. Mr. Speaker, I call on this House to stand with the people of Vietnam who deserve our support as they seek democracy and freedom from oppression.

Later this week the President will make a historic trip to Vietnam. I have called on him to meet with Vietnamese human rights activists here in the United States, and I have asked that he meet with dissidents in Vietnam.

I have asked President Bush to stand with the dissidents in the way that the Reagan administration did with regard to the Soviet Union. It is unacceptable for the United States to encourage democracy and respect for human rights and then fail to hold Vietnam to this standard before granting them PNTR.

Earlier today there was a groundbreaking ceremony on the National Mall to launch the memorial for Dr. Martin Luther King, Jr. I ask my colleagues to think about Dr. King's words before voting on the legislation before us: "In the end we will remember not the words of our enemies but the silence of our friends."

If the Bush administration and this Congress want to be friends with those fighting for democracy, religious freedom and an end to human rights abuses, the silence should be broken. I call on the President and our ambassador in Vietnam to meet with dissidents and to break the silence about human rights abuses in Vietnam.

Mr. Speaker, our actions today are more than how much the U.S. will trade with Vietnam. The decisions we make will reach the 83 million Vietnamese people who are struggling to live in freedom. What will our answer be for them?

Mr. SHAW. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and pass the bill, H.R. 5602, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those voting have responded in the affirmative.

Mr. KUCINICH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:20 p.m. today.

Accordingly (at 4 o'clock and 2 minutes p.m.), the House stood in recess until approximately 6:20 p.m.

☐ 1827

AFTER RECESS

The recess having expired, the House was called to order at 6 o'clock and 27 minutes p.m.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, November 9, 2006.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from Ms. Ann McGeehan, Director of Elections, State of Texas, indicating that, according to the unofficial returns of the Special Election held November 7, 2006, the Honorable Shelley Sekula Gibbs was elected Representative in Congress for the Twenty-Second Congressional District, State of Texas.

With best wishes, I am
Sincerely,
KAREN L. HAAS,
Clerk.

THE STATE OF TEXAS,
November 9, 2006.

MS. KAREN L. HAAS,
Office of the Clerk, House of Representatives, Washington, DC.

DEAR MS. HAAS: Our office has been requested to provide you with a letter as to the status of the special election for the unexpired term for U.S. Congressional District 22. Based on preliminary, unofficial election night returns reported to our agency from counties within U.S. Congressional District 22, the winner of the special election for this seat appears to be Shelley Sekula Gibbs. These results are not finalized and do not reflect all military and overseas votes that could still be counted, nor do they represent the official canvassed total. Also attached are the unofficial results of the other congressional special elections for full terms.

If you should have any questions, feel free to contact me.

Yours truly,
ANN MCGEEHAN,
Director of Elections.

TEXAS SECRETARY OF STATE ROGER WILLIAMS RACE SUMMARY REPORT UNOFFICIAL ELECTION TABULATION 2006 SPECIAL NOVEMBER ELECTIONS NOVEMBER 7, 2006

	Early voting	(Percent)	Vote Total	(Percent)
U.S. Representative District 15: Multi County Precincts Reported: 278 of 278—100.00%				
Paul B. Haring—REP*	6,638	23.93	13,920	24.18
Ruben Hinojosa—Incumbent—DEM*	16,561	59.70	35,346	61.39
Eddie Zamora—REP*	4,543	16.38	8,311	14.43
Total Votes Cast	27,742		57,577	
U.S. Representative District 21: Multi County Precincts Reported: 308 of 309—99.68%				
Tommy Calvert—IND*	2,149	2.47	5,285	2.59
John Courage—DEM*	23,463	23.71	49,909	24.45
Gene Kelly—DEM*	8,378	8.47	18,355	8.99
James Lyle Peterson—IND*	930	0.94	2,198	1.08
Mark J. Rossano—IND*	590	0.60	1,443	0.71
Lamar Smith—Incumbent—REP*	61,550	62.19	122,880	60.19
James Arthur Strohm—LIB*	1,605	1.62	4,085	2.00
Total Votes Cast	98,65		204,155	
U.S. Representative District 22—Unexpired Term: Multi County Precincts Reported: 176 of 176—100.00%				
Don Richardson—REP*	2,475	5.24	7,402	5.97
Shelley Sekula Gibbs—REP*	31,057	65.74	76,940	62.08
M. Bob Smither—LIB*	8,056	17.05	23,427	18.90
Steve Stockman—REP*	4,732	10.02	13,593	10.97
Giannibicego Hoa Tran—REP*	920	1.95	2,566	2.07
Total Votes Cast	47,240		123,928	
U.S. Representative District 23: Multi County Precincts Reported: 326 of 326—100.00%				
August G. "Augie" Beltran—DEM*	1,185	2.03	2,650	2.14
Rick Bolanos—DEM	1,028	1.76	2,563	2.07
Henry Bonilla—Incumbent—REP*	30,063	51.44	60,147	48.60
Adrian Deleon—DEM*	843	1.44	2,198	1.78
Lukin Gilliland—DEM*	6,180	10.57	13,725	11.09
Ciro D. Rodriguez—DEM*	11,752	20.11	24,593	19.87
Craig T. Stephens—IND*	1,486	2.54	3,344	2.70
Albert Uresti—DEM*	5,907	10.11	14,529	11.74
Total Votes Cast	58,444		123,749	
U.S. Representative District 25: Multi County Precincts Reported: 253 of 253—100.00%				
Barbara Cunningham—LIB*	2,386	3.53	6,933	4.24
Lloyd Doggett—Incumbent—DEM*	45,439	67.30	109,839	67.25
Brian Parrett—IND*	1,224	1.81	3,594	2.20
Grant Rostig—REP*	18,467	27.35	42,956	26.30

TEXAS SECRETARY OF STATE ROGER WILLIAMS RACE SUMMARY REPORT UNOFFICIAL ELECTION TABULATION 2006 SPECIAL NOVEMBER ELECTIONS NOVEMBER 7, 2006—Continued

	Early voting	(Percent)	Vote Total	(Percent)
Total Votes Cast	67.516		163.322	
U.S. Representative District 28: Multi County Precincts Reported: 236 of 236—100.00%				
Ron Avery—CON*	3,940	11.42	9.458	12.23
Henry Cuellar—Incumbent—DEM*	23.121	67.04	52.339	67.68
Frank Enriquez—DEM*	7,427	21.54	15,531	20.08
Total Votes Cast	34,488		77,328	

* CON—Constitution DEM—Democratic IND—Independent LIB—Libertarian REP—Republican

PROVIDING FOR SWEARING IN OF THE HONORABLE SHELLEY SEKULA GIBBS, OF TEXAS, AS A MEMBER OF THE HOUSE

Mr. HALL. Mr. Speaker, I ask unanimous consent that the gentlewoman from Texas, Ms. SHELLEY SEKULA GIBBS, be permitted to take the oath of office today.

Her certificate of election has not arrived, but there is no contest and no question has been raised with regard to her election.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 8, 2006.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from Ms. Donna Kelly, Assistant Attorney General, State of New Jersey, indicating that, according to the unofficial returns of the Special Election held November 7, 2006, the Honorable ALBIO SIRES was elected Representative in Congress for the Thirteenth Congressional District, State of New Jersey.

With best wishes, I am
Sincerely,
KAREN L. HAAS,
Clerk of the House.

Attachment.

OFFICE OF THE ATTORNEY GENERAL,
DEPT. OF LAW AND PUBLIC SAFETY,
Trenton, NJ, November 8, 2006.

Re Unofficial Results for the Special Election for the Unexpired Term for the Thirteenth Congressional District.

Hon. KAREN L. HAAS,
Clerk of the House, House of Representatives,
Washington: DC.

DEAR MS. HAAS: Enclosed please find the unofficial results for the Special Election held on November 7, 2006 for the office of Member, House of Representatives, Thirteenth Congressional District, State of New Jersey. These unofficial results do not include the absentee or provisional ballot totals. You are further advised that no challenge or recount for this election is known at this time. The official results for the election will be certified by the Board of State Canvassers no later than December 5, 2006. Your office will be provided with the original Certificate of Election upon such certification.

If you have any question, please contact this office. Thank you for your attention to this matter.

Sincerely yours,
DONNA KELLY,
Assistant Attorney General.
(For Stuart Rabner, Attorney General of New Jersey).

UNOFFICIAL LIST—CANDIDATE RETURNS FOR UNEXPIRED TERM FOR NOVEMBER 2006 GENERAL ELECTION, THIRTEENTH CONGRESSIONAL DISTRICT: ESSEX (PART)—HUDSON (PART)—MIDDLESEX (PART)—UNION (PART) COUNTIES

Name Address	Party/Designation	County	Slogan	Tally
Unexpired Term:				
Albio Sires, P.O. Box 300, West New York, NJ 07093	Democratic	Essex (part)	Democratic	9.516
		Hudson (part)	Democratic	48.357
		Middlesex (part)	Democratic	218
		Union (part)	Democratic	3.837
Total				61.928
Dick Hester, 233 East Delavan Ave., Newark, NJ 07104	Pro Life Conservative	Essex (part)	Pro Life Conservative	350
		Hudson (part)	Pro Life Conservative	1,391
		Middlesex (part)	Pro Life Conservative	61
		Union (part)	Pro Life Conservative	190
Total				1.992

Total Democrats—1
Total Republicans—0
Total Independents—1
Total Candidates—2

PROVIDING FOR SWEARING IN OF THE HONORABLE ALBIO SIRES, OF NEW JERSEY, AS A MEMBER OF THE HOUSE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey, Mr. ALBIO SIRES, be permitted to take the oath of office today.

His certificate of election has not arrived, but there is no contest and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

SWEARING IN OF THE HONORABLE SHELLEY SEKULA GIBBS, OF TEXAS, AND THE HONORABLE ALBIO SIRES, OF NEW JERSEY, AS MEMBERS OF THE HOUSE

The SPEAKER. Will the Representatives-elect and the Members of their respective delegations present themselves in the well.

The Representatives-elect will raise their right hand.

Ms. SEKULA GIBBS and Mr. SIRES appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations. You are now Members of the 109th Congress.

□ 1830

WELCOMING THE HONORABLE SHELLEY SEKULA GIBBS TO THE HOUSE OF REPRESENTATIVES

(Mr. BARTON of Texas asked and was given permission to address the House for 1 minute.)

Mr. BARTON of Texas. Mr. Speaker, it is my privilege on behalf of the Texas delegation to introduce to the 109th Congress the Honorable SHELLY SEKULA GIBBS, Dr. GIBBS. She is a dermatologist in Houston, Texas. She serves on the Houston City Council at large. She has been active in the Ellington Field task force to help renovate that part of Houston, Texas.

She is a fifth-generation Texan. She has two children, two stepchildren, and, I think, three grandchildren. She is married to a graduate of Waco High School, which is the high school that I graduated from. She is going to do great honor to the 22nd Congressional District of Texas for the rest of the 109th Congress and it is with a great deal of personal Texas pride that I introduce to this body the Honorable SHELLEY SEKULA GIBBS.

Ms. SEKULA GIBBS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, the gentlewoman is recognized.

There was no objection.

Ms. SEKULA GIBBS. Mr. Speaker, I thank the kind gentleman from Texas, the dean of our Texas congressional delegation, for his remarks and the warm welcome that I received here today. He is a wonderful example of the type of Congress Member that I hope to emulate while serving in this body.

Mr. Speaker, I would like to thank the great people of the 22nd Congressional District who elected me for the confidence that they have placed in me in representing their values and allowing me to serve them for the remainder of the 109th Congress. I would also like to thank the Speaker and the rest of my colleagues in the U.S. House of Representatives. I look forward to getting to know them and to know each of you and work on the initiatives that will help strengthen our country.

Most of all, I would like to thank the volunteers and the hard workers who have helped me, as well as my family and especially my husband, Robert, who is joining us today, as well as my son, Michael.

Thanks to their unyielding support throughout the last 3 months of our lives and those of my two daughters who are not here, Elyse and Mallory, and all of the people who have worked so hard on my campaign, I am now able to address this auspicious body.

During my time in the House of Representatives, I will ensure that my constituents receive the first-rate representation that they deserve. There are only a few weeks left until the session is over, and there is much work to be done, but I will work with my colleagues to guarantee that we do whatever is necessary to move this Nation forward and address the critical issues facing our country, including health care—as you would imagine, being a physician, I have very big concerns about that—illegal immigration, and the war on terror.

Again to my colleagues in the House and all of those in public service, I would like to thank you for your service to our country. I am proud to be among you today, and, together, I am confident that we will meet the challenges that the future will bring our great country.

WELCOMING THE HONORABLE ALBIO SIRES TO THE HOUSE OF REPRESENTATIVES

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, it is my great pleasure and honor this evening to introduce the newest member of our New Jersey delegation, ALBIO SIRES. ALBIO won a special election last week to fill the remaining term of Senator MENENDEZ, who won reelection to the Senate last week. He was also elected to a full term and will be back with us in January as well.

ALBIO comes to this House after serving as the mayor of West New York and serving four terms in the New Jersey General Assembly, including two terms as the assembly speaker. During his tenure in the assembly, ALBIO championed legislation that increased the minimum wage in New Jersey by $2. ALBIO also led the fight to help New Jersey families better afford college for their children by creating the STARS program, which offers full paid county and State college tuition scholarships to thousands of New Jersey students.

As this Congress prepares to tackle both the minimum wage and college affordability in January, ALBIO will be a strong voice on behalf of working-class families. ALBIO was born in pre-Communist Cuba, but fled with his family at age 12 to the United States. He was a star basketball player in both high school and college, and I am sure he would have no problem suiting up again as a member of the congressional basketball team.

He also joins both me and BILL DELAHUNT as the only current Members of Congress who earned a degree from Middlebury College in Vermont. He is joined here today by his wife, Adrienne, his stepdaughter, Tara Kole, and supporters from his new congressional district. Please join me in welcoming ALBIO SIRES to the House of Representatives.

Mr. SIRES. Mr. Speaker, I ask unanimous consent to address the House.

The SPEAKER. Without objection, the gentleman is recognized.

There was no objection.

Mr. SIRES. Mr. Speaker, I rise today to thank you and to thank Mr. PALLONE for those kind words. I would like to express my deep gratitude to my wife, Adrienne, my stepdaughter, Tara, my friends and especially my neighbors in the 13th Congressional District of New Jersey, who have honored me by allowing me to represent them in Washington.

Mr. Speaker, when I left Cuba with my family 45 years ago, I could never have envisioned that I would be standing on the floor of the House of Representatives to give this speech. This day for me truly embodies the promise of this Nation, the promise of its founders, the promise of its many immigrant communities, the promise which means that anyone, no matter the circumstances of birth or class, can rise to become a Member of the greatest democratic body in history.

Mr. Speaker, it was the community of West New York that welcomed me and my family so many years ago. I have tried, tried every day to give back to my neighbors for their generosity, first as a teacher and a coach, then as a mayor and as a State assemblyman. The people of the 13th District have provided me with the greatest privilege of all, to represent them in the House of Representatives.

Mr. Speaker, I am aware of the honor and the privilege of serving in the House of Representatives and the faith that my constituents have placed in me by sending me here on their behalf. It is the trust of the people of New Jersey that has enabled me to be here today, and I intend to honor that trust every day that I serve as their representative.

Mr. Speaker, thank you very much.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the administration of the oath to the gentlewoman from Texas, Ms. SHELLEY SEKULA GIBBS, and the gentleman from New Jersey, Mr. ALBIO SIRES, the whole number of the House is 433.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BONNER). Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

Concur in Senate amendment to H.R. 3085, by the yeas and nays;

S. 819, by the yeas and nays;

H.R. 5602, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

TRAIL OF TEARS STUDY ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and concurring in the Senate amendment to the bill, H.R. 3085.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3085, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 383, nays 3, not voting 46, as follows:

[Roll No. 517]

YEAS—383

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chocola
Clay
Cleaver
Clyburn
Coble
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gingrey
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Hyde
Inslee
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Meehan
Meek (FL)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sekula Gibbs
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Sires
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Stark
Stearns
Stupak
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—3

Flake
Jones (NC)
Paul

NOT VOTING—46

Boozman
Burton (IN)
Carson
Chandler
Cole (OK)
Cubin
Doggett
Engel
Evans
Gallegly
Gibbons
Gilchrest
Gillmor
Gohmert
Goode
Gutierrez
Hefley
Higgins
Hostettler
Inglis (SC)
Israel
Jefferson
Lewis (KY)
McCaul (TX)
McKinney
Meeks (NY)
Murtha
Neal (MA)
Northup
Norwood
Osborne
Pickering
Pryce (OH)
Radanovich
Shimkus
Slaughter
Souder
Spratt
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Taylor (NC)
Udall (NM)
Walsh

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1905

Mr. McNULTY changed his vote from "nay" to "yea."

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PACTOLA RESERVOIR REALLOCATION AUTHORIZATION ACT OF 2005

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 819.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the Senate bill, S. 819, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 387, nays 0, not voting 45, as follows:

[Roll No. 518]

YEAS—387

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gingrey
Gonzalez
Goodlatte
Gordon
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Hyde
Inslee
Issa

Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Meehan
Meek (FL)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sekula Gibbs
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Sires
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Stark
Stupak
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—45

Boozman
Burton (IN)
Carson
Chandler
Cubin
Doggett
Engel
Evans
Gallegly
Gibbons
Gilchrest
Gillmor
Gohmert
Goode
Granger
Gutierrez
Hefley
Higgins
Hostettler
Inglis (SC)
Israel
McCaul (TX)
McKinney
Meeks (NY)
Murtha
Neal (MA)
Norwood
Osborne
Pickering
Pryce (OH)
Radanovich
Rush
Shimkus
Slaughter
Souder
Spratt
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Taylor (NC)
Udall (NM)
Walsh

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1916

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXTENDING PERMANENT NORMAL TRADE RELATIONS TO VIETNAM

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 5602, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and pass the bill, H.R. 5602, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 228, nays 161, not voting 43, as follows:

[Roll No. 519]

YEAS—228

Ackerman
Akin
Alexander
Allen
Andrews
Bachus
Baird
Baker
Bass
Bean
Beauprez
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boren
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (FL)
Davis (KY)
Davis, Tom
DeGette
Delahunt
Dicks
Dingell
Doolittle
Drake
Dreier
Ehlers
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Farr
Ferguson
Flake
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Garrett (NJ)
Goodlatte
Gordon
Granger
Graves
Harman
Harris
Hart
Hastings (WA)
Hensarling
Herger
Herseth
Hinojosa
Hobson
Holt
Honda
Hooley
Hoyer
Hulshof
Hyde
Inslee
Issa
Istook
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Keller
Kennedy (MN)
Kind
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Larsen (WA)
Larson (CT)
Latham
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lowey
Lucas
Mack
Maloney
Manzullo
Marchant
Matheson
Matsui
McCarthy
McCollum (MN)
McCrery
McDermott
McGovern
McKeon
McMorris Rodgers
Meek (FL)
Mica
Miller (NC)
Miller, Gary
Miller, George
Moore (KS)
Moran (KS)
Moran (VA)
Musgrave
Myrick
Northup
Nunes
Nussle
Olver
Ortiz
Otter
Oxley
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Platts
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Ramstad
Rangel
Rehberg
Reichert
Reynolds
Rogers (KY)
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sabo
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Sekula Gibbs
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shuster
Simmons
Simpson
Skelton
Smith (TX)
Smith (WA)
Snyder
Tauscher
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Udall (CO)
Upton
Van Hollen
Walden (OR)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Young (AK)

NAYS—161

Abercrombie
Aderholt
Baca
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Bishop (UT)
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Cleaver
Coble
Conyers
Costello
Culberson
Cummings
Davis (IL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doyle
Duncan
Edwards
Everett
Fattah
Feeney
Filner
Fitzpatrick (PA)
Fortenberry
Foxx
Franks (AZ)
Gerlach
Gingrey
Gonzalez
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Hastings (FL)
Hayes
Hayworth
Hinchey
Hoekstra
Holden
Hunter
Inglis (SC)
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
King (IA)
Kucinich
Langevin
Lantos
LaTourette
Lee
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lungren, Daniel E.
Lynch
Markey
Marshall
McCotter
McHenry
McHugh
McIntyre
McNulty
Meehan
Melancon
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Mollohan
Moore (WI)
Murphy
Nadler
Napolitano
Oberstar
Obey
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Peterson (MN)
Pitts
Poe
Rahall
Regula
Renzi
Reyes
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Scott (GA)
Scott (VA)
Serrano
Sherman
Sherwood
Sires
Smith (NJ)
Sodrel
Solis
Stark
Stearns
Stupak
Taylor (MS)
Thompson (MS)
Tierney
Towns
Turner
Velázquez
Visclosky
Wamp
Waters
Weldon (FL)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—43

Boozman
Burton (IN)
Carson
Chandler
Cubin
Doggett
Engel
Evans
Gallegly
Gibbons
Gilchrest
Gillmor
Gohmert
Goode
Gutierrez
Hefley
Higgins
Hostettler

Israel
McCaul (TX)
McKinney
Meeks (NY)
Murtha
Neal (MA)
Neugebauer
Norwood
Osborne
Pickering
Pryce (OH)
Radanovich
Rush
Shimkus
Slaughter
Souder
Spratt
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Taylor (NC)
Udall (NM)
Walsh

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1926

Mr. HALL and Mr. MILLER of Florida changed their votes from "yea" to "nay".

Mr. BISHOP of Georgia changed his vote from "nay" to "yea".

So (two-thirds of those voting having not responded in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. STEARNS. Mr. Speaker, on rollcall No. 519, I was unavoidably detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. BURTON of Indiana. Mr. Speaker, I was regrettably unable to be on the House Floor for rollcall vote 517—passage of H.R. 3085—a bill to amend the National Trails System Act to update the feasibility and suitability study originally prepared for the Trail of Tears National Historic Trail; rollcall vote 518—passage of S. 819—the Pactola Reservoir Reallocation Authorization Act of 2005; and rollcall vote 518—passage of H.R. 5602—a bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Vietnam, and to establish a procedure for imposing quotas on imports of subsidized textile and apparel products of Vietnam.

Had I been present I would have voted "aye" for rollcall vote 517, "aye" for rollcall vote 518, and "no" for rollcall vote 519.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1696

Mr. KUHL of New York. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor on H.R. 1696.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

☐ 1930

UNIFIED REPUBLICANS

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, although Republicans face new challenges in the coming Congress, one thing is clear. We are unified in our determination to pursue policies to strengthen our Nation and our economy.

Republicans will continue to fight for complete victory in the global war on terror and work to ensure that the intelligence community and our troops have all the tools necessary to complete their mission. Through Republican policies of providing the administration the tools it needs to be successful in the war on terror, we helped defend our Nation from another attack on American soil.

Republicans are unified in our ideals of tax relief for all Americans to grow the economy and provide opportunities for every American to prosper. As a direct result of the Republican tax relief policies, unemployment is at 4.4 percent, there have been 38 consecutive months of job creation, and wages have risen 2.4 percent over the last year. These are undeniable accomplishments of the Republican-led Congress that affect all Americans. Republicans provided tax breaks for American families through the child tax credit and marriage tax penalty relief and voted to kill the death tax.

Republican policies have made our Nation safer and stronger, and we are unified in our fight to continue these successful policies.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CARSON (at the request of Ms. PELOSI) for today on account of a plane delay.

Mr. CHANDLER (at the request of Ms. PELOSI) for today and November 14 on account of official business.

Mr. ISRAEL (at the request of Ms. PELOSI) for today.

Ms. MCKINNEY (at the request of Ms. PELOSI) for today on account of illness.

Mr. TANNER (at the request of Ms. PELOSI) for today and November 14 on account of official business.

Mr. UDALL of New Mexico (at the request of Ms. PELOSI) for today and November 14 and 15 on account of official business.

Mr. OSBORNE (at the request of Mr. BOEHNER) for today on account of official business.

Mr. SHIMKUS (at the request of Mr. BOEHNER) for today and November 14 and November 15 until 2:30 p.m. on account of traveling with the NATO Parliamentary Assembly.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. SEKULA GIBBS) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, November 14 and 15.

Ms. ROS-LEHTINEN, for 5 minutes, November 15.

Mr. HAYWORTH, for 5 minutes, November 14.

Mr. GINGREY, for 5 minutes, November 15.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1409. An act to amend the Safe Drinking Water Act Amendments of 1996 to modify the grant program to improve sanitation in rural and Native villages in the State of Alaska, to the Committee on Energy and Commerce, in addition to the Committee on Transportation and Infrastructure for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 1726. An act to designate the facility of the United States Postal Service located at 324 Main Street in Grambling, Louisiana, as the "Coach Eddie Robinson Post Office Building"; to the Committee on Government Reform.

S. 3523. An act to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending; to the Committee on Ways and Means.

S. 3526. An act to amend the Indian Land Consolidation Act to modify certain requirements under that Act; to the Committee on Resources.

S. 3845. An act to designate the facility of the United States Postal Service located at 301 Commerce Street in Commerce, Oklahoma, as the "Mickey Mantle Post Office Building"; to the Committee on Government Reform.

S. 3879. An act to implement the Convention on Supplementary Compensation for Nuclear Damage, and for other purposes, to the Committee on Energy and Commerce.

S. 3880. An act to provide the Department of Justice the necessary authority to apprehend, prosecute, and convict individuals committing animal enterprise terror; to the Committee on the Judiciary.

S. 4044. An act to clarify the treatment of certain charitable contributions under title 11, United States Code, to the Committee on the Judiciary.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2464. An act to revise a provision relating to a repayment obligation of the Fort McDowell Yavapai Nation under the Fort McDowell Indian Community Water Rights Settlement Act of 1990, and for other purposes.

ADJOURNMENT

Ms. SEKULA GIBBS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 38 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, November 14, 2006, at 10 a.m., for morning hour debate.

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> "I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 109th Congress, pursuant to the provisions of 2 U.S.C. 25:

SHELLEY SEKULA GIBBS, Texas, Twenty-Second.

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> "I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 109th Congress, pursuant to the provisions of 2 U.S.C. 25:

ALBIO SIRES, New Jersey, Thirteenth.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9947. A communication from the President of the United States, transmitting notification that the national emergency with respect to Iran, as declared by Executive Order 12170 on November 14, 1979, is to continue in effect beyond November 14, 2006, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 109–150); to the Committee on International Relations and ordered to be printed.

9948. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sandel Avionics Incorporated Model ST3400 Terrain Awareness Warning System/Radio Magenetic Indicator (TAWS/RMI) Units Approved Under Technical Standards Order(s) C113, C151a, or C151b; Installed on Various Small and Transport Category Airplanes [Docket No. FAA-2006-24101; Directorate Identifier 2005-NM-103-AD; Amendment 39-14718; AD 2006-16-18] (RIN: 2120-AA64) received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9949. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc Models RB211 Trent 892, 884, 877, 875, and 892B Series Turbofan Engines [Docket No. FAA-2006-25713; Directorate Identifier 97-ANE-09; Amendmeint 39-14780; AD 97-06-13R1] (RIN: 2120-AA64) received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9950. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Aircraft Company Models 1900, 1900C, and 1900D Airplanes [Docket No. FAA-2006-25760; Directorate Identifier 2006-CE-48-AD; Amendment 39-14757; AD 2006-18-51] (RIN: 2120-AA64) received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9951. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model ATP Airplanes [Docket No. FAA-2006-25721; Directorate Identifier 2006-NM-132-AD; Amendment 39-14748; AD 2006-18-09] (RIN: 2120-AA64) received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9952. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasiliera de Aeronautica S.A. (EMBRAER) Model EMB-135 Airplanes and Model EMB-145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes [Docket No. FAA-2005-22033; Directorate Identifier 2004-NM-218-AD; Amendment 39-14391; AD 2005-24-11] (RIN: 2120-AA64) received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9953. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-200, -300, -400, -500 Series Airplanes Equipped with an Auxiliary Fuel System Installed in Accordance with Supplemental Type Certificate (STC) SA83NE, SA1078NE, ST0004NY, or ST01337NY [Docket No. FAA-2006-25746; Directorate Identifier 2006-NM-151-AD; Amendment 39-14750; AD 2006-18-11] (RIN: 2120-AA64) received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9954. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Stemme GmbH & Co. KG Model STEMME S10-VT Sailplanes [Docket No. FAA-2006-25689; Directorate Identifier 2006-CE-45-AD; Amendment 39-14765; AD 2006-19-08] (RIN: 2120-AA64) received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9955. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF34-10E Series Turbofan Engines [Docket No. FAA-2006-25896; Directorate Identifier 2006-NE-33-AD; Amendment 39-14775; AD 2006-20-06] (RIN: 2120-AA64) received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9956. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211 Series Turbofan Engines [Docket Ni. FAA-2006-25584; Directorate Identifier 2000-NE-62-AD; Amendment 39-14733; AD 2006-17-12] (RIN: 2120-AA64) received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9957. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives: Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2005-25657; Directorate Identifier 2006-NM-187-AD; Amendment 39-14735; AD 2006-17-14] (RIN: 2120-AA64) received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9958. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney PW4077D, PW4084D, PW4090, and PW4090-3 Turbofan Engines [Docket No. FAA-2006-24034; Directorate Identifier 2006-NE-05-AD; Amendment 39-14729; AD 2006-17-08] (RIN: 2120-AA64) received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9959. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-100, DHC-8-200, and DHC-8-300 Series Airplanes [Docket No. FAA-2006-24290; Directorate Identifier 2005-NM-243-AD; Amendment 39-14731; AD 2006-17-10] (RIN: 2120-AA64) received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9960. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-400ER Series Airplanes and Model 777-200 and -300 Series Airplanes [Docket No. FAA-2005-21713; Directorate Identifier 2005-NM-085-AD; Amendment 39-14732; AD 2006-17-11] (RIN: 2120-AA64) received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9961. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; RECARO Aircraft Seating GmbH & Co. (RECARO) Model 3410 Seats [Docket No. FAA-2005-22876; Directorate Identifier 2005-NE-39-AD; Amendment 39-14734; AD 2006-17-13] (RIN: 2120-AA64) received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9962. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-10-10 and DC-10-10F Airplanes; and Model MD-10-10F Airplanes [Docket No. FAA-2006-24999; Directorate Identifier 2006-NM-060-AD; Amendment 39-14736; AD 2006-17-15] (RIN: 2120-AA64) received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9963. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Airplanes [Docket No. FAA-2006-24959; Directorate Identifier 2005-NM-258-AD; Amendment 39-14737; AD 2006-17-16] (RIN: 2120-AA64) received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9964. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-100, DHC-8-200, DHC-8-300, and DHC-8-400 Series Airplanes [Docket No. FAA-2006-24979; Directorate Identifier 2006-NM-014-AD; Amendment 39-14738; AD 2006-17-17] (RIN: 2120-AA64) received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9965. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; MD Helicopters, Inc. Model MD900 Helicopters [Docket No. FAA-2006-24631; Directorate Identifier 2005-SW-01-AD; Amendment 39-14739; AD 2006-18-01] (RIN: 2120-AA64) received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9966. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-10, -20, -30, -40, and -50 Series Airplanes [Docket No. FAA-2006-24368; Directorate Identifier 2005-NM-230-AD; Amendment 39-14740; AD 2006-18-02] (RIN: 2120-AA64) received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9967. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasiliera de Aeronautica S.A. (EMBRAER) Model EMB-145XR Airplanes [Docket No. FAA-2006-24439; Directorate Identifier 2006-NM-039-AD; Amendment 39-14741; AD 2006-18-03] (RIN: 2120-AA64) received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9968. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney JT8D-1, -1A, -1B, -7, -7A, -7B, -9, -9A, -11, -15, -15A, -17, -17A, -17R, -17AR, -209, -217, -217A, -217C, and -219 Turbofan Engines [Docket No. 2001-NE-30-AD; Amendment 39-14728; AD 2006-17-07] (RIN: 2120-AA64) received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9969. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B16 (CL-604) Airplanes and Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2006-25724; Directorate Identifier 2006-NM-197-AD; Amendment 39-14742; AD 2006-18-04] (RIN: 2120-AA64) received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9970. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Legal Description of Class D and E Airspace; Fairbanks, Fort Wainwright Army Airfield, AK [Docket No. FAA-2006-24813; Airspace Docket No. 06-AAL-16] received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9971. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revocation of Class E2 Surface Area; Elko, NV [Docket No. FAA-2006-25252; Airspace Docket No. 06-AWP-12] (RIN: 2120-AA64) received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9972. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Legal Description of Class D and E Airspace; Fairbanks, Fort Wainwright Army Airfield, AK [Docket No. FAA-2006-24813; Airspace Docket No. 06-AAL-16] received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9973. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of a Class E Enroute Domestic Airspace Area, San Louis Obispo, CA [Airspace Docket No. 05-AWP-12] received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9974. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Pierre, SD [Docket No. FAA-2006-24449; Airspace Docket No. 06-AGL-03] received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9975. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Barter Island, AK [Docket No. FAA-2006-23714; Airspace Docket No. 06-AAL-07] received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9976. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Chamberlain, SD [Docket No. FAA-2006-24450; Airspace Docket No. 06-AGL-04] received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9977. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Butler, GA [Docket No. FAA-2006-25392; Airspace Docket No. 06-ASO-10] received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9978. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Lake Ozark, MO [Docket No. FAA-2006-25008; Airspace Docket No. 06-ACE-6] received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9979. A letter from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting the Department's final rule — Occupational Noise Exposure for Railroad Operating Employees [Docket No. FRA 2002-12357, Notice No. 2] (RIN: 2130-AB56) received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SKELTON (for himself, Mr. ANDREWS, Mr. ABERCROMBIE, Mrs. TAUSCHER, Mr. COOPER, Mr. ORTIZ, Mr. SMITH of Washington, Mr. LARSEN of Washington, Ms. BORDALLO, Mr. MARSHALL, Mr. BOREN, and Mr. UDALL of Colorado):

H.R. 6313. A bill to expand the oversight and accounting authority of the Office of the Special Inspector General for Iraq Reconstruction over funds appropriated for the Iraq Security Forces Fund and to restore a termination date for the Office based on the percentage of expenditures from the Iraq Relief and Reconstruction Fund and the Iraq Security Forces Fund; to the Committee on Armed Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUYER:

H.R. 6314. A bill to amend title 38, United States Code, to extend certain expiring provisions of law and to expand eligibility for the Survivors' and Dependents' Educational Assistance program; to the Committee on Veterans' Affairs.

By Mr. ANDREWS:

H.R. 6315. A bill to afford students and parents with private civil remedies for the violation of their privacy rights under the General Education Provisions Act; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAIRD:

H.R. 6316. A bill to extend through December 31, 2008, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits; to the Committee on Transportation and Infrastructure.

By Mr. GERLACH:

H.R. 6317. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on any tax-exempt organization which accepts any contribution which may be used to relocate property held by the organization if the relocation is contrary to the intent of the donor of the property; to the Committee on Ways and Means.

By Mr. LYNCH:

H.R. 6318. A bill to implement the recommendations of the Office of the Special Inspector General for Iraq Reconstruction to ensure that the Department of Defense properly accounts for all small arms weapons procured by the Department of Defense for use by the Iraqi Security Forces; to the Committee on Armed Services.

By Mr. LYNCH:

H.R. 6319. A bill to require the Secretary of Veterans Affairs to establish centers to provide enhanced services to veterans with amputations and prosthetic devices, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. THOMAS:

H.R. 6320. A bill to create an additional judgeship for the eastern district of California, and for other purposes; to the Committee on the Judiciary.

By Mr. CLAY (for himself, Mr. BLUNT, Mr. TANNER, Mr. COSTELLO, Mr. SKELTON, Mr. CARNAHAN, Mr. SHIMKUS, Mr. HULSHOF, Mr. CLEAVER, Mr. GRAVES, Mrs. EMERSON, Mr. BARROW, Mr. FORD, Ms. VELÁZQUEZ, Mr. GRIJALVA, Mr. GENE GREEN of Texas, Mr. BECERRA, Mr. ROSS, Mr. BERRY, Mr. COOPER, Mr. MOORE of Kansas, Mr. FILNER, Mr. PASCRELL, Mrs. TAUSCHER, Mrs. CAPPS, Mr. LARSON of Connecticut, Mr. CAPUANO, Mr. LYNCH, Mr. TIERNEY, Ms. WATERS, Mr. DELAHUNT, Mr. HOYER, Ms. JACKSON-LEE of Texas, Mr. ORTIZ, Mr. PALLONE, Mr. ABERCROMBIE, Mr. EMANUEL, Mrs. JONES of Ohio, Ms. SOLIS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CUELLAR, Mr. DAVIS of Alabama, Mr. CUMMINGS, Mr. WATT, Mr. WYNN, Mr. SCOTT of Georgia, Mr. JONES of North Carolina, Mr. SCHIFF, Mr. WEXLER, Ms. WASSERMAN SCHULTZ, and Mr. RANGEL):

H. Res. 1078. A resolution congratulating the St. Louis Cardinals on winning the 2006 World Series; to the Committee on Government Reform.

By Mr. KIND:

H. Res. 1079. A resolution recognizing and celebrating the commitment of the Student Conservation Association to the United States' national parks and public lands; to the Committee on Resources.

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 354: Mr. MURTHA.

H.R. 363: Mrs. NAPOLITANO.

H.R. 517: Mr. MICHAUD.

H.R. 550: Mr. TANNER and Mr. LANGEVIN.

H.R. 583: Mr. HULSHOF and Mr. ETHERIDGE.

H.R. 699: Mr. NADLER, Mr. ENGEL, and Mrs. BIGGERT.

H.R. 807: Mr. McCOTTER.

H.R. 814: Mr. TOM DAVIS of Virginia.

H.R. 874: Mr. SHADEGG and Mr. GIBBONS.

H.R. 898: Mr. JINDAL.

H.R. 998: Mr. JONES of North Carolina.

H.R. 1078: Mr. COSTELLO.

H.R. 1175: Mr. STARK.

H.R. 1227: Mr. PITTS and Mr. SALAZAR.

H.R. 1249: Mr. MURTHA and Ms. SCHWARTZ of Pennsylvania.

H.R. 1298: Mr. McINTYRE, Mr. EHLERS, Ms. ESHOO, Mr. WALSH, and Mr. PITTS.

H.R. 1426: Mr. GILLMOR.

H.R. 1582: Mr. ENGEL.

H.R. 1632: Mr. LYNCH.

H.R. 1950: Mrs. DRAKE.

H.R. 2051: Mr. EHLERS.

H.R. 2103: Mrs. McCARTHY.

H.R. 2239: Mr. PETRI.

H.R. 2421: Mr. GOHMERT, Mr. KUHL of New York, Mr. WICKER, Mr. MORAN of Kansas, Mr. McCAUL of Texas, Ms. BORDALLO, Mr. TAYLOR of North Carolina, Mr. PALLONE, Mr. LEACH, Mrs. MILLER of Michigan, Mr. HALL, Mr. WU, Mrs. CAPPS, Mr. AL GREEN of Texas, Mr. SERRANO, Ms. CARSON, and Ms. SLAUGHTER.

H.R. 2568: Mr. REYES, Mr. PLATTS, and Mr. MORAN of Kansas.

H.R. 2719: Mr. CHANDLER and Mr. FITZPATRICK of Pennsylvania.

H.R. 2793: Mr. ANDREWS.

H.R. 2861: Mr. PASCRELL, Mr. HALL, Mr. LEACH, and Mr. MICHAUD.

H.R. 2989: Mr. McHUGH.

H.R. 3019: Mr. NUSSLE.

H.R. 3159: Mr. WAXMAN.

H.R. 3255: Mrs. McMORRIS RODGERS.

H.R. 3380: Ms. McCOLLUM of Minnesota.

H.R. 3617: Mrs. MUSGRAVE.

H.R. 3628: Mr. KUCINICH.

H.R. 3762: Mr. WYNN.

H.R. 3949: Mr. LoBIONDO.

H.R. 3954: Mr. SALAZAR, Ms. SCHWARTZ of Pennsylvania, Mr. MARSHALL, and Mr. ENGEL.

H.R. 4033: Mrs. MYRICK, Mrs. BONO, Mr. WOLF, Ms. KAPTUR, and Mr. HUNTER.

H.R. 4042: Mr. BISHOP of Georgia and Mr. REYES.

H.R. 4098: Mr. COSTELLO.

H.R. 4188: Ms. ESHOO.

H.R. 4341: Mr. McCRERY and Mr. JEFFERSON.

H.R. 4597: Ms. SCHAKOWSKY.

H.R. 4672: Ms. DeGETTE.

H.R. 4727: Ms. MOORE of Wisconsin and Mr. SERRANO.

H.R. 4747: Ms. LINDA T. SÁNCHEZ of California and Mr. CLAY.

H.R. 4824: Ms. BALDWIN, Mrs. EMERSON, Mr. MORAN of Kansas, Mr. McINTYRE, and Mrs. KELLY.

H.R. 4903: Mr. BACA, Ms. MATSUI, and Mr. REYES.

H.R. 5022: Mr. TAYLOR of North Carolina and Mr. ALLEN.

H.R. 5072: Mr. BERRY.

H.R. 5119: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 5179: Mr. PLATTS and Mr. CONAWAY.

H.R. 5200: Mr. LANGEVIN and Mr. WATT.

H.R. 5225: Mr. LEWIS of Georgia.

H.R. 5247: Mr. HASTINGS of Florida, Mr. WAXMAN, Mr. DOGGETT, and Mr. WEINER.

H.R. 5416: Mr. JINDAL and Mr. RUSH.

H.R. 5465: Mr. BUTTERFIELD and Mr. CLAY.

H.R. 5501: Ms. JACKSON-LEE of Texas.

H.R. 5550: Mr. WAXMAN.

H.R. 5554: Mr. BOREN.

H.R. 5555: Mr. EVERETT.

H.R. 5624: Mr. TOWNS, Mr. LYNCH, and Mr. CUMMINGS.

H.R. 5635:. Mr. FRANK of Massachusetts, Mr. HIGGINS, Mr. SALAZAR, and Mr. COSTELLO.

H.R. 5674: Mr. FILNER.

H.R. 5707: Mr. McCOTTER.

H.R. 5757: Mr. RUPPERSBERGER and Mr. WAXMAN.

H.R. 5772: Mr. WAXMAN and Mr. HALL.

H.R. 5829: Mr. KUCINICH.

H.R. 5836: Mr. ETHERIDGE and Mr. SMITH of Washington.

H.R. 5855: Mr. LEWIS of Georgia, Mr. HONDA, and Mr. CARNAHAN.

H.R. 5878: Mr. HASTINGS of Florida.

H.R. 5887: Mr. KENNEDY of Rhode Island.

H.R. 5888: Mr. HAYWORTH, Mr. SALAZAR, Ms. MOORE of Wisconsin, Mr. BAIRD, Mrs. McCARTHY, Mr. SHAYS, and Mr. BURTON of Indiana.

H.R. 5894: Mr. KENNEDY of Rhode Island, Mr. STARK, and Mrs. KELLY.

H.R. 5897: Mr. ETHERIDGE and Mr. SERRANO.

H.R. 5905: Mr. FRANK of Massachusetts.

H.R. 5906: Mr. WYNN, Mr. SMITH of New Jersey, Mr. PRICE of North Carolina, and Mr. KENNEDY of Rhode Island.

H.R. 5959: Mr. GRIJALVA.

H.R. 5967: Ms. FOXX and Mrs. BLACKBURN.

H.R. 5983: Mr. ROTHMAN.

H.R. 5991: Mr. STARK.

H.R. 5996: Ms. JACKSON-LEE of Texas.

H.R. 6046: Mr. ROTHMAN.

H.R. 6053: Mr. GOODE, Mr. SIMMONS, and Mr. CASE.

H.R. 6093: Ms. JACKSON-LEE of Texas, Mr. MICHAUD, Mr. BRADLEY of New Hampshire, Mr. GOODE, Mr. JONES of North Carolina, and Mr. LEACH.

H.R. 6096: Mr. FRANK of Massachusetts.

H.R. 6132: Mr. ETHERIDGE and Mr. WYNN.

H.R. 6133: Mr. BOUCHER.

H.R. 6147: Mr. HINOJOSA, Mr. McNULTY, Mr. MARSHALL, Mr. ROTHMAN, Mr. GORDON, and Mr. BOUCHER.

H.R. 6155: Mr. BISHOP of Utah, Mr. MARCHANT, and Mr. BURTON of Indiana.

H.R. 6175: Mr. KENNEDY of Rhode Island and Mr. CUMMINGS.

H.R. 6178: Mr. LYNCH.

H.R. 6184: Ms. JACKSON-LEE of Texas.

H.R. 6187: Ms. SCHAKOWSKY, Mrs. DAVIS of California, and Mr. ROTHMAN.

H.R. 6191: Mr. GEORGE MILLER of California.

H.R. 6210: Mr. SIMMONS.

H.R. 6212: Mr. TOWNS.

H.R. 6215: Mr. PAYNE.

H.R. 6227: Mr. FRANK of Massachusetts.

H.R. 6235: Mr. FRANK of Massachusetts.

H.R. 6242: Mr. SHUSTER.

H.J. Res. 96: Mr. BOUCHER and Mr. McHENRY.

H. Con. Res. 340: Mr. TIBERI and Mr. FRANKS of Arizona.

H. Con. Res. 343: Mr. TOWNS.

H. Res. 548: Mr. RAMSTAD.

H. Res. 759: Mr. TOM DAVIS of Virginia, Ms. JACKSON-LEE of Texas, and Mr. GARRETT of New Jersey.

H. Res. 822: Mr. LEACH.

H. Res. 964: Mr. SHAYS, Mr. STUPAK, and Mrs. MALONEY.

H. Res. 977: Mr. PETERSON of Minnesota.

H. Res. 993: Mr. INGLIS of South Carolina, Mr. EHLERS, Mr. HONDA, Mr. SMITH of Texas, and Ms. JACKSON-LEE of Texas.

H. Res. 1051: Mr. TOWNS.

H. Res. 1063: Mr. McNULTY, Mr. HOLT, Ms. JACKSON-LEE of Texas, Mr. McDERMOTT, Mr. BISHOP of New York, Mr. CONYERS, and Mrs. MALONEY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1696: Mr. KUHL of New York.

SENATE—*Monday, November 13, 2006*

The Senate met at 2 p.m. and was called to order by the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal spirit, who has made and preserved us as a Nation, You are the same yesterday, today, and forever. In these changing times, help us to fix our gaze on You, the changeless one. Remind us that You are the one who places leaders in positions of power and responsibility, and that to whom much is given, much is required.

As this Nation gathers itself for the challenging work ahead, give us Your wisdom. Let that wisdom guide the Members of the U.S. Senate to accomplish the most good for the most people. Remove from the lives of our lawmakers obstructions that prevent them from doing Your will. We pray in Your sovereign name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN E. SUNUNU led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, November 13, 2006.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire, to perform the duties of the Chair.
>
> TED STEVENS,
> *President pro tempore.*

Mr. SUNUNU thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business with Senators permitted to speak up to 10 minutes each.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, I have a few announcements and then the Democratic leader may want to respond to those and then I will have a brief statement. I know he has a statement following that.

Today we return to begin the process of finishing our work for the 109th Congress. This afternoon we will begin consideration of the Military Construction and Veterans Affairs appropriations bill. Senator HUTCHISON will be here around 3 o'clock today to begin consideration of that bill with opening statements. Although we do not have any rollcall votes today, I hope the chairman and ranking member will work together to reach an agreement for completion of that bill during tomorrow's session.

Over the course of the next several days, we have orientation events for Senators-elect for the 110th Congress. We will be welcoming them a little bit later tonight at a dinner that formally kicks off that orientation meeting. We will also have our leadership elections this week and policy luncheons as well. Those will be on Tuesday and Wednesday. The Democratic elections will occur Tuesday morning, followed by their Democratic policy luncheon, and on this side of the aisle we will proceed with our elections on Wednesday morning, with our policy luncheon to follow that afternoon. Given this schedule, our first vote will likely occur sometime Tuesday—late Tuesday afternoon. We do hope to finish the military construction bill on Tuesday afternoon.

This week we will also consider a short-term continuing resolution. The current CR expires on Friday, and we need to pass a further resolution as soon as we possibly can. I have talked to the Democratic leader about this and we hope we will act on this quickly.

This week we will also work toward agreements and passage of the Vietnam normal trade relations legislation and the U.S.-India nuclear agreement, as well as other appropriations measures that can be considered. We will keep Members apprised as we schedule these and other matters as we move through the week.

Mr. REID. Mr. President, the majority leader and I have had a number of conversations and we think this should be a productive week. There will naturally be a number of interruptions, but we have our minds on completing the appropriations bill and finishing the very important nuclear agreement with the largest democracy in the world: India. We want to do it now for a number of reasons, not the least of which is the President is leaving in the next few days for Vietnam and we want to see if that can be completed with a minimum amount of debate and amendments. We are confident and hopeful that can be done.

RECENT ELECTIONS AND LOOKING AHEAD

Mr. FRIST. Mr. President, I want to take a moment to comment on the recent elections and then a very brief look ahead. First, let me remind my colleagues in every year that we have waged war, our troops have fought to uphold certain ideals: the ideals of democracy, of liberty, and of freedom. They are those very same principles upon which this Nation was founded in 1776 and they are the principles we strive to live by today in 2006. We saw that play out in last week's election, a natural manifestation of those ideals. We saw democracy at work, an opportunity for the American people to speak, to influence Government. So while I, of course, was disappointed in the outcome, we are not discouraged, and people come back today not discouraged because, as I have said, this election was democracy at work.

Change can be tough. Change opens the door, however, to new opportunity, and with that new opportunity comes new hopes. The American people have spoken and now is the time for us to move forward together. That is a very powerful message from the American people: Move forward and move forward together.

For a number of my colleagues—and I think of this as I mention the orientation program that begins for our new colleagues for the next Congress—moving forward means concentrating in part on paving the way for their successors. For them, it is a time of transition. The next few weeks, the last of the 109th Congress, will be my final weeks serving as a Senator, but as most everyone knows, I self-limited my time as a Senator 12 years ago, so I have known every day—every day for the last 12 years—that I would be departing this body next month, and it

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

did help me to keep focused. It kept me grounded in the fact that those of us serving here only occupy our positions of service and that we don't own those positions. As Senate majority leader, my job is to focus on finishing the business of the 109th Congress, and that is where I will be concentrating my efforts.

As I look back on this Congress, the Republican majority has accomplished many things of which I am very proud. We submitted the tax cuts for every American which have helped to create 6 million jobs in the last 3 years. We have waged a bold war on terror, which has prevented every potential terror attack on our soil right here in this country over the past 5 years. We have given seniors prescription drug coverage through Medicare for the first time, affordable prescription drug coverage. We confirmed outstanding judicial nominees, including two Supreme Court justices. We passed a forward-looking energy bill. We strengthened our commitment to fighting HIV/AIDS here at home and around the world. We have eliminated frivolous class action lawsuits. And we did all of this in one of the most challenging partisan political environments ever.

But as we move forward—and that really does officially begin today—we begin with finishing the business of the 109th Congress, and we must work together to overcome that partisanship we have seen in the past, that crippling partisanship that has plagued us in the recent past. America wants results and America wants solutions, and it is with that focus we enter the waning days of the 109th Congress. We must return to an era of working together in a civil, bipartisan fashion. It is my hope both parties, Republicans and Democrats, will work toward governing together to produce those solutions, to produce those tangible results for the American people. That begins here, and it begins now.

This week the Senate agenda will focus, as we mentioned earlier, on completing the remaining appropriations bills, and in the days and in the weeks ahead, we will consider the nomination of Bob Gates as Secretary of Defense and, as we just stated, the Vietnam trade legislation and the U.S.-India civilian nuclear technology bill. Each of us has many ideas to contribute to the discourse and I know we will continue to do that. We must build on our successes, the successes that make America the best place—the best place—to raise a family, the best place to start a business, and the best place to get and keep a job. Now is the time for us to get back to work.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

MOVING FORWARD

Mr. REID. Mr. President, the elections are over. It is time for us to move forward. It is time to move forward and, in working together, begin the process of moving our great country forward.

Last week the American people spoke for change. In the months ahead, Senate Democrats will fight for change. We are going to focus on three priorities, including bipartisanship. We have to work together. We can't accomplish anything as Democrats standing alone. As has been shown, the Republicans couldn't accomplish anything standing alone. We need to work together to pass legislation on a bipartisan basis and send it to the White House. We must have open government—a new word: "transparency"—and we have to have results. Bipartisanship is great. But if people don't see what we are doing and there are no results, it is not as it should be.

We have a lot of challenges: health care, energy, the economy, including these deficits we have; Iraq. We need to restore checks and balances. Last Wednesday or Thursday I met a lot of press people in the audience and I said to each of them: I will bet most of you here have never watched a congressional conference in session, a conference committee meeting. It is true. We haven't had one. That is what we used to do here. We used to have them for a couple of hundred years, and for a couple of decades I was involved in them. But during the last at least 6 years, we haven't had any—a conference where we have a House bill and a Senate bill and we have an open meeting, and Republicans make suggestions on how the bill could be made better, and Democrats make suggestions, and there is a vote taken publicly. We haven't done that, and that is not good. We need to do that. That is what I am talking about, open government, these checks and balances our Founding Fathers set forth in that document we call the Constitution, three separate, equal branches of government.

I commend the distinguished majority leader. We worked together here in the Senate to come up with the most significant lobbying and ethics reform in a quarter of a century—since Watergate, actually. We passed that. We passed it on a bipartisan basis. We included not only lobby and ethics reform; we had, as a result of a number of Senators led by DIANNE FEINSTEIN, a provision in there dealing with earmarks, to make earmarks more transparent. The bill we passed out of here slowed the revolving door between government employees and lobbyists and eliminated gifts paid for by lobbyists and substantially expanded disclosure by lobbyists. It limited privately funded travel in many instances, and required more disclosure. It stopped dead-of-the-night legislating regarding open meetings. We did this. We should all feel good about what we accomplished in this regard. But, sadly, it went to the House and that was the end of it. So I would hope before the distinguished majority leader ends his career as a Senator, which has been a markedly significant career, that we can do that. It should be the law of the land, and hopefully it will be in the next couple months.

Finally, this Senate and we Democrats will do our very best to focus our energies on the challenges facing our country and take concrete steps to protect our country and help working families get ahead. For too long families have struggled with high health care costs while the big drug companies haven't struggled. I am glad they have not had to struggle, but I think we need to have a more even playing field—especially with insurance companies. For too long, ranchers in Nevada and farmers all across this country have struggled to fill their tanks with gas and to have enough money in their bank accounts to do that which they need to do. But they have seen these big oil companies get the tax breaks that I personally do not think they deserve. I don't think the American people believe they deserve them either.

For too long, all Americans have worried about the direction of the war in Iraq only to see Congress refuse to have a real debate on the issues. On a personal basis, I have encouraged the President to listen to what the Baker-Hamilton working group has to say, and I know he will do that. I think it is important that he is willing to meet with those people. They are a tremendous group of very patriotic Americans with significant experience. On the Democratic side, as an example, you have the former Secretary of Defense and former Presidential Chief of Staff. They are good people, Democrats and Republicans, who are going to be talking to the President. If we are going to have a new direction in Iraq, the President must listen to new ideas. This is a step in the right direction.

That is why last week I asked the President to convene a bipartisan congressional leadership group and invite other people, too, if he wants, of course. It is his meeting. But if he wants, to have Secretary Baker, Congressman Hamilton, members of the military. I think if we spent a couple of days doing this—however long the President sees fit—I think it would be helpful to have if he heard what we had to say. If we are going to have a new direction in Iraq, the President must listen to new ideas. That is why I felt comfortable in suggesting this to the President.

We Democrats have some very concrete ideas as to what we think should happen. First of all, again on a bipartisan basis, with 79 votes on the Defense Authorization bill for the previous year, Democrats and Republicans joined together to put a provision in that bill that said the year 2006 will be a year of significant transition in Iraq. The year 2006 is coming to an end. We need to implement that law.

We, as Democrats, also offered an amendment that received 40 votes called the Reed-Levin or Levin-Reed amendment, however you want to look at it, to begin a change of course, to set a framework to change course. For example, in that legislation, we called for responsibly redeploying our troops to transform the mission to training, counterterror, logistics, force protection. Does this mean pulling all the troops out now? Of course it doesn't. But it does say we must start redeploying troops as soon as possible.

Second, the sectarian differences must be reconciled. They are plaguing the country. We have had in the last 2 days, just that we know of, almost 200 Iraqis killed, 3 American soldiers, 4 British soldiers. We must push for changes to the Iraqi Constitution and power and resource sharing.

I believe it is time for our President to call for a regional conference that he participants in. I spoke to the King of Jordan today. He thought it was a good idea to have the President call for a meeting of the leaders of Egypt, Saudi Arabia, Jordan—even Syria. It is a regional problem. Let's talk about this regionally. It is more their problem than our problem. They have more to lose or win than we do. So I think a regional conference would be very important to regionalize our strategy.

We must revitalize the failed construction efforts. It was stunning to see in the weekend news how much less oil is being produced there in Iraq than before the war. It was stunning to see how little potable water is being produced there than before the war. And to see that the electricity in Baghdad—as an example, prior to the war it was 16 hours a day, and now it is down to less than 4 hours a day. We have to revitalize our failed reconstruction efforts.

Finally, we have to rebuild our military. We do not have a single undeployed Army unit that is battle ready. Everything is in need of repair or replacement—replenishment. The Pentagon has told us it will cost $75 billion to bring the military up to what it was before the war. We want to work and see if we can accomplish that. Those are our suggestions.

From Iraq to the economy, there is much to do in the next few weeks and then at the beginning of the new year and a new Congress—so much to do. We must take advantage of the next few weeks and get as much done as we can.

There are 55 Republicans, there are 45 Democrats, we understand that—for the next 60 days. After that, it is going to be a very slim majority that we have, but it is one that we believe will open the door for bipartisanship. I hope, for the good of the American people, we can continue to look forward—not dwell on the past but look forward.

I hope very much we can get our so-called tax extenders done. The reason these are important to do is they are critical tax relief for American families and businesses that will expire if we don't do something—a deduction for college tuition, deduction for State and local sales taxes. The manager of the bill on military construction is Kay Bailey Hutchison from Texas. This has been her issue because the large State of Texas is losing those families' tax deductions, deductions for out-of-pocket expenses incurred by teachers and for businesses, the research and development tax credit, the work opportunity tax credits and Welfare-to-Work tax credits. These things are extremely important. Unless we act to extend this relief in the next few weeks, families will be facing a tax increase next year. That is not acceptable and we need to act.

It is a new day in the Senate. Let's work together and move America forward. I offer my hand to my friends on the other side of the aisle. I have reached out to my friend, Senator FRIST. We are going to do everything we can to have the country know we are doing good things in the next few weeks. And I reached out to my friend, MITCH MCCONNELL, who I understand will be the next Republican leader, to work together on the issues of the next Congress as we have on many issues in the past.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SALAZAR. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

BIPARTISANSHIP

Mr. SALAZAR. Mr. President, I thank both the majority leader and minority leader for their comments this afternoon and for setting forth the tone of moving forward in a spirit of bipartisanship on behalf of our country. I want to quickly make four points.

It is going to be very important for us in the weeks ahead, and in the new Congress, that we do find the seeds of bipartisanship which we have found in the past in many of the efforts that have gone on in this body. For me, during my first 2 years as a Senator, one of the things I will always remember as one of the best times of the Senate is when we came together with the Gang of 14, with 7 Republicans and 7 Democrats, to make sure that this Senate was able to get beyond the very difficult issue that it faced. I hope we find more and more of those opportunities as we move forward on the great issues of our time, including Iraq, energy, health care, and the rest of the issues with which we must deal as a country.

I will say this as well. In the days ahead, we will hear many things about some of our colleagues, some of whom are newcomers to our institution, the U.S. Senate, and some of them who are leaving. For me, it is a sad day that Senator CHAFEE and Senator DEWINE, who were members of the Gang of 14, will not be around to be a part of that future bipartisan coalition that we are going to have to have in the Senate. But I hope, on the side of both the Democrats and the Republicans, that there is a great number of Members of the Senate on both sides of the aisle who will come together to address those significant issues that face us as a country.

As I spent my time in Colorado for most of the last month and traveled around the State, most of the people in my State were making one statement to us as a Congress and that was to get about the people's business. They want us to do the work that they so fervently want to be accomplished for this country. I believe in my State—which I believe is reflective of what is happening around the country—they want us to set a new direction and to be successful in our undertaking in Iraq. I join the minority leader, Senator REID, in his comments about how we ought to move forward in trying to create a bipartisan approach to achieving success in Iraq.

As I traveled around my State, and as I traveled around the country as well, I think the issue of energy independence has become an issue on which people very much want us to get beyond the rhetoric they have heard for the last 30 years. The Energy Policy Act of 2005 was one of the few bipartisan efforts that ultimately succeeded in this Congress. I hope, as we move ahead on the issue of energy, we will find ways of embracing conservation, embracing renewable energy, embracing the new technologies of today so we can in fact get our hands on energy independence, which is so critical. It is critical for our Nation from the point of view of the national security of the United States of America and the world. It is critical for our Nation in terms of our economic security, and it is critical for our Nation in terms of the environmental security which is also at stake on the issue of energy. Finally, it is critical to our country as to how we provide new opportunities for rural America as we grow our way to energy independence in this country.

Finally, I would like to make a comment on an issue which I believe continues to break the backs of the American people and bankrupt American businesses today and that is the issue of health care and the costs of health care, which have risen astronomically. We have left almost 50 million people of our country without health insurance, 77,000 in my State of Colorado alone.

I hope this institution, the Senate, working with the House of Representatives, can deliver real results for the people of the United States of America in the weeks and years ahead.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

Mrs. HUTCHISON. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5385, the Military Construction and Veterans Affairs and related agencies appropriations bill for 2007. I further ask consent that the committee-reported substitute be agreed to as original text for the purpose of further amendment, with no points of order waived by virtue of this agreement.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5385) making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

(INCLUDING RESCISSIONS OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $2,172,622,000, to remain available until September 30, 2011: Provided, That of this amount, not to exceed $199,540,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That of the funds appropriated for "Military Construction, Army" under Public Law 109–114, $43,348,000 are hereby rescinded: Provided further, That of the funds appropriated for "Military Construction, Army" under Public Law 109–13, $125,800,000 are hereby rescinded: Provided further, That of the amount provided under this heading, $34,800,000 is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

(INCLUDING RESCISSIONS OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy and Marine Corps as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $1,238,065,000, to remain available until September 30, 2011: Provided, That of this amount, not to exceed $71,626,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That of the funds appropriated for "Military Construction, Navy and Marine Corps" under Public Law 108–132, $30,000,000 are hereby rescinded: Provided further, That of the funds appropriated for "Military Construction, Navy and Marine Corps" under Public Law 108–324, $8,000,000 are hereby rescinded.

MILITARY CONSTRUCTION, AIR FORCE

(INCLUDING RESCISSIONS OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $1,214,885,000, to remain available until September 30, 2011: Provided, That of this amount, not to exceed $71,381,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That of the funds appropriated for "Military Construction, Air Force" under Public Law 108–324, $2,694,000 are hereby rescinded: Provided further, That of the funds appropriated for "Military Construction, Air Force" under Public Law 109–114, $19,816,000 are hereby rescinded: Provided further, That of the funds appropriated for "Military Construction, Air Force" under Public Law 109–13, $10,800,000 are hereby rescinded.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING RESCISSIONS AND TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $1,162,281,000, to remain available until September 30, 2011: Provided, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided further, That of the amount appropriated, not to exceed $172,150,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That of the funds appropriated for "Military Construction, Defense-Wide" under Public Law 108–132, $9,000,000 are hereby rescinded: Provided further, That of the funds appropriated for "Military Construction, Defense-Wide" under Public Law 108–324, $43,000,000 are hereby rescinded: Provided further, That of the funds appropriated for "Military Construction, Defense-Wide" under Public Law 109–114, $72,065,000 are hereby rescinded: Provided further, That of the amount provided under this heading, $100,886,000 is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

(INCLUDING RESCISSION OF FUNDS)

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefore, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts; $539,804,000, to remain available until September 30, 2011: Provided, That of the funds appropriated for Military Construction, Army National Guard" under Public Law 109–114, $2,129,000 are hereby rescinded.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition; expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefore, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $252,834,000, to remain available until September 30, 2011.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $191,450,000, to remain available until September 30, 2011.

MILITARY CONSTRUCTION, NAVY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the *training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $48,408,000, to remain available until September 30, 2011.*

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $44,936,000, to remain available until September 30, 2011.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized by section 2806 of title 10, United States Code, and Military Construction Authorization Acts, $205,985,000, to remain available until expended.

FAMILY HOUSING CONSTRUCTION, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $578,791,000, to remain available until September 30, 2011.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $675,617,000.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $305,071,000, to remain available until September 30, 2011.

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $498,525,000.

FAMILY HOUSING CONSTRUCTION, AIR FORCE

(INCLUDING RESCISSIONS OF FUNDS)

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $1,182,138,000, to remain available until September 30, 2011: Provided, That of the funds appropriated for "Family Housing Construction, Air Force" under Public Law 108–324, $23,400,000 are hereby rescinded: Provided further, That of the funds appropriated for "Family Housing Construction, Air Force" under Public Law 109–114, $42,800,000 are hereby rescinded.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and authorized by law, insurance premiums, as $755,071,000.

FAMILY HOUSING CONSTRUCTION, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $8,808,000, to remain available until September 30, 2011.

FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for operation and maintenance, leasing, and minor construction, as authorized by law, $48,506,000.

DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, $2,500,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities.

CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE

For expenses of construction, not otherwise provided for, necessary for the destruction of the United States stock-pile of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, as currently authorized by law, $140,993,000, to remain available until September 30, 2011, which shall be only for the Assembled Chemical Weapons Alternatives program.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990

For deposit into the Department of Defense Base Closure Account 1990, established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $191,220,000, to remain available until expended.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $5,237,100,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

SEC. 101. None of the funds made available in this title shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds made available in this title for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds made available in this title for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds made available in this title may be used to begin construction of new bases in the United States for which specific appropriations have not been made.

SEC. 105. None of the funds made available in this title shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or the designee of the Attorney General; (3) where the estimated value is less than $25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds made available in this title shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Acts making appropriations for military construction.

SEC. 107. None of the funds made available in this title for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 108. None of the funds made available in this title may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds made available in this title may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 111. None of the funds made available in this title may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan, in any North Atlantic Treaty Organization member country, or in countries bordering the Arabian Sea if that country has not increased its defense spending by at least 3 percent in calendar year 2005, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds made available in this title for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Sea, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: Provided, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: Provided further, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense is to inform the appropriate committees of both Houses of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $750,000.

SEC. 114. Not more than 20 percent of the funds made available in this title which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year.

(INCLUDING TRANSFER OF FUNDS)

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds made available to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were made available, if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

SEC. 118. (a) Not later than December 1, 2006, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the Committees on Appropriations of both Houses of Congress a report on actions taken by the Department of Defense and the Department of State during the previous fiscal year to encourage host countries to assume a greater share of the common defense burden of such countries and the United States.

(b) The report under subsection (a) shall include a description of—

(1) attempts to secure cash and in-kind contributions from host countries for military construction projects;

(2) attempts to achieve economic incentives offered by host countries to encourage private investment for the benefit of the United States Armed Forces;

(3) attempts to recover funds due to be paid to the United States by host countries for assets deeded or otherwise imparted to host countries upon the cessation of United States operations at military installations;

(4) the amount spent by host countries on defense, in dollars and in terms of the percent of gross domestic product (GDP) of the host country; and

(5) for host countries that are members of the North Atlantic Treaty Organization (NATO), the amount contributed to NATO by host countries, in dollars and in terms of the percent of the total NATO budget.

(c) In this section, the term "host country" means other member countries of NATO, Japan, South Korea, and United States allies bordering the Arabian Sea.

(INCLUDING TRANSFER OF FUNDS)

SEC. 119. In addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to be merged with, and to be available for the same purposes and the same time period as that account.

(INCLUDING TRANSFER OF FUNDS)

SEC. 120. Subject to 30 days prior notification to the Committees on Appropriations of both Houses of Congress, such additional amounts as may be determined by the Secretary of Defense may be transferred to: (1) the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in "Family Housing" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund; or (2) the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing in "Military Construction" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: Provided, That appropriations made available to the Funds shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169 of title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.

SEC. 121. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing the Secretary of the military department concerned shall submit to the Committees on Appropriations of both Houses of Congress the notice described in subsection (b).

(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—

(A) the closure or realignment of the installation for which housing is provided under the contract;

(B) a reduction in force of units stationed at installation; or

(C) the extended deployment overseas of units stationed at such installation.

(2) Each notice under this subsection shall specify the nature of the guarantee involved and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.

(INCLUDING TRANSFER OF FUNDS)

SEC. 122. In addition to any other transfer authority to the Department of Defense, amounts may be transferred from the accounts established by sections 2906(a)(1) and 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program. Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 123. Notwithstanding this or any other provision of law, funds made available in this title for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: Provided, That not more than $35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days prior notification to the Committees on Appropriations of both Houses of Congress, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: Provided further, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations of both Houses of Congress all operation and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year: Provided further, That nothing in this section precludes the Secretary of a military department, after notifying the congressional defense committees and waiting 21 days, from using funds derived under section 2601, chapter 403, chapter 603, or chapter 903 of title 10, United States Code, for the maintenance or repair of general and flag officer quarters at the military service academy under the jurisdiction of that Secretary: Provided further, That each Secretary of a military department shall provide an annual report by February 15 to the congressional defense committees on the amount of funds that were derived under section 2601, chapter 403, chapter 603, or chapter 903 of title 10, United States Code, in the previous year and were obligated for the construction, improvement, repair, or maintenance of any military facility or infrastructure.

SEC. 124. Amounts contained in the Ford Island Improvement Account established by subsection (h) of section 2814 of title 10, United States Code, are appropriated and shall be available until expended for the purposes specified in subsection (i)(1) of such section or until transferred pursuant to subsection (i)(3) of such section.

(INCLUDING TRANSFER OF FUNDS)

SEC. 125. None of the funds made available in this title, or in any Act making appropriations for military construction which remain available for obligation, may be obligated or expended to carry out a military construction, land acquisition, or family housing project at or for a military installation approved for closure, or at a military installation for the purposes of supporting a function that has been approved for realignment to another installation, in 2005 under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), unless such a project at a military installation approved for realignment will support a continuing mission or function at that installation or a new mission or function that is planned for that installation, or unless the Secretary of Defense certifies that the cost to the United States of carrying out such project would be less than the cost to the United States of cancelling such project, or if the project is at an active component base that shall be established as an enclave or in the case of projects having multi-agency use, that another Government agency has indicated it will assume ownership of the completed project. The Secretary of Defense may not transfer funds made available as a result of this limitation from any military construction project, land acquisition, or family housing project to another account or use such funds for another purpose or project without the prior approval of the Committees on Appropriations of both Houses of Congress. This section shall not apply to military construction projects, land acquisition, or family housing projects for which the project is vital to the national security or the protection of health, safety, or environmental quality: Provided, That the Secretary of Defense shall notify the congressional defense committees within seven days of a decision to carry out such a military construction project.

TITLE II

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS PROGRAMS

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 18, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, the Reinstated Entitlement Program for Survivors, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of title IV of the Servicemembers Civil Relief Act (50 U.S.C. App. 540 et seq.) and for other *benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), $38,007,095,000, to remain available until expended: Provided, That not to exceed $28,112,000 of the amount appropriated under this heading shall be reimbursed to "General operating expenses" and "Medical services" for necessary expenses in implementing the provisions of chapters 51, 53, and 55 of title 38, United States Code, the funding source for which is specifically provided as the "Compensation and pensions" appropriation: Provided further, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to "Medical care collections fund" to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.*

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61), $3,262,006,000, to remain available until expended: Provided, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under section 3104(a) of title 38, United States Code, other than under subsection (a)(1), (2), (5), and (11) of that section, shall be charged to this account.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by title 38, United States Code, chapter 19; 70 Stat. 887; 72 Stat. 487, $49,850,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by subchapters I through III of chapter 37 of title 38, United States Code: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That during fiscal year 2007, within the resources available, not to exceed $500,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $153,185,000.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $53,000, as authorized by chapter 31 of title 38, United States Code: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed $4,242,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $305,000, which may be transferred to and merged with the appropriation for "General operating expenses".

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by subchapter V of chapter 37 of title 38, United States Code, $615,000: Provided, That no new loans in excess of $30,000,000 may be made in fiscal year 2007.

GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT

For the administrative expenses to carry out the guaranteed transitional housing loan program authorized by subchapter VI of chapter 37 of title 38, United States Code, not to exceed $750,000 of the amounts appropriated by this Act for "General operating expenses" and "Medical services" may be expended.

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department, and including medical supplies and equipment and salaries and expenses of healthcare employees hired under title 38, United States Code, and aid to State homes as authorized by section 1741 of title 38, United States Code; and for necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; and administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.); $28,689,000,000, plus reimbursements: Provided, That of the funds made available under this heading) not to exceed $1,350,000,000 shall be available until September 30, 2008: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for treatment for veterans who are service-connected disabled, lower income, or have special needs: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by the Secretary: Provided further, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs.

MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities and other necessary facilities for the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the Department; for oversight, engineering and architectural activities not charged to project costs; for repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry and food services, $3,569,000,000, plus reimbursements, of which $250,000,000 shall be available until September 30, 2008.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code, to remain available until September 30, 2008, $412,000,000, plus reimbursements, of which not less than $15,000,000 shall be used for Gulf War Illness research.

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; and hire of passenger motor vehicles, $160,733,000, of which not to exceed $8,037,000 shall be available until September 30, 2008.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-Wide capital planning, management and policy activities, uniforms or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, $1,467,764,000: Provided, That expenses for services and assistance authorized under paragraphs (1), (2), (5), and (11) of section 3104(a) of title 38, United States Code, that the Secretary of Veterans Affairs determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: Provided further, That the Veterans Benefits Administration shall be funded at not less than $1,167,859,000: Provided further, That of the funds made available under this heading, not to exceed $75,000,000 shall be available for obligation until September 30, 2008: Provided further, That from the funds made available under this heading, the Veterans Benefits Administration may purchase up to two passenger motor vehicles for use in operations of that Administration in Manila, Philippines.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, to include information technology, in carrying out the provisions of the Inspector General Act of 1978, $70,599,000, of which $3,474,950 shall remain available until September 30, 2008.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities including parking projects under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, construction management services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, or where funds for a project were made available in a previous major project appropriation, $429,000,000, to remain available until expended, of which $2,000,000 shall be to make reimbursements as provided in section 13 of the Contract Disputes Act of 1978 (41 U.S.C. 612) for claims paid for contract disputes: Provided, That except for advance planning activities) including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, such as *portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund and CARES funds, including needs assessments which may or may not lead to capital investments, none of the funds appropriated under this heading shall be used for any project which has not been approved by the Congress in the budgetary process: Provided further, That funds provided in this appropriation for fiscal year 2007, for each approved project (except those for CARES activities referenced above) shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2007; and (2) by the awarding of a construction contract by September 30, 2008: Provided further, That the Secretary of Veterans Affairs shall promptly report in writing to the Committees on Appropriations of both Houses of Congress any approved major construction project in which obligations are not incurred within the time limitations established above.*

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities including parking projects under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is equal to or less than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, $168,000,000, to remain available until expended, along with unobligated balances of previous "Construction, minor projects" appropriations which are hereby made available for any project where the estimated cost is equal to or less than the amount set forth in such section for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by sections 8131–8137 of title 38, United States Code, $85,000,000, to remain available until expended.

GRANTS FOR CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veterans cemeteries as authorized by section 2408 of title 38, United States Code, $32,000,000, to remain available until expended.

INFORMATION TECHNOLOGY SYSTEMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for information technology systems and telecommunications support, including developmental information systems and operational information systems; including pay and associated cost for operations and maintenance associated staff; for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by chapter 3109 of title 5, United States Code, $1,255,900,000, to remain available until September 30, 2008: Provided, That none of these funds may be obligated until the Department of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget; (2) complies with the Department of Veterans Affairs enterprise architecture; (3) conforms with an established enterprise life cycle methodology; and (4) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government: Provided further, That within 60 days of enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a reprogramming base letter which provides, by project, the costs included in this appropriation.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

Sec. 201. Any appropriation for fiscal year 2007, in this Act or any other Act for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred as necessary to any other of the mentioned appropriations: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed..

(INCLUDING TRANSFER OF FUNDS)

Sec. 202. Amounts made available for fiscal year 2007, in this Act or any other Act, under the "Medical services" and "Medical facilities" accounts may be transferred between the accounts to the extent necessary to implement the restructuring of the Veterans Health Administration accounts: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

Sec. 203. Appropriations available in this title for salaries and expenses shall be available for services authorized by section 3109 of title 5, United States Code, hire of passenger motor vehicles; lease of a facility or land or both; and uniforms or allowances therefor, as authorized by sections 5901–5902 of title 5, United States Code.

Sec. 204. No appropriations in this title (except the appropriations for "Construction, major projects", and "Construction, minor projects") shall be available for the purchase of any site for the construction of any new hospital or home.

Sec. 205. No appropriations in this title shall be available for hospitalization or examination of any persons (except beneficiaries entitled under the laws bestowing such benefits to veterans, and persons receiving such treatment under sections 7901–7904 of title 5, United States Code or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)), unless reimbursement of cost is made to the "Medical services" account at such rates as may be fixed by the Secretary of Veterans Affairs.

Sec. 206. Appropriations available in this title for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2006.

SEC. 207. Appropriations available in this title shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from sections 3328(a), 3334, and 3712(a) of title 31, United States Code, except that if such obligations are from trust fund accounts they shall be payable from "Compensation and pensions".

SEC. 208. Notwithstanding any other provision of law, during fiscal year 2007, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the "General operating expenses" account for the cost of administration of the insurance programs financed through those accounts: Provided, That reimbursement shall be made only from the surplus earnings accumulated in an insurance program in fiscal year 2007 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: Provided further, That if the cost of administration of an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: Provided further, That the Secretary shall determine the cost of administration for fiscal year 2007 which is properly allocable to the provision of each insurance program and to the provision of any total disability income insurance included in such insurance program.

SEC. 209. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

SEC. 210. Funds available in this title or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management and the Office of Employment Discrimination Complaint Adjudication for all services provided at rates which will recover actual costs but not exceed $31,246,000 for the Office of Resolution Management and $3,059,000 for the Office of Employment and Discrimination Complaint Adjudication: Provided, That payments may be made in advance for services to be furnished based on estimated costs: Provided further, That amounts received shall be credited to "General operating expenses" for use by the office that provided the service.

SEC. 211. No appropriations in this title shall be available to enter into any new lease of real property if the estimated annual rental is more than $300,000 unless the Secretary submits a report which the Committees on Appropriations of both Houses of Congress approve within 30 days following the date on which the report is received.

SEC. 212. No funds of the Department of Veterans Affairs shall be available for hospital care, nursing home care, or medical services provided to any person under chapter 7 of title 38, United States Code, for a non-service-connected disability described in section 1729(a)(2) of such title, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require, current, accurate third-party reimbursement information for purposes of section 1729 of such title: Provided, That the Secretary may recover, in the same manner as any other debt due the United States, the reasonable charges for such care or services from any person who does not make such disclosure as required: Provided further, That any amounts so recovered for care or services provided in a prior fiscal year may be obligated by the Secretary during the fiscal year in which amounts are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 213. Notwithstanding any other provision of law, at the discretion of the Secretary of Veterans Affairs, proceeds or revenues derived from enhanced-use leasing activities (including disposal) may be deposited into the "Construction, major projects" and "Construction, minor projects" accounts and be used for construction (including site acquisition and disposition), alterations and improvements of any medical facility under the jurisdiction or for the use of the Department of Veterans Affairs. Such sums as realized are in addition to the amount provided for in "Construction, major projects" and "Construction, minor projects".

SEC. 214. Amounts made available under "Medical services" are available—

(1) for furnishing recreational facilities, supplies, and equipment; and

(2) for funeral expenses, burial expenses, and other expenses incidental to funerals and burials for beneficiaries receiving care in the Department.

(INCLUDING TRANSFER OF FUNDS)

SEC. 215. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, may be transferred to "Medical services", to remain available until expended for the purposes of this account.

SEC 216. Notwithstanding any other provision of law, the Secretary of Veterans Affairs shall allow veterans eligible under existing Department of Veterans Affairs medical care requirements and who reside in Alaska to obtain medical care services from medical facilities supported by the Indian Health Service or tribal organizations. The Secretary shall: (1) limit the application of this provision to rural Alaskan veterans in areas where an existing Department of Veterans Affairs facility or Veterans Affairs-contracted service is unavailable; (2) require participating veterans and facilities to comply with all appropriate rules and regulations, as established by the Secretary; (3) require this provision to be consistent with Capital Asset Realignment for Enhanced Services activities; and (4) result in no additional cost to the Department of Veterans Affairs or the Indian Health Service.

(INCLUDING TRANSFER OF FUNDS)

SEC. 217. Such sums as may be deposited to the Department of Veterans Affairs Capital Asset Fund pursuant to section 8118 of title 38, United States Code, may be transferred to the "Construction, major projects" and "Construction, minor projects" accounts to remain available until expended for the purposes of these accounts.

SEC. 218. None of the funds available to the Department of Veterans Affairs, in this Act, or any other Act, may be used for payment for E-Gov initiatives.

SEC. 219. None of the funds made available in this Act may be used to implement any policy prohibiting the Directors of the Veterans Integrated Service Networks from conducting outreach or marketing to enroll new veterans within their respective Networks.

SEC. 220. The Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a quarterly report on the financial status of the Veterans Health Administration.

(INCLUDING TRANSFER OF FUNDS)

SEC. 221. Amounts made available under the "Medical services", "Medical facilities", "General operating expenses", and "National Cemetery Administration" accounts for fiscal year 2007, may be transferred to or from the "Information technology systems" account: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

(INCLUDING TRANSFER OF FUNDS)

SEC. 222. For purposes of perfecting the funding sources of the Department of Veterans Affairs' new "Information technology systems" account, funds made available for fiscal year 2007, in this or any other Act, may be transferred from the "General operating expenses", "National Cemetery Administration", and "Office of Inspector General" accounts to the "Medical services" account: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

(INCLUDING TRANSFER OF FUNDS)

SEC. 223. Amounts made available for the "Information technology systems" account may be transferred between projects: Provided, That no project may be increased or decreased by more than $1,000,000 of cost prior to submitting a request to the Committees on Appropriations of both Houses of Congress to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed.

SEC. 224. No funds in this Act may be deposited into the DOD/VA Health Care Sharing Incentive Fund.

SEC. 225. The authority provided by section 2011 of title 38, United States Code, shall continue in effect through September 30, 2007.

SEC. 226. REPORT ON USE OF LANDS AT WEST LOS ANGELES DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER. (a) REPORT.—The Secretary of Veterans Affairs shall submit to Congress a report on the master plan of the Department of Veterans Affairs relating to the use of Department lands at the West Los Angeles Department of Veterans Medical Center, California.

(b) REPORT ELEMENTS.—The report under subsection (a) shall set forth the following:

(1) The master plan referred to in that subsection, if such a plan currently exists.

(2) A current assessment of the master plan.

(3) Any proposal of the Department for a veterans park on the lands referred to in subsection (a), and an assessment of each such proposal.

(4) Any proposal to use a portion of those lands as dedicated green space, and an assessment of each such proposal.

(c) ALTERNATIVE REPORT ELEMENT.—If a master plan referred to in subsection (a) does not exist as of the date of enactment of this Act, the Secretary shall set forth in the report under that subsection, in lieu of the matters specified in paragraphs (1) and (2) of subsection (b), a plan for the development of a master plan for the use of the lands referred to in subsection (a) during the period beginning on the date of the enactment of this Act and ending 25 years later and during the period beginning on the date of the enactment of this Act and ending 50 years later. The master plan referred to in subsection (a) shall be completed prior to the adoption of the Capital Asset Realignment for Enhanced Services (CARES) plan for that property, or prior to the issuance of any enhanced use lease on the subject property. The CARES plan for the subject property shall be consistent with the master plan required by this section.

(d) LIMITATIONS ON IMPLEMENTATION.—

(1) IN GENERAL.—The Secretary may not implement any portion of the master plan referred to in subsection (a) until 120 days after the date of the receipt by the Committees on Appropriations of the Senate and the House of Representatives of the report required by that subsection.

(2) ACTIONS OTHER THAN DIRECT VETERANS SERVICES.—In the case of any portion of the master plan referred to in subsection (a) that does not relate exclusively to direct veterans services on the site referred to in subsection (a), the Secretary may not carry out such portion of the master plan without the approval of the Committees on Appropriations of the Senate and the House of Representatives.

(e) EXEMPTIONS.—Nothing contained in this provision shall prevent the Department of Veterans Affairs from providing maintenance, service or programs consistent with the mission of the Department.

SEC. 227. None of the funds available to the Department of Veterans Affairs, in this Act, or any other Act, may be used to replace the current system by which the Veterans Integrated Services Networks select and contract for diabetes monitoring supplies and equipment.

SEC. 228. The major medical facility project for a Department of Veterans Affairs Medical Center in New Orleans, Louisiana, for which funds were appropriated for the Department of Veterans Affairs for the "Construction, major projects" account in Public Law 109–234 and Public Law 109–148 shall be treated for purposes of section 8104(b) of title 38, United States Code, as a major medical facility project that has been specifically authorized by law, and the Secretary of Veterans Affairs may obligate and expend amounts so appropriated for that account for that project for the purchase of a site including property exchange for, and new construction, restoration, or replacement of, the Department of Veterans Affairs Medical Center in New Orleans, Louisiana.

TITLE III

RELATED AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one-for-one replacement only) and hire of passenger motor vehicles; not to exceed $7,500 for official reception and representation expenses; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $37,088,000, to remain available until expended.

FOREIGN CURRENCY FLUCTUATIONS

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, $4,900,000, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by sections 7251–7298 of title 38, United States Code, $19,790,000: Provided, That $1,260,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–29.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, and not to exceed $1,000 for official reception and representation expenses.

$26,550,000, to remain available until expended. In addition, such sums as may be necessary for parking maintenance, repairs and replacement, to be derived from the Lease of Department of Defense Real Property for Defense Agencies account.

ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington, District of Columbia and the Armed Forces Retirement Home—Gulfport, Mississippi, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $54,846,000.

ADMINISTRATIVE PROVISIONS

SEC. 301. None of the funds in this title under the heading "American Battle Monuments Commission" shall be available for the Capital Security Costs Sharing program.

(INCLUDING RESCISSION OF FUNDS)

SEC. 302. (a) For an additional amount for "United States Court of Appeals for Veterans Claims, Salaries and Expenses", $500,000, to remain available until expended, for implementation of the Appellate Case Management Electronic Case Files System.

(b) Of the amount appropriated under the heading "United States Court of Appeals for Veterans Claims, Salaries and Expenses", in the Military Quality of Life, Military Construction, and Veterans Affairs Appropriations Act, 2006 (Public Law 109–114), $500,000 are rescinded.

(c) This section shall take effect immediately upon enactment of this Act.

TITLE IV

GENERAL PROVISIONS

SEC. 401. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 402. Such sums as may be necessary for fiscal year 2007 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 403. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 404. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before Congress, except in presentation to Congress itself.

SEC. 405. All departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of "E-Commerce" technologies and procedures in the conduct of their business practices and public service activities.

SEC. 406. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 407. Unless stated otherwise, all reports and notifications required by this Act shall be submitted to the Subcommittee on Military Quality of Life and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate.

This Act may be cited as the "Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2007".

The committee amendment in the nature of a substitute was agreed to.

Mrs. HUTCHISON. Madam President, it is my pleasure today to bring the fiscal year 2007 Military Construction, Veterans Affairs, and related agencies bill to the Senate for consideration. The bill provides $16.26 billion for military construction, $77.9 billion for the Department of Veterans Affairs, and $143.5 million for the related agencies.

The bill provides the much needed resources for the Department of Veterans Affairs to care for our brave veterans returning from Afghanistan and Iraq, as well as those who have served with honor in our past wars. We fully support our veterans and appreciate the sacrifices they made for our country, by increasing the VA's funding by $6.45 billion from last year's enacted level to the President's request of $77.9 billion.

This year, we are proposing to bring medical services and medical administration under one account. This merger of the two accounts will give the VA the flexibility to manage and budget all medical services operations, including hospital staff personnel, from one account for better management, organization, and efficiency. The funding for the new combined medical services account is $28.7 billion, which is $3.1 billion above last year's level and equal to the President's request. The funding recommendation also includes the full request of $3.6 billion for medical facilities; $412 million for medical and prosthetic research, which is equal to last year's level and $13 million above the President's request; $429 million for major construction; and $85 million for grants for construction of State extended-care facilities.

This bill bridges a significant funding gap in fiscal year 2007 for the Department of Veterans Affairs. The administration's budget request included legislative proposals for the VA's health care system that would have instituted new enrollment fees and increased the copayments for prescription drugs, both of which would have been paid by veterans. Revenue estimate for those proposals was $795 million. The administration assumed this revenue in the VA's budget request. The subcommittee has denied these proposals and has provided the $795 million difference for VA health care.

The bill also contains additional resources in the areas of advanced prosthetics, recognizing that veterans returning from Operations Iraqi Freedom and Enduring Freedom are experiencing the loss of limbs due to combat injury.

The bill provides much needed funds for military construction. With the impending return of troops as a result of the current overseas rebasing effort, which our subcommittee recommended and strongly supports, BRAC, Army modularity, and the global war on terror, our service men and women are in a time of great transformation, and the funds will be provided for these accounts. It is important that they receive these facilities to enable the transformation. We are also continuing to press our NATO allies to share the burden of construction costs for NATO facilities and have been successful.

The bill provides necessary funds for the rebasing effort as well as continues the emphasis on family housing initiatives within the Department of Defense. It also provides $1.1 billion for Guard and Reserve components which is $215 million above the requested level. The bill includes funding totaling $5.2 billion to implement the BRAC 2005 decisions. This is an increase of $3.7 billion over last year. We do recommend a minor cut of 7 percent to this account because we found flexibility in supplies and equipment will not be needed next year because of the slow pace of BRAC implementation. I would emphasize, however, that no BRAC construction projects are affected.

Putting our bill together was certainly a bipartisan effort. Let me say now we are giving notice to Members on both sides of the aisle that we plan to come forward tomorrow about 2:15 with all of the amendments we have had requested so far, and anything a Member might want to put in this bill needs to be in our hands by close of business today, 5 o'clock. We wish to finish up the bill, deal with the amendments at 2:15 on Tuesday, and have our vote then lined up for later in the afternoon on Tuesday, in the 5 o'clock to 5:30 range. So we are giving notice, and we hope if there are any amendments we have not already been given, anyone with that kind of request will come forward.

I thank Senator FEINSTEIN, the ranking member, for her partnership. We have worked so well together throughout our time on this subcommittee. We actually have been chairman and ranking member, both of us. I have been chairman and she has been ranking member, and we have been the other way, and I think we will be the other way come January. I know it will make no difference. I know we will meet the needs of military construction. We will meet the needs of our veterans. We will do it the right way, and we will do it in agreement, because we have the same goals—that we honor our veterans with the services they deserve and that we provide for our military housing and military construction and cleanup for BRAC in the most responsible way. I couldn't ask for a better working relationship than I have with my ranking member and her staff. I look forward to the years to come.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, as I was standing here looking out at a woman presiding and a woman chairman, a woman ranking member. I thought, there has been progress.

I am very pleased to join my chairman in recommending the 2007 Military Construction-Veterans Affairs, and Related Agencies appropriations bill to the Senate. I thank my friend Chairman HUTCHISON for her hard work on this bill, and I especially thank the chairman of the Appropriations Committee, Senator COCHRAN, and the ranking member, Senator BYRD, for their support and help in bringing this bill to the floor.

This past weekend the Nation observed Veterans Day, the day we set aside to honor America's veterans with ceremonies across this great land. Today the Senate takes up a bill that backs up the speeches and ceremonies with the funding necessary to provide the services our veterans were promised and that they both need and deserve. The bill before us today is a critically important funding measure for our Nation's veterans and for the Active and Reserve Forces in the military. It is a good bill.

The bill provides a total of $94.3 billion in its three titles. The bulk of the funding, $77.9 billion, is for the Department of Veterans Affairs. Of that amount, $41.4 billion is mandatory spending for veterans benefit programs, such as veterans compensation and pensions, and $36.5 billion is discretionary spending, primarily for the medical program. This means that medical service programs are funded at the level necessary to meet the needs of our veterans. Both the chairman and I believe this is so.

The funding in this bill for the Department of Veterans Affairs is equal to the President's budget request and almost $6.5 billion—that is an increase of 9 percent—over the fiscal year 2006 enacted level. This increase is necessary due to the Iraq and Afghanistan situation.

For veterans health, the bill provides $32.67 billion. That is an increase of 11.3 percent above the 2006 level. It includes $3.2 billion for mental health, a $340 million increase over last year's enacted level. And it includes $4.3 billion, a $228 million increase over last year's enacted level, for geriatrics and extended care to assist the Nation's aging veterans population.

For military construction, which 2 years ago was all that we did together—now we also have the veterans budget for the second year—the bill includes $16.3 billion in funding. That is for a wide range of mission-critical facilities—barracks, daycare centers, family housing projects, both within the United States and overseas. Also included in that funding is $5.24 billion to implement the most recent base realignment and closure round, not so fondly known as BRAC around here.

Last but not least, the bill includes $143 million for a group of small but essential agencies, including the American Battle Monuments Commission and the Armed Forces Retirement Home. This title of the bill also funds Arlington National Cemetery, a sacred site familiar to all Americans which in many ways is the centerpiece of our homage to those who serve the Nation and our military in war and in peace.

In a year in which the Appropriations Committee has been faced with severe budget constraints, we are fortunate to be able to bring to the Senate a bill that fully funds the President's request for veterans and meets the pressing infrastructure requirements of the military. We were able to accomplish this without imposing any new fees or copayments on veterans. Most importantly, perhaps, is we do not appear to be facing the same kind of shortfall in funding for VA health care that the Senate was confronted with last year.

Providing affordable, accessible, first-rate health care to our Nation's veterans is a priority for this Senate and for both the chairman and myself. At a time when our Nation is at war and over 155,000 Iraq and Afghanistan war veterans are seeking VA health care services, many with grievous physical and mental wounds, veterans health care must be placed at the top of the list. Money is tight, to be sure. But like America's military forces currently fighting in Iraq and Afghanistan, the veterans who have fought in those and past wars deserve the fullest measure of our support and gratitude.

Likewise, the Nation's military forces need and deserve quality facilities in which to live and work. With the new round of BRAC and the ongoing global realignment of United States forces in Europe, Korea, and elsewhere overseas, the Defense Department's base structure is undergoing change. Tens of thousands of military personnel are returning to the United States from bases that are being closed overseas, placing great demand on domestic installations that will absorb them and their families.

At the same time, the Army is in the midst of reinventing its military structure, transforming from cumbersome divisions and brigades into more mobile and agile modular units. This modularity carries with it a new set of infrastructure requirements, and new emphasis regarding new facilities is being placed on the Nation's special operations forces, including the fielding of a new Marine Corps special operations command. All of this restructuring, of course, is going on while upwards of 170,000 United States military personnel remain fully engaged in Iraq and Afghanistan.

In all, there are many challenges facing the military construction budget. Yet when the $5.2 billion for a new BRAC round is taken out of the equation, the amount of military construction funding requested by the President remained nearly level with last year's funding. Nevertheless, with the budget constraints we face this year, we were able to provide sufficient military construction dollars to fund the hundreds of military construction priorities both at home and abroad that have all been authorized in the Defense authorization bill.

This is a carefully balanced, bipartisan bill that is designed to meet the health and welfare needs of America's veterans and the infrastructure requirements of America's military forces with very tight budget limitations.

I again commend Chairman HUTCHISON for her work in developing this package. With the passage of this bill, we will have done our work in the Senate. I firmly believe we can work quickly to complete a conference with the House and send a good bill to the President, if the leadership gives us the opportunity. There has been some speculation that no appropriations bills will emerge from this lameduck session and that we instead will be operating under a continuing resolution for months to come. I hope that speculation is wrong. It would be a serious disservice to our Nation's veterans and our active-duty military to relegate the programs funded under MilCon-VA to a continuing resolution in the new year. It will be at a $6.5 billion loss to these programs to do that. I know Chairman HUTCHISON, Chairman COCHRAN, and Senator BYRD share my desire to send a conference report on this bill to the President and see it signed into law before the end of the year. I very much hope we can do so.

A great deal of work on both sides of the aisle has gone into producing this bill. I thank my colleagues for their support, and I thank my staff—Christina Evans on my immediate left, BG Wright on my far left, and Chad Schulken who is back in the staff dock—and also Senator HUTCHISON's staff—Dennis Balkham, Sean Knowles, and Rose Fabia—for the long hours and great effort they have put into this bill.

The bill is a direct result of a remarkable working relationship between Senator HUTCHISON and myself and between her staff and my staff. I thank the chairman again for this warmth and most particularly for her leadership. I am very pleased to recommend passage of this bill to the full Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Madam President, I agree with Senator FEINSTEIN's statement completely that we should pass this bill. I think it would be irresponsible, honestly, for us not to fund the priorities and the increases that are in this bill for our veterans and our military construction projects. So I will make every effort to ensure that we do have this bill go to conference, and I think we will be very close with the House on the conference items.

I do believe we can get this bill to the President. Frankly, I think there are other appropriations bills that would be in the same situation. We have new projects in many of the pieces of legislation. I cannot think of an appropriations bill that is not bipartisan. So it is my hope that we can keep the priorities and spending that we have worked very hard all of this year to produce in all of the appropriations bills, rather than rely on a continuing resolution that does not take into account the bipartisan efforts that have been made to fund the priorities of today. That is especially true in our bill because it is ongoing, defense-related items, but I think there are other bills that have the same kinds of priorities and necessities as well. So we will work together in our bipartisan way and try to make sure that happens.

I will just say once again that if any of our colleagues have amendments, now is the time to notify us, by the close of business today, 5 o'clock. It is our hope to dispose of amendments starting at 2:15 tomorrow. I am told that votes could occur any time after 2:15, and the offices will be appropriately notified.

Let me end by saying that I, too, want to give so much credit to Senator FEINSTEIN's staff and my staff who have a great working relationship. They work the long hours and they do so much behind the scenes that makes everything come together—the amounts that we have in the budget resolution and the allocations on the Appropriations Committee and all of the different factors that go into an appropriations bill. They do a great job. I thank Senator FEINSTEIN's three staff members, and my three staff members, who were named by Senator FEINSTEIN earlier.

Mr. GREGG. Mr. President, the pending Military Construction and Veterans Affairs appropriations bill for fiscal year 2007, H.R. 5385, as reported by the Senate Committee on Appropriations provides $89.861 billion in budget authority and $84.956 billion in outlays in fiscal year 2007 for the Military Construction and the Department of Veterans Affairs programs. Of these totals, $36.961 billion in budget authority and $36.814 billion outlays are for mandatory programs in fiscal year 2007.

The bill provides total discretionary budget authority in fiscal year 2007 of $52.900 billion. This amount is $111 million above the President's request, at the 302(b) allocations adopted by the Senate, $8.8 billion above fiscal year 2006 enacted levels, and $41.8 billion below the House-passed bill.

As my colleagues know, the large difference with the House funding level is due to the difference in allocations. This is primarily due to the Defense Health Program in the Senate's Defense allocation but in the House's Military Quality of Life and Veteran's Affairs allocation.

I commend the distinguished chairman of the Appropriations Committee for bringing this legislation before the Senate, and I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 5385, 2007 MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATIONS, SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal Year 2007, $ millions]

	General Purpose	Mandatory	Total
Senate-reported bill:			
Budget authority	52,900	36,961	89,861
Outlays	48,142	36,814	84,956
Senate 302(b) allocation:			
Budget authority	52,900	36,961	89,861
Outlays	*	*	*
2006 Enacted:			
Budget authority	44,143	38,188	82,331
Outlays	41,803	38,093	79,896
President's request:			
Budget authority	52,789	36,388	89,177
Outlays	46,782	36,284	83,066
House-passed bill: [1]			
Budget authority	94,705	36,388	131,093
Outlays	89,448	36,284	125,732
Senate-reported bill compared to:			
Senate 302(b) allocation:			
Budget authority	0	0	0
Outlays	na	na	na
2006 Enacted:			
Budget authority	8,757	−1,227	7,530
Outlays	6,339	−1,279	5,060
President's request:			
Budget authority	111	573	684
Outlays	1,360	530	1,890
House-passed bill: [1]			
Budget authority	−41,805	573	−41,232
Outlays	−41,306	530	−40,776

* There is no outlay allocation in the Senate for 2007 appropriations bills.

[1] House and Senate bills having different jurisdictions.

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. GREGG. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. AKAKA. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered.

AMENDMENT NO. 5128

Mr. AKAKA. Mr. President, I would like to call up my amendment for funding for VA oversight. I am talking about properly funding the VA Inspector General's Office. I do have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. AKAKA], for himself and Mr. OBAMA, proposes an amendment numbered 5128.

Mr. AKAKA. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide, with an offset, an additional $2,500,000 for the Department of Veterans Affairs for the Office of Inspector General)

At the end of title II, add the following:

SEC. . (a) ADDITIONAL AMOUNT FOR OFFICE OF INSPECTOR GENERAL OF DEPARTMENT OF VETERANS AFFAIRS.—The amount appropriated by this title under the heading "OFFICE OF INSPECTOR GENERAL" is hereby increased by $2,500,000.

(b) OFFSET.—The amount appropriated by this title under the heading "CONSTRUCTION, MAJOR PROJECTS" is hereby reduced by $2,500,000.

Mr. AKAKA. Mr. President, I want to say at the outset that I am cognizant of the constraints placed upon the Appropriations Committee and I am very pleased that funding has been included to obviate the need for the administration's proposals to charge veterans more for their care.

That said, I don't believe it is in anyone's interest—least of all veterans—to cut funding for the VA watchdog, the inspector general.

The President's budget and this VA-MilCon bill both call for a reduction in 27 IG staff members.

Our amendment seeks to restore this cut and ensure the IG can do his job by adding $2.5 million in resources. The money for this amendment would be drawn from the construction account and would amount to only a half of a percent of the entire account.

If this bill is enacted as is, the OIG oversight function would suffer. There would be an increased risk of criminal activity, waste, and abuse across VA programs and operations. It would result in fewer monetary benefits in a time of fiscal restraint, fewer reports with recommendations for improved economy and efficiencies, and fewer arrests, indictments, and convictions of individuals who prey on America's veterans or seek to defraud VA. The loss of staff would markedly diminish the IG's ability to address complex issues such as the recent loss of VA data and other information technology issues.

Furthermore, it would reverse the recent trend of the OIG expanding its truly independent oversight of VA's health care programs and operations and reduce OIG field presence where veterans receive care at VA facilities across the Nation.

During the recent VA data theft incident, had it not been for the diligence of investigators from the VA IG's office, it is likely it would have taken even longer for the Secretary, Congress and affected veterans to have learned of the loss.

Now is not the time to cut the IG's funding and staff. Clearly, it is more important than ever that VA has the effective internal oversight that only a robust and fully funded Inspector General's Office can provide.

The authors of the VA independent budget realize this and have written a letter to the House and Senate leadership in support of the amendment.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE INDEPENDENT BUDGET,
Washington, DC, November 13, 2006.

Speaker of the House HASTERT,
House Minority Leader PELOSI,
House of Representatives,
Senate Majority Leader FRIST,
Senate Minority Leader REID,
U.S. Senate, Washington, DC.

DEAR : We write on behalf of AMVETS, Disabled American Veterans, Veterans of Foreign Wars of the United States, and Paralyzed Veterans of America, joint authors of the Independent Budget, on a matter of concern dealing with the Department of Veterans Affairs (VA) Office of Inspector General (OIG).

Like most Federal agencies, VA currently is subject to a Continuing Resolution until Congress passes VA's appropriations act, which may not occur until very late this calendar year, or perhaps even later. Because the proposed fiscal year 2007 appropriation for VA's OIG is expected to result in a significant shortfall, we understand VA is preparing to take steps to develop a plan to reduce spending in that office. We also understand that the principal strategy will be a reduction in the number of OIG employees through attrition of the existing work force.

The VA OIG budget is formulated based on 458 full-time employee equivalents (FTEE). However, that office is currently staffed at 473 FTEE. The longer that office remains above 458 FTEE, the more they will be required to reduce staffing in order to achieve the lower FTEE limitation. Given this situation, we have been advised that a number of steps are being taken or are planned, including not filling vacant positions except on a case-by-case examination of need versus alternatives.

While we sometimes disagree with findings in a particular OIG review or investigation, the OIG constitutes a major segment of VA's management system to assure accountability, and within VA serves as an independent voice on patient safety, health care quality, financial stewardship, systems and facilities management and data integrity. Reducing the OIG's ability to carry out such vital functions, even on a marginal basis as has been proposed, ultimately could put veterans in jeopardy. We understand Senator Daniel Akaka has proposed an amendment to the Fiscal Year 2007 Veterans Affairs-Military Quality of Life appropriations bill that would replenish these funds to the OIG. We strongly support Senator Akaka's proposal and urge the House and Senate Leadership to include funds associated with Senator Akaka's amendment in the final conference report on VA's appropriation for the new fiscal year. We believe this small investment will pay very large dividends for veterans who need and use VA services.

We appreciate your attention to this request.

Sincerely,

DAVID G. GREINEDER,
Acting National Legislative Director, AMVETS;
CARL BLAKE,
Acting National Legislative Director, Paralyzed Veterans of America;
JOSEPH C. VIOLANTE,
National Legislative Director, Disabled American Veterans;
DENNIS CULLINAN,
National Legislative Director, Veterans of Foreign Wars of the United States.

Mr. AKAKA. Mr. President, I urge my colleagues to support this amendment. This is a small amount of money relative to the overall spending in this bill. Indeed, such a modest amount is essential to ensuring the billions included in this bill are spent wisely.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

LANCE CORPORAL ERIC BENHOLTZ

Mr. DEWINE. Mr. President, I rise today to honor a brave young man from my home State of Ohio, Marine LCpl Eric Bernholtz. Lance Corporal Bernholtz was killed on August 3, 2005, when an improvised explosive device detonated under his military vehicle during combat operations south of Haditha, Iraq. He is survived by his parents, James and Catherine, his brother Adam and sister-in-law Sarah, and his long-time girlfriend Erica Scott.

Growing up in Grove City, OH, Eric enjoyed playing sports and video games with his friends. Eric loved children; his father said that even when he was in high school, little kids would knock on the door and say, "Can Eric come out and play?" He enjoyed reading and rock climbing and talked about becoming a firefighter and remodeling houses. Shortly after the attacks of September 11, Eric decided that he wanted to serve his country. He decided to do so by enlisting in the Marines in 2003.

Former neighbor Andy Unger described the 23-year-old Marine Reservist as a carefree kid who found his focus in the military. Jim, Eric's father, agreed that his son had found what he was looking for in the military, even though he knew it meant fighting in Iraq. These are Jim's words describing a conversation he had with his Eric: "When Eric told me he had joined the Marines I said, 'You know you will have to go over there.' And he told me, 'Somebody has to do this Dad.' He wanted to be one of those people."

Grove City High School guidance counselor John Hampson knew Eric well and said that he was simply the kind of person who always made others feel good. "He would always greet you," John recalls. "He was always making a point to go out of his way to say hello. He knew how to have fun, but to have fun in an appropriate manner." He remembers Eric as a jokester who liked to make everyone laugh and that he talked of being a firefighter when he ended his tour of duty.

The night before Eric's funeral, his friends shared humorous stories about their friend the prankster. They recalled how they would sneak into church to play basketball, drink chocolate milkshakes, and talk all night. In the words of his childhood friend, Brent Carman, "There was never a moment without a joke or a smile." They laughed about Eric's trademark footwear, which he called "shandals." This particular style involved Eric cutting off the toes and heels off his old gym shoes, and hence turning them into something resembling sandals. Dave Montgomery, a friend, reflected that Eric was simply the type of person who loved life.

At Eric's funeral, the Reverend Rob Paugh laughingly recalled his navigational skills. "Eric thought he had a sense of direction" he said. He then shared a story about how Eric once managed to find a wedding in Louisiana by simply driving south—without knowing either the name of the town or the church. The minister was amazed to see him there in a suit—but no socks.

Eric was a man of tremendous dedication—dedication to his family and friends and dedication to his faith. A devoted member of the Grove City Church of the Nazarene, Eric spent much of his time and energy there. He acted in church dramas and coached church youth sports teams.

Those close to Eric said he was known for being full of life and personality, having a soft-spoken heart and a love of God. These same friends stood watch over Eric from the time the Marines brought his body to the funeral home until the morning of his burial.

And on July 19, few weeks before his death, this is what he told his mother over the phone: "I'm not afraid and you know, Mom, if something happens to me, I'm okay with Jesus. I'm fine. You're going to see me again."

Other friends have also reflected upon how important his faith was to Eric. Jerrod "Butter" Watson of Newark, OH, said:

> Eric was a solider for our country but more importantly, for God. He is guarding the gates of heaven now. We mourn the loss of such an honorable young man but rejoice that he is in a far better place and we will see him soon. May God bless the family and friends left behind. I am honored to have known such an amazing man of faith and courage. He will never be forgotten.

A fellow marine commented upon his friendship with Eric Bernholtz, also making special note of his strong faith in the Lord:

> [Eric] was a solid Marine, with endless potential. I know he's in a better place now. He would never shy away from his faith and would try to convince others to believe. I remember that being one of his greatest qualities. I was always envious of his faith in the Lord. He will be greatly missed, and the Marine Corps is just a little bit weaker without him. To his parents, I couldn't have met a better man. I grieve with you, but couldn't begin to understand your pain. Be proud of Eric, he was a great person. To Eric, so long friend, I look forward to the day we meet again.

This strength in the Lord also gives Eric's parents the necessary willpower to make it through the loss of their beloved son. Jim Bernholtz said that when he and his wife learned of their Eric's death, the Lord gave them both peace right away. They miss him every day but they know exactly where Eric is. In an interview, Jim said that in twenty-some-odd years he would be shaking hands with his son again.

Eric Bernholtz was a brave young man who always wanted to do the right thing. His father said, "Eric told me when he was on the phone with me last, 'Dad, I'm not scared. I'm ready to come home, but I now have to finish what I came here to do.' "

His parents Jim and Cathy remember Eric as a "constant joy." Even when he came home late, missing his curfew by minutes, as upset as they would try to be with him he would have them all laughing together within minutes.

At his brother's funeral, Adam Bernholtz, who is deaf, gave the eulogy in sign language. Eric was his best friend growing up and was his bridge to the hearing world. Eric grew up with sign language as much as the spoken word and fit into the deaf world as easily as the hearing. As Adam finished, he signed: "I love you. I can't wait to run and hug you when I see you again."

Eric Bernholtz will be greatly missed by all those who had the privilege of knowing and loving him. I am so honored to have been given the privilege of sharing his bravery with all of you today. Fran and I continue to pray for this courageous young man and his family.

LANCE CORPORAL CHRISTOPHER J. DYER

Mr. President, this afternoon I would also like to speak about a fellow Ohioan who gave his life during Operation Iraqi Freedom—Marine LCpl Christopher J. Dyer, from Evendale, OH. On August 3, 2005, Lance Corporal Dyer died near Haditha, Iraq, when a roadside bomb exploded under his vehicle.

Chris was only 19 years old when he gave his life in service to this Nation. But 19 years was more than enough time for him to inspire all who knew him. There are very few—young or old—who live with the same determination and joy that Chris did. Jason Rosser, one of his classmates and friends, remembers that Chris "lived every day to the fullest—if I was given 100 years more, I still couldn't catch up to him."

Winston Churchill once said something that was very simple, but which perfectly illustrates the life of Chris Dyer—"Never, never, never give up." Chris never gave up. No matter how difficult the challenge, he wasn't satisfied unless he excelled at it. In fact, Chris consistently sought out challenges that tested him both mentally and physically. Giving up simply wasn't an option in his world. He was the kind of person who sets goals—and then achieves them.

Chris graduated with honors from Princeton High School in 2004. He had excelled in his classes, taking 5 years of German and 3 of physics. "If there was a tougher course to take," his father, John, recalls, "he wanted to take it. He was such a fine young man."

Chris was well-rounded. He played viola in the orchestra and dove for the swim team. His teammates remember his drive to excel in all sports, even though he wasn't always the athlete who had the most natural ability. His father, John, remembers that Chris played football for the first time in eighth grade—and was team captain by the end of the season. And during one high school swim meet, Chris attempted a dive that fell somewhat short of what a dive should be—he belly flopped into the water with a loud smacking noise. But 5 minutes later, Chris was bravely climbing the ladder once again—still red from the slapping of the water.

Princeton High School Principal Ray Spicher said:

> Chris was a young man who had tremendous drive and tremendous potential. He was really intense about a lot of aspects of life but also fun-loving. He knew how to have a good time. Chris was the kind of guy we would all hope our kids would grow up to be like.

Chris was also involved in his community, and took the time to write to the second- and third-graders in a Sunday school class, thanking them for the letters they had sent him in Iraq—correspondence he had enjoyed sharing with his fellow marines.

I have talked about Chris the honors student and Chris the athlete. It is time for me to talk about Chris, the marine.

Chris joined the Marines out of a strong sense of duty, and because he felt it was an honor to serve. Growing up, Chris had kept his sights on his goal of one day serving his country. In high school, the advanced studies coordinator at Princeton High, Tim Dugan, was also an ex-Marine. He and Chris grew close, and had many discussions about Chris's own interest in joining the Corps.

Chris also viewed the Marines as the ultimate challenge. His father, John, recalls that his son joined the Marines for two reasons. One was to serve his country, and the other was to prove himself as one of the best. For Chris, the Marines were just another way of testing himself.

Chris also understood what it truly meant to be a marine. John remembers walking with his son just after he graduated from boot camp. These were Chris's words:

> Dad, I know you're going to be worried. I don't want you to worry. I'm going to come home. I couldn't be any happier with what I am in life right now. Dad, I know this is hard for you, but if it comes to it and I have to give my life for one of my fellow Marines, I'll do it without thinking.

John says that the Marines gave Chris the focus that helped him fulfill his enormous potential. "I think, for him not to reach his dreams," John said, "would have killed him just as much as that bomb in Iraq." Upon arriving in Iraq, Chris was offered a job training Iraqis. Although this meant an immediate promotion and a job off the front lines, Chris—who was the only PFC in his company to carry a squad automatic weapon, or SAW—refused. He explained his decision in a long letter to his father, writing:

> I was offered that job training Iraqis. But, Dad, I'm a SAW gunner, and you know what that firepower means to my squad, so I turned it down. So, no promotion, no safe haven, no worries.

I think Chris's letter says a lot about the type of marine he was—and about the type of marines he served with.

Chris was a member of Lima Company, which lost thirteen other men—eight of them from Ohio—on the day Chris died. It was a tragedy felt not only by Ohio but by the entire Nation. The bond among these men was something not seen everyday. Chris' father, John, remembers that his son described them as closer than brothers. In video footage of the unit in Iraq, the musical Chris is seen strumming his guitar and singing Puff the Magic Dragon, while his Marine brothers laugh around him.

I attended Chris' funeral at Arlington Cemetery and was honored to meet his family and friends, who have been truly inspired by his strength of character and dedication to his country. Chris' little sister Sarah has also enlisted in the Marines, and is currently attending the Ohio State University on a Navy ROTC scholarship. She obtained her parents' permission to graduate from high school a year early, and was the second youngest recruit in her graduating class at Parris Island. "My brother did influence my decision in that he wanted to serve his country," she said. "He realized we have so many freedoms. We have a debt to society."

Sarah wrote the following poem in honor of her brother:

Dear Dear Brother
You have gone home,
To your Father, your Savior,
Your Kingdom is come.

Dear Dear Brother,
You fought bravely as a knight,
You are a Devil Dog with the fiercest bite.
Dear Dear Brother
We miss you so,
Your father, mother, sisters,
All your friends and Joe.
Dear Dear Brother
We will see you again,
After triumphs, and troubles, and all of our pain.
Dear dear brother,
Stay Tough on high.
We will remember you.
SEMPER FI

A bright future awaited Chris Dyer. He had been accepted into the honors program at the Ohio State University and was planning to study finance so that he could become a partner in an investment firm. In the last email he sent to his father, he asked that his coming home party include salmon, burgers, steaks, and brats. He wanted to purchase a 1999 Jeep Grand Cherokee, complete with power V–6 and a Moon roof.

Chris also wrote that he wouldn't be working during the few months he was home before beginning classes—he was going to take that time to get his pilot's license, something that had been his dream for years. In a mural painted in his memory, a plane flies across a midnight blue background towards a single star representing Chris' spirit.

Chris Dyer was a man who was always reaching for the next goal, the next accomplishment. With his life he selflessly defended the values that we all cherish—freedom, liberty, and democracy. His mother, Kathy, spoke as Chris during a memorial service in his honor. "Today I am not a fallen hero," she said. "I am a risen one."

There is no one for whom that statement could be truer than Chris Dyer. He always wanted to be the absolute best in whatever he did, be it a new sport, an honors student, a caring brother, or a marine. His parents John can take comfort in knowing that their son was successful in all of the above.

My wife Fran and I wish to express our deepest thanks to Christopher Dyer for giving his life for our freedom. We will keep his family—his parents John Dyer and Kathy Dyer, and his sisters Laura and Sarah—in our thoughts and prayers.

LANCE CORPORAL DANIEL MC VICKER

Mr. President, this afternoon I come to the Senate floor to pay tribute to a remarkable young man and a fellow Ohioan—Marine LCpl Daniel M. McVicker from Alliance, OH. Lance Corporal McVicker was killed in the city of Al Qaim, Iraq on October 6, 2005, while driving an armored vehicle that was hit by a roadside bomb. He was 20 years old.

Daniel is survived by his father and stepmother, Mark and Irma McVicker, and his mother and stepfather, Carey and Bill Meissner. He was also the loving brother of Mollie McVicker and Eddie Ricci. Daniel is also survived by his grandparents Chet and Nancy Wiley; his grandfather Morgan McVicker; and his great-grandmother Dorothy Bingham.

Danny—as he was known to family and friends—lived his life to the fullest. His mother, Carey, remembers him as "a wonderful son and a guy who always liked to have fun." He had many interests, and was deeply involved in school extracurricular activities. As a freshman at West Branch High School in Beloit OH, he wrestled and played football until he injured his ankle. But this didn't stop Danny, who quickly turned to a new love—music.

He joined the school's concert choir and became a favorite participant in West Branch's annual spring musicals, playing roles in "Guys and Dolls," "The Wizard of Oz," and "Grease." During his junior and senior year, he joined the school's highly competitive ensemble choir, Young and Alive, and also traveled to perform at Disneyland. And during his senior year, Danny earned the honor of being elected by his peers as "Assistant Warrior Chief," one of three mascots for the school.

Danny was something we could all aspire to—a young man who simply had the confidence to be himself. This is what his father, Mark McVicker, had to say about him:

> He had his own drum and people loved him for it. If you met him, you loved him. He was very strong, very friendly, very popular.

Dr. Scott Weingart, the superintendent of West Branch High School, expressed a similar sentiment. He said:

> Our students remember Dan McVicker as a student who was nice to everyone, who had friends in many, many different circles.

And Mr. John Zamarelli, Danny's music teacher, described Danny as "the rarest of teenagers—one so secure that he never worried about what anybody thought of him."

Danny was indeed an individual with many interests. But his strongest passion was the desire to serve our Nation. Danny and his friends were only high school juniors when the September 11, 2001, terrorist attacks occurred. And yet they were deeply moved by the events of that day. Inspired to serve his country, Danny joined the Marines Corp shortly after he graduated in 2003. Nine of his classmates joined along with him, all motivated by the same desire. Together, these young men gave new meaning to the mascot of West Branch—the Warriors.

Dr. Weingart was not surprised when he learned that Danny had decided to enlist. "He was just that kind of young man," he said.

Once Danny made the decision to enlist in the Marines, he was surrounded by love and support. Eleven family members accompanied him to his enlistment ceremony in Cleveland. They were all very proud.

In Iraq, Danny served in the Combat Logistics Battalion Security Company, providing security for convoys as part of the II Marine Expeditionary Force. His fellow marines thought very highly of him. Joe Vickery of Mantua, Ohio, remembers that he saw Danny "transform into a great marine." In Joe's words, Danny "never gave up."

Indeed, Danny was a great marine who "knew what he had to do." While stationed at the Marine Corps Air Station in Cherry Point, NC, he volunteered to go to Iraq on several occasions. In the words of his father, Mark:

> He truly felt like he wasn't contributing unless he was over there.

This was just typical of Danny. He was always willing to help out—be it his country, community, or fellow man. He was a proud member of the First Brethren Church of North Georgetown, someone deeply rooted in his church and community. After joining the Marines, he corresponded on a regular basis with his pastor, Rev. Mitchell Funkhouser. Reverend Funkhouser particularly recalls one letter, the last that Danny sent. Referring to his duty to protect the other troops, Danny had written:

> They called us the Guardians. It's a humbling title.

I would like to share a story that his father Mark relates about Danny, who had wanted to get a tattoo since he was 18, but waited until he joined the Marines to do so. Danny had waited until after his 18th birthday to enlist because he wanted to sign up on his own—he didn't want his dad to do it for him. Well, Danny talked over the tattoo decision with his father Mark and his stepmother Irma. A Bible verse was what he wanted, he said, thinking that because it was religious they would agree to it quicker. As his father, Mark, says:

> So one Sunday the three of us sat down in the living room and researched the Bible. He said I want something that describes strength and it must be in the Book of Daniel.

Mark and Irma—but mostly Danny—agreed after a couple hours of Bible study that Daniel 10:6 was going to be his first tattoo once he was a Marine. Danny unveiled the new tattoo that Thanksgiving. It was on his left shoulder and read:

> His body also was like the beryl, and his face as the appearance of lightning, and his eyes as lamps of fire, and his arms and his feet like in colour to polished brass, and the voice of his words like the voice of a multitude.

Danny was proud of the chosen verse, and Mark himself even agreed that it was a nice-looking tattoo. And 10/6—the number of the Bible verse that Danny chose—also became the month and day that he died a hero serving his Nation, a symbol of strength and dedication.

Danny McVicker was dearly loved and respected by all who knew him.

Over 400 friends, neighbors, and strangers came to his funeral to pay their respects. At the funeral, Danny's old roommate, Marine Corporal Ben Fiddler, said that "having Daniel as a friend was a blessing."

Danny's schoolmates at West Branch felt the same way. After his death, they honored him with a makeshift memorial in front of the school. The school has also formalized a tribute by naming a senior award in his honor, and a moment of silence was observed in his honor before a West End versus Alliance High School football game, a game which Danny's Warriors won with a thrilling, last minute field goal.

Indeed, his family, friends, and neighbors will never forget Danny McVicker. He lived life to the fullest, and was model of what we all hope our children will become. His heart was big, and he had a tremendous sense of dedication to his family, community, and country. His parents should be applauded for having raised such a wonderful son and patriot.

My wife Fran and I will continue to keep the family of Daniel McVicker in our thoughts and prayers.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DEWINE. Mr. President, I ask unanimous consent the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEDICARE ENHANCEMENTS FOR NEEDED DRUGS ACT

Mr. WYDEN. Mr. President, a new public opinion poll shows that Americans are particularly concerned about the restriction that keeps Medicare from bargaining to hold down the costs of the medicine older people purchase.

In fact, a new poll yesterday indicated 93 percent of the American people want this restriction lifted—and for obvious reasons. The fact of the matter is, millions of older people simply cannot pay their skyrocketing prescription drug bills and they want to know why the Government isn't doing more to contain these costs.

Fortunately, we have been able to make a little bit of headway on this issue in the Senate. Senator SNOWE and I, in particular, earlier this year, got the support of 54 Senators, a majority of the Senate, to lift this restriction and take stronger action to hold down the cost of medicine.

Medicare is sort of like the guy going to Costco buying toilet paper one roll at a time. The Government is not acting like a smart shopper. The Government is not taking practical steps like everyone in Tennessee, Oregon, Iowa, or anywhere else, to use bargaining power to hold down the cost of this essential for older people, prescription drugs.

We have made a bit of headway. I have been particularly pleased the distinguished Senator from Nevada, Mr. REID, made it clear this would be a top priority for the Senate to take up when we begin our work early next year.

Given that and in hopes that the Senate can come together on a bipartisan basis—and I believe the approach Senator SNOWE and I have been taking for the past 3 years can now get over 60 votes in the Senate—I take a few minutes tonight to outline a bit as to how it would work if this restriction was lifted and Medicare could genuinely act to hold down the cost of medicine.

So let's start with the example of a new drug coming out on the market for cancer, and it is an expensive drug. Let's say this drug that many seniors will need will cost $100,000. At present, each of the plans that offers the prescription drug benefit has to negotiate for the few people in each of those plans who might need the new drug.

If the legislation Senator SNOWE and I have been advocating became law, the Secretary could negotiate on behalf of all the people in the Medicare private plans who need the drug. That way, there would be new leverage for older people in the private marketplace to hold down the cost of medicine. If you had a small number of people in a private plan, say, in Tennessee, and a small number of people in a private plan in Oregon, and a small number of people in a private plan in Iowa, the Secretary could negotiate on behalf of all of those people in Medicare's private plans. That could mean real savings to folks in Tennessee and folks in Oregon and folks elsewhere who right now do not have a lot of leverage in the private marketplace.

Now, think about the implications of this proposal. Nobody is talking about price controls. Nobody is talking about a one-size-fits-all run-from-Washington, DC, approach that would freeze innovation.

I know the distinguished Senator from Tennessee has been particularly interested, as I have, in taking approaches that promote innovation in the science and biomedical fields. What I have just described, which is something that could be done under the approach Senator SNOWE and I have been advocating, will not freeze research, will not freeze innovation, but will make darn sure the senior citizens of this country and the taxpayers of this country have a new opportunity to hold down the cost of medicine and also protect the wallets of our taxpayers.

Let me give another example of how this approach can contain the costs of medicine. Let's say we have an older person in Portland, OR, or Miami or New York. They are in a metropolitan area, and in the metropolitan area they may have a choice of major plans because a lot of folks are vying to get a part of the "big city" market with a lot of older people. So let's say one of the seniors is in an HMO, a health maintenance organization, or they are in something called a PPO, a preferred provider organization, or maybe they are in a drug-only private plan. All of those private entities may be looking for ways to hold down the costs, but if one of those private plans does not get the same deal the other big private buyers get, then one of those plans can ask Medicare to step in at that point. In effect, one of those private plans that is not getting a fair shake in the marketplace can say to Medicare: Hey, look, we are not getting a very good deal when it comes to negotiating for our seniors. At that point, Medicare could step in and say: We are going to assist in that kind of bargaining process.

I happen to think just the fact Medicare is in a position to have that leverage—if the private marketplace is not willing to bargain seriously, is not willing to negotiate seriously—just the fact there would be that kind of leverage for Medicare can help to be a force to contain the cost of medicine for older people.

So here again I have cited an example of how you can hold down the cost of medicine without price controls, without national formularies and approaches that could constrain innovation, just by using plain old common sense and bargaining power, the way every business does in North Carolina, Tennessee, and across the country.

Now, finally, it seems to me we ought to be thinking about the fact that with many older people, they will have a private retirement package as well. So a lot of those seniors are concerned about their overall health care bill, knowing they are going to get some help from Medicare and some help from a private health package as well. But if you hold down the costs of the Medicare plan, then you are going to have more money in the pockets of older people as they try to cope with their extra out-of-pocket costs.

So when the Medicare plans save seniors money on medicine, that is simply less cost the retiree plan has to make up. Seniors are going to be looking at their overall bill, and they want to know that every step possible is being taken to hold down their Medicare expenses, as Senator SNOWE and I have been advocating for the last 3 years, because if that is done, there is simply less cost for the retiree plan to make up.

Containing the costs on the Medicare side has the potential to help keep costs down for employers insuring their retirees. So if you do that, you are also going to provide some relief to the taxpayers of this country because included in the original Medicare bill are a lot of subsidies designed to help employers keep insuring their retirees so a lot of older people do not just get pushed back entirely into Medicare when their employers ought to be helping them. By containing drug costs through Medicare and containing some of the costs for those employers, then the need for taxpayer dollars to shore up those employer plans goes down.

What is the bottom line? We are going to be able to help seniors not through a Government cost-containment approach but by empowering those who are supposed to advocate for them in the private marketplace. That is what 54 Members of the U.S. Senate have voted for. It is a comprehensive, market-based, cost-containment approach. It will help older people in the marketplace if they are part of a small plan. And the Secretary is in a position to negotiate on behalf of all of those in those small plans, say, for an expensive cancer drug. It could help the older person in a big city where some plans are getting a good deal but one senior is not. At that point, the senior wants somebody to make sure there is some extra clout in the marketplace.

Finally, I think what Senator SNOWE and I have been advocating over these last 3 years will help employers and taxpayers as well. If you hold down the costs on the Medicare side, that is going to mean the employers—the employers—of this country are not going to have to come up with as much money on their side to protect their retirees. Containing costs on the Medicare side clearly has the potential to keep costs down for employers insuring their retirees.

So now, as the Senate begins to schedule for early next year and Senators look at the variety of issues that are coming up, I hope they will look in particular at this concept which has won the support of 93 percent of the American people. I think most Americans just scratch their heads and say: How in the world could the Government say the only people in the United States—the only people in the United States—who will not bargain to hold down the costs of medicine are those running Medicare?

If you are in North Carolina and you are in the technology sector or you are in Oregon in the natural resources sector, the first thing you try to do is use your bargaining power and get the most for your dollar. You act as a smart shopper. And people have been flabbergasted that Medicare is the only "person" out there shopping without using every bit of clout that would be available to older people in the marketplace.

That is why this evening I wanted to take a few minutes to outline specifically how the changes Senator SNOWE and I have been advocating for the last few years would work. They are common sense. They use the marketplace to protect the wallets of senior citizens and our taxpayers. I am particularly pleased Senator REID has indicated this would be a high priority. Fifty-four Members of the U.S. Senate have already voted for it. I hope next year—as people begin to understand, with the examples I have given tonight and others, how this would work—my hope is early next year a significant step will be taken finally to hold down the costs of the medicines that are essential for this country's older population.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURR). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EDWARD McGAFFIGAN, JR.

Mr. BINGAMAN. Mr. President, the Nuclear Regulatory Commission was established on January 19, 1975, to regulate the Nation's civilian nuclear power industry. Since then, 25 men and three women have served as members of that commission. Members are appointed by the President by and with the advice and consent of the Senate for 5-year terms. On November 3, Commissioner Ed McGaffigan, Jr. became the longest serving member of the NRC. Of the 28 men and women who have served as commissioners since 1975, only 6 have been reappointed to a second term. Only one, Ed McGaffigan, has been reappointed to a third term. First appointed by President Clinton in 1996, Ed was reappointed to a second term in 2000, and reappointed by President Bush to a third term in 2005.

The Senate rarely confirms NRC nominations before the date set by law for the term to begin, so none of the six commissioners who have served 2-year terms have served a full 10 years. Until this month, the longest serving NRC commissioner was Kenneth Rogers, who served a week short of 9 years and 11 months. On November 3 of this year, Ed McGaffigan broke that record.

Length of time in office, of course, is not an end in itself. How long a commissioner serves is not as important as how well he or she serves the public interest while on the commission. By this measure, too, Ed McGaffigan stands out.

Congress created the Nuclear Regulatory Commission not to promote nuclear power but to regulate nuclear power. The commission's job, in the words of the Atomic Energy Act, is to "promote the common defense and security and to protect the health and safety of the public." Ed has taken those words to heart.

Throughout his time on the commission, Ed has worked to improve the efficiency and the effectiveness of the NRC's regulatory programs. He has been instrumental in improving the reactor oversight process, focusing it more directly on risks and on activities important to plant safety and, at the same time, making it more transparent and open to the public. Following 9/11, he helped revamp the NRC's security and emergency preparedness programs to strengthen the Nation's nuclear facilities against the possibility of a terrorist attack. He has helped lay the groundwork for licensing the next generation of nuclear powerplants, new uranium enrichment plants, and the nuclear waste depository. He has also taken an active role in managing the generation change confronting the NRC by helping to hire and train a new generation of nuclear regulators to replace the current generation which is now retiring. He is a firm but fair regulator and an effective nuclear safety watchdog.

I take special interest in Ed's achievements on the commission because Ed was one of the first people I hired when I came to the Senate in 1983. He was a legislative assistant. Later he was my legislative director and, finally, my senior policy adviser. He was my right hand on defense and technology policy, on personnel and acquisition reform, on nuclear nonproliferation and export control policy, all of that until he joined the NRC in 1996.

Ed had already established himself as a brilliant physicist and a dedicated public servant before I hired him. He had earned degrees in physics from both Harvard and Cal Tech and in public policy from Harvard's Kennedy School of Government. He had served in the Foreign Service. He had been a science attache at our embassy in Moscow. He held simultaneous senior posts on both the staff of the National Security Council and the Office of Science and Technology Policy. He was, in short, an established expert on science and technology and energy and defense issues when he joined my staff. As a newly elected Senator, I was indeed fortunate to have his counsel at the start of my work here in the Senate. He is an invaluable ally, a tenacious adversary, and a fine human being. I am honored to have his friendship.

It comes as no surprise to me that Ed has served the commission as long or as ably as he has. He has devoted his career to public service. He has served us well with his scientific skill, his expert knowledge, and his sound judgment.

At his third confirmation hearing before the Committee on Environment and Public Works last year, Ed spoke movingly of his Irish immigrant father. He had encouraged Ed to "dream big dreams" and taught him, by acting on those dreams, to make them possible. In a lifetime of public service, Ed has dreamed big dreams and the Nation is better for it.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SERVING FLORIDIANS

Mr. NELSON of Florida. Mr. President, it is a great privilege for this Senator from Florida to continue public service as a result of the will expressed in last Tuesday's election by the people of my State of Florida. It is a great privilege for a lifetime of public service. It is especially a great privilege serving in this body at this time in our Nation's history, with the challenges that are facing us.

I believe there are many messages that have come from the American people in this election that we have just experienced. Clearly, the issue of Iraq and the policy of the United States Government toward Iraq is one. That was discussed during the election all over this country, and it was particularly discussed as two of the main items of interest in the two televised debates that we had in the Senate election in Florida.

The other message coming out of this election, in addition to Iraq, is that the American people are tired of the partisan bickering. They have seen excessive partisanship operative in Washington. When they see that excessive partisanship overlaid with ideological rigidity, the result is gridlock. That is what we have had, in large part. People would like for their public servants to perform by reaching out to each other across the aisle and bringing people together in order to build that consensus in order to govern. That has not been the main theme in the American Government in the last several years.

I hope that both the House of Representatives and the Senate are getting that message loudly and clearly from the American people. I can tell you, Mr. President, I know what Floridians are thinking. It is my business to know that. Interestingly, also, Florida is a microcosm of the Nation. People are tired of this bickering. Folks do not want a Republican or a Democratic solution; they want the right solution. If you do what is right, you can get a lot done. That is what the American people want.

Certainly, a thorny problem, such as how to bring about stability in Iraq, is going to require a bipartisan solution. It is going to take a great deal of cooperation between the legislative branch, the Congress, and the executive branch, the President. The statements that we have heard by the new majority leaders of both the House and the Senate, as well as the statements made by the President, are certainly statements in the right direction. Now we will see if those statements can, in fact, become a reality in deeds and accomplishments.

This Senator is dedicated to reaching out and building that consensus across the aisle, when you look at the enormous challenges that are facing this country in addition to Iraq—the whole war on terror, the defense of the homeland, the protection of our seaports; the stability of the U.S. budget, the attempt to bring the budget back into balance, an approach of pay-as-you-go; attending to the needs of our senior citizens, particularly senior citizens who have been lifted out of so much poverty as a result of these programs, such as Medicare and Social Security, and the protection of those programs and the proper financing of those programs; the need of the United States to address the needs of assisting State and local governments on education; the preparation for the big one that is surely to come in terms of natural disasters because, surely, we are going to have it—and the two Senators in the Chamber, both, are coastal Senators. A category 4 or 5 hit directly from the water on a highly dense urbanized area, and that will cause economic havoc that will be even over and above what we have seen, and the potential of insurance losses in excess of what we experienced in the 2005 and 2004 hurricanes that hit a lot of our Southeastern States.

When the economic loss and insurance loss hits $50 billion, there is no one State, no one insurance company that can withstand that kind of loss. That is another challenge facing us. Then there is the straightening up of FEMA and its ability to respond, and respond quickly, which I have great hopes under Administrator of FEMA Paulison that we are much better prepared than we were in the 2004 and 2005 hurricane cycles.

As we go down the list of the challenges that are facing this country—and there are many that I have not named—these cannot be solved as a Democratic or as a Republican solution; they have to be solved with the right solution; otherwise, you will never get consensus, particularly in the Senate. So this is my profound hope, and I want to express it to the Senate on this first day after the Tuesday election of November 7.

The message has been clear: Stop the partisan bickering. Reach out across the aisle. Bring people together with the enormous geographical and philosophical differences as are expressed in this Senate, reflecting the opinions of the people of the United States to reach out across these partisan lines and bring people together.

Mr. President, again, I appreciate the privilege of continuing my service to our country as I express this heartfelt opinion.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from Georgia.

TRIBUTE TO DR. ROBERT LIPSON

Mr. ISAKSON. Mr. President, simultaneous with my remarks tonight at Kennesaw University Convocation Center in Cobb County, GA, there is a memorial service where thousands of my fellow citizens are paying tribute to the life, the times, and the contributions of Dr. Robert Lipson. On Saturday night, Dr. Lipson, leaving Kennestone Hospital, was killed in a tragic automobile accident with a motorcycle just two or three blocks from the health care facility to which he had dedicated the majority of his life.

Dr. Lipson was just not any ordinary doctor; he was an extraordinary human being. Dr. Lipson was president and CEO of WellStar Health Systems, the owner and operator of five hospitals in metropolitan Atlanta, in Cobb, Douglas, and Paulding Counties, the employer of hundreds of doctors and thousands of caregivers, and one of the true leaders in modern health care today in our State.

Dr. Lipson, in his time at Kennestone Hospital, did a $68 million capital improvement with an 84-bed residential tower. He brought an open-heart surgical unit to Kennestone Hospital, and at the time of his tragic loss, Dr. Lipson's emergency room at Kennestone Hospital was the second largest emergency room in the State of Georgia and one of the largest in the United States, serving victims of tragic trauma throughout the metropolitan area.

But it wasn't only his leadership as the head of WellStar Health Systems.

For 25 years prior to his appointment, he had a practice in internal medicine in our community. He was a leader in his synagogue, Etz Chaim, and brought to that leadership tremendous involvement in our community. He was a gifted photographer. In fact, only 8 weeks ago—8 weeks before his death—his photography was displayed at Kennesaw University for all to see because of his great insight, his great talent, his credibility, and the way he had captured not only our community but all the special places in the world he visited.

So tonight on the floor of the Senate, on behalf of myself and thousands and thousands of citizens in my State, I extend to his wife, his mother, his son, and his daughter our sympathy in this tragic loss but also our pride and joy in the great contributions of Dr. Robert Lipson to the betterment of the health of countless thousands of citizens and the betterment and the health of our community.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

CORPORAL LANCE M. THOMPSON

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Upland, IN. Cpl Lance M. Thompson, 21 years old, died on November 15th. Lance was killed by an improvised explosive devise while conducting combat operations in the Al Anbar Province of Iraq. With his entire life before him, Lance risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

A 2001 graduate of Eastbrook High School, Lance followed in his brother Phillip's footsteps by joining the Marines. His father, Gregory, told the Kokomo Tribune that his son had been a committed member of the Armed Forces and believed in what the Marines were doing in Iraq. Reflecting on Lance's life, his half-brother, Matt, told the Marion Chronicle-Tribune that his "motto" had been "gung-ho." This selfless dedication carried Lance through his first tour of duty in Iraq and led him back again for a second tour, which began in September of this year.

Lance was the 38th Hoosier soldier to be killed while serving his country in Operation Iraqi Freedom. He was assigned to the Weapons Company, 2nd Battalion, 5th Marine, 1st Marine Division, Camp Pendleton, CA. This brave young soldier leaves behind his wife Dawn, his father Gregory, his mother Melanie, his brother, Phillip; and his half-brothers, Matt and Alexander.

Today, I join Lance's family, his friends, and the entire Upland community in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Lance, a memory that will burn brightly during these continuing days of conflict and grief.

Lance was known for his dedication to family and his love of country. According to friends and loved ones, he also enjoyed spending time outdoors, being with children and animals, and was always making jokes. Today and always, Lance will be remembered by family members, friends, and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Lance's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Lance's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Lance M. Thompson in the official RECORD of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. When I think about this just cause in which we are engaged and the unfortunate pain that comes with the loss of our heroes, I hope that families like Lance's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Lance.

LANCE CORPORAL JAMES BROWN

Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Owensville. James Brown, 20 years old, died on November 2 after being struck by a sniper bullet while on patrol in Al Anbar Province west of Baghdad. James risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Inspired by the Sept. 11, 2001, terrorist attacks, James joined the Marines after graduating from Gibson Southern High School in 2005 and was deployed to Iraq in June. He planned to marry his high school sweetheart, Jamie Coleman, when he returned home in a few months. Family friend Kenny Dewig said James had been a leader in the Marines just as he had been a leader with his Titans high school football team, "He was just in charge of the whole squad on patrols. He was just a really good boy."

Jonathan was killed while serving his country in Operation Iraqi Freedom. He was assigned to the 3rd Battalion, 2nd Marine Regiment, 2nd Marine Division, II Marine Expeditionary Force, Camp Lejeune, NC. This brave soldier leaves behind father James Ling of Evansville, mother Joanne Van Antwerp of Owensville, sister Carma Dart, and brother Dillen Friend.

Today, I join James's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of James, a memory that will burn brightly during these continuing days of conflict and grief.

James was known for his dedication to his family and his love of country. He was looking forward to his wedding and starting a life with Jamie. Today and always, James will be remembered by family members, friends, and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring James's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of James's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of James Brown in the official RECORD of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. When I think about this just cause in which we are engaged and the unfortunate pain that comes with the loss of our heroes, I hope families like James's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with James.

SERGEANT BROCK BABB

Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave Hoosier from Evansville. Brock Babb, 40 years old, died on October 15 after a roadside bombing in Al Anbar Province, Iraq. Brock risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Brock enlisted in the Marines after graduating from Reitz High School in 1984. He served in the first gulf war and then returned home to become a sheet metal worker and raise his family. In 2004, Brock decided to reenlist, feeling that he had unfinished business in Iraq. Brock was remembered by his mother Susie as a dedicated and caring American happy to carry out his duty, when she said that he wanted to help young marines survive.

Brock was killed while serving his country in Operation Iraqi Freedom. He was assigned to Marine Forces Reserve's 3rd Battalion, 24th Marines, 4th Marine Division. This brave soldier leaves behind wife Barbara Babb; parents Susie and Terry Babb; and children Tanner, Zoie, and Levi Babb.

Today, I join Brock's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Brock, a memory that will burn brightly during these continuing days of conflict and grief.

Brock was known for his dedication to his family and his love of country. He had only been in Iraq for 2 weeks at the time of the attack and was looking forward to helping his fellow marines. Brock's dedication and sense of duty made him a model marine and a true leader for the others serving with him. Today and always, Brock will be remembered by family members, friends, and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Brock's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Brock's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Brock Babb in the official RECORD of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. When I think about this just cause in which we are engaged and the unfortunate pain that comes with the loss of our heroes, I hope families like Brock's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Brock.

SERGEANT KRAIG FOYTECK

Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from LaPorte. Kraig Foyteck, 26 years old, died on October 30 after being hit by small arms fire during a raid on a house near Baghdad. Kraig risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Kraig enlisted in the military at 23 in search of adventure. He had a passion for gymnastics and enjoyed parachuting. Kraig's mother spoke of his deep sense of patriotism and commitment to his country, telling a local news outlet that the night before he left for his tour she sensed second thoughts, but her son wanted to honor his commitement. In August 2005, Kraig was sent to Mosul in northern Iraq, where his mother said he patrolled with his Stryker unit and handed out candy and toys to Iraqi children. Kraig was supposed to have finished his tour in August, but the day before leaving Iraq, he was told he would be sent to Baghdad for a few months. He was due to return in January. He had hoped to reenroll in college after being discharged from the Army and planned to study medicine.

Kraig was killed while serving his country in Operation Iraqi Freedom. He was assigned to A Company, 2nd Battalion, 1st Infantry Regiment, 172nd Stryker Brigade Combat Team, Fort Wainwright, AK. This brave soldier leaves behind his mother, Connie Foyteck of LaPorte; father Rik Gutzke of Oregon; a brother, Christopher; and grandparents Virginia and Jack Foyteck.

Today, I join Kraig's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Kraig, a memory that will burn brightly during these continuing days of conflict and grief.

Kraig was known for his dedication to his family and his love of country. The Army awarded him a Purple Heart in December after he broke four bones in his back, but Kraig insisted that he return to his unit. Today and always, Kraig will be remembered by family members, friends, and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Kraig's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Kraig's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Kraig Foyteck in the official RECORD of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Kraig's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Kraig.

PRIVATE FIRST CLASS NATHAN J. FRIGO

Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Kokomo, IN. Nathan J. Frigo, 23 years old, died on October 17 in Baqubah, Iraq. Nathan risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Nathan enlisted in the Army after graduating from Northwestern High School in 2001. He is remembered as an active student and athletic leader, having lettered in both track and cross country. Nathan chose the position of infantryman and volunteered to serve a 4-year tour of duty. Nathan's father spoke of his deep sense of patriotism and commitment to his country, saying, "He knew the risks, but he wanted to go where he was needed. He wanted to help, and he wanted to make a difference with his life."

Nathan was killed while serving his country in Operation Iraqi Freedom. He was assigned to Headquarters and Headquarters Company, 1st Battalion, 68th Armor Regiment, 4th Infantry Division, Fort Carson, CO. This brave soldier leaves behind parents Maureen and Fred Frigo and sisters Sarah and Beth.

Today, I join Nathan's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Nathan, a memory that will burn brightly during these continuing days of grief.

Nathan was known for his dedication to his family and his love of country, having aspired since he was a child to become a member of the military. The Army announced that he has been elevated to specialist and awarded a Bronze Star and a Purple Heart. Today and always, Nathan will be remembered by family members, friends, and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to justly honor the Frigo family's sacrifice, I am reminded of President Lincoln's condolences to the mother of two fallen soldiers: "I pray that our Heavenly Father may assuage the anguish of your bereavement, and leave you only the cherished memory of the loved and lost, and the solemn pride that must be yours, to have laid so costly a sacrifice upon the altar of Freedom." These words of comfort withstand the tests of time and circumstance, and remind us all that the impact of Nathan's actions will live on far longer than any record of them.

It is my sad duty—and great honor—to enter the name of Nathan Frigo in the official RECORD of the U.S. Senate for his service to his country and for his profound commitment to freedom, democracy, and peace. When I think about the terrible pain that comes with the loss of our heroes, I hope that families like Nathan's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Nathan.

SERGEANT 1ST CLASS SCOTT E. NISELY

Mr. GRASSLEY. Mr. President, today I rise to pay tribute to SFC Scott E. Nisely, who made the ultimate sacrifice while serving his country. Sergeant Nisely, of Marshalltown, IA, was assigned to C Company, 1st Battalion, 133rd Infantry Regiment, 34th Infantry Division, Army National Guard, based out of Iowa Falls, IA. He was mobilized for Operation Iraqi Freedom with the unit in September 2005 and arrived in Iraq in early May 2006. He died at the age of 48, on September 30, 2006, in Al Asad, Iraq, when his military vehicle encountered small arms fire.

Staff Sergeant Nisely will be posthumously awarded the Bronze Star for the second time, the Purple Heart, the Iraq Campaign Medal, the Army Good Conduct Medal, the Armed Forces Reserve Medal with Mobilization device for the second time, and the Combat Infantryman Badge.

My thoughts and prayers have been with Scott's wife Geri and his children, Justin and Sarah, as well as all those other family and friends who are grieving his loss. Scott's family said, "Scott was a dedicated and loving husband and father. He was actively involved in his children's lives. He was a loyal, compassionate, and caring friend that everyone liked. He loved and was committed to God, and was very involved with his church and community."

Learning about the sacrifice of Scott Nisely, I am reminded of the words of John 15:13: "Greater love has no man than this, that he lay down his life for his friends."

His family also said of Scott that he "loved his country and was a volunteer career service-member that was proud and honored to serve his country." Our Nation will be forever grateful for Scott Nisely's loyal service and sacrifice. His loss is tragic, but he will be remembered as an American hero.

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of U.S. Army National Guard SFC Scott Nisely of Nebraska. Sergeant Nisely died during a firefight with insurgents near Asad, Iraq, on September 30. He was 48 years old.

Sergeant Nisely was born in Syracuse, NE. After high school, he attended Doane College in Crete, NE, where he competed in track and cross country. He would later settle in Marshalltown, IA, with his wife Geri. In addition to his service in the Armed Forces, Sergeant Nisely also worked for the U.S. Postal Service in Iowa for 12 years.

While at Doane, Sergeant Nisely enlisted with the Marine Corps Reserve and served 22 years with the Marines on active duty and as a reservist. He was a veteran of Operation Desert Storm. In July, 2002, Sergeant Nisely accepted a demotion in rank to fill a vacancy in the Iowa Army National Guard and served in that capacity until his death.

Sergeant Nisely will be remembered for his strong faith and his desire to serve his country. In honor of Sergeant Nisely, Doane College will rename an annual track and field event the Scott Nisely Memorial Track Classic.

In addition to his wife, Sergeant Nisely is survived by his son Justin and his daughter Sarah.

I ask my colleagues to join me and all Americans in honoring SFC Scott Nisely.

A MALL MEMORIAL FOR DR. KING

Mr. LEAHY. Mr. President, this morning, our Nation took an important step toward honoring one of our most preeminent leaders. The National Mall in Washington, DC, is graced with memorials to America's greatest presidents. Today we broke ground on a memorial to honor the Reverend Dr. Martin Luther King, Jr. Although never elected to national office, Dr. King courageously led the Nation through a crucial chapter of American history and became the voice of the entire civil rights movement.

In his famous "I Have A Dream" speech on the National Mall, Dr. King noted that "[w]hen the architects of our republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir."

This past summer we reaffirmed and reauthorized one of the most important methods of enforcing this promise and upholding the Constitution—the Voting Rights Act. Over the course of dozens of Judiciary Committee hearings and markups, we recalled the great historic struggle for civil rights led by American heroes of vision and strength, including Martin Luther King, Jr., and his widow, Coretta Scott King.

The pervasive discriminatory tactics that led to the original Voting Rights Act were deeply rooted. As a Nation, this effort to ensure equal protection dates back more than 135 years to the ratification of the 15th amendment in 1870, the last of the post-Civil War Reconstruction amendments. It took the passage of the Voting Rights Act of 1965 for people of all races in many parts of our country to effectively begin exercising the rights granted 95 years earlier by the 15th amendment. Despite the additional gains we have made in enabling racial minorities to participate fully in the political life of our country, the work of the Voting Rights Act is not yet complete, and the dream of Dr. King has not yet been fully realized. But his dream lives on, as vital and as inspirational as the day it was delivered.

Just last week, we had an historic national election. Men and women of every color and creed came to polling places around the country to have their voices heard. Nonetheless, some citizens experienced problems casting their votes. The Senate Judiciary Committee will hold a long-overdue oversight hearing this week to examine shortcomings in the enforcement of our civil rights laws and the guarantees of political equality enshrined in the 14th and 15th amendments. In doing so, we continue to honor the promissory note written to all Americans.

I look forward to bringing my children and grandchildren to the Martin Luther King, Jr. Memorial when it is completed in 2008. I trust it will be a moving tribute befitting one of our Nation's greatest leaders.

TRIBUTE TO ALTHIA HARRIS

Mr. ROCKEFELLER. Mr. President, today I rise to honor a longtime member of my staff, Ms. Althia Harris, who has served over 30 years in the Senate. Ms. Harris has reached an incredible benchmark in her career, and I stand today to reflect on her service.

Ms. Harris began working in the Senate on April 30, 1975, for distinguished Senator Philip A. Hart of Missouri. Just a few days before the end of his term, Senator Hart lost his battle with cancer on December 26, 1976. Ms. Harris then served Senator Adlai E. Stevenson III of Illinois for 5 years. Upon Senator Stevenson's retirement, she joined the office of his successor, Senator Alan J. Dixon. I was then lucky enough to inherit a most loyal and experienced Senate employee when Ms. Harris joined my staff in 1984.

Upon joining my team, Althia initially helped with my transition from the West Virginia Governor's office to Capitol Hill. An immeasurable and invaluable aide, I am sure without Althia's able assistance the job would have taken much longer to accomplish. I know it would have been more difficult without a seasoned Senate staffer knowledgeable in how to really make things work in the Senate.

On September 12, 1986, Althia began working part time in my office so she could take on new challenges in the private sector and other areas of government. She first worked for the Advertising Council and then for the National Aeronautics and Space Administration, NASA. At NASA, she continues to work as a contractor for the Office of Education. As an active member of her community, she has never abandoned her work here in the Senate.

With continual service in my office for over 20 years, Althia is someone who has helped keep my office operation running with important day-today tasks. She is a lover of urban gardening, a collector of African art, and a domestic and international traveler.

As Senators, we are each here to represent our respective States and to work on the needs of our constituents. But the work we do is directly dependent on those who support us—our staff who are always there, always pushing behind the scenes. Each and every devoted member of my staff helps me accomplish the job I am here to do, and Althia has made a real contribution to my work for over 20 years.

I am honored to recognize Althia's devotion and service and to extend my deepest appreciation for her ongoing contributions. Althia is a true gem—the kind of person you are lucky to find and retain for what time they can give. It has been a wonderful 20 years.

INTERNATIONAL EDUCATION WEEK

Mr. FEINGOLD. Mr. President, in honor of the seventh annual International Education Week, November 13 to 17, 2006, I would like to talk about the importance that international education and exchange programs play in establishing closer relations between the United States and the world.

The U.S. Government has a proud tradition of supporting international education and exchange programs, and we must continue that tradition. Why? First of all, international education is necessary for our children to remain competitive in the increasingly global economy. Second, exchange programs also attract future leaders from abroad, exposing them to the opportunities and freedoms afforded by our democratic system. Third, international education and exchange programs expand horizons and change the lives of the participants for the better. Finally, international education builds bridges between communities and improves understanding of cultures different from our own—something that has perhaps never been as important as it is today.

International Education Week will be observed in all 50 States and in over 100 countries. I encourage my colleagues to take a moment during International Education Week to acknowledge the work the citizens of their States are doing to ensure the successful future of the United States through the promotion of international education.

In Wisconsin, schools such as Fox Valley Technical College in Appleton, Northcentral Technical College in Wausau, and the University of Wisconsin system, to name a few, will hold events recognizing the importance of international education in higher education. Community organizations will be recognizing the week as well; the International Institute of Wisconsin will be hosting a Community Summit on Citizen Diplomacy to discuss the important role citizen diplomacy—including international education—plays in today's world. I am proud that these and many other Wisconsin institutions and organizations are working to recognize the important role of international education and exchanges.

I am a strong supporter of international education and exchange programming. On April 12, 2005, I introduced S. Res. 104, the "People-to-People Engagement in World Affairs" resolution. My resolution recognized the importance of international programs and exchanges and called on Americans to strive to become more engaged in international affairs and more aware of peoples and developments outside the United States—including studying abroad. I have also cosponsored resolutions making 2005 the Year of Foreign Language Study and 2006 as the Year of Study Abroad.

I would like to take a moment to lay out in more detail the reasons international education is so important.

First and foremost, we need to be preparing our children to compete in a global economy. Because the United States is increasingly connected to foreign economies, international education and exchanges are critical for the United States workforce to remain competitive—especially to fulfill the increased need for foreign language proficiency. We cannot compete globally if we are unable to promote and sell our goods and services, and we will hinder ourselves if we do not provide opportunities for American students to learn foreign languages or about other cultures and societies.

In 2006, a University of Wisconsin—Platteville alum, triple majoring in criminal justice, Spanish, and biology, participated on a study-abroad program in Merida, Venezuela. During her studies in Merida, she was able to hone her Spanish language skills and take a specialized course in law. She now works in Wisconsin as a correctional officer and is called upon regularly to assist with translation services. This student—like many others who study abroad—honed her foreign language proficiency through her international education experience and is directly applying the skills she obtained overseas in her employment. She is a greater asset to her employer because she can provide translation services. International education and exchange programs are crucial components for the United States and must continue to be supported in order to maintain a healthy economy.

International education advances the global economic interests of the United States and has been shown to give students an advantage over their peers in the United States who have not been exposed to international experiences. Most students realize this fact. The Department of State has noted that 88 percent of American college students believe international education will give them a competitive advantage in the workplace.

While international education and exchange programs improve America's competitiveness globally, they also attract current and future leaders from other countries to the United States. According to the Department of State, more than 565,000 international students from over 200 countries study in the United States each year—some of whom will return home to become leaders of their countries. The more they know about the United States and the more connections they have with American citizens, the better.

Emmanuel Sanon of Haiti was a recent participant in the Northcentral Technical College's CASS, Cooperative Association of States for Scholarships, program. CASS is a USAID funded scholarship program for students from countries in the Caribbean, Central America, and Mexico to study at a 2-year college in the United States with hopes of gaining technical and leadership skills in order to return home to become agents for change in their countries.

Bonnie Bissonette, director of international education at Northcentral Technical College, wrote me about Emmanuel's experience and said:

> Emmanuel studied Electromechanical Technology and Leadership at Northcentral Technical College in Wausau from 2003–2005 and returned home to Haiti with high hopes for his future. Since returning home, he has had 5 contractual jobs with the U.N. in Haiti and is looking to start a tech school for the youth of his community. He has already started to provide some computer and English language training. Wisconsin has taken a lead role in educating the economically disadvantaged youth of our close neighbors to the south so that they can improve the standard of living and slow the tide of economic emmigration. Fox Valley Technical College and NTC are two of only 13 community colleges in the United States that host this highly successful program.

Emmanuel's experience is only one of several success stories I could share about the useful skills exchange students gain while studying in the United States which are later used to improve the lives of others in their home countries.

Which brings me to my next point—international education and exchange programs expand horizons and change lives by exposing the participants and programmers to new ways of thinking and living. Those who study abroad are forced to live outside of their comfort zones and as a result they learn a vast amount about themselves and other cultures. They often return home as different people with greater awareness and appreciation for others.

A University of Wisconsin—Whitewater professor wrote to me recently and said:

> For about ten years now, I have been the coordinator of a student exchange between UW—Whitewater and Arnhem Business School in the Netherlands. My students change dramatically during their experience. They even 'look' different when they return. At first they are tentative and worried, and by the time they leave, they are truly citizens of the world . . . Working as a coordinator is one of the most rewarding things I do as a professor.

This example drives home the fact that in Wisconsin, and also across the United States, students who choose to engage in international education and exchange opportunities are truly changed forever.

The deeper understanding of other cultures is a two-way street and is vital to enhancing the image of the United States abroad and our national security. Citizen-to-citizen exchanges improve perceptions of the United States: a 2006 study published by the Pew Research Center found that "publics around the world continue to have a more positive opinion of the American people than they do of the United States. In seven of the 14 foreign countries surveyed, at least half of respondents have a favorable impression of Americans; in contrast, four countries give the U.S. positive marks."

Through their international experiences, exchange participants are able to demonstrate American values, listen to different viewpoints, and speak about the similarities they share with populations around the world. Increasing international understanding of America will improve the image of the United States—and an improved perception of the United States will serve to also improve our national security.

International education and exchange programs also have great potential to create beneficial relationships between communities on opposite sides of the world. These relationships can lead to increased opportunities for commerce and development for everyone.

Let me give you an example. For the first time this year, the University of Wisconsin—Green Bay was awarded a Department of State grant to take college students to Jordan to study for 2 weeks. The program, called Journey to Jordan, gave students the opportunity to spend 6 weeks in Jordan learning Arabic, living with host families, volunteering at civil service organizations, and learning firsthand about Jordanian culture. These students returned with exposure to another language and a greater understanding of another culture.

Just as important, however, is that the program itself built a bridge between Jordan and the United States. Earlier this month, the vice president of the University of Jordan, along with members of the North American Jordanian Association, NAJA, and the American MidEast Leadership Network, traveled to the University of Wisconsin—Green Bay, at their own expense, to discuss future partnership opportunities.

These individuals chose to travel to the United States because they want to maintain a relationship with the University of Wisconsin—Green Bay. This is a wonderful connection between universities and countries that I hope will continue to grow.

I commend those who work every day to promote international education and exchange programs, but we need to work even harder to engage more Americans in international education and exchange programs. To start, we should be following the lead of those who have begun this process. The University of Wisconsin—Oshkosh has a global education certificate program that educates teachers on how to introduce global perspectives in the classroom. Wisconsin's own State superintendent, Elizabeth Burmaster, has worked to encourage K–12 schools to introduce students to global perspectives in the classroom at an earlier age.

But we can do more. I was a strong supporter of the creation of the Commission on the Abraham Lincoln Study Abroad Fellowship Program, an independent commission created in 2004 for the purpose of recommending a program to greatly expand the opportunity for students at institutions of higher education in the United States to study abroad, with special emphasis on studying in developing countries. One of my colleagues—Senator DURBIN—has taken the first step in working to implement the commission's published recommendations by introducing the Abraham Lincoln Study Abroad Act, S. 3744.

The purpose of S. 3744 is to encourage at least 1 million undergraduate students in the United States to participate in study abroad programs academic credit within 10 years, including students in technical and scientific fields of study. The program also seeks to ensure that an increasing portion of study abroad takes place in nontraditional destinations, with substantial increases in developing countries.

The bill would specifically authorize the Secretary of State to establish an Abraham Lincoln Study Abroad Program to facilitate undergraduate study abroad for academic credit through the creation of undergraduate fellowships and grants to institutions of higher education to reform academic programs and institutional policies that inhibit participation by students in study abroad.

Senator DURBIN's bill—along with other international education and exchange legislative initiatives is an important step to one day having all American students engaged in some type of international education or exchange program, and we need to continue to take the necessary steps to provide our children every opportunity to learn about new cultures and to speak a second, or even third, language.

As we recognize and celebrate International Education Week, I call on all Americans to take a few minutes to learn something new this week about another culture, and I encourage all Americans to recognize and support international education and exchange throughout the year.

ADDITIONAL STATEMENTS

HONORING CLARENCE J. "MAC" McCORMICK III

• Mr. BAYH. Mr. President, today I pay tribute to the life of a distinguished businessman, community leader, and friend, Mac McCormick, who passed away on October 26. Mac's dedication to the State of Indiana kept him involved in public service throughout his life, and I know that he will be greatly missed.

Mac was a good and decent man who dedicated his life to serving others. From his work in economic development to his involvement with Vincennes University, his career was filled with acts of conscientious service on behalf of friends, family members, and Hoosiers across Indiana.

Mac comes from a long line of distinguished Hoosier public servants, including his father, Jim McCormick, and his grandfather, Clarence McCormick. I have had the privilege of knowing the McCormick family for many years and have seen firsthand the difference his efforts have made in our State. The contributions Mac made through his leadership and philanthropy touched countless lives, and his dedication and good humor made him a role model for a generation of Hoosiers.

In 1981, Mac started Best Way Express, Inc., with four trucks. Through his skillful oversight it grew to the 400-truck operation it is today. Over the past quarter century, Mac has used that same tireless dedication and business savvy to serve the people of Indiana. As a board member of the Indiana Economic Development Corporation and the Indiana Chamber of Commerce, he helped ensure a bright future for the working men and women of our State, and his service to Vincennes University as a member of the board of trustees and vice president of the nonprofit Jamac Corp. exemplified his spirit of philanthropy.

Mac is survived by father Clarence J. "Jim" McCormick; stepmother Marilyn McCormick; brothers Mike and Pat McCormick; sister Jane Wissell; sons Will, Ry and Eli McCormick; and partner Andre Neal.

A lifelong Hoosier, Mac served in leadership roles in numerous trucking trade associations, including Truck PAC, Truckload Carriers Association, and Indiana Motor Truck Association, and in July he was chosen as the Indiana Chamber of Commerce's 2006 Business Leader of the Year. He was set to assume the chairmanship of the American Trucking Association next week, where he previously had served as vice chairman. It is a rare man who can make such an impact on so many people over the course of one life. Hoosiers will miss Mac as a friend, a community leader, and a committed advocate for our state.

It is my sad duty to enter the name of Clarence J. "Mac" McCormick III in the Record of the U.S. Senate for his service to the State of Indiana.•

HONORING THE 2006 CALIFORNIA NOBEL LAUREATES

• Mrs. BOXER. Mr. President, I would like to take this opportunity to extend my most sincere congratulations to all of the 2006 Nobel laureates. These individuals have shown themselves to possess some of the world's most creative and accomplished minds, and each has made a remarkable contribution to humanity. I am extremely proud to say that California is home to three of these individuals. Their names are Roger D. Kornberg, recipient of the Nobel Prize in chemistry; Andrew Z. Fire, recipient of a share of the Nobel Prize in medicine; and George F. Smoot, recipient of a share of the Nobel Prize in physics.

Dr. Roger D. Kornberg was born into the shadow of a giant in the scientific community. Dr. Kornberg's father, Dr. Arthur Kornberg, won a share of a Nobel Prize in 1959 for his trailblazing work on DNA information transfer. Dr. Roger Kornberg's decision to follow in his father's footsteps reflects a man of clear vision and unshakable will, and it is extraordinarily inspiring to see an individual meet the high standard that was set before him.

Dr. Kornberg graduated from Harvard University in 1967 and went on to get his doctorate from Stanford in 1972. For the last 26 years, Dr. Kornberg has been a professor of structural biology at Stanford, conducting cutting-edge research while guiding his students in their exploration of nature's mysteries. Over that time he tirelessly probed the questions surrounding how information is stored in genes and transferred to other parts of a cell. This process is called transcription, and it holds a key to understanding of how cells operate.

As a result of Dr. Kornberg's efforts, we can now visually demonstrate how information encoded in a cell's DNA blueprint is read and duplicated into what is called messenger RNA. This constitutes a significant leap forward in our knowledge of cellular mechanics and has brought us closer to identifying and rectifying the disturbances in the transcription of genetic information that is the cause of common killers like heart disease and cancer. Dr. Kornberg's work has already influenced the development of drugs and therapies for various conditions and is opening new avenues for future research.

The story of Dr. Andrew Z. Fire is equally impressive and inspirational. Although extremely modest in demeanor, Dr. Fire has demonstrated world-class intellectual ability and unquenchable drive since childhood. Having graduated high school at the age of 15, Dr. Fire attended the University of California, Berkeley, after being turned down by his other choice: Stanford. Now, at age 47, Dr. Fire has achieved the highest pinnacle of success in his field, opened up previously inaccessible areas of research with vast potential for the future of medicine, and gotten into Stanford, where he is the third Nobel laureate of the institution's proud medical school.

Dr. Fire, like Dr. Kornberg, was recognized for his years of exploration into RNA and its role in transcription of genetic information. More than 15 years ago, Dr. Fire became interested in understanding the genes involved in the earliest steps of cellular development. In an attempt to plot cellular development from the beginning, Dr. Fire designed an experiment that produced the exact opposite of the anticipated result: After injecting a worm with a piece DNA to increase the expression of a particular gene, Dr. Fire inadvertently succeeded in suppressing the gene completely. This result would eventually lead to the discovery of a fundamental mechanism for controlling the flow of genetic information—that of RNAi, or RNA inference, which quashes the activity of specific genes. This discovery was termed the "Breakthrough of the Year" in 2002 by Science Magazine and has earned Dr. Fire and his colleague, Dr. Craig Mello, the 2006 Nobel Prize for medicine.

The potential benefits of the discovery of RNA inference are limitless. By using RNAi to silence one gene at time and observing abnormalities the behavior of cells, researchers are able to identify the function of genes, and potentially, use silencing to reduce or eliminate cellular activity harmful to human health. Dr. Fire's many achievements constitute an extraordinary contribution to our understanding of how life operates at its most basic level, and demonstrate his outstanding talent and unwavering commitment to improving the health of his fellow human beings.

Dr. George F. Smoot has for years been examining the cosmos in search of an answer to the biggest question of them all: How did it all begin? To an amazing degree, Dr. Smoot has been answering this seemingly unanswerable question. For 50 years, scientists struggled in vain to support the Big Bang theory with hard, indisputable evidence. Dr. Smoot dealt the contentious theory a further challenge when, in 1976, he and others found startling evidence that galaxies are clustered together and not, as previously thought, spread evenly throughout the universe. This observation conflicted with temperature readings that consistently found space to be an even temperature of 2.7 degrees above absolute zero. Dr. Smoot had presented the scientific community a quandary: How could the heat be evenly distributed through the universe if galaxies were not?

It is a testament to Dr. Smoot's brilliance, ingenuity, and diligence that he, along with his colleague and co-recipient of this year's Nobel Prize in physics, Dr. John C. Mather, would clear up the confusion resulting from the establishment of a "lumpy" universe and finally cement the Big Bang theory of the creation of the universe. To achieve that ambitious goal, Smoot overcame nearly insurmountable obstacles and broke through barriers that had thwarted previous generations of researchers. Dr. Smoot was a driving force behind NASA's construction and development of the COBE satellite, which under the direction of Dr. Smoot and Dr. Mather succeeded in detecting the minuscule variations in temperature that were anticipated by the Big Bang theory and the "lumpy" nature of the universe.

As a result of Dr. Smoot's incredible achievement, we now have a much clearer picture of where we came from and where we are going. His penetrating vision challenges the limits of human comprehension, transporting us to times and places that were once unreachable. Dr. Smoot has fundamentally changed the way we view the universe and secured his place as one of the most important astrophysicists of all time.

It is with great pleasure that I applaud all three of California's 2006 Nobel laureates. Dr. Kornberg, Dr. Fire, and Dr. Smoot have made extraordinary contributions to our understanding of how the universe operates, from the microscopic level of the cell to the vast level of galaxies. Their phenomenal insights have answered questions that have long puzzled the scientific community and raised new possibilities for the research of future generations. I thank these men for the many valuable gifts they have given humanity, not least of which is the gift of unbridled imagination and the belief that anything is possible.●

IN HONOR OF SHERIFF DON HORSLEY

● Mrs. BOXER. Mr. President, I take this opportunity to recognize San Mateo County sheriff Don Horsley, who is retiring after 38 years of dedicated service to law enforcement and public safety.

Sheriff Horsley is a San Francisco Bay Area native who was born in San Francisco, raised in Daly City, and educated in the county's public schools. He graduated from Daly City's Westmoor High School before graduating with honors from San Francisco State University in 1969.

After a brief time as a classroom teacher, Sheriff Horsley entered into a career in law enforcement that has spanned 38 years.

Beginning as a patrol officer in Daly City and later serving as a patrol deputy officer in East Palo Alto, Sheriff Horsley was elected Sheriff of San Mateo County in June 1993. From the beginning, Sheriff Horsley has been dedicated to making his community a better and safer place to live. Under his leadership, the San Mateo County Sheriff's Office has implemented an extensive number of innovative programs to make the community safer, including community policing, graffiti abatement, gang intelligence/investigative unit, sexual habitual offender program, high-tech task force, school resource officer program, and a youth camp for at-risk youth. Sheriff Horsley also established an after school Sheriff's Activity League to help kids succeed in school and stay out of gangs.

After the tragedy of September 11, 2001, Sheriff Horsley stepped into a leadership role and joined the FBI in a regional Joint Terrorism Task Force. He established a regional information sharing network with the nine Bay Area counties and directed the Sheriff's Office of Emergency Services to take the lead to ensure that the county's first responders and public health workers had the equipment and training to respond to disasters. Sheriff Horsley also worked with regional transit agencies to establish a transit unit of deputy sheriffs to patrol bus and rail transportation within the county.

Sheriff Horsley was also a fierce advocate for the construction of a state-of-the-art forensic crime lab that is used by local, regional, State, and Federal agencies to solve crimes. Sheriff Horsley tirelessly worked with the Bay Area Congressional Delegation, including my office, to obtain funding to ensure that the forensic crime lab had the latest in crime fighting technology.

Among his many accomplishments, Sheriff Horsley currently serves as co-chair of the Attorney General and State Superintendent of Public Instruction's Safe Schools Task Force; vice chair of the Northern California High Intensity Drug Trafficking Area; chair of the San Mateo County Vehicle Theft Task Force and Vice Chair for the County Narcotics Task Force. Sheriff Horsley has also been a member of the executive board of the California State Sheriffs' Association since 1996, served as the past chair of the San Mateo County Criminal Justice Council and as a past member of the board of directors of the California Peace Officers' Association.

Sheriff Horsley has not only improved public safety but has worked tirelessly with local elected officials, schools, and community organizations to foster a strong sense of community and improve the lives of children and families in San Mateo County.

Sheriff Horsley's service to San Mateo County and dedication to public safety throughout California is inspiring. I have been honored to work with him. I am confident that, even in retirement, Sheriff Horsley will continue to touch lives with his good will and compassion.●

RECOGNIZING CHARLES A. BIBBS

● Mrs. BOXER. Mr. President, today, I ask my colleagues to join me in recognizing entrepreneur and philanthropist Charles A. Bibbs as he is recognized by the Black Voice Foundation for his exceptional contributions to ethnic art.

Charles Bibbs is a recognized and accomplished artist, known for his representations of ethnic and cultural themes. Throughout his life, he has been lauded and recognized by numerous community and philanthropic organizations for his work in the multicultural communities and his dedication to music and art. His work has been featured in several exhibits, on the Internet, and on several local and national television stations.

Since he was a young person, Charles Bibbs has possessed a strong talent for art and artistic creation. Throughout his career, he worked in corporate America and funded his artistic cultivation through that work. In 1985, Bibbs was able to fuse his strengths in business with his passion for artistic expression and formed B Graphics and Fine Arts to publish and distribute his own artwork. Since that time, Bibbs has become a dedicated and renowned ethnic artist and has worked passionately for cohesion and unity within marginalized communities.

Recently, Charles Bibbs has spent much of his time conducting seminars and workshops to educate and inspire young people and reinforce educational institutions. He formed Art 2000, a nonprofit visual art association that works to inform local communities about art, and helps to inspire art patrons and artists themselves. From this organization has come Images Magazine, which is the first national publication dedicated to ethnic art. As well, this has inspirited the traveling ethnic art exhibit "Art on Tour." Along this same vein, Bibbs' passion for jazz music led him to the creation and founding of Inland Empire Music and Arts Foundation, a nonprofit organization that has hosted an annual world-class jazz and art festival in southern California for the past 3 years.

Art and graphic representations are powerful tools that can help unite communities and inspire young people. The work and example of Charles Bibbs has inspired countless individuals and continues to bring art and music to our Nation's youth. I applaud Charles Bibbs and look forward to many more years of cultural representation and youth enrichment from this great American artist.●

CELEBRATING THE CITY OF LODI'S 100TH ANNIVERSARY

● Mrs. BOXER. Mr. President, I ask my colleagues to join me in celebrating the 100th anniversary of the city of Lodi, a thriving, family-oriented community located in California's San Joaquin Valley.

The city originally known as Mokelumne was founded in 1869 when Charles O. Ivory and John M. Burt established the Ivory Store, an enterprise that attracted scores of homesteaders and businesses to the area. In order to avoid confusion between the towns of Mokelumne, Mokelumne Hill, and Mokelumne City, the city's name was officially changed to Lodi in 1874. According to local folklore, the city's new name was inspired by a successful local racehorse, as horse racing was a popular activity in the area during this period. By the time its residents overwhelmingly voted for incorporation on November 27, 1906, Lodi was already one of the fastest growing communities in San Joaquin County.

In 1907, in an effort to publicize a large carnival to promote Lodi's famous Tokay grapes, a mission-style arch was erected at Pine and Sacramento Streets. The Lodi Arch, one of the few remaining Mission Revival ceremonial arches left in California, has served as an entrance into Lodi for the past century. In 1919 and 1926, the world-famous A & W Root Beer and the Supertreader, the first successful full-circle tire retreading mold, were respectively introduced to the world within a short distance from the Lodi Arch. To many people, this remarkable landmark symbolizes the city's proud history and economic vitality.

In 1956, the Federal Government officially recognized Lodi as a winegrape growing region, thus allowing vintners to label their wine as originating from Lodi. However, it was not until 1986, when the Lodi Appellation was formally approved, that Lodi began to shed its label as the wine industry's best kept secret to become one of the emerging wine-producing regions in the Nation. Today, Lodi is home to a highly regarded and vibrant wine industry where nearly two dozen wineries utilize exemplary viticulture practices to consistently produce wines that are renowned for their quality.

The city of Lodi has grown from a town of less than 2,000 residents from the time of its incorporation to a flourishing and diverse community of 63,000 that rests in the middle of one of the most dynamic regions of California. The state of the city as it turns 100 is best captured by its slogan: "Livable, Lovable, Lodi." The story of the city's first 100 years is a testament to the value of community, vision, and optimism. As the residents of the city work together to make their city a better place to call home, I congratulate them on their centennial anniversary and wish them another 100 years of good fortune and success.•

A LIFETIME OF NATIONAL SERVICE

• Mr. CRAPO. Mr. President, Senator CRAIG and I were saddened, when, last month, the State of Idaho lost one of its distinguished citizens. Ralph Ray Harding, who served our State as the 2nd District Congressman for two terms in the 1960s, passed away on October 26 in Blackfoot. He left behind a legacy of public service and community involvement, as well as a remarkable family. Senator CRAIG and I want to take this opportunity to commend his life and send our condolences to his family and friends.

From his humble beginnings in Malad, Ralph made the most of his opportunities, graduating from college, eventually with a master's degree from ISU. He maintained a strong connection with that university, serving as a special advisor to the president for nearly a decade. He also served our country in the military as a U.S. Army lieutenant and was a life member of the American Legion and the Air Force Association.

He was first elected to public office as a member of the Idaho House of Representatives and was then elected to the U.S. House of Representatives, the youngest Member of Congress serving during the Kennedy administration. As a Member of Congress, Ralph worked to ensure women received equal pay, supported civil rights legislation and authored a bill to establish the Peace Corps. But his service didn't end when he completed two terms in Congress.

Ralph continued his community involvement in many ways. He was the cofounder of the Danny Thomas Memorial Golf Tournament, which has helped raise millions of dollars for cancer research and is still raising funds each year. He looked for ways to improve every community and venture he encountered. He was one of the friendliest people you could ever meet and remained in contact with friends from all over the world through his life. He was active in his church, spending time at the local LDS temple and teaching Sunday School each week. Retirement was not a word that meant much to Ralph—he had too much energy with his activities with family, friends, and other interests to take it easy. At 77, he remained active and full of life up to nearly his final day.

Ralph was devoted to his family and his Nation, and he will be deeply missed by all those who knew him. Idaho is honored to have counted him as one of her native sons. During this time, our thoughts and prayers go out to his wife Willa and his children, grandchildren, and great-grandchildren.•

TRIBUTE TO ENOLIA P. MCMILLAN

• Ms. MIKULSKI. Mr. President, today I pay tribute to the life and legacy of Enolia P. McMillan. She was a revered and beloved civil rights leader, community leader, and educator.

Mrs. McMillan was an amazing woman with a fantastic story. She had both grace and grit, as well as a personality that would not accept the word "no" for an answer.

When they said: "You can't," she said: "I can!"

When they said: "You won't," she said: "I will!"

When they said: "Wait," she said: "Now!"

Enolia P. McMillan was born to a loving family of modest means. She fought hard for her education, while attending schools that were separate and far from equal.

She wanted to be a doctor—a pediatrician. Although she would never attend medical school, she was certainly a healer. In fact, her thesis was entitled: "The Factors Affecting Secondary Education for Negroes in Maryland Counties," which laid the groundwork for changes in education and the Supreme Court.

She cared not only about her own education but the education of others. That is why Mrs. McMillan was so at home at the NAACP. The NAACP is about empowerment and it is about equality. Mrs. McMillan understood this and focused on the grassroots, which turned the Baltimore branch into a powerhouse.

As national president, she strengthened the NAACP and brought it here to Baltimore. She didn't throw bricks—she sold bricks—to build the NAACP headquarters in Baltimore, and she always supported young leaders, like Kweisi Mfume. Always, she fought for equality and fairness, whether it was for equal pay for teachers in Maryland or for the freedom of the South African people living under apartheid.

On a personal note, I met Mrs. McMillan when I was on the Baltimore City Council. She was the president of the Baltimore Branch of the NAACP and attended every critical meeting and hearing. She also came to my office on occasion. We didn't know each other well, having come from different sides of Baltimore, but I so admired her. She took a keen interest in this spunky, chunky, feisty Baltimorean.

Her greatest passions were schools. We were ending segregation in our schools—not only tearing down old ways but building new ones. To her, the word "public" meant a lot: public schools, public libraries, and the public interest.

Mrs. McMillan was always so supportive and encouraging toward me. I would win some and I would lose some; but she always said: Keep speaking up—keep speaking out. If you were doing well, she told you. If she thought you could do better, she told you; and we did.

She had a passion for young people and spotting new leaders. She thought all young people had value and always believed in the freedom to achieve—to follow the American dream.

She would say: Barbara, fight for more books and less bombs. Fight for more libraries and fewer jails. Make sure people have drugs to fight cancer, while at the same time fighting the cancer of drugs. Fight for more jobs and make sure people turn the corner. Don't leave them standing at the corner. Most of all, she would say, Barbara, fight for the freedom to achieve.

I marvel at how mysteriously God works. I marvel that he should call Enolia McMillan in the same year as he has called four other great mothers of the civil rights movement: Rosa Parks, Coretta Scott King, Victorine Adams, and Roberta March. I so admired Mrs. McMillan's passion and her activism. I am so grateful for her friendship. I will miss her leadership, her vision, and her political savvy.

The best of her lives on in all of us, as we seek to live up to her courage, conviction, and tenacity.•

25TH ANNIVERSARY OF THE HERREID LIVESTOCK MARKET

• Mr. JOHNSON. Mr. President, today I honor the owners and operators of the Herreid Livestock Market on its 25th anniversary. Each year, hundreds of thousands of animals are moved through the sale barn to be purchased by farmers or by packers, and eventually find their way to supermarket shelves. The Herreid Livestock Market is one of the largest sale barns in the region, and has proven to be a pillar of the local community both by facilitating business and through advocacy and philanthropy.

The Herreid Livestock Market began operating in 1981. A previous sale barn in Herreid had burned down in 1978. Herman Schumacher, the late Gordie Ulmer, and the late Andy Heisler were primarily responsible for the building of the current structure. Joe Vetter quickly joined in the enterprise as an auctioneer and soon purchased a third of the business. Since then, Schumacher and Vetter have remained partners, along with various other individuals, most recently J.R. Scott. Finally, though, last summer the business was sold to Joe Varner. Scott still manages the sale barn, however, and Schumacher and Vetter remain involved as well.

In addition to operating a premier sale barn, Schumacher, Vetter, and Scott have been active in a variety of issues of vital importance to their industry. They have been active in pushing for country-of-origin labeling, helping to close the Canadian border for food safety reasons, and perhaps most notably, Schumacher was a founder of the Ranchers-Cattlemen Action Legal Fund, R-CALF. R-CALF has advocated for producers by opposing market manipulation on the part of meatpackers, working to restrict the importation of foreign cattle into the U.S., and food safety, among other areas of concern. R-CALF has now merged with the United Stockgrowers of America and has over 18,000 members. The owners of the Herreid Livestock Market have also supported access to local health care by giving large donations to the Linton Hospital Foundation and the Campbell County Clinics.

While drought conditions have caused a spike in short-term sales, the sale barn may be facing some challenging years as producers work to build their herds back up. However, I am confident that the same work ethic that has caused the Herreid Livestock Market to flourish for 25 years will allow the business to continue prospering.

On October 6, 2006, the community celebrated the Herreid Livestock Market with a free BBQ Beef Lunch before the 25th anniversary sale. I wish to congratulate the current and past owners and employees of the Herreid Livestock Market on reaching this milestone for their business, and for their years of service to the community. Once again, I commend the individuals involved in this enterprise and am pleased to see them publicly honored.•

TRIBUTE TO DENNIS COCHRANE

• Mr. KOHL. Mr. President, today I pay tribute to Mr. Dennis Cochrane, a Wisconsin resident who last Thursday concluded his term on the board of directors of the Northeast-Midwest Institute. The Northeast-Midwest Institute is a Washington-based, private, nonprofit, and nonpartisan research organization dedicated to economic vitality, environmental quality, and regional equity for Northeast and Midwest States.

During his tenure on the institute's board, Dennis has provided exceptional counsel and guidance, and in the process has helped to improve the economic development and environmental quality of the Northeast-Midwest region.

Dennis is a partner in the law firm of Marcovich, Cochrane, Milliken and Swanson in Superior, WI. Prior to his law practice, he served as assistant district attorney for Douglas County, WI, and city Attorney for the city of Superior. He has served as a member of the city of Superior Harbor Commission and was active in the founding of the Head of the Lakes Council of Governments, which evolved into the Metropolitan Interstate Committee of the Duluth-Superior Region.

I thank Dennis Cochrane for his leadership on the Northeast-Midwest Institute's Board. His valued service and council will not easily be replaced.•

CENTENNIAL OF THE ORDER OF THE THEATINE FATHERS

• Mr. SALAZAR. Mr. President, last Friday, November 10, we celebrated the centennial of the Order of the Theatine Fathers in Colorado. I want the date of this milestone, so important to my State's history and culture, to be noted in the RECORD.

The Theatine Order serves parishes across Colorado, from the Sacred Heart Parish in Durango and St. Cajetan's Church in Denver to the Sangre de Cristo Parish in my native San Luis Valley. The Order has a noble history in my State and around the world, where its parishioners and pastors have worked to spread virtue and to improve the lives of our citizens.

Saint Cajetan, Paolo Consiglieri, Bonifacio da Colle, and Pope Paul IV founded the Theatine order nearly 5 centuries ago in Italy, partly in response to the upheavals of the Reformation. In the generations that followed, the Theatines established missions in foreign lands, building churches and spreading their teachings to places like Peru, Borneo, Sumatra, Georgia, and Armenia.

The Theatines arrived in Colorado at the end of the 19th century to a young State undergoing rapid changes. Thousands of new immigrants from Ireland, Italy, Mexico, and elsewhere rushed to Colorado's mines, farms, and ranches. These immigrants arrived in places like Durango, San Luis, and Antonito, and found a centuries-old Hispano culture and a deeply rooted Catholic faith.

As these towns and settlements grew, so too did the demands on the parishes of Colorado. In 1906, the Bishop of Colorado, Nicolas Matz, seeing a need for more priests in southwestern Colorado, asked the Theatine Order to serve Sacred Heart Parish in Durango. The Reverend John Licciotti and the Reverend Francisco Maria Blasquez Gomez held their first masses in a former schoolhouse, but the structure, and the missions in the region, grew quickly. In 1920, the order established St. Cajetan's Church in Denver and began staffing the church in Antonito. Three years later, the order expanded to San Luis and its missions, and later to churches in Fort Collins and Colorado Springs. Today, the Theatine Order has 19 priests in Colorado, serving thousands of parishioners.

In honoring the centennial of the Theatine Fathers, we recognize the contributions of the order to the parishes and parishioners of Colorado, but we also celebrate the contributions of the fathers to the culture, faith, and history of our great State. Their work has helped bind communities, build schools, and instill virtue, compassion and character in our citizenry. The Theatines are pillars in their communities, giants who serve the greater good.

I am proud to honor the Order of the Theatine Fathers and to have this opportunity to thank them for their century of service. May the virtues that they teach in the towns and churches across the great State of Colorado continue to fill our hearts and guide our service for generations to come.•

THE RED MASS

• Mr. SANTORUM. Mr. President, today I wish to share with this body the recent remarks of the new Archbishop of Washington, Donald W. Wuerl, at this year's 53rd Annual Red Mass in Washington, DC. I have had the pleasure of working with Archbishop Wuerl in his previous service as the 11th bishop of Pittsburgh, PA. For 18 years, he ministered to 800,000 Catholics throughout southwestern Pennsylvania with generosity and compassion.

The Red Mass is celebrated each year in Washington, DC., at the start of the Supreme Court session and traditionally is held in the Cathedral of St. Matthew the Apostle. Supreme Court Justices, judges, Government officials, lawyers, and people of all faiths regularly attend the Mass to offer prayers for those who administer justice. This Mass is sponsored by the John Carroll Society. The Red Mass enjoys a rich history, originating many centuries ago in European capitols. Red Mass derives its name from the traditional color of vestments worn by the celebrants of the Mass, signifying the scarlet robes worn by royal judges who attended the Mass centuries ago. The tradition in the United States began in 1928 in New York City and spread to cities across the country.

I hope that in sharing his comments with my colleagues, we will continue the ongoing conversations among people of faith about the roles of faith, law, and values in our system of democracy.

Mr. President, I ask that the remarks of Archbishop Wuerl to which I referred be printed in the RECORD.

The material follows.

RED MASS HOMILY

FAITH, LAW AND HUMAN VALUES

Archbishop Donald W. Wuerl, Archbishop of Washington

Cathedral of Matthew the Apostle,
Washington, DC, Sunday, October 1, 2006

Brothers and Sisters in the Lord, It is a privilege for me to join each of you at this 53rd annual Red Mass sponsored by the John Carroll Society as part of a noble tradition in our nation's capital of invoking the blessing of God's Holy Spirit on all who are engaged in the service of the law, especially the members of the judiciary.

Recently I received a beautiful plant rooted in a very attractive container with gorgeous flowers mixed throughout the arrangement. Within a few short days, however, even though I took great care of it, some of the flowers began to fade. It was only after I removed one of the withered flowers that I made the startling discovery that not all of the flowers were attached to the plant and rooted in the soil, but instead simply were placed in little plastic containers. As the flowers were not part of the plant and not rooted in the soil, they had no source of nourishment and died.

A beautiful flower in an isolated container is much like the branch that Jesus speaks about in today's Gospel text from St. John, the branch that gets cut off, detached from, isolated from the vine. Such a branch cannot bear much fruit—certainly not for long.

Whatever image we use, the lesson is the same. We cannot be cut off from our rootedness. We cannot become isolated from our connectedness and expect to flourish. As a people, we have a need to be part of a living unity with roots and a lived experience, with a history and, therefore, a future. Our lives as individuals and as a society are diminished to the extent that we allow ourselves to be cut off or disconnected from that which identifies and nurtures us. Branches live and bear fruit only insofar as they are attached to the vine.

No one person; no part of our society, no people can become isolated, cut off from its history, from its defining experiences of life, from its highest aspirations, from the lessons of faith and the inspiration of religion—from the very "soil" that sustains life-and still expect to grow and flourish. Faith convictions, moral values and defining religious experiences of life sustain the vitality of the whole society. We never stand alone, disconnected, uprooted, at least not for long without withering.

A profound part of the human experience is the search for truth and connectedness, and the development of human wisdom that includes the recognition of God, an appreciation of religious experience in human history and life, and the special truth that is divinely revealed religious truth.

Science linked to religiously grounded ethics, art expressive of spirituality, technology reflective of human values, positive civil law rooted in the natural moral order are all branches connected to the vine.

A healthy and vital society respects the wisdom of God made known to us through the gift of creation and the blessing of revelation. We not only need God's guidance, but we are created in such a way that we yearn for its light and direction. Pope John Paul II in his encyclical Fides et Ratio reminds us: ". . . God has placed in the human heart a desire to know the truth—in a word, to know himself—so that, by knowing and loving God, men and women may also come to the fullness of truth about themselves." (Intro., Fides et Ratio)

One reason we gather today in prayer for the outpouring of the gifts of the Holy Spirit is our realization that it is the wisdom of God that fills up what is lacking in our own limited knowledge and understanding. Connected to the vine, we access the richness of God's word directing our human experience under the guidance of the Holy Spirit. Cut off from the vine, we have only ourselves.

At times our society, like many contemporary cultures heavily nurtured in a secular vision that draws its inspiration elsewhere, can be tempted to think that we are sufficient unto ourselves in grappling with and answering the great human questions of every generation in every age: how shall I live; what is the meaning and, therefore, the value of life; how should we relate to each other; what are our obligations to one another?

The assertion by some that the secular voice alone should speak to the ordering of society and its public policy, that it alone can speak to the needs of the human condition, is being increasingly challenged. Looking around, I see many young men and women who, in such increasing numbers, are looking for spiritual values, a sense of rootedness and hope for the future. In spite of all the options and challenges from the secular world competing for the allegiance of human hearts, the quiet, soft and gentle voice of the Spirit has not been stilled.

Just as we are told in the first reading today that the Spirit of God was shared with some of the elders so, too, today we have a sense that that Spirit continues to be shared. The resurgence of spiritual renewal in its many forms bears testimony to the atavistic need to be connected to the vine and rooted in the soil of our faith experience.

As Jesus assures us in today's Gospel: "Just as a branch cannot bear fruit on its own unless it remains on the vine, so neither can you unless you remain in me." The revelation of the mystery of God-with-us is not incidental to that human experience. It gives light and direction to the struggle we call the human condition. Religious faith and faith-based values are not peripheral to the human enterprise. Our history, the history of mankind, is told in part in terms of our search for and response to the wisdom of God.

Religious faith has long been a cornerstone of the American experience. From the Mayflower Compact, which begins "In the name of God, Amen," to our Declaration of Independence, we hear loud echoes of our faith in God. It finds expression in our deepseated conviction that we have unalienable rights from "Nature and Nature's God."

Thomas Jefferson stated that the ideals and ideas that he set forth in the Declaration of Independence were not original with him, but were the common opinion of his day. In a letter dated May 8, 1825, to Henry Lee, former governor of Virginia, Jefferson writes that the Declaration of Independence is "intended to be an expression of the American mind and to give to that expression the proper tone and spirit."

George Washington, after whom this city is named, was not the first, but perhaps was the most prominent, American political figure to highlight the vital part religion must play in the well-being of the nation. His often-quoted Farewell Address reminds us that we cannot expect national prosperity without morality, and morality cannot be sustained without religious principles.

Morality and ethical considerations cannot be divorced from their religious antecedents. What we do and how we act, our morals and ethics, follow on what we believe. The religious convictions of a people sustain their moral decisions.

What is religion's place in public life? As our Holy Father, Pope Benedict XVI, tells us in his first encyclical letter, "Deus Caritas Est" (God Is Love): "[f]or her part, the Church, as the social expression of Christian faith, has a proper independence and is structured on the basis of her faith as a community which the State must recognize. The two spheres are distinct, yet always interrelated" (DCE 28). Politics, law and faith are mingled because believers are also citizens. Church and state are home to the very same people.

The place of religion and religious conviction in public life is precisely to sustain those values that make possible a common good that is more than just temporary political expediency. Without a value system rooted in morality and ethical integrity, there is the very real danger that human choices will be motivated solely by personal convenience and gain.

To speak out against racial discrimination, social injustice or threats to the dignity of life is not to force values upon society, but rather to call our society to its own, long-accepted, moral principles and commitment to defend basic human rights, which is the function of law.

Not only did Thomas Jefferson subscribe to the proposition that all are created equal, but his writings indicate that he extended the logic of that statement. All people are obliged to a code of morality that rests on the very human nature which is the foundation for our human dignity and equality. Jefferson recognizes no distinction between public and private morality. In a letter dated August 28, 1789, to James Madison, who later became the fourth president of our country, Jefferson wrote: "I know but one code of morality for all, whether acting singly or collectively."

Perhaps nowhere is the relationship of values, religious faith, public policy and the application of the law more deeply rooted in its historic expression than here in our nation's capital. Here is the place where our first president, George Washington, and the first Catholic bishop in our country, John Carroll, recognized so very early on in the life of our country the need to respect, honor and support the understanding that the goals of governance and the expression of faith-based morality mingle and overlap. At the same time, each was respectful of the prerogatives of the other, and both were mindful that all the voices needed to be heard.

In the end, the goal of public policy, and its application and interpretation, must be not what we can do but what we ought to do; not what we have the ability to achieve, but what in our hearts, in our conscience and in our souls we know we must do.

As believers, our hope for a better world is rooted in our faith that God will help us make this happen. Faith is the source of our perennial optimism and our social activism and involvement. If we work and work hard enough, God will be with us to bring about that world of peace, justice, understanding, wisdom, kindness, respect and love that we call His kingdom coming to be on earth.

Our prayer today is that our American democratic society will continue to be a flowering plant connected to the vine with roots sunk deep into the rich soil of our national identity, spiritual experience and faith convictions. May our religious faith, as a foundational part of our national experience, continue to nurture and sustain each branch of our society so that by its very connectedness to the vine it can blossom and flourish.

Thank you.●

REMEMBERING LARRY TICE

● Mr. ROCKEFELLER. Mr. President, I rise today to share with my colleagues in the Senate the story of an awful tragedy that took place in Weirton, WV. Larry Tice, a steelworker at the former Weirton Steel now called Mittal Steel's Weirton Plant took his own life earlier this year after being overwhelmed with a misplaced feeling of failure.

Larry spent decades in Weirton Steel's hot mill before he was transitioned to the tin mill in Mittal's reorganization and shrinking of its operations in Weirton. At its height, Weirton Steel employed 14,000—nearly everyone in a town of roughly 25,000. Twenty years ago employment was approximately 7,000, and today the company employs less than 2,000 people in a town that has shrunk to fewer than 20,000 people. Weirton is a town that had been built around the plant, and the plant served as the town's economic engine for nearly 100 years. Weirton was and is known for its world-class steelmaking.

Mr. Tice was a hard-working veteran at Weirton Steel. There had never been a doubt as to where Larry would work when he was growing up. He, like so many others, had been raised to believe if they worked hard, there would always be a job that included a living wage, competitive benefits, and a guaranteed pension. Larry's father, uncles, and cousins had all worked at the mill. Larry worked there his whole life after signing up after high school graduation in 1973. Just before his death, his job was in jeopardy, many of his benefits diminished, and his pension had all but disappeared.

Mr. Tice worked at the heart of the mill, in the pit, where glowing molten steel drifted overhead in 340-ton ladles, then roared out of 3½-inch holes. He excelled in his area of work and was crew chief to six employees. Everyone says Mr. Tice enjoyed his work and took pride in what he did. It was not an easy job. The intense heat and the physical nature of the job tax workers physically and mentally, but Mr. Tice was a true steelworker, never complaining and always doing what he was asked.

After many layoffs at Weirton Steel and the closure of the hot end, Mr. Tice was relocated to the tin mill, but he happily accepted this assignment because he was one of those who would still have a job after another massive layoff. With the new job came many new stresses and worries. Mr. Tice had only 2 weeks to master the new machinery and technology; the tin mill was more technologically advanced and was a place that required new skills and processes. At age 51, this new, high-tech job posed a real challenge for Mr. Tice. The stress continued to mount and Mr. Tice began to feel inferior, as his friends report, looking back on his last few months of life.

Mr. Tice worried that the new management of Weirton would not tolerate a slow learning curve. He worried that if he didn't pick up his new craft quickly enough that he would be fired. In the end, friend and family pointed to some negative reinforcement and a general feeling of inadequacy on Mr. Tice's part. This steelworker of two-plus decades worried that if he didn't catch on quickly enough he wouldn't be able to provide for his family or allow them the opportunities they deserved—worries that anyone who cares for a family can understand. Larry Tice was a family man to his last days.

This hardship and uncertainty, along with his constant pressure and concern for his family's welfare, ultimately led to him taking his own life. Mr. Tice's widow, Mary, is now only left to wonder what was so inescapable. Mary spoke with Larry over the phone moments before his death and he told her he had 'screwed up,' though he did not elaborate further. At home, Larry hung up the telephone. When Mary tried calling back, there was no answer. She then drove home, though it was too late.

I stand before you today to ask that Larry Tice's story be remembered, along with the ongoing struggle of all steelworkers. Many ask why we in steel States fight so hard for our steel jobs, and it is because of stories like Larry Tice's that touch our hearts. It is so that no more steelworkers will suffer the agony Mr. Tice endured and which conquered him. We work to ensure that fair trade conditions exist so no more families find themselves agonizing as a loved one worries about their livelihood and ability to provide for their family. The steel industry is very important to the prosperity of our State and is something that touches many West Virginians' lives and our country. My deepest sympathy goes out to the Tice family.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 383. To designate the Ice Age Floods National Geologic Route, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 971. An act to extend the deadline for commencement of construction of certain hydroelectric projects in Connecticut, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1215. An act to provide for the implementation of a Green Chemistry Research and Development Program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 1344. An act to amend the Wild and Scenic Rivers Act to designate a segment of the Farmington River and Salmon Brook in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1472. An act to designate the facility of the United States Postal Service located at 167 East 124th Street in New York, New York, as the "Tito Puente Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1711. An act to provide assistance to the State of New Mexico for the development of comprehensive State water plans, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1796. An act to amend the National Trails System Act to designate the route of the Mississippi River from its headwaters in the State of Minnesota to the Gulf of Mexico for study for potential addition to the National Trails System as a national scenic trail, national historic trail, or both, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2069. An act to authorize the exchange of certain land in Grand and Uintah Counties, Utah, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2110. An act to provide for a study of options for protecting the open space characteristics of certain lands in and adjacent to the Arapaho and Roosevelt National Forests in Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2679. To amend the Revised Statutes of the United States to prevent the use of the legal system in a manner that extorts money from State and local governments, and the Federal Government, and inhibits such governments' constitutional actions under the first, tenth, and fourteenth amendments; to the Committee on the Judiciary.

H.R. 3534. An act to designate the Piedras Blancas Light Station and the surrounding public land as an Outstanding Natural Area to be administered as a part of the National Landscape Conservation System, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3606. An act to modify a land grant patent issued by the Secretary of the Interior; to the Committee on Energy and Natural Resources.

H.R. 3626. An act to authorize the Secretary of the Interior to study the feasibility of enlarging the Arthur V. Watkins Dam Weber Basin Project, Utah, to provide additional water for the Weber Basin Project to fulfill the purposes for which that project was authorized; to the Committee on Energy and Natural Resources.

H.R. 3871. An act to authorize the Secretary of Interior to convey to The Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc., certain Federal land associated with the Lewis and Clark National Historic Trail in Nebraska, to be used as an historical interpretive site along the trail; to the Committee on Energy and Natural Resources.

H.R. 3961. An act to authorize the National Park Service to pay for services rendered by subcontractors under a General Services Administration Indefinite Deliver Indefinite Quantity Contract issued for work to be completed at the Grand Canyon National Park; to the Committee on Energy and Natural Resources.

H.R. 4275. An act to amend Public Law 106–348 to extend the authorization for establishing a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States; to the Committee on Energy and Natural Resources.

H.R. 4382. An act to provide for the conveyance of certain land in Clark County, Nevada, for use by the Nevada National Guard; to the Committee on Energy and Natural Resources.

H.R. 4545. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Los Angeles County Water Supply Augmentation Demonstration Project, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4720. An act to designate the facility of the United States Postal Service located at 200 Gateway Drive in Lincoln, California, as the "Beverly J. Wilson Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4750. An act to authorize the Secretary of the Interior to conduct a study to determine the feasibility of implementing a water supply and conservation project to improve water supply reliability, increase the capacity of water storage, and improve water management efficiency in the Republican River Basin between Harlan County Lake in Nebraska and Milford Lake in Kansas; to the Committee on Energy and Natural Resources.

H.R. 4766. To amend the Native American Programs Act of 1974 to provide for the revitalization of Native American languages through Native American language immersion programs; and for other purposes; to the Committee on Indian Affairs.

H.R. 4772. An act to simplify and expedite access to the Federal courts for injured parties whose rights and privileges under the United States Constitution have been deprived by final actions of Federal agencies or other government officials or entities acting under color of State law, and for other purposes; to the Committee on the Judiciary.

H.R. 4789. An act to require the Secretary of the Interior to convey certain public land located wholly or partially within the boundaries of the Wells Hydroelectric Project of Public Utility District No. 1 of Douglas County, Washington, to the utility district; to the Committee on Energy and Natural Resources.

H.R. 4844. To amend the Help America Vote Act of 2002 to require each individual who desires to vote in an election for Federal office to provide the appropriate election official with a government-issued photo identification, and for other purposes; to the Committee on Rules and Administration.

H.R. 4846. To authorize grants for contributions toward the establishment of the Woodrow Wilson Presidential Library; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4876. An act to ratify a conveyance of a portion of the Jicarilla Apache Reservation to Rio Arriba County, State of New Mexico, pursuant to the settlement of litigation between the Jicarilla Apache Nation and Rio Arriba County, State of New Mexico, to authorize issuance of a patent for said lands, and to change the exterior boundary of the Jicarilla Apache Reservation accordingly, and for other purposes; to the Committee on Indian Affairs.

H.R. 4942. An act to establish a capability and office to promote cooperation between entities of the United States and its allies in the global war on terrorism for the purpose of engaging in cooperative endeavors focused on the research, development, and commercialization of high-priority technologies intended to detect, prevent, respond to, recover from, and mitigate against acts of terrorism and other high consequence events and to address the homeland security needs of Federal, State, and local governments; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4981. An act to amend the National Dam Safety Program Act; to the Committee on Environment and Public Works.

H.R. 5016. An act to provide for the exchange of certain Bureau of Land Management land in Pima County, Arizona, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 5079. To update the management of Oregon water resources, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 5108. An act to designate the facility of the United States Postal Service located at 1213 East Houston Street in Cleveland, Texas, as the "Lance Corporal Robert A. Martinez Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5136. An act to establish a National Integrated Drought Information System within the National Oceanic and Atmospheric Administration to improve drought monitoring and forecasting capabilities; to the Committee on Commerce, Science, and Transportation.

H.R. 5313. An act to reserve a small percentage of the amounts made available to the Secretary of Agriculture for the farmland protection program to fund challenge grants to encourage the purchase of conservation easements and other interests in land to be held by a State agency, county, or other eligible entity, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 5323. An act to require the Secretary of Homeland Security to provide for ceremonies on or near Independence Day for administering oaths of allegiance to legal immigrants whose applications for naturalization have been approved; to the Committee on the Judiciary.

H.R. 5340. An act to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 5347. An act to reauthorize the HOPE VI program for revitalization of public housing projects; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 5418. An act to establish a pilot program in certain United States district courts to encourage enhancement of expertise in patent cases among district judges; to the Committee on the Judiciary.

H.R. 5454. An act to authorize salary adjustments for Justices and judges of the United States for fiscal year 2007; to the Committee on the Judiciary.

H.R. 5483. An act to increase the disability earning limitation under the Railroad Retirement Act and to index the amount of allowable earnings consistent with increases in the substantial gainful activity dollar amount under the Social Security Act; to the Committee on Health, Education, Labor, and Pensions.

H.R. 5503. An act to amend the National Housing Act to increase the mortgage amount limits applicable to FHA mortgage insurance for multifamily housing located in high-cost areas; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 5516. An act to allow for the renegotiation of the payment schedule of contracts between the Secretary of the Interior and the Redwood Valley County Water District, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 5533. An act to prepare and strengthen the biodefenses of the United States against deliberate, accidental, and natural outbreaks of illness, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 5637. An act to streamline the regulation of nonadmitted insurance and reinsurance, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 5681. An act to authorize appropriations for the Coast Guard for fiscal year 2007, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 5692. To direct the Secretary of the Interior to conduct a special resource study to determine the feasibility and suitability of establishing a memorial to the Space Shuttle Columbia in the State of Texas and for its inclusion as a unit of the National Park System; to the Committee on Energy and Natural Resources.

H.R. 5736. An act to designate the facility of the United States Postal Service located at 101 Palafox Place in Pensacola, Florida, as the "Vincent J. Whibbs, Sr. Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5825. An act to update the Foreign Intelligence Surveillance Act of 1978; to the Committee on the Judiciary.

H.R. 5835. An act to amend title 38, United States Code, to improve information management within the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 5857. An act to designate the facility of the United States Postal Service located at 1501 South Cherrybell Avenue in Tucson, Arizona, as the "Morris K. 'Mo' Udall Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5861. An act to amend the National Historic Preservation Act, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 5923. An act to designate the facility of the United States Postal Service located at 29-50 Union Street in Flushing, New York, as the "Dr. Leonard Price-Stavisky Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5989. An act to designate the facility of the United States Postal Service located at 10240 Roosevelt Road in Westchester, Illinois, as the 'John J. Sinde Post Office Building'; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5990. An act to designate the facility of the United States Postal Service located at 415 South 5th Avenue in Maywood, Illinois, as the "Wallace W. Sykes Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6014. An act to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to improve California's Sacramento-San Joaquin Delta and water supply; to the Committee on Energy and Natural Resources.

H.R. 6062. An act to enhance community development investments by financial institutions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 6072. An act to amend the Federal Deposit Insurance Act to provide further regulatory relief for depository institutions and clarify certain provisions of law applicable to such institutions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 6078. An act to designate the facility of the United States Postal Service located at 307 West Wheat Street in Woodville, Texas, as the "Chuck Fortenberry Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6079. An act to require the President's Working Group on Financial Markets to conduct a study on the hedge fund industry; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 6102. An act to designate the facility of the United States Postal Service located at 200 Lawyers Road, NW in Vienna, Virginia, as the "Captain Christopher Petty Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6115. An act to extend the authority of the Secretary of Housing and Urban Development to restructure mortgages and rental assistance for certain assisted multifamily housing; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 6131. An act to permit certain expenditures from the Leaking Underground Storage Tank Trust Fund; to the Committee on Finance.

H.R. 6143. An act to amend title XXVI of the Public Health Service Act to revise and extend the program for providing life-saving care for those with HIV AIDS; to the Committee on Health, Education, Labor, and Pensions.

H.R. 6151. An act to designate the facility of the United States Postal Service located at 216 Oak Street in Farmington, Minnesota, as the "Hamilton H. Judson Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6160. An act to recruit and retain Border Patrol agents; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6162. An act to require financial accountability with respect to certain contract actions related to the Secure Border Initiative of the Department of Homeland Security; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6164. An act to amend title IV of the Public Health Service Act to revise and extend the authorities of the National Institutes of Health, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 6166. An act to amend title 10, United States Code, to authorize trial by military commission for violations of the law of war, and for other purposes; to the Committee on Armed Services.

H.R. 6203. An act to provide for Federal energy research, development, demonstration, and commercial application activities, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 6233. An act to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; to the Committee on Environment and Public Works.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 222. Concurrent resolution supporting the goals and ideals of National Pregnancy and Infant Loss Remembrance Day; to the Committee on Health, Education, Labor, and Pensions.

H. Con. Res. 317. Concurrent resolution requesting the President to issue a proclamation annually calling upon the people of the United States to observe Global Family-Day, One Day of Peace and Sharing, and for other purposes; to the Committee on Foreign Relations.

H. Con. Res. 430. Concurrent resolution recognizing the accomplishments of the American Council of Young Political Leaders for providing 40 years of international exchange programs, increasing international dialogue, and enhancing global understanding, and commemorating its 40th anniversary; to the Committee on Foreign Relations.

H. Con. Res. 471. Concurrent resolution congratulating The Professional Golfers' Association of America on its 90th anniversary and commending the members of The Professional Golfers' Association of America and The PGA Foundation for the charitable contributions they provide to the United States; to the Committee on Commerce, Science, and Transportation.

H. Con. Res. 473. Concurrent resolution supporting the goals and ideals of Gynecologic Cancer Awareness Month; to the Committee on Health , Education, Labor, and Pensions.

H. Con. Res. 478. Concurrent resolution supporting the goals and ideals of "Lights On Afterschool!", a national celebration of after-school programs; to the Committee on Health, Education, Labor, and Pensions.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 3994. A bill to extend the Iran and Libya Sanctions Act of 1996.

S. 4041. A bill to protect children and their parents from being coerced into administering a controlled substance in order to attend school, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 4047. A bill to prohibit the issuance of transportation security cards to individuals who have been convicted of certain crimes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that he had presented to the President of the United States the following enrolled bills:

On October 3, 2006:

S. 2430. An act to amend the Great Lakes Fish and Wildlife Restoration Act of 1990 to provide for implementation of recommendations of the United States Fish and Wildlife Service contained in the Great Lakes Fishery Resources Restoration Study.

S. 2856. An act to provide regulatory relief and improve productivity for insured depository institutions, and for other purposes.

S. 3661. An act to amend section 29 of the International Air Transportation Competition Act of 1979 relating to air transportation to and from Love Field, Texas.

On October 5, 2006:

S. 2562. An act to increase, effective as of December 1, 2006, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

S. 3728. An act to promote nuclear nonproliferation in North Korea.

On October 10, 2006:

S. 3930. An act to authorize trial by military commission or violations of the law of war, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–8928. A communication from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "For-Profit Center Participation in the Child and Adult Care Food Program" (RIN0584–AD66) received on November 6, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8929. A communication from the Director, Regulatory Review Group, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Removal of Obsolete Regulations" (RIN0560–AH65) received on November 6, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8930. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Imported Fire Ant; Addition of Counties in Arkansas and Tennessee to the List of Quarantined Areas" (Docket No. APHIS–2006–0080) received on November 6, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8931. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, a report on the approved retirement of Vice Admiral Walter B. Massenburg, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC–8932. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, a report on the approved retirement of General James L. Jones, Jr., United States Marine Corps, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC–8933. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, a report on the approved retirement of Lieutenant General Jan C. Huly, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–8934. A communication from the Assistant Secretary of the Navy (Installations and Environment), transmitting, pursuant to law, a report on the Department's decision to convert functions currently performed by Navy personnel to contractors; to the Committee on Armed Services.

EC–8935. A communication from the Assistant Secretary of the Navy (Installations and Environment), transmitting, pursuant to law, a report relative to a streamlined competition of military personnel; to the Committee on Armed Services.

EC–8936. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Acquisition of Major Weapon Systems as Commercial Items" ((RIN0750–AF38) (DFARS Case 2006–D012)) received on November 6, 2006; to the Committee on Armed Services.

EC–8937. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Free Trade Agreements—Guatemala and Bahrain" ((RIN0750–AF49) (DFARS Case 2006–D028)) received on November 6, 2006; to the Committee on Armed Services.

EC–8938. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Berry Amendment Notification Requirement" ((RIN0750–AF33) (DFARS Case 2006–D006)) received on November 6, 2006; to the Committee on Armed Services.

EC–8939. A communication from the Counsel for Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Extension of Minimum Funding Under the Indian Housing Block Grant Program" (RIN2577–AC69) received on November 6, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–8940. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, the report of (2) officers authorized to wear the insignia of the next higher grade in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–8941. A communication from the Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Department of Defense Personnel Security Program Regulation" (DoD–2006–OS–0038) received on November 6, 2006; to the Committee on Armed Services.

EC–8942. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Buy American Act Exemption for Commercial Information Technology" ((RIN0750–AF23) (DFARS Case 2005–D011)) received on November 6, 2006; to the Committee on Armed Services.

EC–8943. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "General Lending Maturity Limit and Other Financial Services" (RIN3133–AD30) received on November 7, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–8944. A communication from the Counsel for Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Demolition or Disposition of Public Housing Projects" (RIN2577–AC20) received on November 6, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–8945. A communication from the Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Rules 13e–4 and 14d–10" (RIN3235–AJ50) received on November 6, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–8946. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "National Flood Insurance Program; Appeal of Decisions Relating to Flood Insurance Claims" (RIN1660–AA41) received on November 6, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–8947. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (71 FR 59398) received on November 6, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–8948. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, (12) reports relative to vacancy announcements within the Department, received on November 6, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–8949. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report relative to the national emergency that was declared in Executive Order 13338 of May 11, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8950. A communication from the General Counsel, Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled "Federal Home Loan Bank Elective Directors" (RIN3069–AB31) received on November 6, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–8951. A communication from the General Counsel, Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled "Privacy Act and Freedom of Information Act; Implementation" (RIN3069–AB32) received on November 6, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–8952. A communication from the General Counsel, Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled "Affordable Housing Program Amendments" (RIN3069–AB26) received on November 6, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–8953. A communication from the Under Secretary and Director, United States Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Changes to Eliminate the Disclosure Document Program" (RIN0651–AC01) received on November 6, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8954. A communication from the Director, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries; Temporary Rule; Inseason Retention Limit Adjustment" (ID No. 092506B) received on November 6, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8955. A communication from the Director, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Processor Vessels Using Pot Gear in the Bering Sea and Aleutian Islands Management Area" (ID No. 101206F) received on November 6, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8956. A communication from the Acting Director, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Specifications and Management Measures; End of the Pacific Whiting Primary Season for the Mothership Sector (ID No. 100206A) received on November 6, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8957. A communication from the Acting Director, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area" (ID No. 100306E) received on November 6, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8958. A communication from the Acting Director, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock in the Bering Sea and Aleutian Islands" (ID No. 100306D) received on November 6, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8959. A communication from the Acting Director, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Western Aleutian District of the Bering Sea and Aleutian Islands Management Area" (ID No. 100506B) received on November 6, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8960. A communication from the Acting Director, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper/Grouper Resources of the South Atlantic; Closure" (ID No. 092606D) received on November 6, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8961. A communication from the Acting Director, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Economic Exclusive Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area" (ID No. 100506C) received on November 6, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8962. A communication from the Acting Director, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Economic Exclusive Zone Off Alaska; Trawl Gear in the Gulf of Alaska" (ID No. 100606A) received on November 6, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8963. A communication from the Acting Director, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Non-American Fisheries Act Crab Vessels Catching Pacific Cod for Processing by the Offshore Component in the Western Regulatory Area of the Gulf of Alaska" (ID No. 101106A) received on November 6, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8964. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement Measures Approved in Framework Adjustment 42 to the Northeast Multispecies Fishery Management Plan" (RIN0648–AT24) received on November 6, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8965. A communication from the White House Liaison, Economics and Statistics Administration, Department of Commerce, transmitting, pursuant to law, the report of a change in previously submitted reported information and action on a nomination for the position of Under Secretary for Economic Affairs, received on November 6, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8966. A communication from the White House Liaison, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a change in previously submitted reported information and action on a nomination for the position of Assistant Secretary for Export Administration, received on November 6, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8967. A communication from the Administrator, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report relative to aviation operations in the airspace serving Love Field and the Dallas-Fort Worth area; to the Committee on Commerce, Science, and Transportation.

EC–8968. A communication from the Acting Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Small Business Innovation Research and Small Business Technology Transfer Contractor Recertification of Program Compliance" (RIN2700–AD17) received on November 6, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8969. A communication from the Acting Secretary of Transportation, transmitting, pursuant to law, a report relative to the disability-related complaints that U.S. and foreign passenger air carriers operating to and from the U.S. received during the 2005 calendar year; to the Committee on Commerce, Science, and Transportation.

EC–8970. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "Annual Report to Congress on Federal Government Energy Management and Conservation Programs, Fiscal Year 2005"; to the Committee on Energy and Natural Resources.

EC–8971. A communication from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Procedures for the Acquisition of Petroleum for the Strategic Petroleum Reserve" (RIN1901–AB16) received on November 6, 2006; to the Committee on Energy and Natural Resources.

EC–8972. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Nitrogen Oxides Allowance Allocations for 2008" (FRL No. 8238–9) received on November 6, 2006; to the Committee on Environment and Public Works.

EC–8973. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; North Carolina; Redesignation of the Rocky Mount 8-Hour Ozone Nonattainment Area to Attainment" (FRL No. 8239–5) received on November 6, 2006; to the Committee on Environment and Public Works.

EC–8974. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Ohio Particulate Matter" (FRL No. 8228–2) received on November 6, 2006; to the Committee on Environment and Public Works.

EC–8975. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Missouri; Nitrogen Oxides Allowance Allocations for 2008" (FRL No. 8239–3) received on November 6, 2006; to the Committee on Environment and Public Works.

EC–8976. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Louisiana; 2006 Low Enhanced Vehicle Inspection/Maintenance Program" (FRL No. 8241–2) received on November 6, 2006; to the Committee on Environment and Public Works.

EC–8977. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Iowa" (FRL No. 8240–6) received on November 6, 2006; to the Committee on Environment and Public Works.

EC–8978. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Export Notification; Change to Reporting Requirements" (FRL No. 8101–3) received on November 6, 2006; to the Committee on Environment and Public Works.

EC–8979. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Louisiana: Final Authorization of State Hazardous Waste Management Program Revision" (FRL No. 8241–3) received on November 6, 2006; to the Committee on Environment and Public Works.

EC–8980. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Lake County Air Quality Management District, Monterey Bay Unified Air Pollution Control District, San Joaquin Valley Unified Air Pollution Control District, and Ventura County Air Pollution Control District" (FRL No. 8234–9) received on November 6, 2006; to the Committee on Environment and Public Works.

EC–8981. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, a report entitled "FY 2005 Superfund Five-Year Review Report to Congress"; to the Committee on Environment and Public Works.

EC–8982. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Department's possible need to operate the Mississippi River headwaters reservoirs; to the Committee on Environment and Public Works.

EC–8983. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Collaborative Demonstration-Based Review of Physician Practice Expense Geographic Adjustment Data"; to the Committee on Finance.

EC–8984. A communication from the Acting Social Security Regulations Officer, Office of Disability and Income Security Programs, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Representative Payment Policies and Administrative Procedure for Imposing Penalties for False or Misleading Statements or Withholding of Information" (RIN0960–AG09) received on November 6, 2006; to the Committee on Finance.

EC–8985. A communication from the Acting Social Security Regulations Officer, Office of Disability and Income Security Programs, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Continuing Disability Review Failure to Cooperate Process" (RIN0960–AG19) received on November 6, 2006; to the Committee on Finance.

EC–8986. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance Concerning Use of 2001 CSO Tables Under Section 7702" (Notice 2006–95) received on November 6, 2006; to the Committee on Finance.

EC–8987. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Taxation and Reporting of Excess Inclusion Income" (Notice 2006–97) received on November 6, 2006; to the Committee on Finance.

EC–8988. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "AJCA Modifications to the Section 6011, 6111, and 6112 Regulations" (RIN1545–BF98) received on November 6, 2006; to the Committee on Finance.

EC–8989. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "United States Treaties That Meet the Requirements of Section 1(h)(11)(C)(i)(II)" (Notice 2006–101) received on November 6, 2006; to the Committee on Finance.

EC–8990. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Impact of Increased Financial Assistance to Medicare Advantage Plans"; to the Committee on Finance.

EC–8991. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Standards for Calculating Energy Savings for the New Energy Efficient Home Credit" (Announcement 2006–88) received on November 6, 2006; to the Committee on Finance.

EC–8992. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Excess Inclusion Income and Charitable Remainder Trusts" (Rev. Rul. 2006–58) received on November 6, 2006; to the Committee on Finance.

EC–8993. A communication from the Special Assistant, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report on the United States Participation in the United Nations for the year 2005; to the Committee on Foreign Relations.

EC–8994. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to methods employed by the Government of Cuba to comply with an agreement it made with the United States; to the Committee on Foreign Relations.

EC–8995. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, a report relative to the international agreements other than treaties that have been entered into in the past sixty days; to the Committee on Foreign Relations.

EC–8996. A communication from the Secretary of the Senate, transmitting, pursuant to law, the report of the receipts and expenditures of the Senate for the period from April 1, 2005 through September 30, 2006; ordered to lie on the table.

EC–8997. A communication from the Administrator, Office of Foreign Labor Certification, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Labor Condition Applications and Requirements for Employers Using Nonimmigrants on H1B Visas in Specialty Occupations and as Fashion Models; Labor Attestations Regarding H–1B1 Visas" (RIN1205–AB38) received on November 6, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–8998. A communication from the Administrator, Office of Workforce Security, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Federal-State Unemployment Compensation (UC) Program: Confidentiality and Disclosure of State UC Information" (RIN1205–AB18) received on November 6, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–8999. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the 2005 report relative to the Food and Drug Administration's methods for meeting the necessary conditions specified in the Prescription Drug User Fee Act of 1992; to the Committee on Health, Education, Labor, and Pensions.

EC–9000. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, an annual report detailing the means by which the conditions specified in the Animal Drug User Fee Act of 2003 were met; to the Committee on Health, Education, Labor, and Pensions.

EC–9001. A communication from the White House Liaison, Office of Communications and Outreach, Department of Education, transmitting, pursuant to law, the report of action on a nomination for the position of Assistant Secretary for Communications and Outreach, received on November 6, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–9002. A communication from the White House Liaison, Office of Communications and Outreach, Department of Education, transmitting, pursuant to law, the report of the discontinuation of service in the acting role for the position of Assistant Secretary for Communications and Outreach, received on November 6, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–9003. A communication from the Human Resources Specialist, Office of the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, (2) reports relative to vacancy announcements in the Department, received on November 6, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–9004. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of change in previously submitted reported information and the designation of an acting officer for the position of Assistant Secretary for Planning and Evaluation, received on November 6, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–9005. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of change in previously submitted reported information and discontinuation of service in an acting role for the position of Assistant Secretary for Planning and Evaluation, received on November 6, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–9006. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of a vacancy and the designation of an acting officer for the position of Surgeon General, received on November 6, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–9007. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of a vacancy and the designation of an acting officer for the position of Administrator, received on November 6, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–9008. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of discontinuation of service in an acting role and action on a nomination for the position of General Counsel, received on November 6, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–9009. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of a vacancy and the designation of an acting officer for the position of Administrator of the Centers for Medicare and Medicaid Services, received on November 6, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–9010. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Recordkeeping Requirements for Human Food and Cosmetics Manufactured From, Processed With, or Otherwise Containing, Material from Cattle" ((RIN 0910–AF48) (Docket No. 2004N–0257)) received on November 6, 2006; to the Committee on Health, Education, Labor, and Pensions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INHOFE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 3591. A bill to improve efficiency in the Federal Government through the use of high-performance green buildings, and for other purposes (Rept. No. 109–358).

By Ms. COLLINS, from the Committee on Homeland Security and Governmental Affairs:

Report to accompany S. 1838, a bill to provide for the sale, acquisition, conveyance, and exchange of certain real property in the District of Columbia to facilitate the utilization, development, and redevelopment of such property, and for other purposes (Rept. No. 109–359).

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. ENZI for the Committee on Health, Education, Labor, and Pensions.

*John Peyton, of Florida, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2011.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. COLLINS (for herself, Mr. FEINGOLD, Mr. LIEBERMAN, Mr. LEAHY, Ms. CANTWELL, Mr. COLEMAN, Mr. COBURN, Mr. KERRY, Mr. SALAZAR, Mr. SUNUNU, Mr. KENNEDY, Mrs. FEINSTEIN, Mr. LAUTENBERG, Mr. DORGAN, Mr. WYDEN, Mr. BIDEN, Mr. LEVIN, Mr. BYRD, Mr. SCHUMER, Mr. WARNER, Ms. SNOWE, and Mr. BENNETT):

S. 4046. A bill to extend oversight and accountability related to United States reconstruction funds and efforts in Iraq by extending the termination date of the Office of the Special Inspector General for Iraq Reconstruction; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DEMINT (for himself and Mr. ENSIGN):

S. 4047. A bill to prohibit the issuance of transportation security cards to individuals who have been convicted of certain crimes; read the first time.

ADDITIONAL COSPONSORS

S. 724

At the request of Mr. DODD, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 724, a bill to improve the No Child Left Behind Act of 2001, and for other purposes.

S. 1002

At the request of Mr. GRASSLEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1002, a bill to amend title XVIII of the Social Security Act to make improvements in payments to hospitals under the medicare program, and for other purposes.

S. 1147

At the request of Mr. ROCKEFELLER, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1147, a bill to amend the Internal Revenue Code of 1986 to provide for the expensing of broadband Internet access expenditures, and for other purposes.

S. 1353

At the request of Mr. REID, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1353, a bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1915

At the request of Mr. ENSIGN, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from New York (Mrs. CLINTON), the Senator from Delaware (Mr. BIDEN) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 1915, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 2010

At the request of Mr. HATCH, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2010, a bill to amend the Social Security Act to enhance the Social Security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 2342

At the request of Ms. STABENOW, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2342, a bill to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the Medicare program.

S. 2487

At the request of Mr. CRAIG, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2487, a bill to ensure an abundant and affordable supply of highly nutritious fruits, vegetables, and other specialty crops for American consumers and international markets by enhancing the competitiveness of United States-grown specialty crops.

S. 2545

At the request of Mr. OBAMA, his name was added as a cosponsor of S. 2545, a bill to establish a collaborative program to protect the Great Lakes, and for other purposes.

S. 2635

At the request of Mr. WYDEN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2635, a bill to amend the Internal Revenue Code of 1986 to extend the transportation fringe benefit to bicycle commuters.

S. 2702

At the request of Mr. JOHNSON, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2702, a bill to require the Secretary of Defense to carry out a program on the provision of assistance to certain military families.

S. 3128

At the request of Mr. BURR, the names of the Senator from Mississippi (Mr. LOTT) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 3128, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

S. 3608

At the request of Mr. ALLARD, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 3608, a bill to modify the boundary of Mesa Verde National Park, and for other purposes.

S. 3651

At the request of Mr. DURBIN, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 3651, a bill to reduce child marriage, and for other purposes.

S. 3705

At the request of Mr. KENNEDY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 3705, a bill to amend title XIX of the Social Security Act to improve requirements under the Medicaid program for items and services furnished in or through an educational program or setting to children, including children with developmental, physical, or mental health needs, and for other purposes.

S. 3768

At the request of Mr. LEAHY, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Oregon (Mr. WYDEN) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 3768, a bill to prohibit the procurement of victim-activated landmines and other weapons that are designed to be victim-activated.

S. 3771

At the request of Mr. HATCH, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 3771, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 3795

At the request of Mr. SMITH, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 3795, a bill to amend title XVIII of the Social Security Act to provide for a two-year moratorium on certain Medicare physician payment reductions for imaging services.

S. 3814

At the request of Mr. ROBERTS, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 3814, a bill to amend part B of title XVIII of the Social Security Act to restore the Medicare treatment of ownership of oxygen equipment to that in effect before enactment of the Deficit Reduction Act of 2005.

S. 3910

At the request of Mrs. CLINTON, the names of the Senator from California (Mrs. BOXER), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 3910, a bill to direct the Joint Committee on the Library to accept the donation of a bust depicting Sojourner Truth and to display the bust in a suitable location in the Capitol.

S. 3920

At the request of Mr. HATCH, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 3920, a bill to amend part B of title XVIII of the Social Security Act to assure access to durable medical equipment under the Medicare Program.

S. 3936

At the request of Mr. FRIST, the names of the Senator from Utah (Mr. BENNETT) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 3936, a bill to invest in innovation and education to improve the competitiveness of the United States in the global economy.

S. 3962

At the request of Mr. DOMENICI, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from South Carolina (Mr. DEMINT) were added as cosponsors of S. 3962, a bill to enhance the management and disposal of spent nuclear fuel and high-level radioactive waste, to assure protection of public health and safety, to ensure the territorial integrity and security of the repository at Yucca Mountain, and for other purposes.

S. 3972

At the request of Mr. GRASSLEY, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 3972, a bill to amend title XXI of the Social Security Act to reduce funding shortfalls for the State Children's Health Insurance Program (SCHIP) for fiscal year 2007.

S. 3980

At the request of Mr. DODD, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 3980, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes.

S. 4014

At the request of Mr. LUGAR, the names of the Senator from Ohio (Mr. VOINOVICH), the Senator from Ohio (Mr. DEWINE), the Senator from Minnesota (Mr. COLEMAN), the Senator from Florida (Mr. MARTINEZ), the Senator from Connecticut (Mr. DODD), the Senator from New Hampshire (Mr. SUNUNU) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 4014, a bill to endorse further enlargement of the North Atlantic Treaty Organization (NATO) and to facilitate the timely admission of Albania, Croatia, Georgia, and Macedonia to NATO, and for other purposes.

S. 4015

At the request of Mr. CORNYN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 4015, a bill to amend the Internal Revenue Code of 1986 to increase the amount of gain excluded from the sale of a principal residence.

S. 4043

At the request of Mrs. HUTCHISON, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 4043, a bill to amend the Intermodal Surface Transportation Efficiency Act of 1991 to designate a portion of Interstate Route 14 as a high priority corridor, and for other purposes.

S. CON. RES. 84

At the request of Mr. KYL, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. Con. Res. 84, a concurrent resolution expressing the sense of Congress regarding a free trade agreement between the United States and Taiwan.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS (for herself, Mr. FEINGOLD, Mr. LEIBERMAN, Mr. LEAHY, Ms. CANTWELL, Mr. COLEMAN, Mr. COBURN, Mr. KERRY, Mr. SALAZAR, Mr. SUNUNU, Mr. KENNEDY, Mrs. FEINSTEIN, Mr. LAUTENBERG, Mr. DORGAN, Mr. WYDEN, Mr. BIDEN, Mr. LEVIN, Mr. BYRD, Mr. SCHUMER, Mr. WARNER, Ms. SNOWE, and Mr. BENNETT):

S. 4046. A bill to extend oversight and accountability related to United States reconstruction funds and efforts in Iraq by extending the termination date of the Office of the Special Inspector General for Iraq Reconstruction; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, today Senator FEINGOLD and I are introducing the Iraq Reconstruction Accountability Act of 2006. This bipartisan legislation, is co-sponsored by Senators LIEBERMAN, LEAHY, COLEMAN, CANTWELL, SALAZAR, KERRY and COBURN, has a single purpose: to ensure continuing, vigorous oversight of American tax dollars in Iraq by repealing the premature termination date for the Office of the Special Inspector General for Iraq Reconstruction (SIGIR).

This legislation would restore SIGIR's termination date to its previous schedule of 10 months after 80 percent of Iraq reconstruction funds have been expended. It would repeal conference language in the 2007 Defense Authorization Bill that would close SIGIR on October 1, 2007, and transfer oversight to the Inspectors General of the Departments of State, Defense, and the U.S. Agency for International Development.

Departmental and agency Inspectors General perform an important service with dedication and expertise. However, those offices are configured to provide audits, inspections, and investigations of continuing government operations. The traditional approach of IG oversight—extensive inquiries, lengthy preparation and delivery of reports, recommendations for corrective action—is thorough. But it also is time-consuming and can allow wasteful or fraudulent practices to continue for some time.

Iraq reconstruction is a unique situation, with enormous amounts of money being spent in a relatively short period of time on a specific range of programs and operations. A number of agencies across the federal government are active in Iraq reconstruction, including the Department of Defense, the Department of State, the U.S. Agency for International Development, the Department of Justice and others. Reconstruction managers, and ultimately the taxpayers, do not have the luxury of waiting months to receive recommendations to correct wasteful or fraudulent practices. Oversight of Iraq reconstruction requires that the Inspector General be able to cross departmental boundaries and deliver the results of his work quickly and efficiently.

Effective oversight of Iraq reconstruction requires the unique approach provided by the SIGIR. Special Inspector General Stuart Bowen described this approach in testimony before the Homeland Security and Governmental Affairs Committee in a hearing on August 2. SIGIR's auditors and inspectors provide on-the-spot guidance to managers as soon as problems are discovered, so corrective action can begin immediately. This "real time" method allows most of his reports to document not only how problems were detected, but also how they were corrected.

This method works. It should continue as long as American funds are being used for Iraq reconstruction, not terminate on some arbitrary and premature date. As of October 30, 2006, SIGIR estimates that the financial impact of its audit operations is $441 billion, its investigative operations is $20 million and its inspection operations is $1.44 billion. It has achieved these results while costing the taxpayer $72 million. This means that for every dollar SIGIR has spent there has been a financial impact of $25 dollars, a very impressive ratio. SIGIR has also opened 256 cases thus far, and has either referred for prosecution or cleared 164. SIGIR has an impressive record. The Office has 92 open cases, with 25 of them at the Department of Justice. SIGIR has issued 73 audit reports and 65 project assessments. Its work has led to the arrests of five people, and the convictions of four, with more than $17 million in assets seized. During the current quarter, SIGIR investigators opened 20 new cases and closed 10.

There is no question that SIGIR has proven itself to be a much-needed watchdog, auditing reconstruction contracts in Iraq and spotlighting numerous cases of waste, fraud and abuse. We must keep this watchdog on the job.

In addition, SIGIR has taken on a mission that will benefit our nation long after the Iraq reconstruction efforts conclude. Through its Lessons Learned Initiative, the experience gained in Iraq—and the methods developed to track, evaluate, and correct programs—will provide critical guidance to managers and policymakers in the future. The efficient and speedy SIGIR approach would have helped the initial urgent stages of Katrina recovery immeasurably, and it will be invaluable in the aftermath of new disasters to come.

SIGIR has performed admirably in the most difficult of circumstances. Mr. Bowen and his exemplary staff have put themselves in harm's way numerous times. This incredible dedication is reflected in their work, which provides a high degree of oversight and accountability that is essential for Iraq reconstruction to succeed, and it is creating a template for success in the challenges that lie ahead. I urge my colleagues to support the Iraq Reconstruction Accountability Act. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 4046

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Iraq Reconstruction Accountability Act of 2006".

SEC. 2. MODIFICATION OF THE TERMINATION DATE FOR THE OFFICE OF THE SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION.

Section 3001(o) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1238; 5 U.S.C. App., note to section 8G of Public Law 95–452), as amended by section 1054(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364), is amended to read as follows:

"(o) TERMINATION.—(1)(A) The Office of the Inspector General shall terminate 10 months after 80 percent of the funds appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund have been expended.

"(B) For purposes of calculating the termination of the Office of the Inspector General under this subsection, any United States funds appropriated or otherwise made available for fiscal year 2006 for the reconstruction of Iraq, irrespective of the designation of such funds, shall be deemed to be amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund.

"(2) The Special Inspector General for Iraq Reconstruction shall, prior to the termination of the Office of the Special Inspector General under paragraph (1), prepare a final forensic audit report on all funds deemed to be amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund.".

AMENDMENTS SUBMITTED AND PROPOSED

SA 5122. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 5385, making appropriations for the military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table.

SA 5123. Ms. COLLINS (for herself, Mr. FEINGOLD, Mr. LIEBERMAN, Mr. LEAHY, Ms. CANTWELL, Mr. COLEMAN, Mr. COBURN, Mr. WARNER, Mr. KERRY, Mr. SALAZAR, Mr. SUNUNU, Mr. KENNEDY, Ms. SNOWE, Mrs. FEINSTEIN, Mr. LAUTENBERG, Mr. DORGAN, Mr. WYDEN, Mr. BIDEN, Mr. LEVIN, Mr. BYRD, Mr. SCHUMER, and Mr. BENNETT) submitted an amendment intended to be proposed by her to the bill H.R. 5385, supra; which was ordered to lie on the table.

SA 5124. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 5385, supra; which was ordered to lie on the table.

SA 5125. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 5385, supra; which was ordered to lie on the table.

SA 5126. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 5385, supra; which was ordered to lie on the table.

SA 5127. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 5385, supra; which was ordered to lie on the table.

SA 5128. Mrs. HUTCHISON (for Mr. AKAKA (for himself and Mr. OBAMA)) proposed an amendment to the bill H.R. 5385, supra.

SA 5129. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 5385, supra; which was ordered to lie on the table.

SA 5130. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 5385, supra; which was ordered to lie on the table.

SA 5131. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 5385, supra; which was ordered to lie on the table.

SA 5132. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 5385, supra; which was ordered to lie on the table.

SA 5133. Mr. FRIST (for Mr. MCCAIN) proposed an amendment to the bill S. 3501, to amend the Shivwits Band of the Paiute Indian Tribe of Utah Water Rights Settlement Act to establish an acquisition fund for the water rights and habitat acquisition program.

SA 5134. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 5385, making appropriations for the military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table.

SA 5135. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 5385, supra; which was ordered to lie on the table.

SA 5136. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 5385, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 5122. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 5385, making appropriations for the military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007, and for other purposes, which was ordered to lie on the table; as follows:

On page 82, between lines 19 and 20, insert the following:

SEC. 126. (a) Of the amount appropriated or otherwise made available by this title under the heading "FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY", $7,500,000 may be available for the lease of not more than 300 additional housing units in the vicinity of Fairbanks, Alaska. Such funds may not be available for the construction or purchase of such units.

(b)(1) The total cost of a unit leased under subsection (a), including the cost of utilities, maintenance, and operation, may not exceed $25,000 per year.

(2) A lease entered into under subsection (a) may not exceed 5 years in duration or include an option to extend the lease beyond the 5-year period beginning on the date the lease commences.

SA 5123. Ms. COLLINS (for herself, Mr. FEINGOLD, Mr. LIEBERMAN, Mr. LEAHY, Ms. CANTWELL, Mr. COLEMAN, Mr. COBURN, Mr. WARNER, Mr. KERRY, Mr. SALAZAR, Mr. SUNUNU, Mr. KENNEDY, Ms. SNOWE, Mrs. FEINSTEIN, Mr. LAUTENBERG, Mr. DORGAN, Mr. WYDEN, Mr. BIDEN, Mr. LEVIN, Mr. BYRD, Mr. SCHUMER, and Mr. BENNETT) submitted an amendment intended to be proposed by her to the bill H.R. 5385, making appropriations for the military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007, and for other purposes, which was ordered to lie on the table; as follows:

On page 82, between lines 19 and 20, insert the following:

Sec. 126. Section 3001(o) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1238; 5 U.S.C. App., note to section 8G of Public Law 95–452), as amended by section 1054(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364), is amended to read as follows:

"(o) Termination.—(1)(A) The Office of the Inspector General shall terminate 10 months after 80 percent of the funds appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund have been expended.

"(B) For purposes of calculating the termination of the Office of the Inspector General under this subsection, any United States funds appropriated or otherwise made available for fiscal year 2006 for the reconstruction of Iraq, irrespective of the designation of such funds, shall be deemed to be amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund.

"(2) The Special Inspector General for Iraq Reconstruction shall, prior to the termination of the Office of the Special Inspector General under paragraph (1), prepare a final forensic audit report on all funds deemed to be amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund.".

SA 5124. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 5385, making appropriations for the military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007, and for other purposes, which was ordered to lie on the table; as follows:

On page 106, between lines 12 and 13, insert the following:

Sec. 229. (a) Reports on Rulemaking for Procedures to Add Emblems of Belief to Government-Provided Headstones and Markers.—As soon as practicable after the date of the enactment of this Act, and every 90 days thereafter until such rulemaking is complete, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on the status of the rulemaking of the Secretary to establish procedures for adding new emblems of belief to the list, maintained by the National Cemetery Administration, of emblems of belief that are approved for inscription on headstones and markers provided by the Government for the graves of veterans.

(b) Evaluation of Pending Requests for New Emblems of Belief.—Not later than 30 days after the completion of the rulemaking described in subsection (a), the Secretary shall make a final decision on each request for the inclusion on the list described in that subsection of a new emblem of belief for headstones and markers for the graves of veterans that is submitted to the Department of Veterans Affairs before the completion of such rulemaking but on which no final decision has been made by the Secretary as of the completion of such rulemaking.

SA 5125. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 5385, making appropriations for the military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007, and for other purposes, which was ordered to lie on the table; as follows:

On page 82, between lines 19 and 20, insert the following:

Sec. 126. (a) Of the amount appropriated or otherwise made available by this title under the heading "Military Construction, Navy and Marine Corps", $3,410,000 may be available for the replacement of a vehicle bridge at Naval Station, Newport, Rhode Island.

(b) The amount appropriated or otherwise made available by this title under the heading "Military Construction, Navy and Marine Corps" and available for the Hazardous Material Storage Facility at Naval Station, Newport, Rhode Island, is hereby reduced by $3,410,000.

SA 5126. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 5385, making appropriations for the military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007, and for other purposes, which was ordered to lie on the table; as follows:

On page 82, between lines 19 and 20, insert the following:

Sec. 126. Subsection (c) of section 1077 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364) is hereby repealed.

SA 5127. Mrs. FEINSTEIN submitted an amendment intended to b e proposed by her to the bill H.R. 5385, making appropriations for the military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007, and for other purposes, which was ordered to lie on the table; as follows:

On page 106, between lines 12 and 13, insert the following new section:

Sec. 229. Not later than 60 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report on the actions taken by the Secretary to test veterans for vestibular damage.

SA 5128. Mr. AKAKA (for himself and Mr. Obama) proposed an amendment to the bill H.R. 5385, making appropriations for the military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the end of title II, add the following:

Sec. ____. (a) Additional Amount for Office of Inspector General of Department of Veterans Affairs.—The amount appropriated by this title under the heading "Office of Inspector General" is hereby increased by $2,500,000.

(b) Offset.—The amount appropriated by this title under the heading "Construction, Major Projects" is hereby reduced by $2,500,000.

SA 5129. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 5385, making appropriations for the military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 106, between lines 12 and 13, insert the following new section:

Sec. 229. (a) Increase in Threshold for Major Medical Facility Projects.—Section 8104(a)(3)(A) of title 38, United States Code, is amended by striking "$7,000,000" and inserting "$10,000,000".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on October 1, 2006, and shall apply with respect to fiscal years beginning on or after that date.

SA 5130. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 5385, making appropriations for the military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 106, between lines 12 and 13, insert the following:

Sec. 229. (a) Colocation of Community Based Outpatient Clinic With Wagner Indian Health Service Unit, Wagner, South Dakota.—No amount appropriated or otherwise made available for the Department of Veterans Affairs by this title may be obligated or expended to implement a business plan of Veterans Integrated Service Network 23 (VISN 23) for the implementation a Community Based Outpatient Clinic (CBOC) in Wagner, South Dakota, unless such business plan contains an evaluation and an analysis of the prospect of colocating such Community Based Outpatient Clinic with the Wagner Indian Health Service unit in Wagner, South Dakota.

(b) Availability of Amounts for Emergency Room Services at Wagner Indian Health Service Unit.—Of the amount appropriated or otherwise made available to the Department of Veterans Affairs by this title under the heading "Medical Facilities", up to $500,000 may be available for emergency room services at the Wagner Indian Health Service unit pending implementation of a business plan meeting the requirements in subsection (a).

SA 5131. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 5385, making appropriations for the military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 82, between lines 19 and 20, insert the following:

SEC. 126. (a) The amount appropriated or otherwise made available by this title under the heading "MILITARY CONSTRUCTION, AIR FORCE" is hereby increased by $750,000.

(b) Of the amount appropriated or otherwise made available by this title under the heading "MILITARY CONSTRUCTION, AIR FORCE", as increased by subsection (a), $750,000 shall be available for the Air Force Financial Management Center.

(c) The amount appropriated or otherwise made available by this title under the heading "NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM" is hereby reduced by $750,000.

SA 5132. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 5385, making appropriations for the military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 82, between lines 19 and 20, insert the following:

SEC. 126. (a) The amount appropriated or otherwise made available by this title under the heading "MILITARY CONSTRUCTION, AIR FORCE" is hereby increased by $1,500,000.

(b) Of the amount appropriated or otherwise made available by this title under the heading "MILITARY CONSTRUCTION, AIR FORCE", as increased by subsection (a), $1,500,000 shall be available for making base security improvements at Ellsworth Air Force Base, South Dakota.

(c) The amount appropriated or otherwise made available by this title under the heading "NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM" is hereby reduced by $1,500,000.

SA 5133. Mr. FRIST (for Mr. MCCAIN) proposed an amendment to the bill S. 3501, to amend the Shivwits Band of the Paiute Indian Tribe of Utah Water Rights Settlement Act to establish an acquisition fund for the water rights and habitat acquisition program; as follows:

On page 2, strike lines 19 through 22 and insert the following:

"(2) TRANSFERS TO ACQUISITION FUND.—There are transferred to the Acquisition Fund any funds made available, but not expended, under subsection (f).

SA 5134. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 5385, making appropriations for the military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 106, between lines 12 and 13, insert the following:

SEC. 229. Of the amount appropriated by this title under the heading "NATIONAL CEMETERY ADMINISTRATION" up to $1,000,000 may be available for the construction of the first phase of the Yellowstone County National Veterans Cemetery, Montana, for roads, irrigation, and site improvements. The amount so available shall supplement funds raised by the local community for purposes of the cemetery.

SA 5135. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 5385, making appropriations for the military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. 229. Notwithstanding any other provision of law, the Secretary is authorized to carry out major medical facility projects and leases for which any funds have been appropriated under this Act or any other Act. Further, for major medical facility projects authorized under Public Law 108–170, the Secretary may carry out contracts through September 30, 2007, including land purchase on projects for which Phase I design has been authorized.

SA 5136. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 5385, making appropriations for the military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30,2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

"SEC. 126. (a) The amount available for "Military Construction, Air Force" is hereby reduced by $25,400,000 for "Basic Expeditionary Airmen Training Facility, Lackland AFB, Texas".

(b) The amount available for "Military Construction, Defense-wide" is hereby increased by $651,600 for "Planning and Design: Special Operations Command".

(c) The amount available for "Family Housing Operation and Maintenance, Navy and Marine Corps" is hereby increased by $10,601,000 for "Leasing".

(d) The amount available for "United States Court of Appeals for Veterans Claims" is hereby increased by $311,400 for "Salaries and Expenses".

SEC. 127. On page 65, line 5, strike "$72,065,000" and insert "58,229,000"."

NOTICE OF HEARING

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. COLEMAN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs will hold a hearing entitled "Failure to Identify Company Owners Impedes Law Enforcement."

The Permanent Subcommittee on Investigations' hearing will examine the issue of States routinely incorporating hundreds of thousands of new, non-publicly traded companies in the United States each year without obtaining the identity of the corporate owners, thereby impeding law enforcement investigations into persons misusing U.S. shell corporations for money laundering, tax evasion, terrorist financing, or other crimes, The hearing will feature the April 2006 Government Accountability Office (GAO) report prepared at the Subcommittee's request, "Company Formations: Minimal Ownership Information Is Collected and Available." Witnesses for the upcoming hearing will include representatives of GAO, the Department of Justice, the Financial Crimes Enforcement Network, and the Internal Revenue Service, as well as representatives of several states, A final witness list will be available on Thursday, November 9, 2006.

The Subcommittee hearing is scheduled for Tuesday, November 14, 2006, at 2:30 p.m. in Room 342 of the Dirksen Senate Office Building. For further information, please contact Raymond V. Shepherd III or Elise J. Bean, of the Permanent Subcommittee on Investigations at 224–3721.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the Subcommittee on National Parks hearing for Wednesday, November 15, 2006 at 4 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC, has been postponed until further notice.

For further information, please contact Tom Lillie at (202) 224–5161, David Szymanski at (202) 224–6293, or Sara Zecher 202–224–8276.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. COLEMAN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs will hold a hearing entitled "The Defense Travel System: Boon Or Boondoggle (Part 2)."

The Permanent Subcommittee on Investigations plans to hold this second hearing on the Department of Defense's (DOD) Defense Travel System (DTS) as part of its ongoing investigation of DOD's travel policies and practices. The DTS was intended to be a seamless integrated computer-based travel system that would facilitate travel for DOD employees and lead to increased efficiency and substantial cost savings. Instead, DTS has cost more than was anticipated, is not fully deployed, does not appear to be widely used and may end up costing more than it has saved. The Subcommittee's first hearing on DTS on September 29, 2005, established that DOD proceeded with the implementation of DTS despite warnings from the DOD Inspector General (IG) and the Secretary of Defense's Program Analysis and Evaluation section that DTS might not be the most cost effective solution to DOD's travel needs. Following the hearing, the Chairman asked the Government Accountability Office (GAO) and the DOD IG to respectively determine if the projected cost savings were justified and to perform a cost benefit analysis of DTS. The upcoming hearing will present the results of those reviews and provide DOD an opportunity to respond. Witnesses for the upcoming hearing will be representatives of GAO and DOD.

The Subcommittee hearing is scheduled for Thursday, November 16, 2006, at 10 a.m. in Room 342 of the Dirksen Senate Office Building. For further information, please contact Raymond V. Shepherd, III, Staff Director and Chief Counsel to the Permanent Subcommittee on Investigations, at 224–3721.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Monday, November 13, 2006, at 2:30 p.m. to consider the nomination of Susan E. Dudley to be Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that Rose Fabia, a detailee to the Appropriations Committee from the Department of Veterans Affairs and a staff member on our committee, be granted floor privileges for the duration of debate on H.R. 5385.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURES PLACED ON THE CALENDAR—S. 3994 AND S. 4041

Mr. FRIST. Mr. President, I understand there are two bills at the desk due for a second reading.

The PRESIDING OFFICER. The clerk will report the bills by title for a second time.

The legislative clerk read as follows:

A bill (S. 3994) to extend the Iran and Libya Sanctions Act of 1996.

A bill (S. 4041) to protect children and their parents from being coerced into administering a controlled substance in order to attend school, and for other purposes.

Mr. FRIST. Mr. President, in order to place the bills on the calendar under the provisions of rule XIV, I object to further proceeding en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be placed on the calendar.

MEASURE READ THE FIRST TIME—S. 4047

Mr. FRIST. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 4047) to prohibit the issuance of transportation security cards to individuals who have been convicted of certain crimes.

Mr. FRIST. Mr. President, I now ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard.

PUEBLO OF ISLETA SETTLEMENT AND NATURAL RESOURCES RESTORATION ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent to proceed to the immediate consideration of H.R. 5842, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5842) to compromise and settle all claims in the case of Pueblo of Isleta v. United States, to restore, improve, and develop the valuable on-reservation land and natural resources of the Pueblo, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and that any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5842) was ordered to a third reading, was read the third time, and passed.

TO PROVIDE FOR THE CONVEYANCE OF THE REVERSIONARY INTEREST OF THE UNITED STATES IN CERTAIN LANDS TO THE CLINT INDEPENDENT SCHOOL DISTRICT, EL PASO COUNTY, TEXAS

Mr. FRIST. I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of H.R. 860 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 860) to provide for the conveyance of the reversionary interest of the United States in certain lands to the Clint Independent School District, El Paso County, Texas.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 860) was ordered to a third reading, was read the third time, and passed.

AMENDING THE SHIVWITS BAND OF THE PAIUTE INDIAN TRIBE OF UTAH WATER RIGHTS SETTLEMENT ACT

Mr. FRIST. I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 531, S. 3501.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3501) to amend the Shivwits Band of the Paiute Indian Tribe of Utah Water Rights Settlement Act to establish an acquisition fund for the water rights and habitat acquisition program.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCAIN. Mr. President, I am pleased that today the Senate has agreed to pass S. 3501, a bill to amend the Shivwits Band of the Paiute Indian Tribe of Utah Water Rights Settlement Act to establish an acquisition fund for the water rights and habitat acquisition program, with an amendment that I have also offered. This bill amends the Shivwits Band of Paiute Indian Tribe of Utah Water Rights Settlement Act, enacted in 2000, which ratified a negotiated settlement of the Shivwits Band of Paiute Indian Tribe's water entitlement to flow from the Santa Clara River in UT.

S. 3501 was introduced to address a deficiency in the original statutory language of the Shivwits Water Rights Settlement Act. Section 10 of that Act authorized a water rights and habitat acquisition program. Congress appropriated $3 million that was authorized by Section 10. When the Department of the Interior attempted to implement the law, the Treasury Department advised that the language in Section 10 was insufficient for this purpose. The Treasury Department and Department of the Interior developed technical correction language to address this deficiency in the original statutory language. S. 3501 facilitates this correction in the Shivwits Water Rights Settlement Act.

However, subsequent to approval of this measure by the Indian Affairs Committee, the Congressional Budget Office determined that the language developed by Treasury and Interior, as reflected in S. 3501, could be interpreted to authorize an additional $3 million to the Acquisition Fund and thereby increase direct spending.

Therefore, I have offered an amendment with the bill in an effort to avoid any ambiguity in S. 3501 concerning prior appropriations for the Acquisition Fund. The amendment strikes the potentially ambiguous language in the bill, and inserts new language, to the affect, that funds transferred to the Acquisition Fund are funds made available but not expended. The technical amendment therefore avoids the possibility of any redundant appropriations, keeping S. 3501 budget neutral, as was originally intended, and fully implements Section 10 of the Shivwits Band of Paiute Indian Tribe of Utah Water Settlement Act of 2000.

Mr. FRIST. I ask unanimous consent the amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5133) was agreed to, as follows:

(Purpose: To modify a provision relating to transfers to the Acquisition Fund)

On page 2, strike lines 19 through 22 and insert the following:

"(2) TRANSFERS TO ACQUISITION FUND.—There are transferred to the Acquisition Fund any funds made available, but not expended, under subsection (f).

The bill (S. 3501), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3501

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ACQUISITION FUND.

Section 10 of the Shivwits Band of the Paiute Indian Tribe of Utah Water Rights Settlement Act (Public Law 106–263; 114 Stat. 743) is amended—

(1) in subsection (f), by striking the second sentence; and

(2) by adding at the end the following:

"(g) ACQUISITION FUND.—

"(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the 'Santa Clara Water Rights and Habitat Acquisition Fund' (referred to in this section as the 'Acquisition Fund'), consisting of—

"(A) such amounts as are appropriated to the Acquisition Fund under paragraph (2); and

"(B) any income earned on investment of amounts in the Acquisition Fund under paragraph (4).

"(2) TRANSFERS TO ACQUISITION FUND.—There are transferred to the Acquisition Fund any funds made available, but not expended, under subsection (f).

"(3) EXPENDITURES FROM ACQUISITION FUND.—On request by the Secretary, the Secretary of the Treasury shall transfer from the Acquisition Fund to the Secretary such amounts as the Secretary determines to be necessary to carry out this section.

"(4) INVESTMENT OF AMOUNTS.—

"(A) IN GENERAL.—On request by the Secretary, the Secretary of the Treasury shall invest such portion of the Acquisition Fund as is not, in the judgment of the Secretary, required to meet current withdrawals.

"(B) OBLIGATIONS.—Investments may be made only in public debt securities with maturities suitable to the needs of the Acquisition Fund, as determined by the Secretary, that bear interest at a rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity.

"(C) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under subparagraph (A), obligations may be acquired—

"(i) on original issue at the issue price; or

"(ii) by purchase of outstanding obligations at the market price.

"(D) SALE OF OBLIGATIONS.—Any obligation acquired by the Acquisition Fund may be sold by the Secretary of the Treasury at the market price.

"(E) CREDITS TO ACQUISITION FUND.—The income on, and the proceeds from the sale or redemption of, any obligations held in the Acquisition Fund shall be credited to, and form a part of, the Acquisition Fund.

"(5) TRANSFERS OF AMOUNTS.—

"(A) IN GENERAL.—The amounts required to be transferred to the Acquisition Fund under this subsection shall be transferred at least monthly from the general fund of the Treasury to the Acquisition Fund on the basis of estimates made by the Secretary of the Treasury.

"(B) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

"(6) MANAGEMENT.—The Acquisition Fund (including the principal of the Acquisition Fund and any interest generated on that principal) shall be managed in accordance with this section.".

WAIVING APPLICATION OF THE INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT

Mr. FRIST. I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 642, S. 3687.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3687) to waive application of the Indian Self-Determination and Education Assistance Act to a specific parcel of real property transferred by the United States to 2 Indian tribes in the State of Oregon, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid on the table with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3687) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3687

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

With respect to the parcel of real property in Marion County, Oregon, deeded by the United States to the Confederated Tribes of Siletz Indians of Oregon and the Confederated Tribes of the Grand Ronde Community of Oregon by quitclaim deed dated June 18, 2002, and recorded in the public records of Marion County on June 19, 2002, Congress finds that—

(1) the parcel of land described in the quitclaim deed, comprising approximately 19.86 acres of land originally used as part of the Chemawa Indian School, was transferred by the United States in 1973 and 1974 to the State of Oregon for use for highway and associated road projects;

(2) Interstate Route 5 and the Salem Parkway were completed, and in 1988 the Oregon Department of Transportation deeded the remaining acreage of the parcel back to the United States;

(3) the United States could no longer use the returned acreage for the administration of Indian affairs, and determined it would be most appropriate to transfer the property to the Confederated Tribes of Siletz Indians of Oregon and the Confederated Tribes of the Grand Ronde Community of Oregon;

(4) on request of the Confederated Tribes of Siletz Indians of Oregon and the Confederated Tribes of the Grand Ronde Community of Oregon, the United States transferred the parcel jointly to the Tribes for economic development and other purposes under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.);

(5) the transfer of the parcel was memorialized by the United States in 2 documents, including—

(A) an agreement titled "Agreement for Transfer of Federally Owned Buildings, Improvements, Facilities and/or Land from the United States of America the [sic] Confederated Tribes of the Grand Ronde Community of Oregon and the Confederated Tribes of Siletz Tribe [sic] of Oregon", dated June 21, 2001; and

(B) a quitclaim deed dated June 18, 2002, and recorded in the public records of Marion County, Oregon, on June 19, 2002 (reel 1959, page 84);

(6) use of the parcel by Tribes for economic development purposes is consistent with the intent and language of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) and other Federal Indian law—

(A) to encourage tribal economic development; and

(B) to promote economic self-sufficiency for Indian tribes;

(7) the United States does not desire the return of the parcel and does not intend under any circumstances to take action under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or any other legal authority to seek the return of the parcel; and

(8) in reliance on this intent, the Tribes have committed over $2,500,000 to infrastructure improvements to the parcel, including

roads and sewer and water systems, and have approved plans to further develop the parcel for economic purposes, the realization of which is dependent on the ability of the Tribes to secure conventional financing.

SEC. 2. WAIVER OF APPLICATION OF INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.

(a) NONAPPLICATION OF LAW.—Notwithstanding any other provision of law, the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) shall not apply to the transfer of the parcel of real property in Marion County, Oregon, deeded by the United States to the Confederated Tribes of Siletz Indians of Oregon and the Confederated Tribes of the Grand Ronde Community of Oregon by quitclaim deed dated June 18, 2002, and recorded in the public records of Marion County on June 19, 2002.

(b) NEW DEED.—The Secretary of the Interior shall issue a new deed to the Tribes to the parcel described in subsection (a) that shall not include—

(1) any restriction on the right to alienate the parcel; or

(2) any reference to any provision of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

(c) PROHIBITION ON GAMING.—Class II gaming and class III gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) shall not be conducted on the parcel described in subsection (a).

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 109–21

Mr. FRIST. As in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on November 13, 2006, by the President of the United States:

Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs, Treaty Document No. 109–21.

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs (the "Agreement"), adopted in Geneva on July 2, 1999, and signed by the United States on July 6, 1999. I also transmit, for the information of the Senate, a report of the Department of State with respect to the Agreement.

This Agreement promotes the ability of U.S. design owners to protect their industrial designs by allowing them to obtain multinational design protection through a single deposit procedure. Under the Agreement, U.S. design owners would be able to file for design registration in any number of the Contracting Parties with a single standardized application in English at either the U.S. Patent and Trademark Office or at the International Bureau of the World Intellectual Property Organization (WIPO). Similarly, renewal of a design registration in each Contracting Party may be made by filing a single request along with payment of the appropriate fees at the International Bureau of WIPO. This Agreement should make access to international protection of industrial designs more readily available to U.S. businesses.

In the event that the Senate provides its consent to ratify the Agreement, the United States would not deposit its instrument of ratification until the necessary implementing legal structure has been established domestically.

I recommend that the Senate give early and favorable consideration to this Agreement and give its advice and consent to its ratification, subject to the declarations described in the accompanying report of the Department of State.

GEORGE W. BUSH.

THE WHITE HOUSE, *November 13, 2006*.

ORDERS FOR TUESDAY, NOVEMBER 14, 2006

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 2:15 p.m. on Tuesday, November 14. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate resume consideration of H.R. 5385, the Military Construction and Veterans Affairs appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, tomorrow we will continue to work on the bill we began today, the Military Construction and Veterans Affairs appropriations bill. The bill's managers, Senators HUTCHISON and FEINSTEIN, were here today and will be here on the floor tomorrow. Senators should consult with them at the earliest time possible if they want to have an amendment considered to this important funding bill.

We do expect to complete this legislation tomorrow afternoon. Senators are reminded we will be voting tomorrow late afternoon, and we will alert everyone once a vote is scheduled.

As I mentioned earlier this morning, we plan this week to do a continuing resolution, to do a Vietnam trade agreement, and to do the U.S./India nuclear agreement, as well as other appropriations bills as they come to the floor.

ADJOURNMENT UNTIL 2:15 P.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:02 p.m., adjourned until Tuesday, November 14, 2006, at 2:15 p.m.

NOMINATIONS

Executive nominations received by the Senate November 13, 2006:

DEPARTMENT OF AGRICULTURE

MARK EVERETT KEENUM, OF MISSISSIPPI, TO BE UNDER SECRETARY OF AGRICULTURE FOR FARM AND FOREIGN AGRICULTURAL SERVICES, VICE J.B. PENN.

COMMODITY CREDIT CORPORATION

MARK EVERETT KEENUM, OF MISSISSIPPI, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION, VICE J. B. PENN.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SCOTT A. KELLER, OF FLORIDA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE STEVEN B. NESMITH, RESIGNED.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

CHARLES E. DORKEY III, OF NEW YORK, TO BE A MEMBER OF THE ADVISORY BOARD OF THE SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION, VICE JAMES S. SIMPSON.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

DAINE HUMETEWA, OF ARIZONA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM EXPIRING AUGUST 25, 2012, VICE RICHARD NARCIA, TERM EXPIRED.

DEPARTMENT OF THE TREASURY

ANTHONY W. RYAN, OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE TIMOTHY S. BITSBERGER.

SOCIAL SECURITY ADMINISTRATION

ANDREW G. BIGGS, OF NEW YORK, TO BE DEPUTY COMMISSIONER OF SOCIAL SECURITY FOR THE REMAINDER OF THE TERM EXPIRING JANUARY 19, 2007, VICE JAMES B. LOCKHART III.

ANDREW G. BIGGS, OF NEW YORK, TO BE DEPUTY COMMISSIONER OF SOCIAL SECURITY FOR A TERM EXPIRING JANUARY 19, 2013. (REAPPOINTMENT)

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

KATHERINE ALMQUIST, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE LLOYD O. PIERSON, RESIGNED.

DEPARTMENT OF LABOR

LEON R. SEQUEIRA, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE VERONICA VARGAS STIDVENT.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

WILLIAM FRANCIS PRICE, JR., OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2012, VICE EVELYN DEE POTTER ROSE, TERM EXPIRED.

ROBERT BRETLEY LOTT, OF LOUISIANA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2012, VICE TERESA LOZANO LONG, TERM EXPIRED.

CHARLOTTE P. KESSLER, OF OHIO, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2012, VICE KATHARINE DEWITT, TERM EXPIRED.

JOAN ISRAELITE, OF MISSOURI, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2012, VICE DON V. COGMAN, TERM EXPIRED.

BENJAMIN DONENBERG, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A

TERM EXPIRING SEPTEMBER 3, 2012, VICE MARIBETH MCGINLEY, TERM EXPIRED.

FORESTSTORN HAMILTON, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2012, VICE MARY COSTA, TERM EXPIRED.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

RICHARD ALLAN HILL, OF MONTANA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING JUNE 10, 2009, VICE JUANITA SIMS DOTY, TERM EXPIRED.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

TERRY L. CLINE, OF OKLAHOMA, TO BE ADMINISTRATOR OF THE SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION, DEPARTMENT OF HEALTH AND HUMAN SERVICES, VICE CHARLES CURIE, RESIGNED.

DEPARTMENT OF HOMELAND SECURITY

PAUL A. SCHNEIDER, OF MARYLAND, TO BE UNDER SECRETARY FOR MANAGEMENT, DEPARTMENT OF HOMELAND SECURITY, VICE JANET HALE, RESIGNED.

POSTAL RATE COMMISSION

DAN GREGORY BLAIR, OF THE DISTRICT OF COLUMBIA, TO BE A COMMISSIONER OF THE POSTAL RATE COMMISSION FOR A TERM EXPIRING OCTOBER 14, 2012, VICE GEORGE A. OMAS, TERM EXPIRED.

UNITED STATES POSTAL SERVICE

ELLEN C. WILLIAMS, OF KENTUCKY, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2016. (REAPPOINTMENT)

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

LAURIE JEANNE MEININGER, OF CALIFORNIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

MARSHALL C. DERKS, OF VIRGINIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

HEATHER BYRNES, OF ALASKA

DEPARTMENT OF STATE

PATRICK M. AGENTS, OF VIRGINIA
JAMES D. APPLEGATE, OF MICHIGAN
MAHA ANGELINA ARMUSH, OF TEXAS
CHUKA NNONSO ASIKE, OF MARYLAND
JAYSHREE BALASUBRAMANIAN, OF NORTH CAROLINA
JASON J. BECK, OF UTAH
RICHARD CLEVELAND BLACKWOOD, OF VIRGINIA
PATRICK A. BOGUE, OF VIRGINIA
STEPHANIE ELIZABETH BOSCAINO, OF VIRGINIA
JEFFREY D. BOWAN, OF WASHINGTON
THOMAS SCOTT BROWN, OF WASHINGTON
CHRISTIENNE CARROLL, OF CALIFORNIA
JEFFREY JOHN CARY, OF THE DISTRICT OF COLUMBIA
MICHAEL G. CATHEY, OF CALIFORNIA
JAMES A. CATTO, OF SOUTH CAROLINA
PERRY YANG CHEN, OF VIRGINIA
GABRIELLE ANN COLLINS, OF THE DISTRICT OF COLUMBIA
WILLIAM EVAN COUCH, OF ALABAMA
CORNELIUS C. CREMIN, OF CALIFORNIA
CHRIS CURRAN, OF NORTH CAROLINA
ROBERTO CUSTODIO, OF FLORIDA
T.A. DADISMAN III, OF VIRGINIA
AMY ELIZABETH DAHM, OF TEXAS
GREGORY D'ALESANDRO, OF MARYLAND
MARK S. DAVIES, OF NEW MEXICO
JOYE L. DAVIS-KIRCHNER, OF MISSOURI
ANNE B. DEBEVOISE, OF CALIFORNIA
JAFFAR A. DIAB, OF MASSACHUSETTS
CHRISTOPHER R. DILWORTH, OF VIRGINIA
DIANA P. DRAGON, OF VIRGINIA
THERESA L. DUNN, OF VIRGINIA
JASON D. EVANS, OF HAWAII
DAVID FABRYCKY, OF VIRGINIA
RICHARD P. FELDMAN, OF THE DISTRICT OF COLUMBIA
RICHARD A. FISHER, OF VIRGINIA
KATHLEEN FOX, OF CALIFORNIA
ELAINE C. GLASENAPP, OF VIRGINIA
COREY M. GONZALEZ, OF THE DISTRICT OF COLUMBIA
VERONIKA GRAYLESS, OF VIRGINIA
GEORGE H. GREEN, OF VIRGINIA
PAULA GREENLEE, OF VIRGINIA
GRANT S. GUTHRIE, OF CALIFORNIA
ANDREW S. HAMRICK, OF GEORGIA
CAROLYN F. HANDY, OF VIRGINIA
ALISON C. HANNAH, OF MASSACHUSETTS
ADAM J. HANTMAN, OF MARYLAND
SARA RUTH HARRIGER, OF ALASKA
NATALIE A. HENRY, OF VIRGINIA
RALAN LUCAS HILL, OF CALIFORNIA
ALICE LADENE HOLDER, OF CALIFORNIA
BARBARA A. HOLSTON, OF VIRGINIA
JAMES W HOLTSNIDER, OF COLORADO
AARON D. HONN, OF TEXAS
LUDOVIC HOOD, OF THE DISTRICT OF COLUMBIA
ERIKA LOREL HOSKING, OF VIRGINIA
ELIZABETH J. HOWARD, OF MARYLAND
WILLIAM P. HUMNICKY, OF CALIFORNIA
BRETT T. HUNT, OF ARIZONA
STEPHANIE J. HUTCHISON, OF MASSACHUSETTS
SAMUEL HYON, OF MARYLAND
LARRY M. JACKSON, OF VIRGINIA
JOHN CLARK JACOBS, OF TEXAS
AMANDA SCHRADER JACOBSEN, OF WASHINGTON
CHARLES L. JARRETT III, OF TENNESSEE
KIM H. JORDAN, OF CALIFORNIA
HORMAZD J. KANGA, OF KENTUCKY
AUDRA A. KEAGLE, OF VIRGINIA
TAMMY CRITTENDEN KENYATTA, OF VIRGINIA
AMY D. KUEHL, OF VIRGINIA
D. KRISTIAN KVOLS, OF FLORIDA
DENISE D. LAMOUREUX, OF VIRGINIA
LAWRENCE PAUL LANE, OF CALIFORNIA
LOLA A. LECERF, OF VIRGINIA
IRMA M. LOPEZ, OF VIRGINIA
DIANA LYNCH, OF MARYLAND
FELICIA D. LYNCH, OF FLORIDA
DARRIN WILLIAM STUART MACKINNON, OF VIRGINIA
BRENT AARON MAIER, OF TEXAS
MEREDITH MANERI, OF NEW JERSEY
MIKA MCBRIDE, OF TEXAS
MARGARET M. MCLAUGHLIN, OF THE DISTRICT OF COLUMBIA
MATTHEW C. MCNEIL, OF OHIO
JOEL MENDEZ, OF ALABAMA
JOSHUA J. MILLER, OF VIRGINIA
KAREN N. MIMS, OF PENNSYLVANIA
JUDITH H. MONSON, OF NEW YORK
KELLY E. MURNANE, OF VIRGINIA
ROSHNI MONA NIRODY, OF NEW JERSEY
LESLIE SILVIA NUNEZ, OF FLORIDA
DANIEL ONSTAD, OF THE DISTRICT OF COLUMBIA
JUAN CARLOS OSPINA, OF FLORIDA
RONALD D. OWLES, OF FLORIDA
NICK PARIKH, OF WASHINGTON
REBECCA SUZANNE PHELPS, OF MICHIGAN
LAURA ELOISE PYEATT, OF TENNESSEE
NEVEEN N. RAMIREZ, OF NEW JERSEY
BENJAMIN NELSON REAMES, OF TEXAS
JUSTIN ELBERT REYNOLDS, OF IOWA
DAVID J. ROEHN, OF VIRGINIA
GEORGE G. SARMIENTO, OF TEXAS
JULIA REID SCHIFF, OF OHIO
ASHLEY M. SCHOLL, OF OHIO
MELISSA SCHUBERT, OF MISSOURI
VERA B. SEARLES, OF MARYLAND
ANNIE M. SIMPKINS, OF FLORIDA
ADAM L. SMITH, OF UTAH
HEIDI E. SMITH, OF MICHIGAN
MARC ALAN SNIDER, OF ILLINOIS
PETER RICARDO SOLANO, OF MINNESOTA
ADRIENNE BECK TAYLOR, OF VIRGINIA
ERIC L. THORNTON, OF THE DISTRICT OF COLUMBIA
HUNTER TRESEDER, OF CALIFORNIA
WILLIAM FAY VON ZAGORSKI, OF VIRGINIA
LILLIAN CATHERINE WAHL-TUCO, OF NEW HAMPSHIRE
CHANIN T. WEBB, OF VIRGINIA
WILLIAM STEPHEN WELLS, OF THE DISTRICT OF COLUMBIA
GARY W. WESTFALL, OF FLORIDA
MATTHEW WRIGHT, OF TEXAS
CHADWICK JACKSON WYKLE, OF WEST VIRGINIA
HANSANG YI, OF CALIFORNIA
SOVANDARA YIN, OF OREGON
MADELINA M. YOUNG, OF NEW YORK
MELISSA S. ZADNIK, OF PENNSYLVANIA

IN THE COAST GUARD

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant

GREG E. VERSAW, 4675

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL ROBERT T. BRAY, 7857
BRIGADIER GENERAL RAYMOND W. CARPENTER, 7439
BRIGADIER GENERAL HUNTINGTON B. DOWNER, JR., 9238
BRIGADIER GENERAL JAMES W. NUTTALL, 3643
BRIGADIER GENERAL DARREN G. OWENS, 5600
BRIGADIER GENERAL JAMES I. PYLANT, 3241
BRIGADIER GENERAL STEVEN D. SAUNDERS, 3328
BRIGADIER GENERAL RANDAL E. THOMAS, 9772
BRIGADIER GENERAL PATRICK D. WILSON, 7162

To be brigadier general

COLONEL ROMA J. AMUNDSON, 8996
COLONEL VIRGINIA G. BARHAM, 8962
COLONEL ROLAND L. CANDEE, 1266
COLONEL ALLEN M. HARRELL, 4270
COLONEL JAMES A. HOYER, 3413
COLONEL STEVEN P. HUBER, 6817
COLONEL RONALD W. HUFF, 0594
COLONEL DAVID F. IRWIN, 3872
COLONEL SCOTT W. JOHNSON, 1707
COLONEL THEODORE D. JOHNSON, 0232
COLONEL JEFFERY D. KINARD, 7057
COLONEL SCOTT D. LEGWOLD, 0857
COLONEL WALTER E. LIPPINCOTT, 1188
COLONEL WILLIAM M. MALOAN, 7701
COLONEL RANDALL R. MARCHI, 4272
COLONEL CRUZ M. MEDINA, 7127
COLONEL RICHARD S. MILLER, 8966
COLONEL STUART C. PIKE, 0954
COLONEL DANNY K. SPEIGNER, 8891
COLONEL STANLEY M. STRICKLEN, 0565
COLONEL MARGARET S. WASHBURN, 9021
COLONEL TONY N. WINGO, 6298

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUAL TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JEFFREY C. CARSTENS, 2190

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 624, 1552, AND 531:

To be lieutenant colonel

STEPHEN R. GERINGER, 4033

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be major

PAUL M. ROBERTS, 7923

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

WILLIE G. BARNES, 3676

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

LESLIE N. SWARTZ, 9847

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

DANIEL P. MC LEMORE, 4170

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JOSEF R. SMITH, 6211
MICHAEL D. TAYLOR, 2541

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

ROBERT M. BLACKMON, 1761
BRADLEY M. VOORHEES, 4308

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTION 531 AND 3064:

To be lieutenant colonel

NICHOLAS C. BAKRIS, 9867

To be major

ANDREW D. MAGNET, 8635

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

DAVID E. GREEN, 6204

To be lieutenant colonel

MICHAEL J. WILSON, 5444

To be major

MARTIN L. LADWIG, 5848

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

MOON H. LEE, 0917

To be major

RAPHAEL SEMIDIE, 9804
PHILLIP C. ZINNI, 1285

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

TERRELL W. BLANCHARD, 7989
JAMES W. BOLES, 3435
JAMES M. FUDGE, 0486
KEITH E. STEELE, 5158
DEBBIE J. VASUT, 9116
KEITH R. VESELY, 5234
ROBERT L. VOGELSANG III, 1620

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

VICTORIA L. SMITH, 6377

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

IRA S. DERRICK, 7917

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

JOSEPH W. BROWN, 4672

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

REBECCA L. BLANKENSHIP, 8919

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

MARK M. KUBA, 3507

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

CRAIG H. RHYNE, JR., 6767

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

LORRAINE T. BREEN, 8678
ANDREA E. CRUNKHORN, 1867
MICHAEL A. ROBERTSON, 7729
BARBARA A. SPRINGER, 5180
THOMAS G. SUTLIVE, 3268

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be commander

KIMBERLY S. EVANS, 9959

To be lieutenant commander

JOSEPH W. CURTIN, 5407
DARRYL J. FLASPHALER, 0984
STEVEN F. FRILOUX, 7357
JEFFREY J. GUZIAK, 3568
JOHN E. LEE III, 3061

THE FOLLOWING NAMED INDIVIDUAL TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

DAVID J. ALLEN, 0277

EXTENSIONS OF REMARKS

TRIBUTE TO THE GARY, INDIANA, BRANCH OF THE NAACP

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2006

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to take this time to recognize the members of the Gary, Indiana branch of the National Association for the Advancement of Colored People, NAACP. On Monday, October 30, 2006, the Gary NAACP held its 90th anniversary dinner, while also celebrating the 45th Annual Mary White Ovington Freedom Fund Awards at Saint Timothy Community Church's Fellowship Hall in Gary, Indiana.

The NAACP was founded on February 12, 1909, with the mission to end all racial discrimination and to secure the political, economic, and social rights of all African-Americans. As the Nation's oldest and largest civil rights organization, the NAACP has worked successfully with allies of all races who believe in and continue to carry out this mission still today. The Gary NAACP, the largest branch in the State of Indiana, was organized by those who felt there was a need for an organization that would monitor and defend the rights of African-Americans in northwest Indiana. The members of the Gary NAACP, who so selflessly serve the community, share the goals of the national organization. They fight each and every day to combat injustice, discrimination, and unfair treatment in their community.

This year's fundraiser event and anniversary dinner featured Dan Parker, Indiana State Democratic Committee chairman; and Murray Clark, Indiana State Republican Committee chairman, as the evening's keynote speakers. The theme for this year's event was, "Remembering the Past. Preparing for the Future. Voting to make a Difference." The featured speakers addressed the importance of voting while promoting their respective party members.

This year, several honorees were recognized at the event with a special awards presentation. Denise Dillard, State Senator Earline Rogers, the Gary Cultural and Historical Society, Willie Watkins, New Mount Moriah Baptist Church, First African Methodist Episcopal Church, Saint Timothy Community Church, the Gary City Clerk's Office, and Marshanelle Hill were among those being honored with various awards for their service to the community and to the branch.

In addition, the Mary White Ovington Award, the most distinguished award of the evening, was presented to Gary residents Jonathan Comer and Cherrie B. White. This very special award annually recognizes those making the greatest contributions to sustaining civil rights.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in commending the members of the Gary NAACP for the efforts, activities, and leadership they have championed to improve the quality of life for all residents of Indiana's First Congressional District. I also ask that you join me in commending the community leaders who, through their unwavering commitment to their community, are so deserving of the special honors bestowed upon them.

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TRIBUTE TO RETIRING BARTON COUNTY OFFICIALS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2006

Mr. SKELTON. Mr. Speaker, it has come to my attention that a number of officials from Barton County, Missouri, are retiring this year after serving the public for a number of years.

I have had the privilege of representing Barton County in the United States Congress on two occasions. Barton County lies in the southwestern part of the Fourth Congressional District. Its county seat of Lamar is the birthplace of President Harry S Truman, and the people who live there today personify the same common sense, hard working, Show-Me State values that made President Truman an outstanding president and global leader. I am honored to represent these fine Missourians in the United States Congress and to have had the privilege to work with many of these outstanding public officials.

Presiding Commissioner Gerald Miller was born in Idaho but moved to Missouri as a child. He graduated from Lamar High School in 1958 and has been active in the community since that time. Since 1999, Mr. Miller has served as Presiding Commissioner and has worked tirelessly to improve the communities he represents. He is a member of the Lamar Metro Club, the Abou Ben Adhem Shrine, and the Lamar Masonic Lodge. He is a successful businessman who is married to Brenda Rinehart and has two sons, Mark and Matt.

County Clerk Bonda Rawlings is a lifelong resident of Barton County. She graduated from Lamar High School in 1961 and has dedicated much of her life to bettering her community. Since 1983, she has served as the Barton County Clerk and has been a leader in the State Association of County Clerks, serving as president in 1996. While working full time, she is also a member of the Barton County Chamber of Commerce, the Lamar Art League, the Barton County Historical Society, the Truman Area Transportation System, and the Lamar High School Booster Club. In all of these organizations, Mrs. Rawlings has held a leadership position. Bonda is married to Bill Rawlings and has two sons, Stan and Steve.

Circuit Clerk Jerry Moyer has spent his adult life serving Barton County and is a graduate of Golden City High School. In 1976, he graduated from the College of the Ozarks with a degree in criminal justice administration. Mr. Moyer has served as the Clerk of the Circuit Court in Barton County since 1983 and has been a leader among his colleagues, serving as president of the Circuit Clerk and Recorders Association in 1994. Mr. Moyer previously served as Deputy Sheriff, a police officer, and a Deputy Juvenile Officer. He is active in the First Assembly of God Church, the Lamar Rotary Club, and the Freedom Singers gospel choir. Jerry Moyer is married to Jena Moyer and has a daughter named Tiffany.

Recorder of Deeds Jean Keithly has lived in Barton County all her life and is a graduate of Lamar High School. From 1984 to 2003, she served as the Deputy Recorder of Deeds in Barton County. In 2003, she became the first elected Recorder of Deeds in Barton County since 1935, when the office had been combined with the Circuit Clerk's office. Mrs. Keithly has been an active member of the Recorder's Association of Missouri for 22 years. She is a long-time member of the Hopewell Cumberland Presbyterian Church and has been an outstanding charitable volunteer. Mrs. Keithly is married to Bob Keithly and has two children, Michael and Teresa.

Deputy Assessor Ona Mullinax has lived in Golden City, Missouri, for the past 41 years and has worked at the Barton County Courthouse since 1983. Throughout her tenure, she has capably worked through many changes within her office and was especially instrumental in assigning emergency 911 addresses to rural Barton County homes. In 1998, Mrs. Mullinax received the Employee of the Year award, which was presented by the Lamar Rotary Club. She and her husband, Rusty, have a shared family of seven children and ten grandchildren.

Mr. Speaker, these five individuals represent the outstanding Missourians who live and work within Missouri's Fourth Congressional District. As they each prepare to spend time with their families and enjoy retirement, I know that my colleagues will join me in wishing them well.

* * *

HONORING MR. TOM BENSON, RECIPIENT OF THE CHARLES E. PIPER AWARD

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2006

Mr. LIPINSKI. Mr. Speaker, I rise today to honor Mr. Tom Benson, recipient of the 2006 Charles E. Piper Award for exceptional business achievement. Mr. Benson is currently the owner of the World's Largest Laundromat in Berwyn, IL and also serves as president of the Berwyn Development Corporation. His outstanding leadership, receiving both local and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

national acclamation, has greatly impacted the local community and its businesses.

Since 1999, Benson has owned the World's Largest Laundromat—a business that is technologically innovative and community centered. After a devastating fire in 2004, he rebuilt the facility and powered it with state-of-the-art solar energy, which significantly saves financial and energy resources. The World's Largest Laundromat is as an exceptional model of a cost-effective, energy conserving business—the best of both worlds.

Tom Benson's resourcefulness and visionary outlook extends to the social atmosphere of his laundromat as well. Aside from a spacious interior and 15 flat-screen TVs, the facility offers free wireless access, free pizza on Wednesday nights, and hosts many special events. Additionally, the World's Largest Laundromat has a reputation for promoting community programs that encourage education. One program, Read to Ride, awards bikes to children who read books during the summer.

On November 4, 2006, Benson was presented with the Charles E. Piper Award for his efforts and positive influence on the Berwyn business community. It is my privilege and pleasure to congratulate Mr. Benson on this award and acknowledge his contributions to the community. His unique approach, dedication, and determination serve as an inspiration to the business community, as well as all citizens.

PAYING TRIBUTE TO CHARLES WILLIAMSON

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2006

Mr. HINCHEY. Mr. Speaker, I rise today to honor Charles H.K. Williamson, a long-time educator and winner of the Carnegie Foundation's 2006 Professor of the Year Award for New York State.

Professor Williamson, during his 16 year tenure in the School of Mechanical and Aerospace Engineering at Cornell University, has impacted countless individuals, from undergraduates to Ph.D. candidates to fellow professors. As a colleague states, "Professor Williamson is the most creative and talented educator I have encountered . . . he has no equal on our faculty in integrating research into teaching and teaching into research."

It seems fitting that Professor Williamson began his teaching career among royalty, tutoring Prince Pavlos of Greece before leaving London to emigrate to Pasadena, California, and Caltech in 1984. In 1990, he found himself an assistant professor at Cornell, apprehensively standing in front of 100 students in a thermodynamics class. "I remember coming out of that first class on a high," he recalls. "I realized that the students really want to learn and are eager to know that the teacher genuinely wants the same thing."

From that point on, Professor Williamson has been a trailblazer, pioneering new approaches to lecturing. His classes are unpredictable but always educational, using anything from footlong smoke rings to Beatles albums to jet engines to demonstrate the principles of thermodynamics and fluid mechanics.

Professor Williamson's unique teaching methods, combined with his love of the subject, touches students in a way that educators seldom do. His student evaluation scores are by far the best in his department and among the highest in the university: His average over 16 years at Cornell is 4.57 out of 5, an unequaled level of consistency and excellence.

In addition to being an entertaining lecturer, Professor Williamson is also a true mentor to students, inspiring and supporting them throughout their education, even attending student sporting events. "Without the confidence and skills I learned from Professor Williamson, I never would have . . . received a doctorate in plasma physics," a former advisee recounts.

Professor Williamson is an inspiration to us all, an individual who truly makes a difference in the lives of those around him. I am honored to congratulate him on receiving the Carnegie Foundation's 2006 Professor of the Year Award.

TRIBUTE TO MR. JOHN SELESKY

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2006

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to one of my constituents who has distinguished himself through service to his country, his State and his community. Mr. John Selesky has been selected as "Ogemaw County Veteran of the Year" by the Ogemaw County Veterans Alliance. Mr. Selesky is truly deserving of this unique honor.

Mr. Selesky enlisted in the U.S. Army Air Corps as an Aviation Cadet in 1942. He was trained in Oxnard, California, and Roswell Army Airfield. After flight training, Mr. Selesky was commissioned as a 2nd Lieutenant in the U.S. Army Air Corps.

In 1943, Mr. Selesky left on a night flight at 11 p.m. After takeoff, Mr. Selesky's plane underwent engine failure causing him to undergo a forced landing at the end of the runway.

Injured, Mr. Selesky walked back to the runway and then back to the flight line. The staff in the flight office called the base hospital, which dispatched an ambulance. Mr. Selesky awoke on an operating table where surgeons were sewing up cuts on his head and face. Sadly, Mr. Selesky lost his left eye in the accident.

After being discharged from the Army in 1943, Mr. Selesky returned home to Grayling, Michigan. A member of the greatest generation, Mr. Selesky did not take much time to rest after his discharge. Instead, he almost immediately went back to work in the family store. He also started a family of his own. Ultimately, Mr. Selesky and his wife, Virginia, would have five children, John, Jr., Verna, Barbara, Jeffery and Mike.

After purchasing a small farm, Mr. Selesky went back to serving his state and his country by joining the Conservation Department as a Forest Fire Tower Lookout out of the Mio District Office in Mio, Michigan. In 1957, Mr. Selesky was promoted to Conservation Foreman and supervised a prison inmate labor crew at the Southern Michigan State Forest Nursery near Brighton, Michigan.

In 1963, the State of Michigan eliminated the Fire Tower Fire Watch system and began using aircraft for fire detection. With his military flying experience and additional flight time he had accrued thanks to the GI Bill of Rights, Mr. Selesky was promoted to District Pilot at the Mio District Office. Mr. Selesky piloted one of only four planes used by the State of Michigan. In 1980, Mr. Selesky retired after 29 years of service as an employee in the State of Michigan having served as Conservation Foreman and as a pilot.

Mr. Speaker, with our brave men and women deployed abroad, it is more important than ever that all of us observe Veteran's Day. By honoring past heroes, we salute those who serve today. With that in mind, I ask that all of my colleagues join me in saluting Mr. Selesky for his service and in congratulating him for being awarded Ogemaw County Veteran of the Year.

TRIBUTE TO THE ASIAN-AMERICAN MEDICAL ASSOCIATION

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2006

Mr. VISCLOSKY. Mr. Speaker, it is with sincere admiration that I recognize the Asian-American Medical Association, which hosted the 30th Annual Asian-American Charity Ball on Saturday, November 4, 2006, at the Avalon Manor in Hobart, Indiana. Each year, the Asian-American Medical Association pays tribute to prominent, outstanding citizens for their contributions to the community. In recognition of their efforts, individuals are honored at this annual banquet and are awarded the prestigious Crystal Globe Award.

The Asian-American Medical Association has always been a great asset to Northwest Indiana. Its members have selflessly dedicated themselves to providing quality medical service to the residents of Indiana's First Congressional District, and they have always demonstrated exemplary service through their many cultural, scholastic, and charitable endeavors.

At this year's charity ball, the Asian-American Medical Association presented Surjit S. Patheja, M.D., with the Crystal Globe Award. Dr. Patheja was born in Pakistan in 1947 and graduated from Rangoon University Medical College in 1959. He practiced medicine in Burma for several years until immigrating to the United States in June 1964. After practicing medicine in locations such as Connecticut, New York, and Baltimore, Maryland, Dr. Patheja relocated to Northwest Indiana, where he has resided for the past 35 years. Although now retired from his practice, Dr. Patheja, board certified in Radiology and Nuclear Medicine, has been an invaluable member of the medical community since his arrival in Northwest Indiana, even serving as President of the Porter County Medical Society and the Tenth District Medical Society. Aside from the many accolades he has earned in the area of medicine, Dr. Patheja has also been instrumental in establishing scholarships and endowments for young adults. As if these accomplishments were not impressive enough, Dr. Patheja has always remained an active member of the community, donating his time through membership in several clubs and associations, including the Valparaiso Rotary Club, the Sikh Religious Society of Chicago, the Indian Medical Association of Northwest Indiana, and, of course, the Asian-American Medical Society. He is also a member of the American College of Radiology and the Radiological Society of North America.

Although Dr. Patheja has devoted so much of his time to medicine and to the Northwest Indiana community, he has always made a special point of sharing as much time as possible with his loving wife of 61 years, Mindy, and their three children. Aside from spending time with his family, in his spare time, Dr. Patheja has always enjoyed golfing and photography.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in commending the Asian-American Medical Association, as well as this year's Crystal Globe Award recipient, Surjit S. Patheja, M.D., for their outstanding contributions to medicine and to the community. Their unwavering commitment to improving the quality of life for the people of Northwest Indiana and throughout the world is truly inspirational. For these reasons, they are to be praised, and I am proud to serve as their Representative in Washington, DC.

IN MEMORY OF MAJOR GENERAL KATHRYN G. FROST

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2006

Mr. SKELTON. Mr. Speaker, it is with deep sadness that I inform the House of the death of Major General Kathryn G. Frost.

General Frost was an inspiration to many people. She was the wife of The Honorable Martin Frost, she was a sister, an aunt, a friend to the military, and a hero to many. General Frost consistently urged joint service officers and enlisted persons to be the very best they can be and worked hard to transfer her commitment to service to the soldiers with whom she came in contact.

Her distinguished career spanned three decades, and her duties included tours as Chief, Military Personnel Office/Deputy Adjutant General, Berlin Brigade/United States Army, Berlin, Germany; Commander, Eastern Sector, United States Military Entrance Processing Command, Great Lakes, Illinois; Adjutant General/Commanding General, Physical Disability Agency/Executive Director of Military Postal Service Agency, Alexandria, Virginia; and Deputy Legislative Assistant to the Chairman of the Joint Chiefs of Staff, Washington, DC.

General Frost's awards and decorations include the Distinguished Service Medal with Oak Leaf Clusters, Defense Superior Service Medal, Legion of Merit, Defense Meritorious Service Medal, Meritorious Service Medal with 6 Oak Leaf Clusters, Army Commendation Medal, and Joint Chiefs of Staff Identification Badge. She also was named one of USC's Distinguished Alumni in 2002.

Mr. Speaker, Major General Kathy Frost was a respected leader who will be greatly missed by her family, her friends, and her colleagues. She and her husband were dear friends of mine and I know the members of the House will join me in extending heartfelt condolences to Major General Kathy Frost's family.

HONORING THE 60TH ANNIVERSARY OF THE JOHNSON-PHELPS ALL AMERICAN VFW POST #5220

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2006

Mr. LIPINSKI. Mr. Speaker, I rise today to honor the 60th anniversary of the Johnson-Phelps All American VFW Post #5220 in Oak Lawn, IL. Since its establishment, Post #5220 has enriched the lives of its members and faithfully served the community. Today, Post #5220, under the guidance of Commander Joseph Stachon, has over 600 members and is one of the most active VFW Posts in the Chicagoland area.

Area veterans, returning from the Second World War, formed the Johnson-Phelps VFW Post between 1944 and 1945 and received a formal charter in 1946. Initially, members gathered at the Oak Lawn Public Library and later held functions at Brandt's Dug-Out. In 1951, the Post moved into its current location at 52nd and Yourell Drive.

Throughout its history, Post #5220 has successfully brought veterans of all ages and backgrounds together. Members of the Post and its Ladies Auxiliary have a strong reputation for participating in community service events, performing volunteer work at hospitals, and spearheading donation drives and fundraisers for charity. Through the work of its members, the Post continues to make a difference in the lives of countless individuals and has a tremendous impact on the surrounding community.

It is my great honor to recognize the 60th anniversary of the Johnson-Phelps All American VFW Post #5220 and commend the outstanding work of its members. As we celebrate the members' accomplishments today, we also thank them for their dedicated service in defending everything that our great Nation represents. Our society is forever indebted to our Nation's veterans for their unyielding bravery, courage, and perseverance.

TRIBUTE TO ARCH T. DOTSON

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2006

Mr. HINCHEY. Mr. Speaker, I rise today to honor the life and memory of an inspiring man and longtime constituent, Professor Arch T. Dotson, who passed away last April at the age of 85. Over the course of his remarkable life, Prof. Dotson ("Arch") served as teacher, friend, and mentor to all who knew him.

Professor Dotson truly is an exemplar of the American success story. Born the second of three sons to tenant farmers in Kentucky, he graduated from Transylvania University in 1941 and joined the U.S. Air Force as a test pilot throughout World War II. In September of 1945, he decided to go to Harvard University for graduate school. He would recount the story of his experience with the associate dean: "She looked at my transcript and she looked at me in my full officer's uniform and finally said, 'Harvard can afford to take a few chances.'" Five years later, Arch left Harvard Square with a Ph.D. in government.

His career at Cornell University spanned 50 years, during which he had an immeasurable impact on the campus and its students. In 1969, 18 years after arriving in Ithaca, Prof. Dotson was named Chair of the Department of Government. In 1979 he became founding Director of the Cornell in Washington program, and in 1984 undertook the same role for Cornell Abroad. From 1991 to 1996 he served as Director of the Cornell Institute for Public Affairs. During this time, he also consulted internationally, helping India with regional development, assisting with the opening of a College of Public Administration in the Philippines, and working for the United Nations.

Professor Dotson had a tremendous impact on all whose lives he touched. The Cornell in Washington and Cornell Abroad programs are now cornerstones of the Cornell experience, with over 1,000 students participating in them each year. A former student says, "He deeply loved all of his students . . . he encouraged us to recognize within ourselves the ability to succeed even if the odds seemed stacked against us." Dedicated to public service, Arch truly believed that everyone, no matter their roots or circumstances, could make an impact on the world they lived in.

Professor Dotson serves as a model for what we all may aspire to become. I am honored to pay tribute to him today, and send my thoughts and prayers to the family and friends of this inspiring figure.

TRIBUTE TO SAYKLLY'S CONFECTIONARY AND GIFTS

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2006

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to a business and a family in my district that, in many ways, exemplify the American dream. The Sayklly's family business has been in the same family for 100 years. Through hard work, perseverance and an admirable entrepreneurial spirit, the family has built an Upper Peninsula institution.

In 1906, a young Lebanese immigrant named Joseph Sayklly opened his own shop in Escanaba, Michigan. The shop, "Sayklly's," carried groceries and homemade candy and ice cream. Eventually, that little store would blossom into a thriving landmark, recognized throughout the Escanaba area. In 1916, Joseph married his wife, Mary, who was also a Lebanese immigrant. Together, Joseph and Mary would have nine children—Josephine, Marge, Angeline, Louise, Elizabeth, Marie, Martha Jean, Fred and Edward. All of the children helped in the business and all of them lived in a small apartment above the store.

Over the years, Sayklly's grew in popularity. Local residents in Escanaba would stop by the store to take home a bag of Sayklly's famous candy or linger at the soda fountain to savor treats made with hand-cranked ice cream. In the early days of Sayklly's, some of the most popular products sold were peanut brittle, hand-pulled taffy, hand-dipped chocolates, peanut clusters and fudge. Many of these same delights are sold today.

When Joseph Sayklly passed away in 1943, Mary maintained the business with the help of her children and Mary's sister Martha Jean. In 1959, Fred moved the candy-making part of the business to Third Avenue North from its original Ludington Street location. Fred also separated the store Sayklly's from the candy production facility.

Shortly thereafter, Marge and Josephine began operating the store, then known as "Sayklly's Confectionary and Gift." Around 1960, Sayklly's stopped selling groceries and concentrated on selling the candies and gift items for which the store has since become so famous.

In 1983 Debbie and Jim Kirby purchased Sayklly's Confectionary and Gifts from Josephine and Marge. Debbie was the granddaughter of Joseph, the original founder of the business. Operating Sayklly's was a homecoming for Debbie who began working in the store at age 12 when her aunts, Marge and Josephine were the proprietors. Today, Debbie fondly recalls how her Aunt Marge instilled into her a sense of customer service, always reminding Debbie to put a smile on her face for customers by saying, "Smile, God loves you."

Today, Sayklly's remains in the same family that started it 100 years ago. Since the enterprising Joseph Sayklly opened the store in 1906, it has been a mainstay in downtown Escanaba. The store continues to be an institution for everyone who lives in Escanaba and throughout the Upper Peninsula. Locals and visitors alike delight in Sayklly's famous chocolates.

Sayklly's has grown over the years. The business now employs 28 people year round and that number increases when extra help is needed during busy sale times such as Christmas, Valentine's Day and Easter. In addition to renovating the store on Ludington Street in Escanaba, the Kirbys have opened Sayklly's outlets in the Delta Plaza Mall in Escanaba as well as the Westwood Mall in Marquette, Michigan.

However, just as the business has grown over the years, the owners have never forgotten their commitment to quality. Sayklly's uses only premium ingredients, still heats candy in big copper kettles and hand-dips all of its chocolates.

Sayklly's remains an anchor of the Escanaba community. As Debbie Kirby notes, what she enjoys most about owning and operating Sayklly's are her customers. Generations of families have gathered at Sayklly's to buy treats, visit with their neighbors or simply see a friendly Sayklly face.

Mr. Speaker, I am proud to admit that I too have been bitten by the Sayklly chocolate bug. Over my 14 years in Congress, I have handed out hundreds of Sayklly chocolate bars, known as "Yooper Bars" to people in Washington, DC. A "Yooper Bar" is a chocolate bar in the shape of Michigan's Upper Peninsula. Everyone from Members of Congress to President Clinton to troops recovering in Walter Reed Hospital from wounds incurred in Iraq have enjoyed a delicious Yooper Bar from Sayklly's.

Mr. Speaker, we all know how challenging it can be for a family to build a small business. Growing a successful business, while also keeping it in the same family for over 100 years, is truly an impressive accomplishment. I ask that the entire U.S. House of Representatives join with the people of Escanaba to observe Sayklly's centennial celebration. Please join me in saluting the Kirbys and all the generations of the Sayklly family who have made "Sayklly's" into a special place that is enjoyed by so many of my constituents.

TRIBUTE TO HOLY TRINITY HUNGARIAN CHURCH

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2006

Mr. VISCLOSKY. Mr. Speaker, it is with great honor and enthusiasm that I recognize the Holy Trinity Hungarian Church in East Chicago, Indiana, as its members celebrate the church's 100th anniversary. The festivities began on Sunday, October 22, 2006, with Holy Mass, and were followed by a jubilee dinner at Casa Maria Banquet Hall in Dyer, Indiana, to celebrate this exceptional milestone.

Around the turn of the 20th century, the Hungarian neighborhood in East Chicago, Indiana, was centered around family, religion, and a yearning for a church of their own. On July 4, 1904, a group met in the home of Stephen Farkas on Alexander Avenue to share ideas for beginning what is now the Holy Trinity Hungarian Church. On November 11, 1906, the cornerstone was laid for the first church building, which was followed by its dedication on the feast of the Holy Trinity in 1907. On Christmas Eve 1907, the first resident pastor arrived, Father Oscar Szilagyi. Though his tenure was short-lived due to the regulations of the Religious Order, Father Szilagyi has the distinction of performing Holy Trinity's first marriage, baptism, and funeral. Though this church, as well as Holy Trinity's second church building, was eventually destroyed by fire, the parishioners and their spiritual leaders forged on. Through their faith, hard work, and dedication, the cornerstone of the third and present church was laid on May 30, 1920, and dedicated on May 22, 1921. Following the rebuilding of the church, Holy Trinity went on to open a school in 1922, and by 1927, Holy Trinity, continuing to expand, saw the development of several organizations, including: Holy Rosary Circle, Altar Society, Holy Name Society, Knights of Holy Trinity, Children of Mary, and Young Ladies Sodality.

The parishioners at Holy Trinity continued to share their faith in communion with one another, surely not without their share of continued struggles. In February 1957, the newly formed Diocese of Gary was established, and Holy Trinity joined the neighboring Catholic parishes in welcoming the Most Reverend Andrew G. Grutka as its first Bishop. Throughout the years, Holy Trinity and its leaders have achieved many milestones and accolades. None, however, was seen as more prestigious than that which occurred on July 10, 2004, when Holy Trinity was honored with a visit from Peter Cardinal Erdo, Primate of Hungary.

Another outstanding milestone in the parish's history took place on May 1, 2005, when the present pastor, Father Alphonse Skerl, celebrated his 50th anniversary of ordination to the priesthood. Through all of the support, generosity, and leadership of Father Skerl for nearly 35 years, along with the dedication of the parish council, staff, parishioners, and organizations, Holy Trinity has reached their most momentous celebration with the 100th anniversary.

Holy Trinity Hungarian Church has been a mainstay in the city of East Chicago and is worthy of this recognition as it celebrated its 100th anniversary on Sunday, October 22, 2006. The church offers an invaluable service to its parishioners and community, providing numerous opportunities for all to join together to experience its rich heritage.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in honoring and congratulating Holy Trinity Hungarian Church on their 100th anniversary. Throughout the years, the clergy and members of Holy Trinity have dedicated themselves to providing spirituality and guidance through the protection of the Hungarian traditions and faith. Their constant dedication and commitment is worthy of our admiration.

TRIBUTE TO LAVEDA CROSS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2006

Mr. SKELTON. Mr. Speaker, it has come to my attention that a longtime community leader in Lexington, MO, has been recognized for her commitment to the Daughters of the American Revolution. LaVeda Cross has been a member of this distinguished organization for twenty-eight years and recently served as Regent of the Lafayette-Lexington Chapter for the past eight years.

Under the leadership of LaVeda Cross, the Lafayette-Lexington Chapter more than doubled its membership while at the same time promoting the City of Lexington and its local businesses. Notably, she traveled the state raising funds for the restoration of the Madonna of the Trail monument in Lexington.

LaVeda Cross not only was active in her local chapter, she also has held many leadership positions with the state chapter of the Daughters of the American Revolution. She has served as the Missouri State Corresponding Secretary, Missouri State Registrar, and Chairman of the Missouri Madonna of the Trail Monument. Her leadership continued at the national level where she served as the National Vice Chairman of the Flag of the United States of America.

As a member of the Daughters of the American Revolution, Ms. Cross devoted much of her time to traveling. She has represented the Lafayette-Lexington chapter at district meetings, fall forums, at the Missouri State Conference, and at the National Continental Congress.

Mr. Speaker, I want to thank LaVeda Cross for her leadership to the community of Lexington, MO, to the State of Missouri, and to her country. I know the members of the House will join me in wishing her well.

CONGRATULATING COACH CHRISTOPHER DONFIELD ON HIS RETIREMENT

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2006

Mr. ROTHMAN. Mr. Speaker, I rise to recognize Mr. Christopher J. Donfield, a resident of Washington Township, New Jersey, for his devoted service to Bergen Catholic High School as an English teacher, guidance counselor, and basketball coach for 46 years.

Christopher Donfield grew up in Teaneck, New Jersey and earned a full academic scholarship to attend Fordham Prep in the Bronx. He continued on to Fordham University, where he majored in both English and Accounting. Shortly after graduating, Chris sought a teaching position at Bergen Catholic High School, where he quickly became a favorite of both students and colleagues alike. He also became coach to the high school basketball team. During his 40 year tenure as the Varsity Head Coach of the boys' basketball team, the Crusaders, Chris led the team to an astounding 648 wins in his 878 game career. This includes a streak of 31 straight winning seasons that began in the 1968–69 season. In addition to his accomplishments as a Varsity Coach, Chris led his team in an unprecedented achievement of 30 straight Bergen County Jamboree appearances, as well as qualifying for the State Tournament 33 times in 34 seasons and winning the Sectional Crown 7 times.

The most significant accomplishment of Chris's career, however, is the impact he had on the thousands of students that he has taught and coached over the years. Chris put his heart and soul into everything he did while he was at Bergen Catholic High School and it shows in the heartfelt respect and admiration the student body and the entire Bergen Catholic community have bestowed upon him.

Today, I would like to recognize Christopher Donfield's dedication to the Bergen Catholic High School community and congratulate him on his impressive coaching achievements. I send him my best wishes on his retirement.

TRIBUTE TO STAFF SERGEANT JONATHAN ROJAS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2006

Mr. VISCLOSKY. Mr. Speaker, it is with great respect and deep sadness that I wish to commend United States Army Staff Sergeant Jonathan Rojas for his bravery in the field of battle and his willingness to fight for his country. Staff Sergeant Rojas was killed in action when his vehicle came under attack by small arms fire near Baghdad, Iraq on October 3, 2006. His sacrifice will be remembered by a community that has been struck hard by the devastating loss of one of its own.

Born in Mexico City, Mexico, Jonathan Rojas moved to Hammond, Indiana in 1990 to be with his family. Following his graduation from Hammond High School in 1997, he attended college for a year and eventually went on to work for several years at a local glass company, prior to joining the Army in 1999.

Jonathan's friends and family recall him as always being playful, the type to never refrain from cracking a joke. They also remember him as a good kid who was never in trouble and loved to spend time with his family. Jonathan was an avid sports enthusiast who participated in soccer and baseball while in school, and as with so many of his generation, he was a true video game aficionado.

Staff Sergeant Rojas leaves behind a loving family that misses him very much. He is survived by his devoted wife, Tasha (Sullivan) Rojas. The couple would have celebrated their fourth wedding anniversary on October 25, 2006, and planned to start a family upon Jonathan's return to civilian life. Jonathan also leaves to cherish his memory his adoring parents, Jose and Catalina Rojas, his brother, William (Norma) Rojas, his sister, Isaura Rojas, and his nephew, William Rojas, Jr., as well as his treasured companions, Diamond, Tyson, and Joker. Staff Sergeant Jonathan Rojas also will be greatly missed by a saddened but proud community and a grateful nation.

Mr. Speaker, at this time, I ask that you and my other distinguished colleagues join me in honoring a fallen hero, United States Army Staff Sergeant Jonathan Rojas. Staff Sergeant Rojas is the sixteenth service member from northwest Indiana to sacrifice his life during Operation Iraqi Freedom, and his passing comes as a setback to a community already shaken by the realities of war. Staff Sergeant Rojas will forever remain a hero in the eyes of his family, his community, and his country. Thus, let us never forget the sacrifice he made to preserve the ideals of freedom and democracy.

IN HONOR OF MARLAND "MARLEY" LYLE HOLTE

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2006

Mr. FARR. Mr. Speaker, I rise today to honor the achievements of my good friend Marland "Marley" Lyle Holte, who was admired by many for his commitment to better the lives of the residents of San Benito County. Marley passed away Saturday, September 16, 2006 at the age of 80, but left a long history of community service. Holte moved to Hollister in 1966 where he was a teacher at R.O. Hardin School for several years before becoming its principal. He served in that position, and later at Rancho San Justo School, for a total of 18 years. Although he retired from teaching in 1987, he never really retired. He started a new vocation in the real estate business and in 1994 opened Crown Realty. That same year, he won election as mayor of the City of San Juan Bautista.

Marley was a familiar face in the community for decades, thanks to his efforts on behalf of the local youth, minorities and particularly the homeless. Friends remember him as a modest person who was reluctant to take credit for his good deeds. Marley served as President of the San Benito County Little League; Commissioner of Hollister's Parks and Recreation Commission; Director of the San Juan Bautista Chamber of Commerce; Member of the San Juan Bautista Planning Commission; President of 33rd District Agricultural Fair Board; and Chairman of the San Juan Bautista Rotary Club.

Marley founded the Community Assistance Program and provided free dinners on Thanksgiving and Christmas. He started the Christmas dinner tradition about 20 years ago after he and his wife decided to combine their money and feed the needy instead of buying gifts for each other. Several years later they started organizing Thanksgiving dinners as well. The Holiday Dinners began in 1985 and have continued ever since. The annual dinners, which have more than doubled in size since their inception, are funded entirely by donations from area businesses and residents. Holte said the success of the dinners is the result of widespread community support.

Marley was well-liked by many for his ability to build consensus and transcend political, cultural and personal borders. He earned the admiration of the Latino community for his good deeds and was elected President of the San Benito County League of United Latin American Citizens, where he served in that position for 5 terms. Many in the Latino community referred to Marley as the "Norwegian-Latino" because of his love of the culture, music and most of all, its people. In addition to serving on nearly every local community organization, Holte had piled up an astounding collection of accolades, including "Realtor of Year" in 1993 and the LULAC "Outstanding Man of the Year" Award in 1996.

Mr. Speaker, I would like to take this opportunity to acknowledge all the wonderful things that my good friend Marley gave to all of us. He will be missed by many including his son, Dan. His departure fills us with sadness but his outstanding work is an example to the generations that come.

RECOGNIZING NEW AMERICA MEDIA'S FIRST NATIONAL ETHNIC MEDIA AWARDS

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2006

Mr. HONDA. Mr. Speaker, I rise today to recognize New America Media (NAM) and The First National Ethnic Media Awards. From its inception, NAM has worked to create a more inclusive public forum and to bring visibility and economic viability to ethnic media, a critical sector of American journalism that covers and serves our country's growing ethnic and immigrant communities that are often marginalized by barriers of culture and language.

NAM has continued to build the profile of ethnic media by developing first a California and now a national awards program to recognize journalists working in the ethnic media and covering stories critical to their communities.

NAM conducted a nationwide poll of ethnic communities in multiple languages that found 52 million adult Americans access ethnic media regularly; ethnic media represent the forefront of civic and independent journalism; it is where ethnic and immigrant Americans turn to find information about their communities, their states, their government, their healthcare, education for their children, their civil rights as citizens in our society—yet ethnic media has received only marginal recognition from the public and private sector.

NAM's work to highlight the important role that ethnic media plays is commendable. NAM's work to create bridges between ethnic media and the mainstream as well as cross-cultural understanding between ethnic communities is praiseworthy. NAM's commitment to honoring the ethnic media through an increasingly prestigious Awards Program is admirable.

Mr. Speaker, I commend New America Media and the First National Ethnic Media Awards for its courageous goal to create a more equitable and integrated American society.

HONORING MR. JOHN STENCEL, PRESIDENT OF THE ROCKY MOUNTAIN FARMERS UNION

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2006

Mr. UDALL of Colorado. Mr. Speaker, I rise today to honor Mr. John Stencel, a tireless ally of rural America and the hardworking farmers and ranchers that call it home.

Mr. Stencel was born and raised on a farm near Greeley, CO, and from the beginning his commitment to agriculture was clear. He was active in 4–H, the Future Farmers of America, and the Farmers Union Youth Program. After graduating from Colorado State University in 1964 he began a career with the Rocky Mountain Farmers Union (RMFU). A few years later John served two years in the U.S. Army and was awarded the Army Commendation Medal for Outstanding Service. After his return, John was elected RMFU President in 1970. His strong leadership abilities were repeatedly demonstrated during his 23 years as president, and in 1993 President Bill Clinton appointed John as the Deputy Administrator for the Farm Service Agency in Colorado. He later worked in Washington, DC, at the Grain Inspection, Packers, and Stockyards Administration as Special Assistant to the Administrator. John then returned to Colorado in 2000 and was once again elected president of the RMFU in 2001.

Unbelievably, through all of this John Stencel also found the time to serve as the president of the Colorado 4–H Foundation, as the vice president of the Colorado Future Farmers of America Foundation, and as a member of the Colorado State University Board of Agriculture. His versatility, dedication, and uncharacteristic leadership are admirable.

I remember sharing time with John on the road during a series of renewable energy tours throughout rural Colorado over the past couple years. I learned quickly of the remarkable ability of this man. Whether the topic was wind power and methane digesters or crop subsidies and cooperative development projects, his grasp of the issues was second-to-none.

Mr. Stencel's forward thinking policies and actions have set an example in the agriculture world. He acknowledges and promotes ideas that need to be brought to the attention of small and large farmers alike. His pending retirement will mark the end of an exceptional career, and finding a worthy successor will undoubtedly be difficult.

Mr. Speaker, I ask my colleagues to join me in honoring John Stencel for his accomplishments, his dedication, and his legacy. Citizens of Colorado and the United States as a whole have benefited from this man's service, and we owe him our gratitude.

TRIBUTE TO THE 40TH ANNIVERSARY OF THE INDIANA DUNES NATIONAL LAKESHORE

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2006

Mr. VISCLOSKY. Mr. Speaker, it is with great respect and admiration that I wish to congratulate the members of the Save the Dunes Council as they celebrate the 40th Anniversary of the Indiana Dunes National Lakeshore. To commemorate this special occasion, the Save the Dunes Council hosted a 40th Anniversary Gala Event on Saturday, October 21, 2006, at Valparaiso University's Brauer Museum of Art in Valparaiso, Indiana.

From its humble beginning, the Save the Dunes Council, created in the Ogden Dunes living room of Dorothy Buell and a mere dozen of her female neighbors, has become one of the most knowledgeable, involved, and respected organizations in Northwest Indiana and beyond. Founded in 1952 with the mission of protecting and preserving the Indiana Dunes, the Save the Dunes Council worked tirelessly toward their goal of creating a National Lakeshore, which they accomplished in 1966. Since that time, the Save the Dunes Council, comprised of local citizens, has continued to fight to protect the lakeshore from man-made intrusions and preserve the environment. Through the efforts of these dedicated individuals, the Indiana Dunes National Lakeshore has nearly doubled in size. Currently, the National Lakeshore consists of more than 15,000 picturesque acres of land, while plans for continued expansion are in place.

The Indiana Dunes National Lakeshore has, for many years, been a popular tourist destination as well as a place where local families and groups can enjoy an afternoon together. Its scenic lake views and magnificent sandy beaches have made the Indiana Dunes National Lakeshore a focal point of Northwest Indiana, while the spectacular Mount Baldy, the largest of the lakeshore's moving dunes at 126 feet, is a sight that visitors are sure to remember. In addition to the magnificent nature views, the Indiana Dunes National Lakeshore offers a wide array of activities to satisfy the interests of all nature-lovers, including: hiking, swimming, bird watching, fishing, camping, and horseback riding, as well as many guided tours and other gatherings.

On Saturday, October 21, 2006, the Indiana Dunes National Lakeshore 40th Anniversary Gala took place and featured a social hour and exhibit tours of the artwork of Frank V. Dudley, an artist who dedicated forty years of his life to the preservation and promotion of the Indiana Dunes. The evening proceeded with a silent auction, formal dinner, speakers, and music.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in honoring the efforts of the members of the Save the Dunes Council, past and present, and in celebrating the 40th Anniversary of the establishment of the Indiana Dunes as a National Lakeshore. These selfless individuals continue to dedicate their time and unrelenting efforts to serve their community through the preservation of the Indiana Dunes National Lakeshore, and I am proud to represent them in Congress.

TRIBUTE TO THE HOUSTON DYNAMO AND THE CITY OF HOUSTON FOR WINNING THE 2006 MAJOR LEAGUE SOCCER (MLS) CUP

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2006

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to congratulate the Houston Dynamo and the city of Houston for winning its first 2006 Major League Soccer Cup.

In front of thousands of soccer fans at Pizza Hut Park, the Houston Dynamo emerged victorious against the New England Revolution with a score of 4 to 3 on penalty kicks after the teams played to a 1–1 draw through regulation and extra time.

This is a fitting conclusion to an amazing season. Congratulations to Kelly Gray, Stuart Holden, Dwayne De Rosario and Brian Ching who successfully converted from the penalty spot in the shootout. Brian Ching was recognized as the match's Most Valuable Player.

This is the Dynamo's first season in Houston, and they have surely made a warm welcome for themselves. The team is lead by 2005 Major League Soccer Coach of the Year, Dominic Kinnear. Let me acknowledge Dynamo investor/operator Philip Anschutz for the time and commitment he has given to U.S. soccer and the city of Houston. I also congratulate the players and their families for making the transition (from San Jose) to Houston. For the players and their families to pick up and come to Houston, Texas and do what they've done this year is impressive. We welcome you with open arms, and we remain devoted to your success. Also, a big thank you and congratulations to Oliver Luck and the entire Dynamo management team family.

The team was created on December 15, 2005 when the San Jose Earthquakes were relocated, allegedly due to San Jose's failure to secure a soccer-specific stadium. Even though all of San Jose's players and coaches moved to Houston, the team's name, logo, history and statistics were not transferred.

The name "Dynamo" refers to Houston's industrial economy and is an allusion to the various Eastern European soccer teams who are called "Dynamo", most notably Dynamo Dresden, FC Dynamo Kyiv and FC Dynamo Moscow. Although unrelated, there was a previous professional soccer team called the Houston Dynamos that played in the old United Soccer League in 1984. The team colors are orange, white, and black.

The Houston Dynamo play their home matches at Robertson Stadium—a 33,000-seat sports stadium located on the University of Houston campus in southeast Houston. A three-year lease was signed to play at the stadium while plans for a soccer-specific stadium are finalized.

This is the Dynamo's first championship in this league, though several of their players won titles with the team's previous incarnation, the San Jose Earthquakes.

My heartiest congratulations, and I look forward to many more celebrations with Houston Dynamo in Houston, Texas.

I look forward to a community-based celebration in heir home stadium in the 18th Congressional district at Robertson Stadium.

A TRIBUTE TO JOHN BROWNE

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2006

Mr. ANDREWS. Mr. Speaker, today, I am proud to honor John Browne, a courageous cancer survivor and citizen from the great state of New Jersey. After winning his battle with cancer, Mr. Browne tirelessly worked to bring hope to others afflicted with this terrible disease. He is truly an inspiration to others and it is my privilege to honor him today.

Diagnosed with a rare form of cancer, John Browne needed a liver transplant to save his life. Now healthy, John is working to make others aware of the importance of organ donation. He works as a volunteer for the Gift of Life Donor Program, an organization that matches donors with patients, Today about 90,000 people in the United States are awaiting an organ transplant. Making the decision to be an organ donor can save lives.

I want to thank John for all that he has done. He was given a second chance at life and selflessly used it to help others in need. John's story proves that one person can make a difference in the world. His volunteer efforts have given hope to cancer patients, and he has made our community, and our Nation, a better place.

TRIBUTE TO JAMES AND JUSTINE DAVIS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2006

Mr. RADANOVICH. Mr. Speaker, I would like to take this opportunity to congratulate James and Justine Davis on the celebration of their 70th year of marriage. James and Justine Davis were married January 3, 1937 at St. John's Rectory in Fresno, California.

James Davis was born in Madera in 1914 on the same property that he lives on today. He is the son of James L. and Gertrude Davis, both long time Madera residents. James was the Madera County Agricultural Commissioner from 1964 until his retirement in 1976. He started working for the agricultural department in 1949. James also farmed cotton, alfalfa, and cattle on his home ranch.

Justine Nicolini was born on a farm in Fresno in 1912 on property that is now adjacent to the Fresno Convention Center. She is the daughter of Jose Nicolini, from Italy, and Rosa Ylarraz Nicolini, from Spain. She worked for Gottschalks Department Store before marriage and held various office positions in Madera after moving to Madera.

James and Justine met on a blind date arranged by friends. The Davis's have one daughter, Patricia Sunia, two grandchildren, and three great grandchildren. James and Justine live in the same house that they moved into after their marriage. Following retirement, James and Justine traveled extensively throughout the United States, Canada, Europe, Mexico, Caribbean, Australia, and Great Britain.

Their devotion to one another is a model for all married couples to follow. As evidence of this devotion, James and Justine have always agreed to not go to sleep angry. They have always maintained a strong love for one another and can often be seen holding hands to this day. I wish James and Justine Davis continued health and happiness in their marriage.

REMEMBERING FRANK LAMBERT

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2006

Mr. WOLF. Mr. Speaker, last week Loudoun County in Virginia's 10th District lost a loyal public servant. Frank Lambert, a former Loudoun County supervisor, passed away on Wednesday, November 8, at the age of 77.

I was honored to call Frank Lambert a friend and to work with him on issues of importance to Loudoun County when he served on the Board of Supervisors during the 1980's.

Mr. Speaker, I submit for the RECORD an obituary from the Leesburg Today newspaper of November 10 which describes the public service of Frank Lambert. We send our condolences to his wife Ruby and all his family.

[From Leesburg Today, Nov. 10, 2006]

FORMER SUPERVISOR FRANK LAMBERT DIES

(By Margaret Morton)

A longtime Waterford area resident, Frank Lambert, 77, died early Wednesday morning at Inova Loudoun Hospital's Cornwall Street campus in Leesburg.

Colleagues and friends were surprised by the news of Lambert's death. Attorney Steve Stockman, who served with Lambert on the county board when Republicans were a rare breed in Loudoun, knew he had been ill, suffering from pneumonia, but he said Wednesday he had visited him in his home north of Waterford less than a month ago. "He seemed strong," Stockman said.

The two Republicans served on the board of supervisors together from January 1984 to December 1987, along with Jim Brownell and Andrew Byrd, with Lambert representing the Catoctin District.

"He was a very nice man, the epitome of a Virginia gentleman," Stockman recalled. He described his former colleague as being "very, very astute, with a brilliant mind." Despite a bit of occasional acerbity, "when he had to," Lambert did not try to force his opinions on others. "He would lay it out and give a brilliant analysis," Stockman said.

Stockman, who was some years younger than Lambert, said he was also very friendly. "I learned a lot from him," he recalled, describing Lambert as almost "Reaganesque" in his warmth and ability to communicate, with a big deep baritone voice.

His political philosophy was "very conservative," according to Stockman. After both had left elective office Lambert and former Leesburg mayor and Leesburg District Supervisor Frank Raffo, a staunch Democrat, did a weekly radio talk show and Brownell recalled Wednesday the two had some "heated exchanges."

"He was very principled, very true to his cause," Brownell said of his former colleague. "If ever there were a loyal and faithful Republican, he was it," he said. Describing Lambert as "very, very conservative," Brownell, whose support for moderation often put him at odds with GOP stalwarts, said that looking back, however, "Frank was probably right about a lot of things."

After Democrat Betsey Brown defeated Lambert as part of the 1987 slow-growth movement, he left active politics, although he remained an ardent Republican, according to Brownell. He also continued in public service as a member of the Loudoun County Library Board and currently as a member of the Loudoun County Animal Control Advisory Board.

Winston "Win" Porter was chairman of the Loudoun Republican Party when Lambert was on the board of supervisors. He echoed the opinions of Lambert's colleagues, calling him "very intelligent and capable, with a lot of ideas."

Don Walker, of Walker and Clarke Construction, recalled another of Lambert's contributions, calling him "the father of communications in Loudoun." Fascinated with radio communications as a youth, Lambert established one of the area's first successful pager companies, Metrocall. Since 1969, he has been president of the Great Eastern Communications Company. He also was a Ham radio operator and held a FCC first class radio telephone license. In the 1960s, Lambert was part owner and manager of WEER in Warrenton and later worked for WAGE in Leesburg.

Lambert's pioneering paging business was not without controversy, and some opposed it, especially the tall radio tower that was erected at his home north of Waterford. "But, no one at the time had instant communications," including those who would most need them, such as doctors, nurses or fire and rescue workers, Walker said. Ironically, he recalled, one of the opponents had a heart attack and it was one of Lambert's pagers that helped save her life.

But Lambert was more than just a successful businessman to Walker. "He was my neighbor and friend, from the day he moved here in the mid-1970s," he said. It was a friendship that lasted from the first day. Walker, as a young man, met the older Lambert, when he went up to help him move into his house, to Wednesday morning's news that he had died.

Describing Lambert as "a very professional and academic man, a caring member of the community and a great lover of animals," Walker asked him to be godfather to his two sons.

"I would trust him with anything I had, or would hope to have, in my life," he said this week.

He is survived by his wife Ruby; sons Roger Lambert of Andros Island, Bahamas, and Christopher Lambert of Waterford; grandsons Michael and James Lambert; granddaughters Constance and Angela Lambert; and brother Roland Lambert of Connecticut.

Graveside services will be held at 1 p.m. Monday, Nov. 13 at Union Cemetery with the Rev. Edwin Urban officiating.

COCAINE IN EUROPE A WAKE UP CALL

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2006

Mr. BURTON of Indiana. Mr. Speaker, last September, the Committee on International Relations' Subcommittee on the Western Hemisphere and the Committee on the Judiciary's Subcommittee on Crime, Terrorism, and Homeland Security held a joint hearing on the increased cocaine drug flow to Europe, in an effort to encourage our European friends and allies to provide more help to the Andean region, and Colombia in particular.

At a November 2, 2006, Shared Responsibility Conference in London, which was sponsored by the Government of Colombia, the UN Office of Drugs and Crime, UNODC, Executive Director Antonio Maria Costa sounded similar alarm bells on the massive increase in cocaine flow to Europe from Colombia and the Andean region. He said, regarding cocaine, among many important things, "Wake up Europe! You are heading for a crisis."

I ask that the full text of the UNODC official's statement on this important subject be printed in the CONGRESSIONAL RECORD, and urge all my colleagues to see how the burden of our drug-fighting efforts in Colombia and elsewhere in the region ought to also be shared by our European friends as well.

UNITED NATIONS

Office on Drugs and Crime

Antonio Maria Costa, Executive Director

COCAINE IN EUROPE: A WAKE-UP CALL

Dialogue on Shared Responsibility and the Global Problem of Illicit Drugs

Ladies and Gentlemen, I have some good news and some bad news. The good news is that in most of the world, demand for cocaine is stable or even dropping. Coca cultivation has been slashed by a quarter in the past five years. And seizures of cocaine have almost doubled during that period. An astounding 42% of an cocaine produced was seized in 2005.

The bad news is the upward trend in Europe. I am not afraid to name and shame the worst offenders—Spain, England and Italy. The level of cocaine use in Spain which is 3% among those aged 15 to 64—now exceeds (for the first time ever) levels of cocaine use in the United States. And the UK is not far behind. In 2005, annual prevalence for cocaine use in this country was 2.4%, up from 0.6% a decade earlier.

Look at another leading indicator. Ten years ago, in the Netherlands 20% of all new clients entering treatment for drug abuse were addicted to cocaine. Less than a decade later the proportion was 40%. In Spain, the proportion in 1995 was 7%. In 2002 it was 42%. and I would bet that the proportion has continued to rise since then.

Wake up Europe! You are heading for a crisis. We are facing a pandemic, and not only because of coca addiction by high profile entertainers, executives, models or socialites who flaunt their illicit drug, use in words and deeds. This is a symptom of a deeper problem—one made worse by uncritical reporting in the media.

What will it take to get people to take the problem seriously? A phone call from a hospital that your child or colleague has had an overdose? Or was caught in the cross-fire of a drug-related shooting? Or killed in an accident under the influence of drugs? That's what happened in America's cities in the 1980s, especially as coca turned into crack. If we are not careful it is coming to our neighborhoods.

Europe's growing cocaine problem is due to a number of factors.

First, drug addicts are switching from narcotics, heroine, to psychoactive substances. Coca is fashionable because it is attractive: white not dark; sniffed not injected; taken in a living room; not in a dark alley; symbol of success not evidence of failure. Second and because of all of the above, cocaine users are in denial, no chance of AIDS, a trendy white collar habit. Celebrities get away with it so when is the problem? Well, there is a problem as recognized by a 17 year old inmate I met in a prison in Naples: "I thought that I could control the white lady—la signora bianca—that I could have her whenever I wanted. But soon she controlled me, and I became her slave."

Secondly, governments are in denial. Too many governments—particularly in rich countries—fail to invest political capital to prevent and treat drug abuse. As a consequence, their societies have the drug problem they deserve.

Interesting is the case of Sweden. Over the past three decades, successive governments have invested consistently and significantly in drug treatment and prevention. As a result, Sweden has been one of the cleanest—most drug-free—societies in Europe. Well: but even there, cocaine abuse is creeping in.

Economists have recognized for centuries that bad money chases away good money. Bad habits spread quickly; especially in affluent, fast-paced societies. Emerging economies, in particular, should be on the alert for a rise in cocaine use, including in Russia and China where health ministers have told me that there are no problems with cocaine in their countries. My response? Brace yourself. It's on the way.

Europe's cocaine habit is not only causing problems on this continent. It is making life difficult for President Uribe and other Andean leaders, not to mention all states between here and Latin America affected by drug trafficking.

So we face a problem of credibility. How can Europe urge the Andean countries to reduce supply when its drug habit is driving cultivation?

We all need to get serious about assuming our responsibility for the drug problem. I therefore applaud the Colombian Government's efforts to promote a dialogue on shared responsibility. What are some ways that we can work together?

Surely we should do more to support alternative development. Most illicit crop growers (Afghanistan, Colombia or Laos), live in some of the poorest communities in the world. Crop eradication will not work over the long term if there is no legal economy to replace it. Drug control and development must therefore go hand in hand.

International donors should provide more assistance to coca farmers. For its part, I urge the Government of Colombia to involve a broad range of ministries in developing a coherent alternative development strategy that will assist coca farmers.

More attention should be devoted to the environment. Coca farmers and producers slash and burn forests, pollute streams and damage fragile ecosystems (by the use of toxic chemicals). The Andean region has less than 1% of the world's land area, but more than 15% of the world's plant life. At a time when we are all so concerned about climate change, I urge all Europeans to think about the destruction done to our habitat for the sake of a line of cocaine.

The billions of dollars made through the narco-economy are empowering cartels, funding insurgency and financing terrorism. Cocaine ruins everything along the trail from the Andean countries through the Caribbean, Mexico, and West Africa to lucrative markets in Europe and North America, where gun crime and gang violence associated with the drug trade have turned some urban neighborhoods into war zones.

Ladies and gentlemen. The alarm clock is ringing. Europe: it is time to wake up and get going. Supply control is not enough. Imagine that this year we seize all 900-odd tons of Andean cocaine. Well as many tons will be produced next year.

Imagine if Andean farmers gave up all their coca crops. Francisco, this is your dream!! That is not enough, since demand by the world's 13 million cocaine addicts will generate as much cultivation somewhere else.

Plainly speaking, the mother of all drug control challenges is drug prevention, treatment and rehabilitation. This too is a shared responsibility in our communities. Drugs are too big a problem to be left to drug experts. Society at large should be actively engaged.

Only by working together on all aspects of drug control will we be able to move towards a healthier and safer world.

Thank you for your attention.

HONORING HIS EXCELLENCY EURIPIDES EVRIVIADES, AMBASSADOR OF THE REPUBLIC OF CYPRUS

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2006

Mr. BILIRAKIS. Mr. Speaker, it is my distinct pleasure to honor the departing Ambassador of the Republic of Cyprus to the United States, His Excellency Euripides Evriviades.

Ambassador Evriviades has served in this post since December 2003, but his diplomatic career is long and distinguished. Prior to serving as Cyprus' Ambassador to the United States, he served as the Ambassador to the Netherlands, August 2000 to October 2003, and Ambassador to Israel, November 1997 until July 2000. Since 1976, he has served in a variety of diplomatic positions, proudly representing Cyprus and her citizens.

It has been my honor and privilege to work with Ambassador Evriviades on issues important to Cypriots. I have come to regard him as an effective, determined, and passionate advocate for his country, a man who remains committed to the reunification of Cyprus and who has pursued this goal even when it put him at odds with others.

I want to bid a fond farewell to Ambassador Evriviades and offer him my congratulations and appreciation for his 3 years of service in our Nation's Capital. I praise the Ambassador for his tremendous efforts and contributions to raise awareness among Members of Congress and administration officials of Cyprus' desire to be reunified. He will be greatly missed, and I wish him all the best in the years to come.

RECOGNIZING HANS GEISSLER OF DADE CITY, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2006

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise to honor Hans Geissler, the founder of Morning Star Fishermen. Mr. Geissler was recently selected from a group of volunteer and service organization workers aged 60 and older who were nominated to participate in a symposium at Stanford University. This symposium highlights community service and the use of business experience in the volunteer service field.

Since leaving the French Foreign Legion and retiring from a career as a plumbing contractor, Mr. Geissler has worked tirelessly to help solve one of the world's biggest problems—world hunger. Based out of his 11-acre facility in Dade City, Florida, Mr. Geissler teaches aquaculture classes to people from around the world. Morning Star Fishermen also works to help establish tilapia-breeding tanks in foreign nations. Students who travel to the Dade City facility learn how to raise tilapia as a high-protein food source back home in their own communities around the world.

Civic Ventures, a think tank based in San Francisco, noted Mr. Geissler's work. Civic Ventures asked for nominations of people over the age of 60 who are using their experience to solve social problems. The think tank received 1,200 nominations, and named 71 Purpose Prize Fellows.

Mr. Geissler will attend the symposium in September and hopes to work with other participants to gather new ideas on how best to grow Morning Star Fishermen into the future.

Mr. Speaker, civic-minded individuals like Hans Geissler help make our cities and municipalities better places to live and work. The motto of Morning Star Fishermen is "Give a man a fish, he eats for one day. Teach a man to raise fish, the whole community eats." People like Hans Geissler prove that one person can indeed make a positive difference throughout the world.

TRIBUTE TO DR. J. OTIS WILLIAMS

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2006

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a doctor, who has had a tremendous impact on his profession and his colleagues. Dr. J. Otis Williams is a renowned chiropractor in South Carolina, who is being honored on November 19, 2006 by his peers with a Trailblazer Award.

It is clear why Dr. Williams would receive this recognition. He was instrumental in insuring a good scope of practice for South Carolina chiropractors in the 1980s when an examining board for the profession didn't exist. He remains dedicated to the cause of high quality chiropractic care, and has served on South Carolina Chiropractic Board of Directors. He has been very involved with legislative matters governing the profession.

Otis Williams was born in Ridgeland, South Carolina in 1947. He was raised by his grandmother, until she died when he was just 11 years-old. From the time he was young, Otis Williams knew he wanted to be a doctor. He graduated from Robert Smalls High School and Morehouse College, and went on to pursue his chiropractic degree at the National College of Chiropractic (now National University of Health Sciences).

Dr. Williams returned home to South Carolina and began his practice on Lady's Island in 1978. He sees a wide range of patients from infants to centenarians. He has done postgraduate work in chiropractic orthopedics, acupuncture, addictionology and compulsive disorders, nutrition, and is presently studying for board certification as a chiropractic internist.

Mr. Speaker, I ask you to join me today in congratulating Dr. J. Otis Williams on this recognition by his peers. He is truly a trailblazer, who is dedicated to continuing his personal development and the development of his profession. I commend Dr. Williams for his remarkable work.

TRIBUTE TO BENITA A. ALLISON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Benita A. Allison, a distinguished citizen of Brooklyn, New York. It behooves us to pay tribute to this outstanding woman and I hope my colleagues will join me in recognizing her many accomplishments.

Born to the late Lamonias Smith-Ody and William Smith, Benita A. Allison remains a part of the Brooklyn community today. Ms. Allison is a product of the New York public school system and has received certificates from Brooklyn College and New York University.

Ms. Allison has had many firsts in her career and life, among them; she was the first Black woman to be an Institutional Stock Trader for a major bank in New York City. She was accepted in one of the first classes that included woman of color to enter and graduate from the New York City Police Academy as a New York City Police Officer where she served 18 months.

Ms. Allison has been very involved in the community. She represents her church, 1st Baptist Church of Crown Heights, as a "Mission Advocate". Ms. Allison holds numerous memberships and sits on many community boards. She sits on the Economic Development Board of Community Board 8 and is a member of the Service Corp of Retired Executives. Ms. Allison is a lifetime member of Church Women United in Brooklyn and is a past member of the National Council of Negro Women (Flatbush Section). Ms. Allison served as a Regional Resource Consultant for U.S. Department of Health and Human Services, where she was responsible for providing capacity building services to the minority community/faith based HIV/AIDS population. She has also served on the Mental Health Advisory Board for Brookdale University Hospital in Brooklyn, New York and the Pastoral Care HIV/AIDS Advisory Board for Kings County Hospital in Brooklyn.

Since 2003, Ms. Allison has worked as a Parent Coordinator for New York City Department of Education. As a Parent Coordinator she works and partners with community organizations to assist parents and families with such issues as housing, employment, adult training and education. She has held workshops to address such topics as adult education training, immigration and conflict mediation.

Ms. Allison's work has not gone unnoticed and has earned her recognition from the New York City Conference of Mayors, the New Jersey HIV Care Network and Barber-Scotia College.

Mr. Speaker, I believe that it is incumbent on this body to recognize the work of Benita A. Allison. Her deep commitment to her family and community makes her most worthy of our recognition today.

IN MEMORY OF WOODROW WILSON HOWARD

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2006

Mr. WILSON of South Carolina. Mr. Speaker, Woodrow Wilson Howard died October 10, 2006, at his home. He was 94 years old. He was born in Catawba County, North Carolina, to the late Cleveland Franklin and Antha Leona Sigmon Howard.

Mr. Howard began his retail career in 1934 with Belk Department Store and, in 1938 with Belk as partner, he founded Howard's, located on Assembly Street in Columbia. He stayed with Belk for 64 years. He moved the Assembly Street store to Parkland Plaza in Cayce in 1977. Ultimately, the Howard's doubled in size and expanded to include Howard's Sports. Mr. Howard retired from Belk in 1998. Over the years he sold everything from basic work clothes to high fashion trends. He claimed he never took a coffee break.

Mr. Howard was a vital member of the community. He had been a member of Mt. Tabor Lutheran Church for 66 years. He was a charter member and past president of Cayce-West Columbia Lions Club and was named the World Champion Broom Salesman by the national Lions Club in 1976. He served on the Advisory Board and was an original stockholder of Lexington State Bank (now BB&T), served on the Board of Directors of the West Columbia-Cayce Chamber of Commerce, was a member of the Central Midlands Regional Planning Council and its Committee of 100, served on the Board of Directors for the Lowman Home, was a lifetime member of Sinclair Lodge No. 154 and was named "Citizen of the Year" by the City of West Columbia in 1985.

Mr. Howard was elected to West Columbia City Council in 1961 and served for 30 years. He acted as Mayor Pro Tem for 28 years. While campaigning, his slogan for re-election was "If you don't know me ask your neighbor." He was honored with the Order of the Palmetto in 1998.

Mr. Howard is survived by his wife of 68 years, Elizabeth G. "Lib" Howard; his son and daughter-in-law, Jerry and Mary Howard of Lexington, his son and daughter-in-law, Tommy and Gloria Howard, also of Lexington, and his daughter and son-in-law, Marianne and Larry Yoder of Newton, North Carolina. He is also survived by his grandchildren, GG Howard and Robert Culpepper of Atlanta, Georgia, Chip Howard of Lexington, Melissa and Jim Henshaw of Isle of Palms, Shannon and Bert Pooser of Columbia, Amy and Jason London of West Columbia, Michael Howard of Columbia, Nathan Yoder of Regensburg, Germany, Joshua Yoder of Hickory, North Carolina, and David and Krissy Yoder of Pinehurst, North Carolina; as well as his great-grandchildren: Cate Simmons, Jerod and Lucy Culpepper, Bane London, Sam Henshaw and Maddox Pooser. Mr. Howard was predeceased by his brothers, Harry, Ray, and Franklin Howard and his sister, Alice Howard Cooper.

At the funeral services on October 13, 2006; a eulogy was lovingly delivered by his granddaughter GG Howard which highlighted his many achievements.

HONORING HERITAGE ELEMENTARY SCHOOL FOR BEING NAMED A NATIONAL BLUE RIBBON SCHOOL

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2006

Mr. MARCHANT. Mr. Speaker, I rise today to recognize Heritage Elementary School located in Colleyville, Texas for being named a 2006 No Child Left Behind—Blue Ribbon School. Only 26 public schools in Texas will receive this coveted award this year.

The No child Left Behind Blue Ribbon Schools program recognizes schools that make significant progress in closing the achievement gap or whose students achieve at very high levels. Schools must make adequate yearly progress in reading, language arts and mathematics.

Heritage Elementary is no exception as Principal Stacy Voigt, her staff, the students and their families have poured dedication and heart into creating a fertile learning environment in Colleyville. They have realized the immense potential of all those involved in making a school Blue Ribbon-worthy.

The No child Left Behind Act is the bipartisan landmark education reform law designed to change the culture of America's schools by closing the achievement gap offering more flexibility to States, giving parents more information and options and teaching students based on what works. Under the law's strong accountability provisions, States must describe how they will close the achievement gap and make sure all students, including those with disabilities, achieve academically.

I extend my sincere congratulations to Heritage Elementary School for receiving this award. This school's contribution and services should serve as inspiration to us all.

TRIBUTE TO DR. VICTOR RODRIGUEZ

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2006

Mr. PAUL. Mr. Speaker, I am pleased to honor Dr. Victor Rodriguez, a native of Edna, Texas in my congressional district. Dr. Rodriguez's achievements in, and dedication to, education are an inspiration to us all. As detailed in his autobiography, The Bell Ringer, Dr. Rodriguez developed endurance and perseverance at an early age when his third grade teacher assigned him the task of ringing the bell for the St. Agnes Catholic Church.

For 9 years, Victor Rodriguez woke up at 4 a.m. and jogged two miles to the church to ring the bell before the 5 a.m. mass. While this was obviously a difficult responsibility for a child, Dr. Rodriguez later said that he "came to accept ringing that bell as an honor . . . whenever I was tired and didn't feel like getting out of bed, I remembered my mom's encouragement. She used to say that if you do something, do it to the very best of your ability."

The importance of hard work, endurance, and dedication that Victor Rodriguez learned as a bell ringer stayed with him throughout his life. Dr. Rodriguez was a star athlete who set many records and won numerous trophies at Edna High School, Victoria College, and North Texas State University. After earning his Ph.d, Dr. Rodriguez began a successful career as a teacher and as a coach of several championship track teams. In his work as a teacher and coach, Dr. Rodriguez inspired his students to strive to achieve their goals and dreams.

During Dr. Rodriguez's 12 years as superintendent of the San Antonio School District, the dropout rate was reduced from 50 percent to less than 10 percent. Applying the lessons in perseverance he learned as a young bell ringer, then superintendent-elect Dr. Rodriguez promised San Antonio School District's kindergarten class that he would stay as superintendent as long as they were in school. Of course, Dr. Rodriguez kept that promise, not retiring until 1994 when the kindergartners of 1981 were seniors in high school.

During his tenure as superintendent, Dr. Rodriguez won numerous awards and honors, including an achiever award from the Alamo Area Council of the Boy Scouts of America, representative from Texas in the 1989 National Superintendent of the Year Award Program sponsored by the American Association of School Administrators and the Service-Master Company, induction into the National Hispanic Sports Hall of Fame; and honoree in Ford Motor Company's Hispanic Salute recognizing San Antonio Hispanics for outstanding contributions to education and literacy. Executive Educator magazine twice named Dr. Rodriguez one of the Hundred Top School Executives in the nation. Just last month, Dr. Rodriguez was honored by his alma mater by being named a 2006 inductee into the University of North Texas's Athletic Hall of Fame.

Dr. Rodriguez's application of the lessons he learned, as a young church bell ringer should serve an example to all of us. It is a pleasure to offer my congratulations and thanks to Dr. Victor Rodriguez for all of his efforts to help Texas schoolchildren.

HONORING JULIA PON ON THE OCCASION OF HER 80TH BIRTHDAY

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2006

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise today to recognize a woman who whose quiet contributions in her support for her family make her community of supporters proud.

A native Californian and the daughter of immigrants, Julia Pon grew up on the orange groves of San Juan Capistrano, and after graduation from San Francisco College for Women, came to Santa Clara Valley to join her husband, Joe, in working and caring for the orchards for which our valley was world famous. As a great tribute to her patience and understanding, Julia Pon raised 9 children with her husband.

As Julia celebrates her 80th birthday on December 10, 2006, we celebrate a strong and courageous woman who has raised family members who have become successful members of society and who has lived a demonstrable life.

RECOGNIZING BOB AND SHARON BLANCHARD OF DADE CITY, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2006

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise to honor a husband and wife from Dade City, Florida who were recently awarded the prestigious 1000 Friends of Florida Award. Bob and Sharon Blanchard are the owners of a two thousand plus acre working ranch in the heart of Pasco County. In addition to breeding horses and cattle and hosting an annual steeplechase event, the Blanchards have taken the extra step to provide environmentally sensitive stewardship of their ranch.

Little Everglades Ranch has been reforested and is a conservation easement, assuring it will be protected from development. The Blanchards have also taken leadership roles in the Coalition to Protect Our Water Resources.

During his acceptance of the award, Bob Blanchard said that after his retirement, he was wondering what to do with the rest of his life. He credits his wife for being the driving force behind their efforts to make waves for the good of the community.

1000 Friends of Florida promotes healthy urban and natural places by wise management of growth and change. 1000 Friends of Florida helps citizens have the technical knowledge and access needed to ensure that public and private decisions lead to livable communities.

Mr. Speaker, environmentally engaged citizens like the Blanchards are to be commended for not only maintaining a working ranch in the midst of a growing suburban region of Florida, but for also doing so in a way that protects our fragile ecosystem. I Applaud the Blanchards on earning the 1000 Friends of Florida award and wish them the best of luck in their future endeavors.

TRIBUTE TO DR. JOHN HENRY PORTER, JR.

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2006

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a doctor and educator, who works every day to expand the chiropractic profession. Dr. John Henry Porter, Jr., is a highly-regarded chiropractor in my home State of South Carolina, and he is being recognized by his peers on November 18, 2006 as a trailblazer.

John Porter is a native of Spartanburg, South Carolina, where today he has a successful practice and teaches aspiring chiropractic students at his alma mater, Sherman College of Straight Chiropractic. As an Associate Professor of Clinic Sciences, Dr. Porter teaches Toggle Recoil and Full Spine. He has been with the college since 1979, and enjoys helping students enter the exciting and rewarding career of Chiropractics.

While teaching students, Dr. Porter has also continued his education by taking courses in Chiropractic Radiographic Interpretation, Adjusting Methods, and Chiropractic Principals. He holds state licenses in both South Carolina and Tennessee.

Dr. Porter attained his undergraduate degree from Claflin University and he studied Business and Data Processing at Spartanburg Technical College. He is married to the former Errie Bobo, and the couple has three adult children.

Mr. Speaker, I ask you to join me in thanking Dr. John Henry Porter, Jr., for his commitment to chiropractics and his desire to teach a new generation the skills needed to succeed in the profession. Dr. Porter is a tremendous advocate for chiropractors, and very deserving of his recognition as a Trailblazer by his peers.

TRIBUTE TO WAYNE C. WILTSHIRE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of the jazz musician, Wayne C. Wiltshire, distinguished artist of the music industry. It behooves us to pay tribute to this outstanding artist and I hope my colleagues will join me in recognizing his impressive accomplishments.

Wayne C. Wiltshire has spent his entire 33 year career trying to improve access to healthcare for thousands of New Yorkers. First, as administrator for Emergency and Ambulatory Care Services at Cumberland Hospital and then as Associate Executive Director at Woodhull Hospital, which he helped open in 1982. Mr. Wiltshire then returned to renovate the new Cumberland D&TC, and served as their first Executive Director for 8 years. He later was transferred to Bellevue Hospital where he served for 5 years as the hospital's first African-American Associate Executive Director for Psychiatry and Emergency Services. During this time, Mr. Wiltshire was also an adjunct professor at St. Joseph's College in Brooklyn and owned his own ambulette service—Health Link, Incorporated with his father Cuthbert Wiltshire and brother David Wiltshire. With a Master's Degree in Community Health from LID and a Bachelor of Arts degree in Urban Politics from Shaw University, Mr. Wiltshire, a Canarsie High School graduate, is currently the Chief Executive Officer for the Paul J. Cooper Center for Human Services, Inc., formerly the Brownsville-Oceanhill Mental Health Service.

Mr. Wiltshire celebrated his twenty-first wedding anniversary in July with his wife Donna, who is also a twenty-nine year health professional. They have four children—Marc, Ngina, Kelli-Lin and Victor. From Fort Greene to Williamsburg, and now Brownsville, Mr. Wiltshire has helped shape the health care landscape of Brooklyn, which has helped improve access to health care for thousands of New Yorkers.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Wayne C. Wiltshire. His commitment to improving healthcare access makes him most worthy of our recognition today.

IN MEMORY OF RICK DANIEL

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2006

Mr. WILSON of South Carolina. Mr. Speaker, the pro-Second Amendment community lost a true friend last month, with the passing of Herman Richard Daniel of Irmo, SC. "Rick" died due to complications from aortal heart issues. He was 45.

He was the son of Evelyn Spires and the late Herman Daniel. Rick was a member of the New Heights Baptist Church.

A longtime aide to South Carolina Comptroller General, Richard Eckstrom, Rick had a distinguished and passionate career in the service to causes in the defense of freedom. Rick served ten years as the President of Gun Owners of South Carolina and the NRA State Association. He was the only non-legislator in South Carolina to be named "Defender of Freedom" by the National Rifle Association and was also named the first ever NRA Member of the Year by "America's First Freedom" magazine. Rick was known for his powerful essays and articles on the subject of freedom and was recently awarded the Second Amendment Foundation's "James Madison Award" for excellence in writing. Rick was also a proud officer in the South Carolina State Guard.

Rick is survived by his loving wife Esther and two daughters, Heather Rhea and Kara Nina; his brother Jim and wife Tonette with niece Jamie, and sister Linda and her husband Charley Butler.

Rick was a patriot, loving father, devoted son, and dedicated servant of the Lord. His quick wit and personal charm will leave us all missing him.

HONORING ROCKENBAUGH ELEMENTARY SCHOOL FOR BEING NAMED A NATIONAL BLUE RIBBON SCHOOL

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2006

Mr. MARCHANT. Mr. Speaker, I rise today to recognize Rockenbaugh Elementary School located in Southlake, Texas for being named a 2006 No Child Left Behind Blue Ribbon School. Only 26 public schools in Texas will receive this coveted award this year.

The No Child Left Behind Blue Ribbon Schools program recognizes schools that make significant progress in closing the achievement gap or whose students achieve at very high levels. Schools must make adequate yearly progress in reading, language arts and mathematics.

Rockenbaugh Elementary is no exception as Principal Karen White, her staff, the students and their families have poured dedication and heart into creating a fertile learning environment in Southlake. They have realized the immense potential of all those involved in making a school Blue Ribbon-worthy.

The No Child Left Behind Act is the bipartisan landmark education reform law designed to change the culture of America's schools by closing the achievement gap, offering more flexibility to States, giving parents more information and options and teaching students based on what works. Under the law's strong accountability provisions, States must describe how they will close the achievement gap and make sure all students, including those with disabilities, achieve academically.

I extend my sincere congratulations to Rockenbaugh Elementary School for receiving this award. This school's contribution and services should serve as inspiration to us all.

STATEMENT ON HELEN CHENOWETH-HAGE

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2006

Mr. PAUL. Mr. Speaker, with the passing last month of Helen Chenoweth-Hage, America has lost one of its true champions of liberty and constitutional government, and I have lost a valued friend and colleague. When Helen served in the House of Representatives, she gained a national following for her principled and uncompromising defense of private property, the Second Amendment, American sovereignty, and limited federal government.

Unlike all too many people who come to Washington, Helen never forgot the principles that inspired her to seek office. I was honored when Helen became the first member of Congress to join my Liberty Caucus. She understood the importance of creating a support system to help members of Congress resist the constant pressures to "go along to get along."

I will always cherish my memories of the time Helen and I served together in the House, and I thank the Lord for enriching my life and the lives of so many others by granting us the opportunity to know Helen. I hope that knowledge of how many freedom-lovers across the country join Helen's family in mourning her loss provides some measure of comfort to Helen's family.

HONORING DENNIS KENNEDY UPON HIS RETIREMENT AFTER 30 YEARS OF PUBLIC SERVICE TO THE CITY OF MORGAN HILL

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2006

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise to honor Mr. Dennis Kennedy who has served the City of Morgan Hill in various capacities for the past 30 years.

Since 1977, one year after Mr. Kennedy moved to Morgan Hill, he has been involved in various roles within the City of Morgan Hill's local government. He served three terms on the Planning Commission and two terms on the General Plan Update Committee.

In 1990 he stood for election and won a seat on the City Council. He has served four terms as the mayor of the City of Morgan Hill. He was appointed to his first term in 1992. In 1996, he became the first directly elected mayor and was re-elected in 1998, 2000, 2002 and 2004.

He is past chairman of the South County Regional Wastewater Authority, has served two terms on the Board of Directors of the Valley Transportation Authority and is a past-president of the Santa Clara Cities Association.

Mr. Kennedy has always been mindful of his commitment to the Santa Clara Valley and, although he was born in Nebraska, he has acted like a true local when community interests were at stake. Mr. Kennedy moved to San Jose, California during his high school years and attended Bellarmine College Preparatory School in San Jose. He earned a Bachelor's degree in Mechanical Engineering from Santa Clara University and served as a Lieutenant in the U.S. Army.

Professionally, it has been a pleasure to work with Mr. Kennedy because he sincerely cares about the residents of the City of Morgan Hill and their interests. I know I stand with many other thankful constituents in congratulating Mr. Kennedy on his years of service and wishing him the very best for his retirement.

HONORING THE RETURN OF BATTERY B, 2ND BATTALION, 116TH FIELD ARTILLERY

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2006

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to recognize the exploits of one of Florida's National Guard Units—Battery B, 2nd Battalion, 116th Field Artillery.

In April of 2005, 139 soldiers from Battery B began a deployment that would take them to Afghanistan. For over a year, the unit brought security to the Afghani people by conducting patrols, guarding critical military bases, and providing a presence to deter Taliban insurgents. This past July, after their heroic service, elements of Battery B began returning to the United States. Thankfully, during their deployment, the unit suffered no fatalities.

Last month, I had the privilege of meeting with these brave individuals, many of whom live within my congressional district. The courage and selflessness of our soldiers never ceases to amaze me. I was also touched when I learned that during its tour, Battery B used an American flag that flew over the United States Capitol—a little piece of home halfway around the world.

Mr. Speaker, the war on terror is a long-term commitment, one that will require courage, sacrifice, and hard work. When I see the steadfast resolve of soldiers with Battery B, I know that we will prevail in this conflict. In closing, I want to thank the men and women in our Armed Forces, as well as their families, for making tremendous sacrifices to defend our freedom. May God bless you all.

TRIBUTE TO DR. BEATRICE GAMBLE-FRANKLIN

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2006

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a remarkable doctor and South Carolinian, who, on November 19, 2006, will be the only female recipient of the Trailblazer Award for her contributions to the chiropractic profession. Dr. Beatrice Gamble-Franklin is a native of South Carolina, who has spent her career helping others.

Beatrice Gamble was born in Georgetown, South Carolina and excelled as a student. She graduated first in her class from Choppee High School, and was selected for the MARC (Minority Access to Research Careers) honors program, which enabled her to pursue undergraduate and graduate degrees from Benedict College and Atlanta University. Beatrice then attended Life Chiropractic College in Marietta, Georgia.

Dr. Gamble-Franklin has been in the chiropractic field for 20 years. She holds the distinction of being the first African American chiropractor in South Carolina, and has been voted the best chiropractor in the state. At one time, Dr. Gamble-Franklin had six practices. Today, she and her husband, Dr. Gregory Franklin, have two practices in Columbia and Orangeburg.

In addition to her work in chiropratics, Dr. Gamble-Franklin is using her training in scientific research to develop hair products. She has invented the VictoriUs Silk Protein Relaxer, which is highly recommended by hair stylists.

Mr. Speaker, I ask you to join me today in applauding the trailblazing spirit of Dr. Beatrice Gamble-Franklin. Her recognition by her peers is a testament to the extraordinary contributions she has made as a chiropractor, and the difference she has made in the lives of her patients.

A TRIBUTE TO THE AUSTRIAN CONSULATE GENERAL IN NEW YORK AND THE RAV TOV INTERNATIONAL JEWISH RESCUE ORGANIZATION

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2006

Mr. TOWNS. Mr. Speaker, I rise today to pay special tribute to the Austrian Consulate in New York as they honor one of my district's outstanding human rights groups, The Rav Tov International Jewish Rescue Organization.

Founded in 1973, at the behest of the former Grand Rabbi of Satmar, Rabbi Joel Teitelbaum of blessed memory, in 1973, Rav Tov was initially established to rescue the persecuted Jewish community living in the former Soviet Union. Rabbi Teitelbaum, himself a survivor of the Holocaust, saw his family perish at the hands of the Nazis. He envisioned Rav Tov as the protective shield for the global Jewish community living in tyrannical regimes.

Rav Tov's heroic accomplishments of rescuing and resettling Soviet Jewry was only possible with the unflinching cooperation and support of the Austrian government, which hosted the refugees as they waited for their final resettlement. It is estimated that 367,000 Jews stayed in Vienna between 1968–1989 rebuilding their often shattered lives in free countries. Following the fall of the Soviet Union, the focus of Rav Tov's and Austrian efforts have been to save other endangered Jewish communities that still exist around the world.

As a result of the enduring bonds between Rav Tov and the Austrian government, the Austrian Federal President, Dr. Heinz Fischer, has decided to confer the prestigious Grand Decoration of Honor in Gold to Rabbi David Niederman, Rav Tov's Chief Executive for over three decades, which will be presented to him at a ceremony today at the Austrian Consulate in New York. This wonderful event is not only a testament to the resolve of the Austrian government in saving Jews in peril, but a celebration of the strong relationship between the United States and Austria.

Mr. Speaker, as Rav Tov's representative in Congress, I have been privileged to work with them and the Austrian government on many pressing issues facing Jews in danger. I would like to particularly make mention of Austria's New York Consul General Brigitta Blaha and the Deputy Consul General Andreas Launer for their tireless work on Rav Tov's behalf. I encourage all of my colleagues to join me today in commending the Austrian government and Rav Tov for their phenomenal partnership in rescuing Jews around the world living in fear and danger.

IN MEMORY OF PASTOR BOB KELLEY

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2006

Mr. WILSON of South Carolina. Mr. Speaker, services for Dr. Bob Kelley, 65, were held Wednesday, November 1, 2006, at Grace Baptist Church in West Columbia, South Carolina. Officiating were Rev. Milton Ker and Dr. Charles Walker. Thompson Funeral Home of Lexington handled the arrangements. Interment was Thursday, November, 2, 2006, at Lakewood Memory Gardens, East Chattanooga, Tennessee; Turner Funeral Home handled the arrangements in Tennessee.

Precious in the sight of the Lord is the death of his saints. Psalm 116:15. Upon using every treasured moment that God had graciously granted him in laboring and pasturing for his Lord, loving and providing for his family, and living for and proclaiming his Savior, Dr. Robert Earl Kelley gained his entrance into heaven on Saturday, October 28, 2006. Born in Rossville, Georgia, he was the son of the late Clarence Day Kelley and Daisy Lou Hall. Known to most as "Pastor Kelley" he spent the last 43 years preaching and pasturing in West Virginia, Tennessee, and in West Columbia, South Carolina, where he recently retired as the pastor of Grace Baptist Church after 15 fruitful years of ministry. Pastor Kelley received many prestigious awards including The Order of the Palmetto, from Governor Mark Sanford, and The Order of Palmetto Patriot, from Lieutenant Governor Bauer and Senator Jake Knotts.

Survived by his loving wife, April Allene Scott Kelly of West Columbia; daughters and sons-in-law, Rachel Star Kelley Bancroft and John Bancroft of West Columbia; Laura Dawn Kelley Phillips and Chris Phillips of Charleston; Sharon Daye Kelley Goforth and David Goforth of West Columbia; sisters, JoAnn Kelley Tillman and Betty Jewel Kelley Tate both of Ooltewah, Tennessee; brother, Kenneth "Buzz" Kelley of Hixon, Tennessee. He is also survived by eleven grandchildren, John Robert Bancroft, Nathaniel Scott Bancroft, Abby Kristine Phillips, April Lauren Phillips, Alyson Kate Phillips, Zachariah Thomas Phillips, Holly Daye Goforth, Kelley Daye Goforth, Bailey Daye Goforth, Chloe Daye Goforth, and Amy Daye Goforth. Dr. Kelley was predeceased by his brother, Clarence Day Kelley, Jr.

We all look forward to the day our faith will become sight and we are united with Christ and reunited with Pastor Kelley.

RECOGNIZING THE KLINGER FAMILY

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2006

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to recognize an accomplished family with nurseries in several of the agriculture hotspots of Florida's 5th District. The entire Klinger family has taken a leadership role in growing the Florida agriculture industry, including fighting for increased relief funding for communities devastated by natural disasters.

The Klingers own and manage the lake Brantley Plant Corporation of Longwood, working as a team to grow their business and give back to their friends and neighbors. The family owned company currently has locations in Lake Brantley, Center Hill and Windermere.

Started by Paul Sr. and his wife Regina in the 1970s, the Klingers today boast three generations working in the family business. Paul's four sons Bill, P.J., Dan, and John run the nursery operations, but still rely on Paul Sr.'s years of experience and advice.

In addition to his active role in the nursery, Bill also served as the 2004 President of the Florida Nursery, Growers and Landscape Association. He is involved in politics and is a tireless advocate for the green industry and Florida agriculture.

P.J., who is the Director of Research and Development at the Center Hill operation in Sumter County, has also taken a leadership role in the community and serves on the Extension Advisory Board. He oversees growing practices at all three sites and monitors compliance with Best Management Practices. P.J.'s three sons also work for the family business. Ben is the dispatcher at the Lake Brantley plant, Brad is in sales and Barrett is the Assistant Nursery Manager at Lake Brantley.

Serving as the manager of the Center Hill nursery, Dan is joined by his son Adam, who serves as the Nursery Manager at the Windermere location, and a daughter Ashley who is in customer service.

John manages the Longwood nursery and has three children, Caroline, Katie and Jack, who are eager to join the family business one day as well.

Mr. Speaker, families like the Klingers deserve recognition for their hard work and dedication to Florida's agricultural community. They have dedicated their lives to grow their business, improving the lives of area residents by growing and expanding their plant operations, and bringing quality jobs to the entire region. The Klingers are to be commended for their work and I wish them the best of luck as they continue operations in the future.

TRIBUTE TO DR. JERRY HARDEE

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2006

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a lifelong educator, who has made a tremendous impact on young Chiropractic students. The leadership of Dr. Jerry L. Hardee has prompted South Carolina Chiropractors to honor him with a 2006 Trailblazer Award.

Although his background is education, not Chiropractics, Dr. Hardee's role as President of Sherman College of Straight Chiropractic led to the college's tremendous growth and financial stability. He has officially retired as

President of Sherman College, but remains Chancellor in a part-time capacity responsible for fund-raising, public relations and enrollment services.

Jerry Hardee began his career as a teacher in 1960. Ten years later, he took his first administrative job as a principal and Title I Gifted Program Coordinator in the Garfield School District in Maywood, Illinois. Before coming to Sherman College, Dr. Hardee served for a quarter of a century as an executive administrator at three different institutions in the University System of Georgia. He also came out of his first retirement in 1999 to serve as the Director of the Center for Teaching and learning at Albany State University in Georgia.

Dr. Hardee spent 35 years as an education administrator. He holds a doctorate degree in education and a certificate of advanced study in educational administration from Northern Illinois University, a master's degree in science education from Fisk University, and a bachelor's degree in mathematics from Clark College.

While president of Sherman College, Dr. Hardee was renowned for his work to attract more African American students to the profession of Chiropractics. He often met with students, faculty and health care profession advisors at Historically Black Colleges and Universities to encourage more minority student interest in a profession dominated by non-black practitioners. His goal is to make the field more accessible to African Americans as a career option.

Mr. Speaker, I ask you and my colleagues to join me as I pay tribute to this trailblazing educator, who believes in promoting Chiropractics in minority communities. His leadership on this issue demonstrates his dedication to the profession and qualifies him for this outstanding recognition by practicing Chiropractors.

LETTER OF CLARIFICATION FROM THE BURT LAKE BAND OF OTTAWA AND CHIPPEWA INDIANS

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2006

Mr. STUPAK. Mr. Speaker, during hearings held in 1997 by the House Resources Committee, representatives of the Burt Lake Band of Ottawa and Chippewa Indians provided testimony that confused some land rights claims in Northern Michigan.

These statements were not approved by the Burt Lake Band's Tribal Council. As a result Mr. Curtis Chambers, Chairman of the Burt Lake Band, has written an open letter to members of Congress, to correct the record on this issue.

Without objection, I request that the following letter from the Chairman of the Burt Lake Band be included into the CONGRESSIONAL RECORD.

THE BURT LAKE BAND OF
OTTAWA AND CHIPPEWA INDIANS, INC.,
Brutus, Michigan, October 25, 2006.

DEAR MEMBERS OF THE U.S. CONGRESS: During June 24, 1997, hearings held before the House Natural Resources Committee, the individuals who were charged with presenting the Burt Lake Band of Ottawa and Chippewa Indians' formal position on the Michigan Indian Lands Claims Settlement Act, P.L. 105–143, made some statements which require correction. Those statements suggested that the Burt Lake Band of Ottawa and Chippewa Indians was and is claiming rights in lands in Michigan's Emmet and Charlevoix Counties, Beaver Island, High Island and Garden Island. Unfortunately, those statements were made without the prior approval of the Burt Lake Band's Tribal Council and they were and are factually inaccurate.

During those same hearings, those same Burt Lake representatives also presented the House Resources Committee with a map which they suggested was an accurate representation of the Burt Lake Band's aboriginal territory. That map was not an accurate representation of that territory and it should never had been presented for that purpose.

To complete this clarification, the Burt Lake Band would like to note that its research has confirmed that the Little Traverse Bay Bands of Odawa Indians did, in fact, receive allotments in southwestern Cheboygan County, Michigan and that the Burt Lake Band respects the Little Traverse Band's right to assert any and all rights which stem from the award of those allotments.

Because the historical records of the United States Congress are often used by law makers, attorneys and historians, we would greatly appreciate your assistance in seeing that this letter is printed in the Congressional Record of the United States House of Representatives to make the above stated corrections.

Cordially,

CURTIS CHAMBERS,
Chairman.

RECOGNIZING JOSEPH E. JOHNSTON, JR. OF BROOKSVILLE, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2006

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to recognize Joseph E. Johnston, Jr., the winner of the 2006 Great Brooksvillian of the Year Award. The Award is presented annually to a current or former resident who has made a significant impact on the city of Brooksville.

Mr. Johnston has a long record of service to the city and to the entire community. Born in 1922, Mr. Johnston has served with distinction as a Florida State Senator and the attorney for the city of Brooksville and the Hernando County School Board.

In addition to his personal service to the city, Mr. Johnston's son, City Council member Joe Johnston III, has continued the family's commitment to public service. At the council meeting where Mr. Johnston's award was first announced, it was his son Joseph who thanked his fellow council members on behalf of his family.

Mr. Speaker, the city of Brooksville is lucky to have a man like Joseph E. Johnston, Jr. to take an active role in our community. I am proud to recognize his accomplishments, and congratulate him on being named the 2006 Brooksvillian of the Year.

TRIBUTE TO JAMES AND CAROL McDOWELL

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2006

Ms. WOOLSEY. Mr. Speaker, I rise today to honor my constituents James and Carol McDowell on the occasion of their 50th wedding anniversary, October 27, 2006.

Jim and Carol were high school sweethearts in Petaluma, CA, where they met when Jim was a senior and Carol was a sophomore. Recently, the couple's 17-year-old granddaughter learned that they had been married when Carol was right out of high school and exclaimed, "Gram, you got married at 18! How could you?"

Jim was the third generation to operate the family dairy ranch just outside of town. His son Michael, "Mike," now runs the operation as an organic farm, adding strawberries and tomatoes to the dairy operation. Mike and his wife Linda have two children, Ryan and Shannon.

Patrick, "Pat," the couple's other son, is Asian editor for the Associated Press, covering 34 Asian countries. He and his wife Solzck live in Bangkok, Thailand.

Mr. Speaker, 50 years together is a wonderful testament to Jim and Carol's love and commitment. Jim summed up what makes it work when he told me, "Carol has always been special." Congratulations to them on this happy occasion.

TRIBUTE TO SERGEANT MICHAEL R. WEIDEMANN

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2006

Mr. LANGEVIN. Mr. Speaker, it is with profound sorrow that I rise to recognize the loss of a brave soldier in Iraq, SGT Michael R. Weidemann, a resident of Newport who served his country with dignity and honor. I join his family and the people of Rhode Island in mourning this great loss.

Sergeant Weidemann was born in Canada and moved to Middletown, RI, with his family when he was 7. In 2001, he graduated from Rogers High School, where he attended the Newport Area Career and Technical Center and participated in the automotive program. He was also an honor student and an active member of the JROTC program.

One month after graduating from high school, Sergeant Weidemann pursued his interests by enlisting in the Army as an auto mechanic and joined the 1st Battalion, 36th Infantry Regiment of the 1st Brigade, 1st Armored Division. After serving one tour in Iraq, Sergeant Weidemann was nearing the end of his second tour when, on October 31st, he was killed while on patrol near Hit, in Anbar Province.

Those that knew Sergeant Weidemann remember his optimistic personality, his loyalty, his hard work and willingness to fix everything. Most importantly, he had a positive impact on all who knew him. This loss certainly causes us all to reflect on the bravery demonstrated by our men and women in uniform as they carry out their obligations in the face of danger. When Sergeant Weidemann's Nation called him to duty to preserve freedom, liberty and security, he answered without hesitation. We will remember him as a patriot who made the ultimate sacrifice for his country.

Sergeant Weidemann is survived by his grandmother, Gertrude K.C. Miller; his sister, Catharine E. Weidemann; and his brothers, Richard L. Weidemann and Edward R. and Benjamin J. Berriault. May we keep his loved ones in our thoughts and prayers as they endure this difficult period, and may his memory live on forever.

We will also continue to hope for the safe and speedy return of all of our troops serving throughout the world.

RECOGNIZING THE 150TH ANNIVERSARY OF THE CITY OF BROOKSVILLE, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2006

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, 150 years ago two rural communities, Melendez and Pierceville, merged to form the city we know today as Brooksville, FL. Located in the heart of Florida's Nature Coast, since its founding in 1856, Brooksville has grown into a community with a rich history and unique traditions.

Unlike many Florida towns, Brooksville is not named for a local resident or indigenous Indian Tribe, but for one of the 19th century's foremost spokesmen in the halls of Congress, Preston Brooks. Mr. Brooks of South Carolina was a Member of the U.S. House of Representatives from 1853 to 1856, and is the city's namesake. The citizens of Hernando County admired his defense of States' rights and voted to give the county's largest settlement his name.

In 1856, the city of Brooksville was still in an unsafe part of the State. Located in the northeastern corner of the city is the historic Fort Desoto. This fort was used as a trading post and a military fort, providing protection as well as leading the economic growth of the region.

Originally settled by four families, Brooksville eventually grew into a flourishing commercial and residential community. The Howell family settled in the northern part of the city, the Mays family in the eastern section, the Hale family in the western section and the Parson family in the southern region. These four families helped contribute to the growth of the city and of the entire region.

Today Brooksville houses numerous modern medical facilities, a community college, three city parks, an outstanding library, thriving shopping centers, and a regional airport.

Mr. Speaker, I congratulate the city of Brooksville on its 150th anniversary. It has taken the combined efforts of generations of proud Brooksvillians to grow and strengthen this great city and make it what it is today. I wish the city of Brooksville the best of luck with their anniversary celebrations and good fortune during their next 150 years.

TRIBUTE TO OFFICER JERRY A. HOWARD

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2006

Mr. MEEK of Florida. Mr. Speaker, I rise today to congratulate Jerry A. Howard on his retirement from the United States Capitol Police. Securing the United States Capitol Building and ensuring the safety of all individuals who work and visit here is a great responsibility that Officer Howard faithfully undertook for 33 years of honorable and dedicated service. While Officer Howard's presence on Capitol Hill will be missed, his retirement is a celebratory occasion and I wish him and his family continued success as they embark upon this next chapter in life.

Officer Howard began his career with the United States Capitol Police on November 12, 1973 with the House Division Second Relief, working traffic duty until 1994. He was then transferred to inside details until his retirement. Officer Howard received numerous awards and citations during his years of service.

Officer Howard is a charter member of the U.S. Capitol Black Police Association, where he served as Chaplain, and for the last six years was Vice President of that association.

Prior to working for the United States Capitol Police, Officer Howard served two years in the United States Marine Corps from 1968 to 1970, including 13 months in Viet Nam. He joined the Marine Corp Reserves in 1975 and retired in 1995 as a Gunnery Sergeant in the VFMA–321 Air Wing.

Officer Howard and his wife Gloria will celebrate their retirement years in the new family home in Goldsboro, North Carolina.

This is a special occasion for Jerry and Gloria's five children; Frank, Trey, Larry, Sherry and Shannon, and their four grandchildren; DaJuan, Jayme, Taveon, and Kameron, two daughters-in-law; Gloria and Quianna and their extended family members; Lorie and Paul Southern. Officer Howard is thankful to his parents, the late Robert and Alean Howard, who encouraged him to succeed in life, and his nine siblings for their continued support and encouragement.

Officer Howard protected this Nation during wartime overseas and at home, here at the U.S. Capitol. He is a patriot, guided by loyalty, honor and duty. This Nation is indebted to Officer Howard for a lifetime of service. His retirement is well deserved, and I congratulate him on achieving this milestone.

IN HONOR OF MRS. MARY BALL MORTON

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2006

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Mrs. Mary Ball Morton upon her retirement after 28 years of dedicated service working for the Delaware Department of Services for Children, Youth and Their Families.

The Delaware Department of Services for Children, Youth and Their Families mission is to provide and manage a range of services for children who have experienced abandonment, abuse, mental illness, neglect, or substance abuse. Its services include prevention, early intervention, assessment, treatment, permanency, and after care. The Department attracts and retains proud and talented individuals who are motivated to "Think of the Child First" in all that they do.

Mrs. Morton has been an inspiring example of a person who "thinks of the child first" all of her professional life. Mrs. Morton's distinguished career has had many different facets, yet they all reflect back to a person who has been steadfastly dedicated to improving the lives of children. Initially, Mrs. Morton worked to develop foster care policy, and ensure that the foster care throughout the State was adequate and working to improve and enrich children's lives. During Mrs. Morton's career, she has overseen the administration of the State of Delaware's adoption program, court liaison services, quality assurance and improvement programs.

Mrs. Morton's commitment to children is constant; now that Mrs. Morton is retiring from State employment, she is focusing her energy and support on the 21st Century Fund for Delaware's Children. The 21st Century Fund for Delaware's Children will provide a critical bridge between the limited resources of State and non-profit agencies and underserved children by supporting activities that will help children develop socially and academically.

Mr. Speaker, in closing, I would like to wish Mrs. Morton success in all her future endeavors, and I would like to thank her for her years of dedicated advocacy and for her years of personal friendship.

INTRODUCING DR. SHELLEY SEKULA-GIBBS

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2006

Mr. HALL. Mr. Speaker, I am honored today to introduce and welcome Dr. SHELLEY SEKULA-GIBBS, the newly elected Member of Congress from the 22nd Congressional District who will be sworn in tonight.

Dr. SEKULA-GIBBS is a 5th generation Texan and a medical doctor and teacher. Tonight, she will make history when she becomes the first female physician to serve in the U.S. House of Representatives.

She has dedicated herself to serving the citizens of Houston for several years. Before her election, she served for three terms as an At-Large member of the Houston City council. In that role, she helped advance property tax reform and strengthen the city's police force. She also helped found the Ellington Field Task Force, which kept Ellington Field open and operating as a Joint Reserve Base.

She has also volunteered countless hours to serve the citizens of south Texas. She served as a volunteer medical doctor and teacher at the Baylor College of Medicine, she shapes the next generation of healers.

She helped found the Provider Health Network, a group that cares for uninsured patients. As president of the "Healthy Houston Foundation" she raised money for clinics that provide medical care to the needy. She has also volunteered her time to take care of our Nation's veterans in several Veterans Hospitals across the Nation.

As a businesswoman and community leader, Dr. SEKULA-GIBBS has brought together municipalities, organizations, and businesses to create jobs and economic development in the south Texas region. She understands the importance of reforming our current tax code and reducing our debt.

As a founding member of the Sylvan Rodriguez Foundation—an organization that provides students in the Houston area with the opportunity to study space, medicine, and science—she is committed to advancing America's technological and scientific leadership. As a mother and grandmother, she also understands the importance of strengthening families and communities.

While Dr. SEKULA-GIBBS will be sworn in today, she will only be with us in Washington for a short time. She had a very successful special election—she received over 77,000 votes en route to victory. She ran a good campaign for the 110th Congress, but she faced many difficult procedural challenges.

Despite her short run, the future looks bright for Dr. SEKULA-GIBBS. I look forward to working with her in the final weeks of this Congress, and I wish her the best of luck in the future.

A TRIBUTE TO CONGRESSMAN JAMES CLYBURN

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2006

Mr. OWENS. Mr. Speaker, in the past I have often had the delight of saluting my departing colleagues with a tribute in Rap poetry. At this point, however, circumstances have been reversed and I am departing. As I leave it will be my pleasure to offer some brief portraits in words describing the very able women and men I leave behind. I would like to begin with JIM CLYBURN. I visited his State on two different occasions and I was impressed by the fact that everyone had very strong opinions about JIM. They either feared him or they admired him. That is one sign of true greatness. The composite opinion of JIM which emerged was one of a great conciliator, a leader with a keen understanding of the fact that politics is the art of compromise but the compromise must always be an honorable and productive one.

A lighthearted summary of JIM's special assets is reflected in the following Rap poem.

MISTER JIM

With a bounty of transportation bucks
Freshman Clyburn showed he was clever;
All the South Carolina clubhouse boys
Danced Dixie up and down
Cheering Mister Jim and diversity forever.
Mister Jim
Made Mister Charlie look cheap,
Sowing his seeds of sunburned charm
A lots more dollars
Congressman Clyburn managed to reap.
Before he agrees to negotiate
Mister Jim dangles the right bait;
From smoke filled rooms
He emerges with fat surprises;
Mister Jim
Never despises compromises.
Mister Jim rescued
Bill Clinton's Black politics career;
When affirmative action fumbling
was about to end it
Mister Jim talked to Bubba
And convinced him to merely mend it.
Mr. Jim can display
Warm understanding affectionate appeal
But the world is a better place
Cause Mister Jim
Knows how and when to deal.

TRIBUTE TO ANTHONY ZAGAMI

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2006

Mr. RAHALL. Mr. Speaker, I rise today in recognition of Anthony J. "Tony" Zagami, a true public servant who will retire from the U.S. Government Printing Office at the end of this year.

I have known Tony since the mid-1960s, when I was an intern in the office of Senator ROBERT C. BYRD, D–WV, and Tony was a Senate page. Over the years, Tony has been a great friend to me, to my family and to the people of West Virginia, and he will certainly be missed here in the legislative branch.

However, let no one argue that Tony has not earned his retirement. After spending 25 years working for the U.S. Congress, Tony left Capitol Hill to become the General Counsel of the GPO. When he departs at the end of the year, he will have set a record as the GPO's longest-serving General Counsel.

Throughout his career, both here on the Hill and at the GPO, Tony was known for his dedication and commitment to public service. He has been the recipient of numerous awards and recognitions for outstanding performance and achievement.

I thank Tony for his outstanding service and for his friendship over years. The qualities he embodies are getting harder and harder to find nowadays.

May God bless this admirable man and his family as he begins his next chapter.

TRIBUTE TO BUCK O'NEIL

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2006

Mr. MOORE of Kansas. Mr. Speaker, I rise today to pay tribute to Buck O'Neil, an internationally renowned, distinguished Kansas Citian, who died on October 6th at the age of 94.

John Jordan "Buck" O'Neil was born the grandson of slaves in Carrabelle, Florida, on November 13, 1911. He acquired his love for baseball at a young age from his father, who played for the local team when he wasn't working as a foreman in the celery fields. As a teenager, Buck realized that he wanted to do something more with his life, but times were difficult throughout the country during the Great Depression, and he had received little formal education because the local high school was segregated.

When his father told him that, "There is something better, but you can't get it here, you're gonna have to go someplace else," Buck made the decision to try his luck as a baseball player in the semi-professional barnstorming leagues that traveled the entire country. It didn't take him long to attract the attention of the Memphis Red Sox of the Negro American League, who signed him to his first professional contract in 1937. After a year of playing for the Red Sox, Mr. O'Neil's contract was purchased by the Kansas City Monarchs—the team with which he would spend the rest of his playing career.

The Monarchs were the most successful team in the history of the Negro Leagues, winning the most titles and producing the best players. While playing for Kansas City, Mr. O'Neil won batting titles in 1940 and 1946 and led his team to a convincing victory in the 1942 Negro World Series. He batted .353 as the Monarchs swept the Homestead Grays, 4–0. He was also selected to play in three Negro American League All-Star Games, and would likely have accomplished more during his playing career had it not been for World War II; Mr. O'Neil dutifully served his country for 2 years by completing a tour in the United States Navy from 1943–1945.

Buck stayed with the Monarchs through the end of the 1955 season, serving both as a player and as the team's manager for the final 8 years of his time in Kansas City, all the while facing the harshness of separation and discrimination in a country that was still segregated. Thanks in part to the significant accomplishments of his Monarchs teammate Jackie Robinson, who broke down racial barriers by joining the Brooklyn Dodgers of Major League Baseball in 1947, Buck too was able to join a rapidly-integrating MLB as a scout for the Chicago Cubs. In 1962, he became the first African American coach in the Majors. During his storied career with the Cubs, Mr. O'Neil was responsible for the development of many great major leaguers, like Joe Carter, and he also signed two future Hall of Fame players—Lou Brock and Ernie Banks. After 33 years with the Cubs, Buck returned home in 1988 to scout for the Kansas City Royals.

Despite his myriad accomplishments on the field as a player, manager, and coach, it is

Buck O'Neil's accomplishments off the field that demonstrate his love for the game of baseball and his commitment to the essential róle that the Negro Leagues played in the integration of both American sport and American society. In 1990, O'Neil was a leader in the effort to create the Negro League Baseball Museum in Kansas City, Missouri. The Museum, located in the historic 18th and Vine district of downtown Kansas City, has excelled for nearly a decade in its mission of educating all Americans about the rich and important history of the Negro Leagues. Buck served as the Board Chairman for the Museum and actively promoted its messages of understanding and triumph over adversity. In addition to his work with the Museum, Mr. O'Neil served as a member of the Baseball Hall of Fame Veterans Committee from 1981–2000, working hard to ensure that many of the Negro League players who had been denied entrance into the Major Leagues because of segregation were able to gain a deserved entrance into the Baseball Hall of Fame in Cooperstown.

After devoting so many years of his life to promoting the accomplishments of others, many believed that the time for Buck's recognition had finally arrived in the spring of 2006, when he was on a special ballot for entry into the Hall of Fame. Shockingly, the Committee chose not to induct Mr. O'Neil, to the dismay of many—but not Buck. Unaffected by the Hall's decision, he took the high road and offered to speak at the induction ceremony on behalf of those selected, because many of them had passed on. On June 30, 2006, Buck selflessly honored all 17 individuals related to the Negro Leagues who were inducted, giving an inspiring speech and instructing all audience members to hold hands and join him in song. The ovation he received was the loudest and longest of the ceremony.

At the time of his death, Buck O'Neil's efforts were focused on the John "Buck" O'Neil Education and Research Center. Scheduled for completion in late 2007, the Center will be an expansion of the Negro Leagues Baseball Museum devoted to teaching people of all ages many different aspects of the Negro leagues and baseball. The 45,000 square foot facility will house extensive archives and promises to devote much of its space and funding to state-of-the-art technology and programs that will teach many different things to many different people.

Mr. Speaker, I am pleased to have this opportunity to honor the life of Buck O'Neil, because of his accomplishments while playing and managing in the Negro and Major Leagues, because of his work with the Negro League Baseball Museum, because of his devotion to those who shared in his struggle, valuing their legacies more than his own, and most of all, because of his immense contributions to the game of baseball and American society. When acclaimed documentary filmmaker Ken Burns made his film Baseball in 1994, he chose Buck O'Neil as the narrator, because no other individual better captures the history and legacy of our American pastime. He was truly the game's ambassador, and his spirit will be sorely missed.

A TRIBUTE TO PAUL DE LA GARZA

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2006

Mr. YOUNG of Florida. Mr. Speaker, I rise to pay tribute to Paul de la Garza, a hard charging newspaper reporter for The St. Petersburg Times with a generous heart of gold who died on October 29, 2006.

Many of our colleagues worked with Paul as he reported on stories affecting our national security and the health care of our country's veterans. Paul was an outstanding investigative reporter who mined his many sources to effect necessary changes in the way in which we deliver medical care at our Department of Veterans Affairs medical centers. He also spent time earlier this summer in Iraq as he did extensive reporting on the war there and the role U.S. Central Command plays in managing our troops on the ground.

Paul was more than a reporter though. He was first and foremost an outstanding husband to his wife Georgia and a loving father to his two children Monica, 12, and Carlos, 11, both of whom he adopted from Mexico.

His is the story of the American dream, growing up poor in a small Texas town. He worked 40 hour weeks as a fourth grader to help out his family. Later he delivered newspapers and waited tables to put himself through college at the University of Texas. He was a reporter with the Associated Press and Chicago Tribune before becoming a regular on the front pages of The St. Petersburg Times as a reporter in the Washington and Tampa bureaus.

Following my remarks, Mr. Speaker, I would like to include tributes to Paul from The St. Petersburg Times, The Tampa Tribune and The Chicago Tribune. They speak to Paul's success as a reporter but more importantly his compassion and love for his family, his friends, and for those most in need of help.

Mr. Speaker, I knew Paul de la Garza as a reporter, but I will forever miss him as a very special friend who always kept life's priorities in order. My prayers go out to Paul's family, especially to Georgia, Monica and Carlos, as they deal with the loss of a great man, a great husband and a great father.

[From the St. Petersburg Times, Oct. 30, 2006]

PASSIONATE REPORTER "NEVER MET A STRANGER"

Paul de la Garza, a hard-driving St. Petersburg Times reporter whose passion for the big story was matched by love of family, died Sunday (Oct. 29, 2006) after an apparent heart attack.

Mr. de la Garza, 44, who had survived a heart attack 2 years ago, collapsed at his Davis Islands home about 10 a.m. after complaining of chest pains. He was taken by ambulance to Tampa General Hospital, where he died about 1 p.m.

As a journalist, Mr. de la Garza was widely respected for mining sources and breaking big stories, most recently about VA hospitals and the Special Operations Command at MacDill Air Force Base.

"He was a driving investigative reporter. This is very shocking," said U.S. Rep. C.W. Bill Young, a frequent source for Mr. de la Garza, sometimes dinner companion and occasional target. "He was very respected by the folks I know. They trusted him."

Young's wife, Beverly, recalled tears running down de la Garza's face, as she led him through VA wards full of wounded soldiers.

"Paul is really compassionate. He really cares," she said Sunday. "He's the most wonderful Democrat I ever knew. I can't believe this has happened to him and Georgia and the kids. This is wrong."

TEXAS UPBRINGING

Mr. de la Garza was born in Port Isabel, Texas, near Brownsville, one of six children.

His father was a shrimper and his heritage was Mexican, though he sometimes pointed out that some ancestors lived in Texas before the United States annexed it. His given name was Jesus Pablo, but friends called him Jesus only when they wanted to annoy him.

By fourth grade, he was working 40 hours a week, collecting bait for fishermen, his wife, Georgia, said.

He waited tables and worked at the school newspaper to earn his way through the University of Texas. Then he worked his way up the ranks of the Associated Press, with stints in Chicago, Southern Illinois and Newark, N.J.

Mike Konrad, now Hernando Times editor, was managing editor of the Southern Illinoisan, in Carbondale, when Mr. de la Garza was posted there for the AP.

"This was a guy who could work sources like nobody I've ever seen in my life," Konrad recalled. "Within weeks of getting there, he was getting stories our reporters were missing, just because he had met so many people. And there was nobody in the world who would not talk to Paul."

Sometimes, boldness and charm was all it took. As the Chicago Tribune's Mexico City bureau chief, Mr. de la Garza interviewed Latin American presidents and rebel leaders alike. On assignment in Cuba, he ran into Milton Berle and asked him for a cigar-smoking lesson.

"I still have the cigar box that Milton Berle signed for him," said Georgia de la Garza. "They smoked Cohibas together."

Once, when Mr. de la Garza was vacationing in New Orleans, a limousine driver pointed out Fats Domino's house. Mr. de la Garza jumped out with a video camera and talked his way in, where Domino's band was practicing for a Jazz Fest performance. Fats, himself, stayed in back of the house.

"Paul never met a stranger," recalled Times colleague Tom Scherberger, who witnessed the scene. "He introduces himself and we are hanging out with Fats Domino's band. Finally, one of the band politely says that Fats won't come out until we leave. Only later, did we discover that Paul had pushed the button wrong on the camera and we never got any video."

Mr. de la Garza first worked at the Times from 1992 through 1994, where he covered Tampa police news, wrote a column, and helped edit the Tampa section.

Then he worked for the Chicago Tribune for six years, both in Mexico City and in Chicago, where he was a reporter and assignments editor.

He returned to the Times in 2000, in part, because he and his wife wanted a more stable environment for two orphans they had adopted in Mexico City—Monica, now 12, and Carlos, 11.

"The two things he cared the most about were his family and his work," said John Dunn, longtime friend and Tampa General spokesman. "Just about every conversation we had sitting over pints were about Georgia and the kids.

"No matter how bad a day he had, that put him in good spirits."

It wasn't just the children. The de la Garza house often was opened to extended family. When Georgia's brother died, they took in her niece. When Paul's father had a stroke, they took in his parents.

During his second stint at the Times, Mr. de la Garza covered the Pentagon, the military and veterans affairs. Last summer, he wrote a detailed, insider's look at Army Gen. John Abizaid, head of U.S. Central Command, as he toured Afghanistan and Iraq.

"This is a heartbreaking loss. He really went after stories because they would make a difference in the lives of goodhearted folks," said Paul Tash, Times editor, chairman and CEO. "He had so much to offer both as a father and husband and also as a reporter."

CANCER SURVIVOR

In 2001, Mr. de la Garza was diagnosed with Hodgkin's disease and underwent extensive cancer treatments. After 2 years with no recurrence, he and his wife rented a B&B in his beloved New Orleans and celebrated with about 40 friends from around the country. One photograph shows him in a colorful hat, a Jazz Fest scarf around his neck and sunglasses.

"Paul the journalist was very different than Paul, the regular guy," recalled Sandra Gadsden, the Neighborhood Times editor.

"The journalist was a stickler for detail. He would hang on every sentence. Paul the man was just a fun-loving laid-back guy."

Mr. de la Garza is survived by his wife; daughter Monica and son Carlos; mother, Jesusa de la Garza and sister Via Camacho, both of Austin, Texas, and brothers Eduardo of Houston and Alberto of Galveston, Texas.

Funeral services have not been set.

[From the Tampa Tribune, Oct. 30, 2006]

TIMES' MILITARY REPORTER DIES

(By Mark Holan)

TAMPA.—Paul de la Garza, military and veterans affairs reporter for the St. Petersburg Times, died Sunday of an apparent heart attack. He was 44.

A cancer survivor, de la Garza was described by his friend and editor, Pat Farnan, as a strong reporter who enjoyed spending time with his family.

He is survived by his wife, Georgia, and two children, Carlos and Monica.

For a September profile of Army Gen. John Abizaid, de la Garza spent five days traveling in the Persian Gulf, Afghanistan and Iraq.

"Paul was definitely among the more assertive, if not industrious, journalists who had the military beat," said Lt. Col. Mike Escudie, media affairs officer for Central Command. He said the Abizaid profile got good reviews from the military.

"It was a testament to his professionalism," Escudie said.

"He had tremendous passion for his work," said Farnan, the Times' interim metro editor who supervised de la Garza in recent years.

De la Garza joined the Times' Tampa bureau in 1992 after eight years of reporting for The Associated Press. He left to work as a Mexico City correspondent for the Chicago Tribune, then rejoined the Times in August 2000 in Washington, DC, as the national security and foreign affairs reporter. He later returned to Tampa and lived on Davis Islands.

De la Garza earned a bachelor's degree from the University of Texas in Austin.

In June 2002, de la Garza was diagnosed with Hodgkin's disease, a form of cancer. Soon he was physically and mentally worn out by his chemo treatments.

A five-minute meeting at the White House that September with cancer survivor and Tour de France champion Lance Armstrong, a fellow Texan, led the reporter to an unexpected inspiration for his recovery.

"I don't have to turn to the rich and famous, to the heroes of the sports world, to get me through the anxiety, the depression, the fear of the what-ifs," de la Garza wrote in the Times. "My heroes are right in front of me, ordinary folks who every day make my life better."

[From the Chicago Tribune, Oct. 30, 2006]

JOURNALIST KNOWN FOR EMPATHY

(By Flynn McRoberts and Tonya Maxwell)

Paul de la Garza, the son of a shrimper who rose from the poverty of south Texas to become a columnist and foreign correspondent for some of America's top news organizations, died of a heart attack Sunday in his Tampa home.

Mr. de la Garza, 44, drew on his modest circumstances to bring an empathy to his stories for the Chicago Tribune, the St. Petersburg Times of Florida and the Associated Press. Whether it was revealing computer-system fiasco at the Department of Veterans Affairs or chronicling the ragged life of a street vendor on Chicago's West Side, Mr. de la Garza cared intensely about the people he wrote about, said his wife, Georgia.

Mr. de la Garza spent more than two decades in journalism, working as a police reporter, a wire-service editor, a columnist and a foreign correspondent. Most recently, he was a reporter for the St. Petersburg Times, where his stories about the VA's troubled computer system resulted in the massive project being shut down.

"He always wanted to get to the truth. He was very passionate about it," his wife said. Of his VA coverage, he had recently told her: "I know I've made a lot of headway, but there's so much more to do—so much more to do."

Last month, the St. Petersburg Times published Mr. de la Garza's account of visiting Qatar in July with Army Gen. John P. Abizaid, Commander of U.S. Central Command. Mr. de la Garza had been trying to accompany the general for years, said Mike Konrad, an editor at the St. Petersburg Times and friend since 1986, when the men met as journalists in Carbondale, IL. "It was one of his coups," Konrad said. "He told me when he came back how the general told his staff to give him access to everything on the trip."

As a journalist, Mr. de la Garza was a master at cultivating sources and connecting with people, be they office workers, political figures or top generals, Konrad said.

"He'd been writing a lot about problems at the VA, it was so symbolic of the type of work he did. He really believed in the mission of journalism. When he saw wrongs, he really wanted to make them right. He wanted to expose wrongdoing."

Mr. de la Garza was born in Port Isabel, Texas, where his father was a shrimper and his mother worked as a hotel maid.

He began working in the 4th grade, selling bait to shrimpers along the Gulf of Mexico waters off South Texas. One of six children, Mr. de la Garza, known as Chuy to friends and family, first considered writing as a career in junior high school.

Intending to study political science at the University of Texas at Austin, Mr. de la Garza took a journalism class and loved it. He worked as a reporter and editor at the student paper and then was offered a job in the Chicago bureau of the Associated Press.

"He had a nickel in his pocket when the AP offered him a job," his wife said. "His mom bought him a suit at Sears, and his brother gave him the money to fly to Chicago. When he first got there, he slept on his trench coat until he got his first paycheck. And some colleagues at the bureau gave him furniture."

Mr. de la Garza met his wife, a chef and artist, while he was working in southern Illinois for the Associated Press. She said she fell in love with him on their first date, Valentine's Day, when he serenaded her at a restaurant. In 1994, Mr. de la Garza came to the Chicago Tribune as a metro reporter, and later became a foreign correspondent in the Mexico City bureau, an assignment he relished, said George de Lama, then the associate managing editor for foreign and national news.

"Paul was someone who was always willing to do any story no matter where it took him. He was one of the first Latinos on our staff to be a foreign correspondent," said de Lama, now deputy managing editor, news. "Paul loved being a foreign correspondent, where the assignment is more of a life than it is a job. I think he was happiest when he was living that life on the road looking for stories." While serving as the Tribune's Mexico City bureau chief, Mr. de la Garza and his wife adopted two children in 2000—Monica, now 12, and Carlos, 11.

He left the Tribune in 2000 and moved to Washington, DC, to return to work for the St. Petersburg Times before moving to the newspaper's Tampa bureau.

A jazz music fan, Mr. de la Garza made an annual pilgrimage to the New Orleans jazz fest with a group of acquaintances. One of those festivals stood out for friends and family: the 2003 version, when loved ones converged from around the country to celebrate Mr. de la Garza's having beaten Hodgkin's lymphoma.

In addition to his wife and children, Mr. de la Garza is survived by his mother, Jesusa, two brothers and a sister. Services are pending.

TRIBUTE TO TANYA RAND

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Tanya Rand, a distinguished citizen of Brooklyn, New York. It behooves us to pay tribute to this outstanding woman and I hope my colleagues will join me in recognizing her impressive service.

Born to Natalie and Caesar Campbell in Brooklyn, New York, Tanya Rand remains a part of the Clinton Hill community today. Ms. Rand is a product of the New York public school system and currently attends New York Technical College where she is working towards a Bachelor's degree in Technology.

In 1992, Ms. Rand joined the Health and Hospital Corporation as a part-time receptionist/clerk at one of Cumberland Diagnostic and Treatment Center's off sites. While with the Health and Hospital Corporation, Ms. Rand has enjoyed numerous promotions. She has worked in the Cumberland Diagnostic and Treatment Center Chemical Dependency Department, the Office of the Director of Community Affairs, and the North Brooklyn Health

Network Community. Ms. Rand's many talents did not go unnoticed. In 2004, Tanya was asked to manage the Community Affairs Office and became the liaison to both the Community Advisory Board and Auxiliary Board for Cumberland Diagnostic and Treatment Center.

Ms. Rand is the proud mother of two children, Lindsey Marie, age 17, and Jassiem Jahi, age 13. Although Ms. Rand was busy with her job and raising two children, she also found time to be active in her children's education and her community. She was PTA President for the District 13 PTA Council and was recognized as a "Parent on the Move". The Board of Education changed and her children moved on to different schools, but Ms. Rand still found time to help parents that were in need of support. She also helps in the political arena. Most Brooklyn elected officials know they can count on Ms. Rand whenever they call on her.

Mr. Speaker, I believe that it is incumbent on this body to recognize the work of Tanya Rand. Her deep commitment to her family and community makes her most worthy of our recognition today.

TRIBUTE TO HECTOR B. FERNANDEZ

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Hector B. Fernandez, an accomplished professional and model citizen of New York. It behooves us to pay tribute to this outstanding man and I hope my colleagues will join me in recognizing his impressive service.

Hector B. Fernandez was born in the Dominican Republic to Mercedes and Benjamin Fernandez. At the age of 7, his family immigrated to the United States and settled in the borough of Manhattan, New York. He was reared in a traditional Latino home where hard work and education is valued and rigorously enforced.

Mr. Fernandez received a Bachelor of Arts degree from the Metropolitan College of New York and has over 25 years of professional experience with the New York City Health and Hospital Corporation and local not-for-profit organizations. He has dedicated the past 20 years of his life to serving individuals and their families afflicted with the illness of addiction. His strong convictions and compassionate nature serves him well in supporting those individuals that are less fortunate.

As the Addiction Program Administrator for Chemical Dependency Services in the Department of Psychiatry at the North Brooklyn Health Network, Mr. Fernandez is responsible for planning, creating and delivering innovative programs and initiatives. He is driven by the affirmations of the successes and accomplishments of those he serves. One of his strongest attributes is his ability to build and sustain relationships with key stakeholders to increase the quality of services and resources at Woodhull Medical Center. His determination to succeed is supported by his team of staff as they collectively develop ideas and strategies for the clients and the community at large.

Mr. Fernandez is a certified New York State Alcoholism and Substance Abuse Counselor, and he has been recognized for his exemplary work ethic by the North Brooklyn Health Network Department of Social Work. His success is built on a strong family nucleus consisting of his wife Nancy, and three children of whom he is very proud: Jeremy, Natalie and Xavier.

Mr. Speaker, I believe that it is incumbent on this body to recognize the work of Hector B. Fernandez. His deep commitment to family and community makes him most worthy of our recognition today.

TRIBUTE TO HENRY BOLUS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Henry Bolus, a model citizen of Brooklyn, New York. It behooves us to pay tribute to this outstanding American and I hope my colleagues will join me in recognizing his impressive service.

Henry Bolus voluntarily enlisted in the U.S. Army, proudly serving our country during the Korean Conflict as a Paratrooper with the 187th Airborne Regimental Combat Team. He is a product of the New York City public school system and later enrolled at New York City's Kingsborough Community College for undergraduate studies. His success at Kingsborough Community College earned him Presidential level membership in the National Society of Leadership and Success, Sigma Alpha Phi.

Mr. Bolus recently reached a personal milestone by becoming the president of Brooklyn's renowned Thomas Jefferson Democratic Club. He was also elected delegate to the New York State Judicial Convention. Mr. Bolus is an honorary life member of the Knights of Columbus. He is also an active member of Canarsie's Shrine Church of St. Jude, where he serves as an usher and member of the finance committee.

Mr. Bolus has been the loving husband of Josephine Bolus since 1954 and is the proud father of Sabrina Jo Bolus and Michael Henry Bolus.

Mr. Speaker, I believe that it is incumbent on this body to recognize the work of Henry Bolus. His deep commitment to his family and community makes him most worthy of our recognition today.

TRIBUTE TO PATRICIA WILLIAMS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Patricia Williams, a community leader and entrepreneur. It behooves us to pay tribute to this outstanding woman and I hope my colleagues will join me in recognizing her impressive service.

Born to the Honorable Kathryn Williams and the late James Williams, Patricia Williams credits living and growing up in evolving neighborhoods like Harlem, Bedford Stuyvesant and East New York as an inspiration to work for social and economical change.

Ms. Williams knows hard work is an investment. She currently is the President/CEO of Ecotech Enterprises, Inc., a firm she established to provide consultant services to government agencies, private sector corporations, and small, minority-owned business enterprises. In the past, Ms. Williams provided community outreach and event planning for the Brooklyn Museum of Art Construction Project. She has delivered bottom line services such as marketing and sales to well known small businesses and she provides fundraising and workshop development assistance to several non-profits. Ms. Williams has been called upon as a panelist and guest speaker on numerous occasions and is considered an authority on business development.

Prior to starting her own consulting firm, Ms. Williams was executive Director of the Minority Business Opportunity Center under the U.S. Department of Commerce, Minority Business Development Agency where she provided business services to more than 70,000 minority/women-owned and small businesses. As senior Administrator of Equal Employment Opportunity and Diversity for Morse Diesel International, she successfully implemented policies to ensure 100 million dollars of contracting opportunities for minority-owned and small businesses where she exceeded labor force and contracting goals set for women and minority skilled workers at JFK Airport's Terminal 4 construction project. She was Senior Employment Specialist and Career Development Instructor for Non-Traditional Community College, Operations Manager for Madison Avenue firm Durham Temporaries Inc., and has several years of experience at the U.S. Small Business Administration, Finance Division.

Ms. Williams attended John Jay College where she majored in Criminal Justice and Labor Law. Her work has not gone unnoticed. Ms. Williams has been recognized by several government agencies and community organizations. She is also the recipient of the Columbia University Non-Profit Executive Management Scholarship. Ms. Williams is the proud mother of two, Leah and John.

Mr. Speaker, I believe that it is incumbent on this body to recognize the work of Patricia Williams. Her deep commitment to her community makes her most worthy of our recognition today.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, November 14, 2006 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

NOVEMBER 15

11 a.m.

Environment and Public Works

Business meeting to consider the nomination of Alex A. Beehler, of Maryland, to be Inspector General, Environmental Protection Agency.

SC-4, Capitol

2:30 p.m.

Armed Services

To hold hearings to examine the current situation and U.S. military operations in Iraq and Afghanistan; to be followed by a closed session in SH-219.

SH-216

Energy and Natural Resources

To hold hearings to examine the December 2005 report from the President's Task Force on Puerto Rico's status.

SD-106

Appropriations

Legislative Branch Subcommittee

To resume hearings to examine the progress of the Capitol Visitor Center construction.

SD-138

3 p.m.

Health, Education, Labor, and Pensions

To hold hearings to examine current challenges and new ideas to safeguard consumers relating to food safety.

SD-430

NOVEMBER 16

Time to be announced

Homeland Security and Governmental Affairs

Business meeting to consider proposed Iraq Reconstruction Accountability Act of 2006, the nominations of James H. Bilbray, of Nevada, and Thurgood Marshall, Jr., of Virginia, each to be a Governor of the United States Postal Service, Dan G. Blair, to be Chairman, Postal Rate Commission, and Stephen Thomas Conboy, of Virginia, to be United States Marshal for the Superior Court of the District of Columbia.

Room to be announced

9:30 a.m.

Judiciary

To hold oversight hearings to examine the Civil Rights Division of the Department of Justice.

SD-226

Armed Services

Readiness and Management Support Subcommittee

To hold hearings to examine Department of Defense business systems modernization and financial management accountability efforts.

SR-232A

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the reauthorization of the Pipeline Safety Program.

SR-253

Energy and Natural Resources

To hold hearings to examine the nomination of Kevin M. Kolevar, of Michigan, to be an Assistant Secretary of Energy (Electricity Delivery and Energy Reliability).

SD-366

Health, Education, Labor, and Pensions

To hold hearings to examine proposals to improve drug safety and innovation.

SD-430

Homeland Security and Governmental Affairs

Investigations Subcommittee

To resume hearings to examine Department of Defense travel policies and practices, focusing on the cost benefit analysis of the Defense Travel System.

SD-342

10:30 a.m.

Intelligence

To receive a closed briefing regarding intelligence matters.

SH-219

2 p.m.

Finance

Health Care Subcommittee

To hold hearings to examine the States' perspective of the Children's Health Insurance Program (CHIP).

SD-215

2:30 p.m.

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine S. 3636, to establish wilderness areas, promote conservation, improve public land, and provide for high quality economic development in Washington County, Utah, and S. 3772, to establish wilderness areas, promote conservation, improve public land, and provide for high quality development in White Pine County, Nevada.

SD-366

DECEMBER 6

2:30 p.m.

Judiciary

Administrative Oversight and the Courts Subcommittee

To hold oversight hearings to examine implementation of the Bankruptcy Abuse Prevention and Consumer Protection Act (Public Law 109-8).

SD-226

POSTPONEMENTS

NOVEMBER 15

4 p.m.

Energy and Natural Resources

National Parks Subcommittee

To hold hearings to examine S. 2475, to establish the Commission to Study the Potential Creation of a National Museum of the American Latino Community, to develop a plan of action for the establishment and maintenance of a National Museum of the American Latino Community in Washington, DC, S. 2645, to establish the Journey Through Hallowed Ground National Heritage Area, S. 2822 and H.R. 5057, bills to authorize the Marion Park Project and Committee of the Palmetto Conservation Foundation to establish a commemorative work on Federal land in the District of Columbia and its environs to honor Brigadier General Francis Marion, S. 3805, to direct the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including in the National Park System certain sites in Monroe County, Michigan, relating to the Battles of the River Raisin during the War of 1812, and H.R. 323, to redesignate the Ellis Island Library on the third floor of the Ellis Island Immigration Museum, located on Ellis Island in New York Harbor, as the "Bob Hope Memorial Library".

SD-366

NOVEMBER 16

10:30 a.m.

Armed Services

To hold a closed briefing on the Naval Criminal Investigative Service Report of events from November 2005 in the Iraqi town of Haditha and on the probe by Army Major General Eldon Bargewell on how the chain of command handled the initial reporting of the incidents.

SR-222

HOUSE OF REPRESENTATIVES—*Tuesday, November 14, 2006*

The House met at 10 a.m.

MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of January 31, 2006, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member except the majority leader, the minority leader or the minority whip limited to not to exceed 5 minutes, but in no event shall debate extend beyond 10:50 a.m.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

REPRESENTATIVE LEACH FOR PERMANENT REPRESENTATIVE TO UNITED NATIONS

Mr. BLUMENAUER. Mr. Speaker, today I reflect on the gentleman from Iowa's almost four decades of public service, 30 of them as a distinguished Member of this House of Representatives. I am referring to my friend, JIM LEACH.

For many of the 12,000 men and women privileged to serve in the House of Representatives since the founding of the Republic, their careers are distinguished by service in this Chamber. JIM LEACH is one of those rare individuals for whom Congress itself is distinguished by his service. There is no one from whom I have learned more by his words, his deeds and his friendship. He is one of the few among us who, when he speaks on the floor of the House, people who care about substance listen. He consistently chooses the right words, and invites people to be part of the process. He listens. He is never drawn into petty partisan politics that too often rear their ugly heads.

For 30 years we have been privileged to watch his conscientious and thoughtful work on the Financial Services and International Relations committees. JIM predicted the savings and loan crisis, and was spot on in his observations about American diplomacy from the Middle East to North Korea.

He was always dignified and principled, one of the few people who navigated the legislative halls successfully without being mired in partisan politics.

Indeed, in his congressional campaigns, he refused PAC contributions, didn't want out-of-State donations, he wouldn't run negative ads, and he rejected outside groups who tried to run negative ads on his behalf. He may have actually won his election by playing by the rules widely accepted as the norm and by which most prefer to operate. He may have won, but it wouldn't have been JIM LEACH and we all would have been the poorer.

While Iowa has lost JIM's service to Congress, America need not lose his service, his intellect and his unique talents. Ambassador John Bolton's appointment to the United States Permanent Representative to the United Nations expires at the end of the year, and the United States cannot afford a gap in our representation. We desperately need a strong, positive direction to guide multilateral diplomacy in the United Nations.

There is not another American who is better suited to advancing United States interests in that important forum by temperament, experience or intellect than JIM LEACH. Remember, as a young foreign service officer, he actually served at the United Nations under then-ambassador George H.W. Bush before returning to Iowa as part of his family's business, and then on to 30 distinguished years of service in this body.

If anything, JIM may be better suited as a diplomat than at partisan politics. He is the most diplomatic politician I have ever met. Black and white was not JIM's view of the world, especially if grays and even colors were part of the picture.

This week my colleague JIM WALSH and I will be circulating a "Dear Colleague" letter to Members of the House of Representatives on both sides of the aisle, a letter that would urge President Bush to consider the appointment of JIM LEACH as our Permanent Representative to the United Nations. It is a nomination that no doubt would be greeted by acclaim. It would pass the United States Senate I predict unanimously, and we would all be the better off.

I strongly urge my colleagues to join us in signing this letter for the nomination of JIM LEACH.

CONSERVATISM

The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to the order of the House of January 31, 2006, the gentleman from North Carolina (Mr. MCHENRY) is recognized during morning hour debates for 5 minutes.

Mr. MCHENRY. Madam Speaker, voters did not reject the core values of traditional conservatism: Lower taxes, smaller government, traditional family values, and strong national defense. They did not reject that when they went to the polls on November 7. In the words of George Will, "Republicans were punished not for pursuing, but for forgetting conservatism."

This election represents neither a defeat for conservatism nor a victory for liberalism. The American people are a conservative people. While the election results put a majority in power in both the House and Senate for the first time in 12 years, we see that 36 percent of the American electoral describes itself as "conservative." That is double the number that consider themselves "liberal." We are a conservative nation.

A Rasmussen poll conducted after the election found that 61 percent of the American people think that higher taxes will hurt the economy. We are a conservative Nation, Madam Speaker. And I would tell you that what the voters said on Election Day is that they want conservative policies in place. Voters opted for the more conservative candidate and more conservative side of most issues. Nine States passed measures to restrict the government's ability to take land through eminent domain, taking private property for government use or public use.

Voters in Colorado, Idaho, South Carolina, South Dakota, Tennessee, Virginia and Wisconsin passed constitutional amendments to define marriage as between one man and one woman. Now a majority of States have enacted those constitutional protections stopping liberal judges from redefining marriage. We are a conservative Nation, Madam Speaker, and similar amendments on marriage have passed across the country in previous elections and will continue to happen going forward.

Previous Democratic wins in 1974 and 1986 swept into office new and very liberal freshman classes. If we look at the new Democrat freshman class of 2006, they are not liberals, Madam Speaker. What is striking is that this freshman class campaigned as conservatives. In fact, I know of one candidate who went out and advocated for certain principles. They might ring true to me as a Republican. He said he is pro-life, he is pro-gun. He is for traditional marriage, tax cuts, and for balancing the budget and a strong national defense. Sounds like a Republican to me, but he is a registered Democrat.

Pro-life Democrats were elected in North Carolina, Indiana, Ohio and

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Pennsylvania, just to name a few. Pro-gun Democrats were elected in Florida, Indiana, Minnesota, North Carolina, Ohio, Pennsylvania, Texas and Vermont. Wow, those are conservative principles, and I will tell you that it is a call to conservatives, to Republicans, to be true to those conservative issues we ran on originally.

After the Republicans' last electoral disaster, then-California Governor Ronald Reagan spoke before the Conservative Political Action Conference and said, "Our people look for a cause to believe in. Is it a third party we need, or is it a new and revitalized second party, raising a banner of no pale pastels, but bold colors, which make it unmistakably clear where we stand on all of the issues troubling the people."

Madam Speaker, Ronald Reagan said that in 1975. These bold colors underpin our conservative platform, and that is what we must return to as a governing majority in the next election. As Republicans, that is what we should stand for.

Ronald Reagan went on to say, "We have just heard a call to arms based on that platform, and a call to us to really be successful to communicating and reveal to the American people the difference between this platform and the platform of the opposing party, which is nothing but a revamp and a reissue and a running of a late, late show of the thing that we have been hearing from them for the last 40 years."

He said that 30 years ago. So I would submit to you today the Democrat platform is just what it has been for the last 70 years, but the new freshman class advocated a platform similar to what the Republicans have been advocating for the last 50 years.

Madam Speaker, I would tell you this election was a wake-up call for us to return to those bold colors and return to conservative values.

WAR ON TERRORISM

The SPEAKER pro tempore. Pursuant to the order of the House of January 31, 2006, the gentleman from Michigan (Mr. DINGELL) is recognized during morning hour debates for 5 minutes.

Mr. DINGELL. Madam Speaker, the people have spoken. The election is over and they have said to us that they have given us their marching orders.

For 40 months American soldiers have been suffering, working, and dying for their country in the Iraq war. Since that day, 2,800 Americans have been killed. More than 20,000 have been wounded, most in gruesome fashion, and we have spent $450 billion when Secretary Wolfowitz told us the Congress would pass only $3 billion in appropriations to fund this curious exercise.

According to the National Intelligence Estimate, we have been made less safe. The other members of the axis of evil, Iran and North Korea, have developed or are developing nuclear weapons. We have forgotten our mission in Afghanistan where a democratically elected government is slowly losing control of the country.

The war in Iraq has produced more terrorists. According to the National Intelligence Estimate, it has found that the Iraq war has created more terrorists and terrorist sympathizers than have been destroyed. Iraq has become the central front in the war on terrorism, simply because this administration has made it so.

Vice President CHENEY said the insurgency was on its last throes, and more Americans die every month than did when the actual war itself was going on. Again, the National Intelligence Estimates said that fanatical terrorism has metastasized and spread across the globe.

At each and every turning point: The toppling of Saddam Hussein's statue; the dissolving the Iraqi Army; the creation of the Iraqi constitution; the vote for the constitution; the parliamentary elections; the capture of Saddam; or the death of Zarqawi, the Bush administration has told us victory is at hand.

Meanwhile, the bloodshed intensifies, hope dims, and more Americans come home with terrible wounds or in body bags.

Madam Speaker, this Nation has to have a plan and it is time that the President, whose war this is, come forward with such plan as to how we can win. Staying the course has failed. Americans will support what has to be done to get us out with honor and dignity and to win. Now the President can claim that he has the power to do these things, and clearly under the Constitution he does; but the President also has the duty to come forward with a plan that can be understood, accepted, carried out, implemented and successful for the American people.

If we are committed to staying in Iraq, the President must face the American people and adequately prepare them for the truth: The truth that his desires for Iraq will take more soldiers, more money, and cost more lives.

The American people respect and admire leadership and honesty. They admired it in Roosevelt, in Truman and in Ronald Reagan. Honesty begins with making an honest accounting of the costs and coming forward with a truthful statement of where we are and what we must do. If this Nation needs more equipment for our soldiers or needs more soldiers over there, then we must be told that and the President must face that, and we must do what has to be done to see to it that we have the proper forces there to prevail.

This war is being charged to our children and grandchildren. We need to examine whether or not it is just and proper for us to do that. We must pursue with vigor the diplomatic front. The countries in the area must be involved, and certainly little sign of that taking place is visible to all of us.

We have to swallow our pride. Let us talk to everyone, reengage the Syrians and the Iranians, in addition to those countries who are our allies in the region. And as we approach the fourth year of this war, and it must be observed that is longer than we were committed to the war in Europe in 1945, Syria and Iran have to be explored as possible participants in the solution to the problems which exist there.

The President must look the American people directly in the eye and he must deal honestly with our people. He must provide the generals with what they need and not shortchange our troops. We have only one option, and that is to either win or to get out.

Mr. President, your country asks you if Iran is so central to our security in the future, why haven't you made it possible to win and why have you not provided our military with the assets and the strategy that they need to win at the earliest time?

I was a soldier in World War II. Our purpose then was to win quickly, to win strongly, and to do so at the least cost to our people. Victory was our goal, and we were committed to it and we worked for it.

In this world the only thing that will count in this matter is success. In this war there has not been strong leadership from the White House to achieve our goals. As the President dithers, American soldiers are killed and maimed. Let's win or get out.

REMEMBERING BOB GOLDWATER

The SPEAKER pro tempore. Pursuant to the order of the House of January 31, 2006, the gentleman from Arizona (Mr. HAYWORTH) is recognized during morning hour debates for 5 minutes.

Mr. HAYWORTH. Madam Speaker, I rise this morning in remembrance of a great American and great Arizonan, Bob Goldwater. If the last name sounds familiar, it should. The brother of Arizona's favorite son, Bob Goldwater labored alongside his brother in the family business in Phoenix, Goldwater's Department Store, and Bob was his own unique contributor to his brother Barry's political success and to the continued success of Goldwater's Department Store.

Bob Goldwater possessed a laconic wit. Madam Speaker, in my first campaign for public office, I was honored to have Bob Goldwater and former Governor Jack Williams, and the former Republican leader of this House, John J. Rhodes, cosponsor an event for me in the White Mountains of Arizona. This was at a time when I aspired to represent the Sixth Congressional District, an area in square mileage almost the size of the Commonwealth of Pennsylvania, and so to get from suburban Phoenix up to the White Mountains was quite an undertaking that was made a bit more difficult by an incredible thunderstorm because this was during what we call the monsoon season in the summertime in Arizona.

The late great Governor Williams, a former broadcaster, was a stickler for time. The event was supposed to start at 7 p.m. I blew in the door at 7:05. There stood Governor Williams and Leader Rhodes and brother Goldwater. Governor Williams said, "HAYWORTH, 7:00; it's 7:05," to which Bob Goldwater replied, "Oh, heck, keep your shirt on, Jack, booze isn't going to spoil."

At the memorial service for his brother Barry, Bob Goldwater spoke not only of Barry Goldwater, the public servant, but of Barry, his brother. He reminisced how both he and Barry played for their church in a youth basketball league and how Barry suggested that the jerseys they wore should bear the letter "P." Bob recalled that he asked Barry why, and Barry responded, "You know, Bob, P for 'Piscopalian.'"

Perhaps a function of age and time, but the passing of other noteworthy Arizonans would bring Bob Goldwater into the public eye and he, above all other Arizonans, could deliver a heartfelt, humorous, poetic and practical remembrance. I don't have those abilities here today, but I just felt compelled in a moment perhaps of personal indulgence but perhaps more accurately a moment of official reflection, to bring notice to the passing of Bob Goldwater, bring insight into the very human and humorous way he described others.

And also, to make this note: To my knowledge, Bob Goldwater never ran for public office, although he hailed from an Arizona family synonymous with public service. A lesson that has been impressed upon me through the years and especially in recent days is this fact, that public service is not always defined by public office, that it is what a person does in his fellowship of faith, in his community, in his business that can distinguish that person, a good lesson to remember in these days, a lesson typified by the life and times of Bob Goldwater.

Madam Speaker, those of us who knew Bob count ourselves not lucky but blessed to have a man who championed the success of his brother politically but added immeasurably to the lives of Arizonans in terms of commerce and public service, and as the father of our Phoenix Open.

Rest in peace, Bob Goldwater, you won't be forgotten.

AUTHORIZING GOVERNMENT TO NEGOTIATE LOWER PRICES WITH DRUG COMPANIES

The SPEAKER pro tempore. Pursuant to the order of the House of January 31, 2006, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Madam Speaker, last week America went to the polls and sent Washington a message that they wanted a new direction. Unfortunately, when it comes to the Bush administration, it seems as though the voters' call for change has fallen upon deaf ears.

Yesterday, the New York Times reported that the President and the Secretary of Health and Human Services, Mike Leavitt, were "strenuously opposed to legislation that would authorize the government to negotiate with drug companies to secure lower drug prices for Medicare beneficiaries."

This is not groundbreaking news. They have said all along that they oppose negotiated prices in the Medicare program. Still, given the outcome of last week's election, it is disappointing that this administration would not even take a moment to reconsider its misguided policies.

Mr. Levitt went on to say, "I don't believe I can do a better job than an efficient market." I agree that the secretary hasn't done such a good job so far, but he shouldn't get too down on himself, he is not entirely to blame. His Republican friends here in Congress have kept him from realizing his potential by legally prohibiting him from negotiating with drug makers.

However, if a Democratic Congress passed a law granting him authority to negotiate prices with drug manufacturers, I am certain we could achieve enormous savings in the Medicare program which could be passed on to America's elderly and disabled in the form of more generous coverage. Indeed, there is a lot of evidence to support this conclusion.

Take, for instance, a study considered earlier this year by the consumer group FamiliesUSA. They compared prices under private prescription drug plans participating in Medicare part D to the prices available through the Department of Veterans Affairs' health system. Their research showed that the government could help lower costs substantially. From November 2005 to April 2006, FamiliesUSA found that virtually all of the part D plans raised their prices for the majority of the top 20 drugs in this study. The median price increase among part D plans for the top 20 drugs prescribed to seniors was 3.7 percent.

Furthermore, for all of the top 20 drugs prescribed to seniors, VA prices in April were lower than the lowest prices charged by part D plans. The median price difference was 46 percent. In other words, Madam Speaker, for half of the 20 drugs, the lowest price charged by any part D plan was at least 46 percent higher than the lowest price secured for the VA. This is what the secretary must be referring to when he talks about the magic of the market.

My Republican friends argue that allowing the secretary to negotiate lower drug prices cannot actually work because the government will act to set prices. This is just more of the same old excuses we have been hearing all along. The truth of the matter is that the President, Secretary Leavitt, and Republicans in Congress are opposed to negotiated prices simply because they want to preserve the profits of the pharmaceutical industry which this program was really written for.

I have to be honest here. The American taxpayer is being ripped off by the Republican prescription drug law. Pharmaceutical companies have reaped record profits since Medicare part D was implemented while the American taxpayer has been left holding the bill.

Before the Republican law went into effect this year, more than 6.5 million low-income Americans received help for their prescription drug bills through Medicaid. Under the Medicaid system, however, States can purchase drugs at the lowest available prices or the best price. While this was good news for the taxpayer, it certainly cut into the profit margins of the pharmaceutical industry. So now those same 6.5 million Americans have been moved into the Republican prescription drug plan. They are no longer receiving the lower prices, and the higher costs, adding up to as much as $2 billion this year alone, will be passed on to the American taxpayer.

This is why American voters rejected the Republican platform last week. Republican policies over the past decade have served special interests like the pharmaceutical industry, and now the American taxpayer is paying the price. Clearly voters are fed up, and they want us in Washington to implement change. Democrats are going to heed their call, Madam Speaker.

We have said from the beginning of our campaign for a new direction that one of the first things we will do when we take back the House is to pass a law that will authorize the government to negotiate lower drug prices. We intend to live up to that promise. The savings from that program can be used to help eliminate the infamous "doughnut hole" that millions of seniors have fallen into over the past few months.

While the President and his cronies are threatening to oppose such legislation, I think they would be better served to reconsider. It is time for us to take a long and hard look at the Medicare part D program and see where we can make some improvements. Democrats are not calling for repeal of this law, but we are calling for some changes, changes that the American voters clearly support. I hope that my Republican friends will join us as we work together to improve the Medicare program on behalf of America's seniors.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 11 a.m. today.

Accordingly (at 10 o'clock and 29 minutes a.m.), the House stood in recess until 11 a.m.

□ 1100

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. EMERSON) at 11 a.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

God of power and mercy, You are Lord of all creation, yet You bend to every human need, and are always attentive to our prayer. Bless this Nation and the endeavors of Congress today. Give us freedom of spirit and health of mind and body that we may serve the people we represent and work to establish the values of Your kingdom here on Earth.

May your revealed presence in our midst carry over to the way we deal with one another in mutual respect, and confront the problems we face together. We pray, calling upon Your holy name.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Michigan (Mr. STUPAK) come forward and lead the House in the Pledge of Allegiance.

Mr. STUPAK led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

IMMIGRATION REFORM

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Madam Speaker, I rise today to urge my colleagues to work together to provide effective immigration reform. I am pleased the Secure Fence Act of 2006 was signed into law. Securing our borders must be our first step to stop the flow of illegal aliens into the United States.

One thing is clear, we must work to uphold the law. Congress must not provide a path to citizenship or any type of amnesty for those who have crossed our borders illegally. In 1986, Congress passed a comprehensive immigration reform bill that included amnesty.

This was a failure. It did not reduce illegal immigration or permanently solve any of the immigration problems we face today. Rather, it provided the incentive to come here legally by rewarding illegal aliens with amnesty.

As Members of Congress, we took an oath to uphold and defend our laws in the Constitution. There is a solution to the problem of illegal immigration, but the answer is not to reward those who violated the laws of the United States.

9/11 COMMISSION RECOMMENDATIONS

(Mr. STUPAK asked and was given permission to address the House for 1 minute.)

Mr. STUPAK. Madam Speaker, on November 7, the American people voted resoundingly in favor of a Congress that would make implementing the recommendations of the 9/11 Commission a top priority. They voted for a Democratic Congress.

For months, the Republican leadership in this body has sat on the 41 recommendations the 9/11 Commission gave for improving the security of our Nation. The Republican Congress did nothing when the expert bipartisan group released a scathing report card on the lack of progress that has been made and gave our government Ds and Fs for failing to take steps necessary to ensure we would never face another tragedy like 9/11.

Democrats believe it is unacceptable that 5 years after the 9/11 terrorist attacks our Nation's first responders are still without interoperable radios and have planes flying across our country that are loaded with cargo that is rarely ever inspected.

Madam Speaker, Democrats know how important it is for us to make our Nation as safe as possible. That is why we will implement the recommendations of the 9/11 Commission next year so that we can be better prepared to protect our Nation against potential terrorist attack. I know, as I was a first responder for 11 years.

VETERANS ESTABLISH FREEDOM

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, this past weekend we celebrated Veterans Day, and it is appropriate to acknowledge today that because of our veterans, freedom and democracy are more widely spread than ever before.

Fifty million people have been liberated by our courageous troops in Afghanistan and Iraq. Last week was the 17th anniversary of the fall of the Berlin Wall, confirming the success of President Ronald Reagan. From Estonia to Bulgaria, from Mongolia to Hungary, hundreds of millions of people have emerged from communism and are now free.

Earlier this year I visited Liberia, which is still celebrating the election of the first female African leader. President Ellen Johnson-Sirleaf was elected after the dictator Charles Taylor fled at the urging of President Bush.

Today, America's veterans can be prouder than ever of their success as they are freeing oppressed people around the world.

In conclusion, God bless our troops, and we will never forget September 11.

THE PEOPLE OF VIETNAM DESERVE OUR HELP

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Yesterday, permanent trade relations for Vietnam was brought before the House with no committee hearings and under suspension of the rules. I spoke against the bill and demanded a rollcall vote, and last night the bill failed to get the necessary two-thirds, so it was defeated.

Now, the people of Vietnam deserve our help. The United States actually has a moral obligation of a long-standing nature with respect to Vietnam that we don't really need to elaborate on, because we understand what this Nation did to Vietnam. If you care about Vietnam, you should care to know that the permanent trade relations would have this effect, this bill. It would cause millions of peasants to be thrown off the land as agricultural supports are withdrawn.

Millions of workers losing their jobs at State enterprises wither in the face of foreign competition or downsize and speed up operations in an effort to stay competitive. As a result of these and other factors, there would be a surge in income and wealth inequality, exacerbating dangerous trends already under way.

Until we have a trade policy that has workers rights, human rights and environmental quality principles, all that free trade means for nations like Vietnam is more exploitation of the country and of the workers. That is why we need to vote down this bill when it comes back this week.

CONGRATULATIONS TO THE NEW CITY OF JOHNS CREEK, GEORGIA

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Madam Speaker, I am so pleased to take this opportunity to congratulate the mayor and city council and citizens of the newly created City of Johns Creek in Georgia. In accordance with the bill passed by the Georgia General Assembly and signed by Governor Sonny Perdue, the community of Johns Creek will be officially incorporated as a city on December 1, 2006.

This is a wonderful and gratifying time for the people of Johns Creek. Those residents fought diligently to make this day a reality. They have chosen to honor Mr. Mike Bodker as the first mayor of their new city.

Johns Creek is a vibrant, engaged and dynamic community. They have seized the opportunity to have a more direct impact on their future, and this achievement also comes with many new responsibilities.

I am confident that the citizens will successfully embrace these new challenges, as our 10th largest city, Johns Creek, will also be a leader in our larger Georgia community.

Madam Speaker, thank you for the privilege of bringing the recognition of this House of Representatives as we congratulate the people of Johns Creek, Georgia and wish them the very best during this exciting transition.

AMERICANS DEMANDING CHANGE IN WASHINGTON AND DEMOCRATS BRINGING CIVILITY TO D.C.

(Mr. CLEAVER asked and was given permission to address the House for 1 minute.)

Mr. CLEAVER. Madam Speaker, last week, the American people spoke loudly and clearly. They want a change here in Washington, and they want Democrats and Republicans to work together to solve the problems they confront on a daily basis. During the campaign this year, Democrats promised to change the tone of the debate here in Washington, and work cooperatively on behalf of all Americans.

Because we will not be the party of anger politics, Democrats will honor our pledge. We will treat the Republicans in the minority in a manner compatible with the interests of the voting public. In the past, Democrats have been shut out of the debate. This is not how a Democratic form of government is supposed to work.

But the campaign is over, and we are not going to focus on the past. Democrats pledge, therefore, to preside over the most open and honest Congress in history. We want to pass solid ethics legislation that the public is actually demanding. We are here to represent only our constituents, and we need to make that clear.

Madam Speaker, change is coming to Washington.

ED DAVIS TRIBUTE

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, Admiral Chester Nimitz, in describing the bravery of Americans battling for Iwo Jima, said, "Uncommon valor was a common virtue."

Captain Ed Davis, who died last week at age 67, was a man of most uncommon valor. A graduate of the U.S. Naval Academy, Captain Davis was shot down over Vietnam in 1965, and he would spend the next 7½ years as a prisoner in Hanoi.

When finally released from captivity, he said, "When I first saw that flag"—meaning the U.S. flag—"I knew it was all worth it."

To those of us who knew him, his death is a great loss. But his passing is also a great loss to the country he loved.

Captain Davis won three silver stars, the Legion of Merit with Combat Citation, five air medals, two purple hearts, as well as numerous other honors both military and civilian.

Our thoughts and our prayers and those of a grateful Nation go out to his family. May he rest in peace.

IRAQ

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Madam Speaker, last week the American people voted for new ideas and a new direction in Iraq. Changing the Secretary of Defense was a good first step, but we have a long way to go, and the situation is getting worse.

Last week, I went to Amman, Jordan, to listen to a cross-section of moderate secular leaders from the region. They gave me their ideas for stabilizing Iraq. It is a way forward and it comes from the people in the region closest to the chaos.

These leaders believe the U.S. should redeploy our soldiers to the borders between Iraq and Syria and Iraq and Iran. These leaders believe strategic redeployment can stop the infiltration of violence and get U.S. soldiers out of harm's way in Baghdad.

The leaders gave me a four-point plan they believe will save American and Iraqi lives and their country. Strategic redeployment is a key element. We should do it.

In medicine, doctors are taught to listen to the patient. The saying is, "Listen to the patient. He's telling you what's the matter." Too often we have gone in like a doctor who had an idea that they knew what was wrong and how to fix it.

We, the Congress, must listen to those moderate secular leaders in Iraq.

ISSUES FACING TEXAS CONGRESSIONAL DISTRICT 22

(Ms. SEKULA GIBBS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SEKULA GIBBS. My name is SHELLEY SEKULA GIBBS. I am the new Congressmember from Texas Congressional District 22.

As the winner of the special election, I promise to roll up my sleeves and work hard over the next 2 months to move our country forward and to support the hardworking people in my district who have put their faith in me.

Some of the key issues for my district are:

Reducing the size of government and lowering taxes; to help seniors in their search for more choice and security in health care and have a stable source of funding for Medicare; to enhance Ellington Field as the linchpin of homeland security for the Houston region; to also help fund NASA Johnson Space Center, the return to the Moon and onward to our voyage to Mars. Space is at the epicenter of our Nation's future.

As a physician, wife and mother who respects life from conception to natural death, I look for ways to support the sanctity of life.

Texas shares a long border with our neighboring country Mexico. I will work to honor my commitment to the people of my district by seeking ways to stop illegal immigration while streamlining the process of legal immigration.

I look forward to serving the district and the opportunity to serve my Nation.

□ 1115

DEMOCRATS TO REINSTATE PAY-AS-YOU-GO REQUIREMENTS

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Madam Speaker, for too long in this country Republicans have governed without a strong dedication to fiscal responsibility and without using the pay-as-you-go method. The President and his friends here in Congress have squandered the Clinton administration's projected 10-year surplus of $5.6 trillion and have put us into a projected deficit of $3.5 trillion.

Last Tuesday, the American people told the Republicans that enough is enough and demanded a change in the way that Congress does business. They voted in a Democratic majority to return our country to a path of strong fiscal responsibility and back to the pay-as-you-go system.

Madam Speaker, the current Republican leadership has incurred more foreign debt in these 6 years than the previous 42 Presidents combined incurred.

When we assume the majority in January, Democrats are committed to fiscal responsibility, and we will reinstate pay-as-you-go, working effectively as we did in the 1990s when President Clinton and the Congress balanced the budget.

MAKING IT FIRM THAT IT IS ILLEGAL TO BE IN AMERICA WITHOUT PERMISSION

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Madam Speaker, according to the Dallas Morning News, "Farmers Branch, Texas, on Monday adopted strict measures against illegals, requiring apartment renters to provide proof of citizenship or residency and making English the city's official language."

"The city also unanimously agreed to let police apply to participate in a Federal program that would enable them to check the residency status of suspects that they arrest and initiate deportation proceedings in certain cases. These measures, believed to be the first of their kind in the State of Texas, brought cheers from some supporters, but sparked anger among some Hispanics."

Madam Speaker, cities across the Nation are taking positive action in dealing with illegals. These are commonsense steps the Federal Government has refused to take for political reasons.

Of course, the pro-illegal immigrant crowd has threatened lawsuits. It seems odd that illegals can use American courts to prevent cities from enforcing laws against illegal entry.

The example of Farmers Branch, Texas, is a statement that cities cannot and will not continue to bear the costs in education, health care and social services of illegals. This Nation must be firm that it is illegal to be in America without permission.

And that's just the way it is.

PROVIDING PROPER OVERSIGHT OF THE ADMINISTRATION

(Ms. WATSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATSON. Madam Speaker, since the beginning of the war in Iraq, congressional Republicans have refused to provide any oversight of the Bush administration in its handling of the war.

When no weapons of mass destruction were found in Iraq, House Republicans refused to investigate how the intelligence could have been so bad.

When the administration sent our troops into combat without the proper body armor, House Republicans refused to hold anyone in the administration accountable.

When milestone after milestone passed without things getting better in Iraq, congressional Republicans refused to hold oversight hearings and allowed the Bush administration to continue with the status quo when a change was clearly needed.

Today, our Nation desperately needs for Congress to do its job and provide real oversight of the administration. When Democrats take control of Congress in January, we vow to provide proper oversight of the actions of this administration. It is something that is required of us all by the U.S. Constitution

DEMOCRATS WANT TO HELP LOWER PRESCRIPTION DRUG PRICES FOR AMERICA'S SENIORS

(Mr. FILNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FILNER. Madam Speaker, millions of American seniors are trying to make the best of the Medicare prescription drug plan that congressional Republicans and President Bush signed into law 3 years ago.

Today, seniors are demanding changes in this program. They want a plan that does not create a giant gap in coverage, where they can lose coverage for months on end and where they still must pay their monthly payments.

The giant doughnut hole, as we call it, leaves many seniors in the predicament of paying for groceries, paying their rent or the drugs they need to live healthier and longer lives. They may cut their pills into two or take them every second or third day. That is a recipe for disaster, and this is not a decision that seniors should have to make in America today.

Democrats have long opposed this doughnut hole, and one of our top priorities next year is to eliminate it by making prescription drugs cheaper. How are we going to do this? It is simple. We are going to do the same thing the Veterans Administration does today, and that is, give the Secretary of Health and Human Services the ability to negotiate on behalf of all seniors for lower drug prices.

Today, American veterans pay 42 percent less for their drugs because of this negotiating authority. If we make prescription drugs cheaper, we can fill in the doughnut hole so seniors no longer fall into it. This is one of our top priorities as we become the majority party in Congress next year.

DEMOCRATS WANT TO WORK WITH REPUBLICANS TO HELP MIDDLE CLASS AMERICANS

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Madam Speaker, now that the elections are over, it is time for Democrats and Republicans to come together to work in a bipartisan fashion to help all Americans.

Throughout this year, Democrats have talked about a forward-looking agenda, one that encompasses all Americans. We want to expand economic opportunity to millions of Americans who have been left behind by increasing the minimum wage for the first time in 9 years. We want to expand educational opportunities to teens who want to attend college, by cutting interest rates on student loans so that they can better afford college. We also want to help seniors better afford their prescription drugs by cutting drug prices and filling the doughnut hole.

Democrats touted these plans, but that doesn't mean Republicans can't join us in implementing them when the new Congress convenes in January. Raising the minimum wage, helping college students better afford their education and helping seniors pay for their prescription drugs is something we all, Democrats and Republicans alike, should be interested in. We will have the opportunity to follow through on this agenda in January

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 860. An act to provide for the conveyance of the reversionary interest of the United States in certain lands to the Clint Independent School District, El Paso County, Texas.

H.R. 5842. An act to compromise and settle all claims in the case of Pueblo of Isleta v. United States, to restore, improve, and develop the valuable on-reservation land and natural resources of the Pueblo, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 3501. An act to amend the Shivwits Band of the Paiute Indian Tribe of Utah Water Rights Settlement Act to establish an acquisition fund for the water rights and habitat acquisition program.

S. 3687. An act to waive application of the Indian Self-Determination and Education Assistance Act to a specific parcel of real property transferred by the United States to 2 Indian tribes in the State of Oregon, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

AMENDING TITLE 38, UNITED STATES CODE, TO EXTEND CERTAIN EXPIRING PROVISIONS OF LAW

Mr. BUYER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6314) to amend title 38, United States Code, to extend certain expiring provisions of law and to expand eligibility for the Survivors' and Dependents' Educational Assistance program.

The Clerk read as follows:

H.R. 6314

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF CERTAIN EXPIRING PROVISIONS OF LAW ADMINISTERED BY THE SECRETARY OF VETERANS AFFAIRS.

(a) AUTHORITY FOR HEALTH CARE FOR PARTICIPATION IN DOD CHEMICAL AND BIOLOGICAL WARFARE TESTING.—Section 1710(e)(3)(D) of title 38, United States Code, is amended by striking "December 31, 2005" and inserting "December 31, 2007".

(b) GRANT AND PER DIEM GRANT ASSISTANCE FOR HOMELESS VETERANS.—Section 2011(a)(2) of such title is amended by striking "September 30, 2005" and inserting "September 30, 2007".

(c) TREATMENT AND REHABILITATION FOR SERIOUSLY MENTALLY ILL AND HOMELESS VETERANS.—Section 2031(b) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(d) ADDITIONAL SERVICES FOR HOMELESS AND SERIOUSLY MENTALLY ILL VETERANS.—Section 2033(d) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(e) ADVISORY COMMITTEE ON HOMELESS VETERANS.—Section 2066(d) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(f) GOVERNMENT MARKERS IN PRIVATE CEMETERIES.—Section 2306(d)(3) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(g) ADDITIONAL EDUCATIONAL ASSISTANCE ALLOWANCE FOR WORK-STUDY.—Section 3485(a)(4) of such title is amended in subparagraphs (A), (C), and (F) by striking "December 27, 2006" and inserting "June 30, 2007".

SEC. 2. EXPANSION OF ELIGIBILITY FOR SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE PROGRAM.

(a) EXPANSION OF ELIGIBILITY.—Section 3501(a)(1) of title 38, United States Code, is amended—

(1) by striking the period at the end of subparagraph (A) and inserting a semicolon;

(2) by striking the comma at the end of subparagraph (B) and inserting a semicolon;

(3) by striking ", or" at the end of subparagraph (C) and inserting a semicolon:

(4) by striking the comma at the end of subparagraph (D) and inserting "; or"; and

(5) by inserting after subparagraph (D) the following new subparagraph:

"(E) the spouse or child of a person who at the time of application by such spouse or child for educational assistance under this chapter is a member of the Armed Forces who, as determined by the Secretary, has a total disability permanent in nature incurred or aggravated in the active military, naval, or air service;".

(b) CONFORMING AMENDMENTS.—Such title is further amended—

(1) in section 3511—

(A) in subsection (a)(1)—

(i) by striking "Each eligible person" and inserting the following: "Each eligible person, whether made eligible by one or more of the provisions of section 3501(a)(1) of this title,";

(ii) by striking "a period" and inserting "an aggregate period"; and

(iii) by striking the second sentence;

(B) in subsection (b)(3), by striking "section 3501(a)(1)(D)" and inserting "subparagraph (D) or (E) of section 3501(a)(1)"; and

(C) in subsection (c), by striking "or 3501(a)(1)(D)(i)" and inserting "3501(a)(1)(D)(i), or 3501(a)(1)(E)";

(2) in section 3512—

(A) in subsection (a), by striking "an eligible person (within the meaning of section 3501(a)(1)(A) of this title)" and inserting "an eligible person whose eligibility is based on the death or disability of a parent";

(B) in subsection (b)—

(i) in paragraph (1)(A)—

(I) by inserting after "section 3501(a)(1) of this title" the following: "or a person made eligible by the disability of a spouse under section 3501(a)(1)(E) of this title";

(II) by striking "or 3501(a)(1)(D)(ii) of this title" and inserting "3501(a)(1)(D)(ii), or 3501(a)(1)(E) of this title";

(ii) in paragraph (1)(B), by adding at the end the following new clause:

"(iii) The date on which the Secretary notifies the member of the Armed Forces from whom eligibility is derived that the member has a total disability permanent in nature incurred or aggravated in the active military, naval, or air service."; and

(iii) in paragraph (2), by striking "or (D) of this title" and inserting "(D), or (E) of this title";

(3) in section 3540, by striking "and (D)" and inserting "(D), and (E)";

(4) in section 3563, by striking "each eligible person defined in section 3501(a)(1)(A) of this title" and inserting the following: "each eligible person whose eligibility is based on the death or disability of a parent";

(5) in section 3686(a)(1), by striking "or (D)" and inserting "(D), or (E)"; and

(6) in section 5113(b)(3)(B), by striking "or (D)" and inserting "(D), or (E)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to a payment of educational assistance for a course of education pursued after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. BUYER) and the gentleman from California (Mr. FILNER) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana

Mr. BUYER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, today I rise and urge my colleagues to pass H.R. 6314, a bill that would extend several existing Department of Veterans Affairs benefits provisions.

This bill will extend these provisions of health care services to veterans exposed by chemical and biological testing under Projects 112 and SHAD, and treatment and rehabilitation programs for seriously mentally ill and homeless veterans until December 31, 2007. The bill would also extend VA's homeless grant and per diem programs until September 30, 2007, and extend additional services for mentally ill and homeless veterans until December 31, 2007. It would extend VA's Advisory Committee on Homeless Veterans, as well as the program which is providing government markers in private cemeteries until that date.

The work/study provisions of the legislation allowing veterans to assist VA and other government agencies would be extended until June 30, 2007. The work/study program is an increasingly popular benefit that provides veterans with an alternative use of their GI Bill if they choose not to go to college.

The bill also provides education benefits for the family members of severally injured veterans who are undergoing long-term convalescence while on active duty. Spouses and children of servicemembers who are determined by the VA to be permanently and totally disabled due to a service-connected cause or causes would be eligible to receive Chapter 35 education benefits while the servicemember is still on active duty while undergoing treatment. This Chapter 35 provision would enable spouses and dependent children of severely wounded servicemembers to access their Dependents' Educational Assistance benefits while the servicemember is going through extended convalescence prior to discharge.

Under the current law, these beneficiaries must wait until the member is discharged, and since the spouses of these members most often become the primary breadwinner, I believe it is important to give them as much of a headstart as possible on becoming more competitive in the job market. The amount of the benefit remains the same.

I thank the Blinded Veterans Association for bringing this important issue to the attention of myself and members of the committee. We met with Army Sergeant 1st Class Jeffrey Mittman and his wife Christine. Sergeant 1st Class Mittman was blinded by an IED and is undergoing extensive rehabilitation and facial reconstruction.

Madam Speaker, this young soldier is articulate, has a very positive outlook on his life and is truly an inspiration. One look at his wife and you can immediately pick up the burdens she is bearing in caring not only for her husband, but also for her children. His wife Christy is a model of the love and support that she is providing to her husband as they face these challenges together. In fact, I think of this as the Christine Mittman provision, a provision not only that would help Christy, but also other spouses lessen the financial stress.

So, in essence, while Christy is providing leadership and mentoring for her children, caring for her husband instead of waiting until he completes all of the facial reconstruction and rehabilitation necessary, she can start her educational opportunities now.

I think this is the right thing to do. We all know he is going to be 100 percent disabled. She wants to become a nurse, so let's give her and others who are likewise situated to have these opportunities.

Madam Speaker, the committee is currently also undergoing bipartisan negotiations on a number of bills, not only with my House counterparts, but also with the Senate counterparts.

Among these bills are H.R. 3082, the Veterans Small Business and Memorial Affairs Act of 2006. It passed the House on July 24, 2006. We have informally been discussing provisions since July 28. The bill improves the status of veterans and disabled veterans small businesses when competing for contracts with the Department of Veterans Affairs. It allows Tribal government to participate in the VA's State Cemetery Grants Programs, authorizes the VA Secretary to provide the family of a veteran interred in a private cemetery with government markers, which we are doing now. It also requires the Veterans Employment Training Service, otherwise known as VETS, to establish nonmandatory guidelines for disabled veterans outreach programs. There are a lot of things in this bill, and I am hopeful we are going to get this done and negotiated.

There is another bill, H.R. 4061, the Department of Veterans Affairs Information Technology Management Improvement Act. It would centralize VA's IT organizational structure so that it reports directly to the Department's chief information officer.

Ultimately, the bill would empower the CIO with the authority over the IT budgets, equipment and personnel. While the House passed this bill with widespread bipartisan support, and I appreciate the leadership of Mr. FILNER and others on this legislation, the Senate is even yet to take action on that bill.

There is another bill, H.R. 5815, the Department of Veterans Affairs Medical Facility Authorization Act of 2006, that would ensure that we will efficiently provide the right facilities with the right places for veterans' health care. Given the current veteran population and those which we can expect in the coming years, it would authorize $2.5 billion for major implementation projects and $51 million for facilities leases. This is an important bill, and we are getting close on these negotiations.

We have another bill, H.R. 5835, the Veterans Identity and Credit Security Act, as amended. This bill requires notification to Congress and individuals in the event of a data breach. All of us Members understand and remember the data breach.

□ 1130

And we had extensive oversight on the committee. Mr. FILNER and I were able to lead over eight hearings in a 6-week time frame, and we are perfecting change in our cooperation with the administration. This is a good bill and I am hopeful that we can get this bill done.

This bill also included a scholarship and loan repayment program to provide the Secretary with a recruitment and retention tool to attract qualified people in the areas of information technology and management so they can work in these security areas. As I said, this bill received widespread bipartisan support here in the House and I am most hopeful that we can move to the Senate and achieve our work

Madam Speaker, I reserve the balance of my time

Mr. FILNER. Madam Speaker, I yield myself such time as I may consume.

I am also pleased to rise in support of H.R. 6314, which would, as we have heard, extend expired and expiring authorization for the Department of Veterans' Affairs and expand eligibility for survivor and dependent educational assistance.

I want to thank the gentleman from Indiana (Mr. BUYER), the chairman of our committee, and my other colleagues for working together on this very important legislation. I also would like to remind us all of the work of Ranking Member LANE EVANS. His integrity, leadership, and advocacy for veterans will be missed as we move into the next session of Congress.

This bill extends important authorities for the Department of Veterans Affairs to take care of our veterans. From 1962 through 1973, the Department of Defense conducted biological and chemical warfare tests on active duty servicemembers. These tests were known as Project 112 and Project SHAD. The Department of Defense has acknowledged that it did not keep patient care records to archive health effects of the tests nor did they get, I am sure, informed consent on these tests.

Just recently, in 2003, in response to concerns from veterans that their illnesses may be a result of these exposures, Congress did act. We authorized the VA to provide priority care to veterans who participated in these tests and did not require them to provide medical evidence that any of the illnesses are attributable to the testing.

This legislation before us today does the right thing for these veterans. It would extend the VA's authority to provide priority care for them through the end of next year.

I am disappointed that we have not extended VA's authority to give priority care to veterans who were exposed to Agent Orange. Just like those veterans who were subject to Project 112 and Project SHAD tests, veterans who were exposed to Agent Orange and probably got cancers and other maladies as a result deserve priority care, which may be a result of this exposure. They have provided service to the Nation. They were not given full information. They deserve our help and care today.

The administration has requested that we extend VA's authority with respect to veterans exposed to Agent Orange, and I will work certainly in the next Congress to pass that extension.

The bill today also helps the over 200,000 male and female veterans who each night are sleeping in a doorway, under a bridge, in an alley, a box, a barn, a car, or a homeless shelter. Through a network of local nonprofit or public agencies, VA's grant and per diem program for homeless veterans offers homeless veterans a safe haven that is free of drugs and alcohol.

Last year roughly 300 programs across the Nation were able to give 14,000 homeless vets the help they needed to recover, rehabilitate, and obtain the skills necessary to reintegrate back into society. This legislation means that the VA can continue to support these hundreds of community shelters. But let me remind us all, as I will continue to do next year, that this covers barely 5 percent of the homeless veterans. We owe as a Nation help and care to the almost 200,000 others that remain on the streets tonight.

This bill extends the authority to treat seriously mentally ill and homeless veterans. More than one out of three veterans returning from Iraq and Afghanistan who have turned to the VA for health care has received an initial diagnosis for a mental health disorder. Many more have such a disorder but did not come to the VA. Many did not check the boxes that would indicate this because they just want to get home to their families. We have a lot of work to do in this country to help those with mental health disorders.

This bill, though, will ensure that the VA has the authority it needs to provide our recent veterans, as well as veterans from previous conflicts, with this mental health care that they need.

As the chairman said, this legislation also extends certain work study opportunities for veterans who are students through June of 2007. Helping veterans who are attending college or vocational training to earn while they learn makes good sense. This bill will allow veterans who are students to receive work study allowances for working at VA hospitals and domiciliaries, at State veterans homes, and at national and State veterans cemeteries. While I am disappointed that we could not extend authority for this program beyond next June, I am glad that this legislation will allow veterans who are participating in this program to continue through the end of their academic year.

A small number of permanently and totally disabled servicemembers are kept on active duty status to help them recover and rehabilitate from their injuries. When these servicemembers are discharged, their spouses and dependent children are then eligible for VA's educational assistance program. This bill, though, accelerates eligibility in cases where a disability rating of permanent and total disability is delayed because the servicemember has not officially yet been discharged from military service. I am proud and I am grateful that this legislation will help families of these very severely wounded veterans by providing early education benefits.

I appreciate the chairman's enumerating other bills that need to pass through the Senate. As he said, a lot of good things are waiting. And this is one of them. I urge my colleagues to support H.R. 6314

Madam Speaker, I reserve the balance of my time.

Mr. BUYER. Madam Speaker, I thank my good friend Mr. FILNER for his comments.

You are absolutely right. We have a lot of good work product that hopefully we can get done.

At this point I would like to yield 2 minutes to a friend of America's veterans, the Honorable MICHAEL BILIRAKIS. MICHAEL will be retiring and leaving us here at the end of this Congress, and his work and leadership will be missed.

Mr. FILNER. Madam Speaker, will the gentleman yield?

Mr. BUYER. I yield to the gentleman from California.

Mr. FILNER. Madam Speaker, I don't know if this is the last statement that Mr. BILIRAKIS will make on the floor, but I just want to say how much we all appreciate your work. We are looking forward to another Bilirakis joining us. But your advocacy on areas such as no offsets between pension and disability that we call concurrent receipt, you kept that issue alive and made sure that we would do justice. So we want to thank you for that. And we want to thank you for the civility that you have exhibited through your whole career and especially on this committee, which sometimes especially this gentleman needed.

So we hope that you have a good retirement, Mr. BILIRAKIS. We will be missing you, but we really appreciate your service to this committee and to this Nation.

Mr. BUYER. Madam Speaker, I thank the gentleman. We will have one more opportunity, I am hopeful, to speak about Mr. BILIRAKIS' efforts.

Mr. BILIRAKIS. I thank you, BOB, for those kind comments and also the chairman.

I do rise in support of H.R. 6314, introduced by the Committee on Veterans' Affairs chairman, STEVE BUYER.

For the past 24 years, Madam Speaker, I have had the pleasure of serving in this body and also the honor, true honor, of being a member of the House Committee on Veterans' Affairs. During that service I have helped create and advance numerous programs that benefit our Nation's veterans. This Congress, as chairman of the committee's Subcommittee on Oversight and Investigations, I have monitored and scrutinized billions of dollars of programs and projects that benefit veterans.

Today I stand before you and ask that we extend expiring provisions of current law that provide health care, housing, educational, and other assistance that help veterans and their families. By supporting H.R. 6314, we will ensure the continuation of many of the programs and benefits that our Nation's veterans have earned.

H.R. 6314 is an important bill that is truly worthy of our full support. I urge my colleagues to continue meeting our obligations to our Nation's defenders by approving this measure.

Mr. FILNER. Madam Speaker, I yield 5 minutes to the gentleman from Maine (Mr. MICHAUD).

Mr. MICHAUD. Madam Speaker, I want to thank the gentleman for his time. I also want to thank Mr. BILIRAKIS for his time here working in a strong bipartisan manner on veterans issues.

Madam Speaker, I rise today in support of H.R. 6314. I commend the chairman of the committee, STEVE BUYER, for his work on this legislation. This bill does deserve bipartisan support.

As a member of this committee and as citizens, we are united in our dedication to address the needs of veterans and their families. Ensuring that the Department of Veterans Affairs has the authority and resources to provide veterans with the medical care and benefits they have earned is a mission that we will continue in the next Congress.

H.R. 6314 is an important bill with a number of must-pass provisions. This legislation improves transition assistance for severely disabled service personnel. It is important that we do all we can to help the individuals and their families to regain their independence and economic security. This legislation also puts VA's specialized programs for homeless veterans on a more secure footing.

I am proud that this Congress is acting to extend the soon-to-expire authorization of VA's grant and per diem program for homeless veterans. I am glad that we are extending the authorization for VA's treatment of severely mentally ill veterans. By acting to reauthorize these fundamental VA programs, we give veterans and their families hope for recovery and having a better life.

Extending the authorization for these programs until the end of 2007 is an important first step, but it is not enough. In our great Nation, it is unacceptable that even one veteran should be homeless or go hungry. I am shocked that last year the VA's health care program for homeless veterans served nearly 600 veterans who returned from Iraq and Afghanistan. It is troubling that more than one in three returning veterans who come home to the VA for medical care has received an initial diagnosis for a mental health disorder. Homeless veterans and those with psychological wounds should not be left behind. They have served our Nation and deserve a rich and full life. In this Congress I introduced legislation to improve VA's capacity to help homeless veterans recover, rehabilitate, and return to a full life in our society. I plan to reintroduce my bill in the next Congress to help homeless veterans. We must keep the faith that we can end homelessness among veterans.

This September, the Health Care Subcommittee heard about how posttraumatic stress disorder and traumatic brain injuries are emerging concerns for veterans from the war in Iraq and Afghanistan. I support H.R. 6314 because it helps keep our promise to veterans with these injuries. The Committee on Veterans' Affairs and this Congress must continue to address veterans' mental health care needs in the future. Next Congress I plan to reintroduce an updated version of Ranking Member LANE EVANS' comprehensive bill on mental health. LANE EVANS has been a great leader and mentor. His legacy is measured in the millions of veterans and their families who have benefited from his determination to fight for the needs of veterans. I will deeply miss him and so will this institution.

I also want to thank Chairman BROWN for his work in a bipartisan manner on issues dealing with veterans affairs. I enjoyed his service and will look forward to working with him in the upcoming Congress.

Madam Speaker, this is a good bill. I want to thank Mr. FILNER for his leadership on this legislation as well.

I urge my colleagues to support H.R. 6314.

Mr. BUYER. Madam Speaker, I yield 3 minutes to the gentleman from the First District of South Carolina, the chairman of the Health Subcommittee, HENRY BROWN.

Mr. BROWN of South Carolina. Madam Speaker, I thank the chairman for yielding this time.

Let me begin by thanking our esteemed committee chairman, Mr. BUYER, for his hard work in this Congress. Under his leadership this committee has fought to do what is right for veterans. And I would like to also extend my thanks to Mr. MICHAUD, what a great gentleman, the ranking member of the Health Subcommittee. It has been a real pleasure in working with him.

And, Mr. FILNER, we certainly appreciate your leadership on this committee. It has been great working in a nonpartisan fashion. We have always said when you come into that committee room, veterans is a nonpartisan issue, and it is great working in a nonpartisan fashion. I look forward to next year.

I especially want to applaud Chairman BUYER's willingness and attempts to look outside the box and push forward new and innovative initiatives to keep pace with the emerging health care needs of those who have faithfully served this country. The chairman has championed opportunities to improve the quality of the care delivered to our veterans through collaborative partnerships.

Collaboration is becoming increasingly essential in delivering health care across the Nation.

□ 1145

So long as we remain true to the distinct identity of the VA, and so long as we ensure the continued quality associated with VA care, VA collaboration on joint ventures with extensive medical university affiliations and the Department of Defense can be mutually advantageous for all organizations.

I am hopeful that the diligent and bipartisan work of the committee and its jurisdiction over VA construction matters will carry into the next Congress. The bill we are considering today will extend certain expiring provisions of law administered by the Department of Veterans Affairs. The legislation includes provisions to extend the authority for the grant and per diem assistance programs for homeless veterans and programs for the treatment and rehabilitation for seriously mentally ill and homeless veterans.

The VA is the Nation's largest single provider for integrated and specialized services for homeless veterans. On behalf of the homeless veterans who need and depend on the services in achieving successful outcomes, it is our duty to assure that the continuity of these services is not interrupted.

Madam Speaker, I urge my colleagues to join me in support of this legislation.

Mr. FILNER. Madam Speaker, I yield 3 minutes to the gentlewoman from Nevada (Ms. BERKLEY), who is a staunch advocate for the veterans throughout her State, and who is the ranking Democratic member of the Subcommittee on Disability Assistance and Memorial Affairs.

Ms. BERKLEY. Madam Speaker, before I begin my remarks, I also would like to thank Chairman BUYER, Ranking Member EVANS, who we will miss very much, and Acting Ranking Member FILNER for moving forward on this bill.

I am supporting this legislation, but I feel that I need to make note of the fact that several of the provisions important to our veterans and their families have already expired. This should not have been allowed to happen.

In addition, there are other provisions that will expire before the end of the year. I want to particularly mention a provision in this legislation which extends through December 31, 2007, the Department of Veterans Affairs authority to provide a grave marker or headstone when a veteran is buried in a marked grave.

Veterans who served our country honorably should not lose their eligibility for recognition in death merely because the grave in which they are buried has a nonmilitary marker. I have a long record of interest in providing the burial benefits provided to our Nation's veterans, and this provision is truly a step in the right direction. We ought to make it permanent.

I joined Chairman MILLER in introducing legislation to extend this authorization. Although the VA and Members on both sides of the aisle supported making the authorization permanent, the committee was not able to fund the cost of a permanent authorization. I hope that we will be able to do so in the next Congress.

Eligibility for a headstone or a marker should not depend on whether a VA marker is provided before or after the placement of a private marker. As I stated, I am supporting this legislation, but I must make note that there are a number of other matters which should be acted on. I am especially disappointed that lease authorization for four clinics in Las Vegas on leases that will soon expire is not included, and it is going to have to be in order to provide health care to the veterans that live in southern Nevada.

Las Vegas' veterans are forced to rely on a string of clinics as the community awaits a new VA medical complex to be completed. It is at least 3 years out from being completed, even though we did break ground in October, which is a step in the right direction.

I have got 80-year-old veterans standing in 110-degree temperature going from clinic to clinic in order to get their health care needs met. That is why we are getting a full-service VA medical complex. But the fact is we need four leases approved by the end of the year. I hope we are going to do that before we recess for the year.

As I stated, Madam Speaker, I do support this legislation. I urge all of my colleagues to support it.

Mr. BUYER. Madam Speaker, I yield myself such time as I may consume.

Ms. BERKLEY, I want to thank you for your leadership on this bill. Thank you for working with NANCY JOHNSON, JEB BRADLEY. This symbol of honor and remembrance is very important. I want to thank you for that.

Also I want to embrace your words regarding the leases. In the construction bill we have a number of leases, and we need to complete our work. And so I embrace your words. I call on you for your help. The Senate has not been as helpful. You know that is a continuous body over there. We do not know how it is about to be reorganized. We have a lot of our work that needs to be done over the last 2 years, and we cannot let this construction bill die on the vine. We have to complete that work.

If we do not re-up these leases, it is going to cost the Federal Government more money because there are penalty clauses that will go into effect, and we cannot and should not let that happen.

Ms. BERKLEY. Madam Speaker, will the gentleman yield?

Mr. BUYER. I yield to the gentlewoman from Nevada.

Ms. BERKLEY. Well, I want to thank you, Chairman BUYER, thank you for coming to Las Vegas and feeling my pain by the end of the day and appreciating how seriously impacted my veterans are.

I can assure you that I will do everything I can to urge the other body to move in an expeditious way, because you are quite right, we cannot let these leases expire. Thank you very much for your support.

Mr. BUYER. Reclaiming my time, I thank the gentlewoman for her leadership.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, as vice chairman of the Veterans' Affairs Subcommittee on Economic Opportunity, I rise with very mixed emotion. I am certainly happy that Chairman BUYER is bringing this important bill to the floor that will extend several worthy veterans programs and add a new provision that will improve education opportunities for the spouses and dependents of our severely wounded veterans.

I urge my colleagues to support the bill in a bipartisan manner. However, I am disappointed that to date negotiations with the other body on Chairman BUYER's package of veterans initiatives, which was very, very bipartisan, has produced only limited progress. And there is a real possibility that many good provisions passed by both the House and the other body might not become law.

These bills include improvements to VA medical care, hospital construction and maintenance projects and a wide range of veterans benefits. From my subcommittee's perspective, important improvements include small business and employment legislation that is widely supported by the administration and the veterans community.

For example, our legislation will improve the competitive status of veterans and disabled veteran-owned small businesses seeking to win VA contracts. As the Members know, Public

Law 106–50 and Executive Order 13360 direct Federal agencies and departments to award at least 3 percent of Federal contracts to service-disabled veteran-owned businesses, service-connected veteran-owned businesses.

To date the only department to make that goal was the Department of State in fiscal year 2004. This is an unacceptable record for a nation whose armed forces are engaged in hostilities as we speak. One of our bills, H.R. 3082, will help rectify that shortfall in at least the Veterans Administration Department.

The small business provisions of H.R. 3082 would provide VA acquisition staff additional tools that would give veterans and service-disabled veteran-owned businesses priority in many VA contract competitions.

The bill would also ensure that surviving spouses who retain control of those businesses after the veteran owner dies continue to enjoy status as a service-disabled veteran-owned business for up to 10 years.

In short, at least at the VA, the veteran business owners will be treated fairly and enable the VA to set a standard for other Federal agencies. Mr. Speaker, the bill also makes several other improvements to the employment programs operated through the veterans employment and training service at the Department of Labor.

I am especially pleased that H.R. 3082 includes provisions of a bill I introduced to improve licensing and credentialing of veterans based on skills and experience they gained during their military service.

Mr. Speaker, in conclusion, this is an excellent bill. We need to pass it and make sure that the Senate gets the message loud and clear.

Mr. BUYER. I thank the gentlewoman for her contribution.

Mr. Speaker, I would now like to yield 2 minutes to the gentleman from Pennsylvania, the Honorable TIM MURPHY.

Mr. MURPHY. Mr. Speaker, this is a very important bill the House is now considering to extend a lot of critical services to veterans. I really on behalf of veterans am grateful for the work you have done on this.

Because of this type of bill, it cannot be amended. I would like to bring to your attention an issue that, Mr. Chairman, you and I have discussed, that we all remain very concerned about. That is the security breaches of veterans' personal records.

And if we are not able to pass a bill at this time, perhaps in the coming weeks or at least next year, we really need to be dealing with some of the issues, such as on November 2, a laptop containing 1,600 veterans records was stolen from a Manhattan hospital.

In August a desktop computer was stolen that had 38,000 veterans records, that had detailed records from the Pittsburgh and Philadelphia hospital areas.

Back in May we knew about another laptop computer that contained the personal records of 26 million veterans. I had introduced a bill, H.R. 6109, the Stop Endangering the Records of Veterans Act, or the SERV Act, in September which would require the VA to encrypt all data. I am pleased they are doing that now.

But we also need to have some teeth in this and make sure that those who do not properly protect veterans records, that there are penalties for them, criminal penalties if need be, if through their neglect or carelessness or direct action they cause a veteran's records to be stolen and cause harm from identity theft and just the problems that go with having medical records released.

Mr. Chairman, I am pleased that you are so concerned about these veterans issues. I don't know if there is time left in this session to deal with these issues. But I hope we can at the very least take this up in the next session. Veterans know that you, Mr. Chairman, have worked so diligently to protect them on so many issues. I look forward to continuing to work with you on these issues, that we can work for our veterans' safety and peace of mind in the future.

Mr. FILNER. Mr. Speaker, I have no further speakers. I thank the chairman for bringing us this legislation of must-pass authorizations and extensions, and I yield back the balance of my time.

Mr. BUYER. Mr. Speaker, I yield myself the balance of our time.

Mr. Speaker, I thank Mr. FILNER for his cooperation on this bill and other bills. Mr. FILNER, we have got the CIO bill, we have got the cyber security bill. The Senate sent us two health bills, a benefit bill and we have got the construction bill. So all of these are in negotiation with the Senate. It is hard work. It represents 2 years of effort.

Recalling the recent words of my esteemed colleague, NANCY PELOSI, with the creation of this new theme of a bipartisan way for all Americans, let's embrace it. Let's get our work done. We enjoy bipartisanship on the Veterans' Affairs Committee, and I wish other committees could see how well we have worked together over the years. I call on leadership of everyone here in the House in dealing with these bills here on veterans affairs to complete our work on behalf of our Nation's veterans.

Mr. Speaker, I also call upon the Senate leadership to finish our legislative negotiations. Let's complete our work. Let's not forget our veterans and their families. And, Mr. Speaker, I also call upon the leadership of the veterans service organizations and the military service associations to encourage the Senate leadership to finish our negotiations and again finish the work that we had started on behalf of this Nation's veterans and dependents.

These warriors fought for our freedom. The least we can do is complete our work and provide for them the best care and benefits possible. Mr. Speaker, I urge my colleagues to support this bill.

Mr. MILLER of Florida. Mr. Speaker, I thank the chairman for bringing this bill to the floor today.

Included in H.R. 6314 is a provision to extend, through December 31, 2007, a program that provides government markers for veterans who are buried in a private cemetery.

The current five-year authority, which was effective for deaths that occurred as of September 11, 2001, expires on December 31st of this year.

Prior to this authority, if a veteran was buried at a private cemetery and the family purchased a private headstone, the veteran was ineligible for a government marker.

I want to recognize Representative NANCY JOHNSON, who has been championing this cause for over 5 years.

I appreciate her working with my Subcommittee to ensure that veterans and their families continue to have access to symbolic expressions of remembrance.

Mr. Speaker, as the 109th Congress comes to an end, I want to recognize Representative JEB BRADLEY, the Vice Chairman of the Subcommittee on Disability Assistance and Memorial Affairs, and Ms. SHELLEY BERKLEY, the ranking member, for their active participation on the Subcommittee. We accomplished quite a bit over the past 2 years and I thank them both.

I also want to thank the Subcommittee staffs on both sides of the aisle—Paige McManus, Chris McNamee, and Mary Ellen McCarthy.

Finally, on behalf of the Subcommittee, I commend Chairman BUYER and Ranking Member EVANS for their bipartisan leadership of the House Committee on Veterans' Affairs.

Mr. Speaker, I urge my colleagues to support the bill before us.

Mr. BUYER. Mr. Speaker, I have no furthers requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Indiana (Mr. BUYER) that the House suspend the rules and pass the bill, H.R. 6314.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those voting have responded in the affirmative.

Mr. BUYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. BUYER. Mr. Speaker, I ask unanimous consent that Members may have 5 legislative days to revise and extend their remarks relative to the bill which the House just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

☐ 1200

EXPRESSING SENSE OF HOUSE WITH RESPECT TO RAISING AWARENESS AND ENHANCING THE STATE OF COMPUTER SECURITY

Mr. INGLIS of South Carolina. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 993) expressing the sense of the House of Representatives with respect to raising awareness and enhancing the state of computer security in the United States, and supporting the goals and ideals of National Cyber Security Awareness Month.

The Clerk read as follows:

H. RES. 993

Whereas over 205,000,000 Americans use the Internet in the United States, including more than 84,000,000 home-users through broadband connections, to communicate with family and friends, manage their finances, pay their bills, improve their education, shop at home, and read about current events;

Whereas the approximately 26,000,000 small businesses in the United States, who represent 99.7 percent of all United States employers and employ 50 percent of the private work force, increasingly rely on the Internet to manage their businesses, expand their customer reach, and enhance their connection with their supply chain;

Whereas according to the Department of Education, nearly 100 percent of public schools in the United States have Internet access, with approximately 93 percent of instructional rooms connected to the Internet, to enhance our children's education by providing access to educational online content and encouraging responsible self-initiative to discover research resources;

Whereas according to the Pew Institute, almost 9 in 10 teenagers between the ages of 12 and 17, or 87 percent of all youth (approximately 21,000,000 people) use the Internet, and 78 percent (or about 16,000,000 students) say they use the Internet at school;

Whereas teen use of the Internet at school has grown 45 percent since 2000, and educating children of all ages about safe, secure, and ethical practices will not only protect their systems, but will protect our children's physical safety, and help them become good cyber citizens;

Whereas the growth and popularity of social networking websites have attracted millions of teenagers, providing them with a range of valuable services, teens must be taught how to avoid potential threats like cyber bullies, predators and identity thieves they may come across while using such services;

Whereas our Nation's critical infrastructures rely on the secure and reliable operation of our information networks to support our Nation's financial services, energy, telecommunications, transportation, health care, and emergency response systems;

Whereas cyber security is a critical part of our Nation's overall homeland security, in particular the control systems that control and monitor our drinking water, dams, and other water management systems; our electricity grids, oil and gas supplies, and pipeline distribution networks; our transportation systems; and other critical manufacturing processes;

Whereas terrorists and others with malicious motives have demonstrated an interest in utilizing cyber means to attack our Nation, and the Department of Homeland Security's mission includes securing the homeland against cyber terrorism and other attacks;

Whereas Internet users and our information infrastructure face an increasing threat of malicious attacks through viruses, worms, Trojans, and unwanted programs such as spyware, adware, hacking tools, and password stealers, that are frequent and fast in propagation, are costly to repair, and disable entire systems;

Whereas according to Privacy Rights Clearinghouse, since February 2005, over 90 million records containing personally-identifiable information have been breached, and the overall increase in serious data breaches in both the private and public sectors are threatening the security and well-being of United States citizens;

Whereas consumers face significant financial and personal privacy losses due to identity theft and fraud, as reported in over 686,000 complaints in 2005 to the Federal Trade Commission's Consumer Sentinel database; and Internet-related complaints in 2005 accounted for 46 percent of all reported fraud complaints, with monetary losses of over $680,000,000 and a median loss of $350;

Whereas our Nation's youth face increasing threats online such as inappropriate content or child predators, according to the National Center for Missing and Exploited Children 34 percent of teens are exposed to unwanted sexually explicit material on the Internet, and with one in seven children having been approached by a child predator online each year;

Whereas national organizations, policymakers, government agencies, private sector companies, nonprofit institutions, schools, academic organizations, consumers, and the media recognize the need to increase awareness of computer security and enhance our level of computer and national security in the United States;

Whereas the National Cyber Security Alliance's mission is to increase awareness of cyber security practices and technologies to home users, students, teachers, and small businesses through educational activities, online resources and checklists, and Public Service Announcements; and

Whereas the National Cyber Security Alliance has designated October as National Cyber Security Awareness Month, which will provide an opportunity to educate the people of the United States about computer security: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Cyber Security Awareness Month; and

(2) will work with Federal agencies, national organizations, businesses, and educational institutions to encourage the development and implementation of existing and future computer security voluntary consensus standards, practices, and technologies in order to enhance the state of computer security in the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from South Carolina (Mr. INGLIS) and the gentlewoman from California (Ms. MATSUI) each will control 20 minutes.

The Chair recognizes the gentleman from South Carolina.

GENERAL LEAVE

Mr. INGLIS of South Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous materials on H. Res. 993, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. INGLIS of South Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 993, a resolution to applaud the goals and activities of National Cyber Security Awareness Month.

Computers and the Internet have been integrated into our daily routine in businesses, schools and homes. These information and communication systems underpin our government, and they increase the productivity of our industries, financial institutions and transportation systems. However, our increasing dependence on computers and computer networks exposes our society to the risks of cyber attacks, destructive viruses, malicious hacking, and identity theft.

This is why the National Cyber Security Alliance, a cooperative effort between government, academia and industry, has organized National Cyber Security Awareness Month for each of the past 3 years and has already begun planning for the next National Cyber Security Awareness Month in October 2007. As is only proper for a cyber security-related effort, there is a central Web site that is available all year round with on-line resources that offer tips and tools to help computer users protect themselves from viruses, worms, hacker attacks, identity theft, spyware and more.

In addition to these on-line resources, during National Cyber Security Awareness Month there are events all over the country on specific cyber security topics aimed at consumers, students, children, parents, small businesses and educational institutions. Attorneys general from 41 States and the District of Columbia have signed on to a resolution like H. Res. 993, supporting National Cyber Security Awareness Month. The National Cyber Security Alliance, in partnership with the Small Business Administration, sponsored a series of workshops to provide people from small businesses and nonprofit organizations with access to cyber security training developed by the National Institutes of Standards and Technology. In total, some sort of event on cyber security took place in 49 States during the month.

Of course, cyber security is not just an issue in October, but year round.

National Cyber Security Awareness Month is a chance not only to raise awareness about computer vulnerabilities and threats, but also to inform people about programs that exist throughout the U.S. to educate students, parents, businesspeople, local law enforcement and government employees about cyber security and to attract students into careers in information technology.

For example, the National Science Foundation supports a program at the University of South Carolina in which undergraduates studying computer science and undergraduates training to be teachers team up on summer cyber security projects to get the experience of what actually doing research is like and to explore how the projects might be used to communicate about cyber security to K–12 students and to the general public.

In conclusion, I would like to thank Chairman LUNGREN, Ms. SANCHEZ, Chairman BOEHLERT, Mr. GORDON, Chairman KING and Mr. THOMPSON for introducing this resolution. We applaud the associations, companies, organizations and agencies involved in National Cyber Security Awareness Month for their efforts to help all of us to become more responsible, safer computer users.

I urge my colleagues to support adoption of the resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this resolution. It expresses congressional support for the goals and ideals of National Cyber Security Awareness Month.

This resolution, which I cosponsored, is an effort to increase awareness across the Nation of the dangers lurking in cyber space. It is also to educate Americans about the availability of tools and practices to minimize these dangers.

I want to congratulate the National Cyber Security Alliance for originating the idea for this observance and for its efforts to improve cyber security.

The National Cyber Security Alliance is a public/private partnership led by industry. It is focused on improving cyber security for home users, small businesses and educational institutions.

The Alliance seeks to alert computer users to threats such as viruses, hacking attacks and identity theft. Additionally, it provides information to users on best practices and technologies available for countering cyber threats.

Each year, nearly 10 million Americans are affected by identity theft, and it cost businesses almost $56 billion in 2004. I frequently hear from my constituents in Sacramento about their experiences with identity theft and questions on how to avoid being a victim.

Consumer awareness has proven to be an effective weapon against identity theft, especially regarding Internet security. In fact, I received an overwhelmingly positive response when I hosted an information session on preventing identity theft in Sacramento.

National Cyber Security Awareness Month includes a range of special events designed specifically for home users, small businesses and the education community.

To reach its objectives, the Alliance organizes national and regional events. These events range from small business workshops and student assemblies to cyber security boot camps, which would take consumer education to the grass-roots level. The Alliance also makes public service announcements to inform consumers about on-line best practices and to protect their valuable personal data, and it publicizes its online resources for computer users. This includes beginner guides, computer security tips and free security scans.

The resolution before the House calls attention to and endorses the commendable efforts of the National Cyber Security Alliance to increase awareness of cyber security throughout the Nation. This is a message we should all heed.

Mr. Speaker, I commend this resolution to my colleagues and ask for their support for its passage by the House.

Mr. Speaker, I reserve the balance of my time.

Mr. INGLIS of South Carolina. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I thank the gentleman for yielding, and I rise today in support the passage of House Resolution 993 to support the goals and ideals of National Cyber Security Awareness Month. This year, that month was in October, and while it is now November, I believe it is important to recognize the need for cyber security awareness not just in one month but throughout the entire year.

The Internet and the computers we use on a daily basis have become commonplace in our lives. Over 205 million Americans use the Internet on a regular basis, and that number is growing. Companies, both large and small, increasingly rely on the Internet and information technology systems to manage their business, expand their customer reach and enhance their connection with their supply chain.

With computers becoming less expensive and access to the Internet easier to accomplish, many dangers associated with on-line behavior are becoming more and more common. These threats range from spam, viruses and identity theft to complex computer attacks created by organized crime and terrorist organizations designed to steal personal financial information and create general havoc.

The Internet has become an invaluable tool in educating our children. Almost 90 percent of all youth use the Internet, and the vast majority of those say they use the Internet at school. As more and more children use the Internet, it is important that they are taught to use this tool in a safe, secure and ethical way. This will not only protect their own systems from attack, but will protect their physical safety and help them become good cyber citizens.

Cyber security is also a critical part of our Nation's overall homeland security. In particular, the control systems that control and monitor our drinking water, our dams and other water management systems, our electrical grids, oil and gas supplies, our transportation systems and other critical manufacturing processes are connected to the Internet. It is possible for terrorist organizations to disrupt a number of our critical infrastructure systems and do serious damage to our economy without even entering our country. Clearly, with much of the Nation's critical infrastructure connected to the Internet, appropriate cyber security practices are essential to our overall security.

It is not just terrorists that seek to do harm via computers and the Internet. More and more criminal activity is occurring in borderless cyber space. Through the Internet, international criminals can attack our computers through virus, worms and unwanted programs such as spyware and password stealers that can cause significant financial and personal privacy losses due to identity theft and fraud.

Organizations such as the National Cyber Security Alliance are making it their mission to increase awareness of cyber security practices and technologies to home users, students, teachers and small businesses. These organizations deserve to be recognized for their good work and supported as much as possible to spread the awareness of good cyber security.

This organization's work is paying off. Cyber security awareness is growing. The Department of Homeland Security has recognized its importance by naming finally an Assistant Secretary for Cyber Security and Telecommunications, but there is much more work to be done. More government agencies, private sector companies, academic institutions, consumers and the media have to recognize the importance in establishing appropriate cyber security in their computers and information systems.

We, as a Congress, have a large role to play in encouraging the use of proper cyber security practices and technologies throughout our country. National Cyber Security Awareness Month provides a solid platform from which to improve cyber security awareness in this country, and I am pleased that this Congress is supporting its goals and ideals. As I have said, we have much work to do, but being aware of the need for cyber security is a necessary, essential first step.

I thank the gentleman for yielding.

Ms. MATSUI. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I thank my colleague from California for the time.

I rise in strong support of House Resolution 993 and the goals and ideals of the National Cyber Security Awareness Month, and I am proud to be one of the original cosponsors of this resolution.

I believe that raising awareness about the need to enhance computer and network security in the U.S. is a valuable tool to protect the identities and data of all Americans.

As the ranking member on the Economic Security, Infrastructure Protection and Cyber Security Subcommittee on the Committee on Homeland Security, I have had an opportunity to work on critical issues related to cyber security.

In the past, I have offered a number of amendments to various bills to increase our investment in cyber security research and development at the Department of Homeland Security, and I hope that in the next Congress we will make significant progress in this area.

I believe that we need to pay more attention to the state of cyber security because it affects all of us, from the government and large corporations to small businesses and, of course, to individuals.

Our country's infrastructure relies on secure information networks that ensure the reliable functioning of everything from public finance and control of water systems to the operation of electrical grids and emergency response systems.

For all of us, all Americans, our information infrastructure is an integral part of our daily life, allowing us to communicate with friends and family, and pay bills and manage our business.

Imagine, if we go to the ATM and our money is gone, and this all leads back to some break in some network. At that point, we are going to realize just how important this is and how this can impact us on a daily basis.

It is the reliance on these information networks, these networks that are so much a part of our lives, and that is why it makes it such a great potential for targeted attacks by people who wish to harm us. And this type of attack would be devastating to our physical safety, as well as the economic security of our country. That is the reason I think that government needs to be a leader in the field of cyber security.

When I was talking to some of my companies about this, they said the simplest thing, about like over 50 percent of the people that use a network system do not use passwords. We should be using passwords. Those who use passwords may use something like the name of our dog or our pet; well, anybody who knows you can guess that or can get that name.

So I went through and I changed my passwords, and I changed Gretsky off of my passwords and everything else. Why? Because we need to. These are very simple, individual things that we can do because if once a person gets into the network, it goes much wider than that and can go into banking institutions and can go into the House of Representatives, et cetera.

□ 1215

So I urge my colleagues to support the goals and ideals of National Cyber Security Awareness Month. I hope every small business will take advantage of some of the free information with respect to making our networks safe.

Mr. BOEHLERT. Mr. Speaker, I rise in support of H. Res. 993, a resolution to applaud the goals and activities of National Cyber Security Awareness Month.

Information technology is becoming a critical part of our society, from wireless phones and blackberries to electronic medical records, and public trust in the security and reliability of these systems is necessary for the U.S. to realize the economic and societal benefits of new technologies.

Cybersecurity is also an important part of homeland security. The Science Committee has heard testimony from energy, electric power, and telecommunications companies about their dependence on information systems and their concerns about the nation's vulnerability to cyber attacks. The connectedness of the Internet means that each person not only must protect himself in cyberspace but also that each person's cybersecurity efforts contribute to the nation's overall state of cyber and homeland security. Progress is being made, but we as a Nation still have a long way to go.

Cybersecurity has long been a priority of mine, and I am proud to represent New York State, which has long been at the forefront of developing new cybersecurity tools and training people in information security.

In my district, the Air Force's Rome Laboratory is a world leader in cybersecurity research programs to strengthen and protect the systems used by the military, and to develop forensic tools used by law enforcement at all levels. The laboratory also hosts innovative cybersecurity education programs including an annual Cyber Security Boot Camp to train ROTC cadets and civilian undergraduate students from all over the country in cutting edge cybersecurity techniques.

The Cyber Security Boot Camp has also led to the creation of a high school-level course in cybersecurity being taught at Rome Catholic High School in my district. This 20-week elective course will soon be accredited by the New York State Board of Education and can serve as a model for cybersecurity education nationwide.

As part of National Cyber Security Awareness Month, the University of Rochester hosted the 10-day Rochester Security Summit in collaboration with higher education, business and industry partners, and New York State ran a Poster Art Contest, open to all 4th and 5th grade students in the State, for art that illustrated how to use computers and the Internet safely.

I urge my colleagues to support adoption of H. Res. 993.

Ms. MATSUI. Mr. Speaker, I have no further requests for time, I urge passage of the resolution, and I yield back the balance of my time.

Mr. INGLIS of South Carolina. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from South Carolina (Mr. INGLIS) that the House suspend the rules and agree to the resolution, H. Res. 993.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GYNECOLOGIC CANCER EDUCATION AND AWARENESS ACT OF 2005

Mr. DEAL of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1245) to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers, as amended.

The Clerk read as follows:

H.R. 1245

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gynecologic Cancer Education and Awareness Act of 2005" or "Johanna's Law".

SEC. 2. NATIONAL PUBLIC AWARENESS CAMPAIGN.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this Act as the "Secretary") shall carry out a national campaign to increase the awareness and knowledge of health care providers and women with respect to gynecologic cancers.

(b) WRITTEN MATERIALS.—Activities under the national campaign under subsection (a) shall include—

(1) maintaining a supply of written materials that provide information to the public on gynecologic cancers; and

(2) distributing the materials to members of the public upon request.

(c) PUBLIC SERVICE ANNOUNCEMENTS.—Activities under the national campaign under subsection (a) shall, in accordance with applicable law and regulations, include developing and placing, in telecommunications media, public service announcements intended to encourage women to discuss with their physicians their risks of gynecologic cancers. Such announcements shall inform the public on the manner in which the written materials referred to in subsection (b) can be obtained upon request, and shall call attention to early warning signs and risk factors based on the best available medical information.

SEC. 3. REPORT AND STRATEGY.

(a) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to the Congress a report including the following:

(1) A description of the past and present activities of the Department of Health and Human Services to increase awareness and knowledge of the public with respect to different types of cancer, including gynecologic cancers.

(2) A description of the past and present activities of the Department of Health and Human Services to increase awareness and knowledge of health care providers with respect to different types of cancer, including gynecologic cancers.

(3) For each activity described pursuant to paragraph (1) or (2), a description of the following:

(A) The funding for such activity for fiscal year 2006 and the cumulative funding for such activity for previous fiscal years.

(B) The background and history of such activity, including—

(i) the goals of such activity;

(ii) the communications objectives of such activity;

(iii) the identity of each agency within the Department of Health and Human Services responsible for any aspect of the activity; and

(iv) how such activity is or was expected to result in change.

(C) How long the activity lasted or is expected to last.

(D) The outcomes observed and the evaluation methods, if any, that have been, are being, or will be used with respect to such activity.

(E) For each such outcome or evaluation method, a description of the associated results, analyses, and conclusions.

(b) STRATEGY.—

(1) DEVELOPMENT; SUBMISSION TO CONGRESS.—Not later than 3 months after submitting the report required by subsection (a), the Secretary shall develop and submit to the Congress a strategy for improving efforts to increase awareness and knowledge of the public and health care providers with respect to different types of cancer, including gynecological cancers.

(2) CONSULTATION.—In developing the strategy under paragraph (1), the Secretary should consult with qualified private sector groups, including nonprofit organizations.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

For the purpose of carrying out this Act, there is authorized to be appropriated $16,500,000 for the period of fiscal years 2007 through 2009.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. DEAL) and the gentlewoman from Wisconsin (Ms. BALDWIN) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. DEAL of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. DEAL of Georgia. Mr. Speaker, I yield myself such time as I may consume, and I am pleased to rise in support of H.R. 1245, the Gynecologic Cancer Education and Awareness Act of 2005, or Johanna's Law. This bill takes several important steps forward in helping to educate women and their health care providers about the dangers and early warning signs of gynecologic cancers.

Ovarian, cervical, and uterine cancers are grouped together as the major gynecologic cancers. And as members of the Energy and Commerce committee recently learned during consideration of the CDC's National Breast and Cervical Cancer Early Detection Program, gynecological cancer, specifically cervical cancer, was once the leading cause of cancer deaths among women in the United States. Over the past century, we have made great strides in reducing both the morbidity and the mortality associated with cervical cancer. We also have programs in place, like the CDC's Early Detection program, that provides free screening and referral services for women who cannot afford to pay for screenings themselves.

When experts have compared cervical cancer screening and survival rates of the United States to other industrialized countries, the United States ranks near the top. We do a good job of screening for cancer, and our treatment facilities are in fact the best in the world. With the recent discovery of a new vaccine approach to prevent the transmission of the HPV virus, I am hopeful that one day we will be able to eradicate most if not all cases of cervical cancer.

But, Mr. Speaker, there is much more work to be done on gynecological cancers. Too many women don't know enough about the disease to ask their doctors or go to regular screenings. Too many cases of gynecologic cancers go unidentified or untreated until it is too late. This is the underlying purpose for the legislation before us today. This bill takes the important step of creating a national public service campaign to educate women and their health care providers on gynecologic cancers. The campaign will help to raise awareness of the problem, the warning signs, and remind women to get screened regularly.

Within 6 months of enactment, the legislation will require the Department of Health and Human Services to submit a report to Congress on all education and outreach activities related to gynecologic cancers and other cancers. This information will give Congress and the executive branch the tools to identify what activities are ongoing and what is being done, what is working, and what could be done better.

At this time I would like to thank my colleagues, Mr. ISSA, Ms. GRANGER, Mr. BURTON, Mr. LEVIN, and Ms. DELAURO for their hard work on this important piece of legislation. Mr. Speaker, I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. BALDWIN. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 1245, the Gynecologic Cancer Education and Awareness Act, also named Johanna's Law. It is an important piece of legislation which would provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers.

Gynecologic cancers include cervical cancer, ovarian cancer, and uterine cancer. Gynecologic cancers affect approximately 80,000 American women each year and take nearly 29,000 lives. While diagnosis and treatment methods are becoming more targeted and accurate for gynecologic cancers, most women do not understand the symptoms or signs of gynecologic cancer and, therefore, are frequently diagnosed late. A late diagnosis often makes treatment more difficult and lengthens the need for medical care.

Unfortunately, many women and their physicians are unaware of the symptoms of gynecologic cancers. A recent poll conducted for the Gynecologic Cancer Foundation found that 47 percent of surveyed women could not name any symptoms of gynecologic cancers.

Johanna's Law would increase awareness by directing the Secretary of the Department of Health and Human Services to carry out a nationwide campaign to increase women's awareness and knowledge of gynecologic cancers. This campaign would include maintaining and distributing a supply of written materials that provide information to the public about gynecologic cancer. It would also aid in the development of public service announcements intended to encourage women to discuss their risk for gynecologic cancers with their physicians.

Furthermore, this legislation would instruct the Secretary of HHS to take a closer look at both its past and present activities regarding gynecologic cancer awareness and education in hopes of learning what works and what does not, and what needs to be done to help with early detection and treatment of gynecologic cancers.

While we have made significant progress in fighting those cancers, progress such as the newly developed and improved cervical cancer vaccine, one of the biggest threats that remains is the continued need for increased awareness of gynecologic cancers.

Quite simply, knowledge is power. Providing women and their doctors with up-to-date information about the causes and symptoms of gynecologic cancers will strengthen and support women's health.

I am proud to support this bipartisan bill to improve women's health, and I applaud the bill's sponsors, Mr. ISSA, Mr. LEVIN, and Mr. BURTON for their dedication to women's health.

Mr. Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from California (Mr. ISSA).

Mr. ISSA. Mr. Speaker, I rise today in support of this important piece of legislation. As we come to the close of the 109th Congress, many have used the term "do-nothing Congress." This bill, certainly on a bipartisan basis, is a "do-something bill."

We have in this country for a very long time have had people, women in this case, dying needlessly of undiagnosed cancers. I want to thank Chairman BURTON, Ranking Member JOHN DINGELL, his staff, and particularly my cosponsors, Mr. LEVIN very much in particular, who championed this bill in a previous Congress, and he and I worked together tirelessly with Congressman DAN BURTON, KAY GRANGER and ROSA DELAURO in this Congress to get bipartisan support. This bill has far more than half the Congress as cosponsors. It has been worked out, and we are very hopeful this will still become law in this Congress.

With that, I want to take no more time than to once again say that in this Congress there are some things we did as a bipartisan body that I am very proud of. This is one of them. And I thank my colleagues on both sides of the aisle for working so tirelessly to make this a reality

I rise today to urge support for my bill, H.R. 1245, "the Gynecologic Cancer Education and Awareness Act of 2005," otherwise known as "Johanna's Law."

Every seven minutes a woman is diagnosed with a gynecologic cancer. In 2005, over 80,000 women were diagnosed with a gynecologic cancer and over 27,000 women died. The most common gynecologic cancers include cancer of the ovaries, cervix and uterus.

Too many women are dying because they were diagnosed too late. Education and early detection are the keys to saving women's lives and reducing these statistics. If diagnosed in the early stages, the 5-year survivability rates are as high as 95 percent.

Gynecologic cancers, when detected early, can often be prevented from becoming fatal. Since all women are at risk—no matter their ethnic background or socioeconomic status—it is critical that we find a way to inform women about the steps they can take to maintain their health.

Due to the private and intimate nature of these cancers, oftentimes women are uncomfortable or embarrassed discussing issues surrounding gynecologic cancers with friends and family. Thus, it is vital that we have a national dialogue to provide accurate and timely information to the public and the medical community.

By simply educating women about these cancers, we have an opportunity to save lives. The messages are simple: learn the symptoms, have an annual exam, know your family history and talk to your doctor. Unfortunately, most women do not know the signs or the symptoms surrounding gynecologic cancers. Thus, we need an aggressive national education and awareness program that brings together the appropriate federal agencies, the medical community, and the private sector. Passage of H.R. 1245 will help make this a reality.

There is a lot of excellent information provided by both the private and government sectors—specifically by the Gynecologic Cancer Foundation and the National Cancer Institute—and I commend their efforts. Tragically, most women and families look at these Web sites or pamphlets after cancer is diagnosed. The information needs to get out before diagnosis of a gynecologic cancer.

Education and awareness is an appropriate federal role. Education, coupled with research on improved diagnostic tools and cures, will lead to reductions in cancer deaths. While science and research are needed for long term success, education and awareness can save lives now. Education empowers women to make the best choices regarding their health care.

Last year, I discovered first-hand how important early diagnosis and education can be. My Legislative Director, Paige Anderson, was diagnosed with cervical cancer. She is one of the lucky ones—she stands here today as a cancer survivor. However, it was not until after diagnosis that she learned about HPV, cervical cancer and the importance of yearly pap smears and pelvic exams. Unfortunately, her story is not unique.

Paige's journey led me to work with Representatives SANDER LEVIN, DAN BURTON, KAY GRANGER, ROSA DELAURO and introduce H.R. 1245, "the Gynecologic Cancer Education and Awareness Act of 2005," which has 257 bipartisan cosponsors.

"Johanna's Law" has afforded me the privilege and honor to meet and work with an amazing group of survivors, patients, doctors and families who have lost loved ones to these awful cancers.

As I've spoken and met with other Members and staff on H.R. 1245, it is surprising how little is known about gynecologic cancers. In fact, most do not know that a pap smear only helps diagnose cervical cancer. This test does not screen for uterine or ovarian cancer. Most do not know that there are early warning symptoms for ovarian cancer. This is why we need H.R. 1245, so we can fill the void that currently exists.

I would like to take this time to thank several people who have been instrumental in passing this bill. I greatly appreciate the time and effort that Chairman BARTON and Ranking Member DINGELL have spent on this bill. We could not have passed this bill without the help of Committee and Leadership staff on both sides of the aisle.

I urge my colleagues to support H.R. 1245.

Ms. BALDWIN. Mr. Speaker, I would now yield 4 minutes to one of the lead cosponsors of this legislation, the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Thank you very, very much for yielding. This is an important and somewhat emotional day. More than 4 years ago, Sheryl Silver first told me about her sister Johanna, who died of ovarian cancer in 2000 after a brave and hard fought battle.

Johanna Silver Gordon was an active, health conscious woman who taught high school at Southfield Lathrup High School in my congressional district. She came from a family of doctors and was conscientious about her health, but when she experienced the first symptoms of ovarian cancer, she thought they were gastrointestinal. By the time she was diagnosed, her cancer was in stage 3.

I discovered that Johanna's story was all too common. Each year, 77,000 women are diagnosed with gynecologic cancer, ovarian, cervical, or uterine. Most of them, like Johanna, do not have the information they need to recognize their early symptoms and are unaware that they are at high risk.

With these illnesses, lack of information often costs women their lives. Ovarian cancer, the deadliest of gynecologic cancers, is highly treatable and has survival rates of 80 to 90 percent if detected in stage 1 or 2, but has a survival rate of less than 20 percent if diagnosed late, as it most often is. And of these cancers, only cervical cancer today has a reliable screening test that can be used for asymptomatic women, making public education for women and their primary care physicians even more important.

This legislation, as has been mentioned by my colleagues, would create a national public information campaign to educate women and health care providers about the risk factors and early warning signs of these cancers. It would also require HHS to quickly develop a national strategy for getting the facts out to women at the highest risk and to health care providers that see them when they first develop these symptoms. We strongly believe that HHS's strategy should include public-private partnerships that leverage all the resources available and all the expertise that exists on this subject.

So here we are today, after the tireless work of so many people, and we are voting on Johanna's Law. Tireless work from her family, including her loving sister Sheryl Silver, and her mother, Ann Gonts Silver, who is celebrating her 91st birthday today, and the cancer survivors and family members across the country who rallied to this effort, and the physicians and the organizations that lent invaluable support, and my colleagues on both sides of the aisle, as mentioned, especially

DARRELL ISSA, ROSA DELAURO, KAY GRANGER, and DAN BURTON.

And if I might, let me lastly thank Morna Miller. Without her tireless efforts as a member of our staff over the last 3 years in developing this legislation and helping shepherd it to the House today, we would not be here at this moment.

Mr. Speaker, I urge all of my colleagues to support Johanna's Law and strike a blow against gynecologic cancer.

Mr. DEAL of Georgia. Mr. Speaker, I yield 2 minutes to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Speaker, I wanted to simply add my support to this bill. I had the great opportunity when I was in the State Senate in North Carolina to learn much about HPV in particular. And while I consider myself a fairly well educated woman in many cases, I knew nothing about the HPV until the organization Women in Government educated those of us in the State legislature about this completely preventable cancer.

We are looking for a way to prevent cancer and to cure cancer in this country and we now have a mechanism for doing that. And whatever we can do to spread the word to women that this particular cancer can be prevented, we need to do.

□ 1230

And so I am a supporter of this legislation and hope that we can do much in this country, State by State, as well as nationally, to educate women and help them understand the perils of many of these diseases and how they can prevent them.

We were able in North Carolina to pass a model piece of legislation. Unfortunately, it has not been passed in all the States, but I hope that more States will pick it up and help educate women about these diseases and how they can be prevented.

So I urge my colleagues to support this legislation.

Ms. BALDWIN. Mr. Speaker, I yield 3 minutes to another primary sponsor of this legislation, Congresswoman DELAURO.

Ms. DELAURO. Mr. Speaker, I want to thank everyone who has made this legislation such a priority in the Congress. Congressmen ISSA and LEVIN for their leadership, as well as Sheryl Silver for her passion and her tenacity. This bipartisan coalition is a testament to the simple fact that when it comes to life and death, life and death issues like cancer, Congress speaks with one voice. It must.

This is a special moment. Whether it is a family member, a friend, or if you are a survivor yourself, each of us knows the deadly toll that gynecological cancer takes. Twenty years ago I found out for myself when, during an unrelated doctor's visit, I was diagnosed with ovarian cancer. I underwent radiation treatment for 2½ months, and I am proud to say that I have now been cancer-free for 20 years.

But no one should have to depend on luck when it comes to life and death. Right now, almost 21,000 women are diagnosed every year with ovarian cancer, nearly 16,000 of whom will die. Ovarian cancer claims the lives of nearly three-quarters of women diagnosed simply because the disease is not detected until it has reached an advanced stage. This disease has a 45 percent 5-year survival rate.

The tragedy is that ovarian cancer, like other gynecologic cancers, can be cured if it is detected soon enough. When ovarian cancer is detected in the early stages, 95 percent of women survive longer than 5 years, and most are cured, completely. Unfortunately, women have never had a reliable and accurate method of screening for ovarian cancer in the early stages. On top of that, not only do many doctors misdiagnose this disease, but 85 percent of women report they do not know which symptoms to look for.

We have made progress, of course, through research at the NIH, Department of Defense, and with the recent approval of the HPV vaccine. But Johanna's Law recognized something critical, that until we have accurate screening methods, public education is one of the most critical weapons we have toward beating gynecologic cancers like ovarian, cervical and uterine cancer. In creating a Federal campaign to educate women and health care providers alike, as this legislation does, we can take a bold step toward ensuring that women know which symptoms to look for and how to seek help before it is too late.

This legislation has been a long time coming, and to be clear, it represents only a first step. But every inch of progress we make fighting these deadly diseases gets us closer to a cure. And that is a fight that every woman has a stake in, every family has a stake in, a fight the Silver family has dedicated itself to making sure we win.

And so I thank you. I thank you for helping us pass this vital bill and take such an important step forward. I was given a second chance at life. Others should have that same opportunity. It is about time

Mr. DEAL of Georgia. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. HALL).

Mr. HALL. Mr. Speaker, of course I rise today in support of H.R. 1245, the Gynecologic Cancer Education bill, also known as Johanna's bill.

This very important bill authorizes an early detection and awareness campaign directed at women and health care providers. Approximately 80,000 women a year will be diagnosed with some form of gynecological cancer, and close to 28,000 women will die from these cancers. Early detection is the key to survival. But so many women and their providers are unaware of symptoms and risk factors.

Unfortunately, there isn't currently a reliable screening test for ovarian cancer. Women need to know the symptoms so that they can be diagnosed early. Studies demonstrate that early detection is the key to survival. When diagnosed early, women have a 90 percent chance of survival. However, that number drops to 50 percent or less when these cancers are diagnosed in the late stages. It is a sobering statistic that over three-fourths of the women with ovarian cancer are not diagnosed until the latter stages, making this the fifth leading cause of cancer death among American women. We need to turn these statistics around.

By creating a national public awareness campaign conducted through the Department of Health and Human Services, this bill helps distribute materials that will provide information to the public. This bill will also help develop public service announcements that encourage women to discuss their risk for gynecologic cancers with their health and care providers and alert them to early warning signs. Finally, HHS will award demonstration grants to nonprofit organizations to develop innovative outreach programs.

I urge Members to pass this important legislation today so that we can begin to improve and save the lives of many women with gynecologic cancers. I am pleased that we are moving forward on this legislation, and I encourage this body to move legislation aimed at mending the SGR for physicians before Congress recesses.

Ms. BALDWIN. Mr. Speaker, again I am proud to join my colleagues in supporting this legislation that will increase awareness and knowledge of women with respect to gynecologic cancers. This bill, as we have heard, will increase the survivability of these cancer diagnoses and prevent cancer deaths. I urge all of my colleagues to support this important legislation

Mr. MARKEY. Mr. Speaker, I rise today in strong support of Johanna's law and I thank Representatives LEVIN, ISSA, DELAURO and BURTON and their strong bipartisan coalition for all of their hard work in bringing this bill to the floor today.

This bill honors the memory of Johanna Silver Gordon and the thousands of women who have lost their lives to gynecologic cancer because they were not diagnosed until the late stages of the disease.

This year, more than 80,000 women will be diagnosed with gynecologic cancer, and more than 28,000 women will die from these diseases. However, there is very little awareness about these deadly diseases. According the National Ovarian Cancer Coalition, NOCC, only 15 percent of women are familiar with the symptoms of ovarian cancer, and 82 percent have never talked to their doctors about the symptoms and risk factors.

If caught in the early stages of the disease, the five-year survival rate for ovarian cancer is 90 percent. However 75 percent of women are diagnosed in the advanced stages of the disease, when the prognosis is very poor. It is clear that we must do something to increase awareness about this disease and promote early diagnosis. Johanna's law will authorize a national campaign directed at women and their providers to promote early detection of gynecologic cancer and raise awareness about these devastating diseases.

I would like to thank one of my constituents, Barbara O'Brien, a 9-year survivor herself, for her passionate advocacy and her dedication to raising awareness about this incredibly important issue.

Education is a critical first step and this bill will significantly increase awareness. However, we must also continue to pursue the research necessary to find a diagnostic test, better treatments and ultimately a cure for this horrible disease so that succeeding generations will have to turn to the history books to learn that there was ever a disease called ovarian cancer.

I urge support of this important legislation

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today in support of H.R. 1245, the Gynecologic Cancer Education and Awareness Act, or "Johanna's Law," a bipartisan, common-sense measure that will help save the lives of thousands of American women each year.

Uterine cancer is the most common form of gynecologic cancer, and ovarian cancer is the deadliest. Unlike cervical cancer, there is no reliable early detection screening test for these cancers. This means that 80,000 women will be diagnosed with gynecologic cancers this year, and almost 30,000 will die because their illnesses were detected too late.

Most women don't recognize the symptoms of gynecologic cancers, and many doctors initially misdiagnose them.

Early detection is the key to successful treatment of gynecologic cancers. We must do better. This bill will help save the lives and improve the health of our Nation's mothers, wives and daughters.

Johanna's Law was named for the sister of one of my constituents from Hallandale, Florida, who lost her life to ovarian cancer. I want to congratulate Sheryl Silver and her family for their hard work, dedication, and commitment to saving the lives of millions of American women.

This bill will authorize millions of dollars in desperately needed funds to help raise awareness and increase knowledge about these cancers that will lead to early detection, effective treatment, and saved lives.

Mr. Speaker, I am proud to join 256 of my colleagues as co-sponsors of this important piece of legislation.

Ms. BORDALLO. Mr. Speaker, I rise today in strong support of H.R. 1245, a bill to authorize the Department of Health and Human Services to carry out a national campaign to increase the awareness and knowledge of women with respect to gynecologic cancers.

Two months ago marked the seventh annual Gynecologic Cancer Awareness Month. I expressed my strong belief that raising public awareness, detecting gynecological cancers early, and educating women to the risk of reproductive tract cancers are powerful methods with which to combat this disease in my September 29, 2006, statement in honor of Gynecological Cancer Awareness Month. Today, we continue the important work to raise public awareness of gynecologic cancers through passage of this bill. We also reaffirm that detecting gynecological cancer early and educating women to the risk of reproductive tract cancers are key methods with which to combat this disease by passing this legislation.

It is important to recognize that H.R. 1245 enjoys the support of 257 members of this body. The bill has been named in honor of Johanna Silver Gordon, who lost her life to a battle with ovarian cancer which was not diagnosed until it had reached an advanced stage. Today we honor her life and her fight against cancer. We also renew our commitment to legislation to be known as Johanna's Law once enacted that will help save the lives of others who are at risk of gynecologic cancers.

A poll recently released by the Gynecological Cancer Foundation revealed that 45 percent of American women could not name a single symptom common to gynecological cancers. This fact alone suggests more must be done in terms increasing awareness. Education and outreach on gynecological cancers deserves to be a national priority and an ongoing effort of the Department of Health and Human Services.

I urge that this House adopt H.R. 1245, and I urge my colleagues' support for additional and continued action towards increasing research funds and treatment options for those individuals who have been diagnosed with forms of gynecologic cancer.

Mr. BURTON of Indiana. Mr. Speaker, I rise today in strong support of H.R. 1245, "Johanna's Law" or the "Gynecological Cancer Education and Awareness Act of 2005." I want to thank Chairman NATHAN DEAL and Chairman JOE BARTON, and the Energy and Commerce Committee staff, for bringing this bill to the floor today. I also want to thank my colleagues, Representative DARRYL ISSA and Representative SANDER LEVIN, the lead sponsors of this bill, who have worked so tirelessly for over two years to guide this bill through the legislative process. I want to thank the 257 House Members and 42 Senators, Republican and Democrat, Conservative and Liberal, who co-sponsored this critically needed bipartisan legislation.

I also want to congratulate Ms. Sheryl Silver, the architect of this bill. Sheryl's sister Johanna Silver Gordon (who this bill is named after) died after her battle with ovarian cancer in 2000; and Sheryl found the will and the strength to turn her personal tragedy into a passionate crusade to help make sure that other women will not die needlessly from gynecological cancers.

And last but by no means least; I want to thank Ms. Kolleen Stacy, a constituent of mine and a dear friend who is currently fighting her own personal battle with ovarian cancer. Kolleen first brought this bill to my attention and once told me that her most fervent wish was to live long enough to see this bill signed into law. Today, thanks to the efforts of so many, we take a huge step forward towards fulfilling Kolleen's dream. And I would say to her that today's debate is a victory for all women, but in my mind, Kolleen, this is your day.

The word "cancer" evokes powerful emotions. Along with many of my colleagues, I know first-hand how devastating cancer can be to the individual who has been diagnosed as well as their family. Ovarian Cancer for example, is the deadliest of the gynecological cancers, and it is the fourth leading cause of cancer deaths among women living in the United States. Each year nearly 80,000 women in this country are diagnosed with a new case of gynecological cancer, and an estimated 28,000 die from these diseases. This is a national tragedy, and what makes it even more tragic is the fact that many of those deaths could have been prevented if more women and their doctors knew the risk factors and recognized the early warning signs of ovarian cancer and other gynecological cancers.

That is why I am such a proud co-sponsor and passionate supporter of Johanna's Law. When it is detected early, ovarian cancer is very treatable, unfortunately, ovarian cancer is one of the most difficult cancers to diagnose because symptoms are sometimes subtle and may be easily confused with those of other diseases. As a result, only 29 percent of ovarian cancer cases in the U.S. are diagnosed in the early stages. When the disease is detected before it has spread beyond the ovaries, more than 95 percent of women will survive longer than five years. But, in cases where the disease is not detected until it reaches the advanced stage, the five-year survival rate plummets to a devastating 25 percent.

As there is still no reliable and easy-to-administer screening test for ovarian cancer, like the Pap smear for cervical cancer or the mammogram for breast cancer, early recognition of symptoms is clearly the best way to save a woman's life. Without increased education about ovarian cancer and recognition of women who are at higher risk for developing ovarian cancer, many women and their doctors will continue to ignore or misinterpret the symptoms of the disease. Any woman is at risk for developing a gynecological cancer. We owe it to our mothers, our wives and our daughters to do all we can to both raise awareness of these terrible diseases, and to fund the research necessary to stamp out this kind of cancer once and for all.

Johanna's Law is a giant step forward because for the first time ever, the Secretary of Health and Human Services will have explicit authority to carry out a national campaign to increase the awareness and knowledge of women with respect to gynecological cancers, which shall include: (1) maintaining a supply of written materials to provide information to the public on gynecological cancers; and (2) developing and placing public service announcements to encourage women to discuss their risks of gynecological cancers with their physicians. The bill also requires the Secretary to study current and past outreach and education activities and then to develop a strategy to improve the way we increase awareness and knowledge of both the public and health care providers with respect to different types of cancer, including gynecological cancer.

I personally think we need to do more to attack this problem, but I am confident that with a national Public Service Announcement campaign describing risk factors and symptoms and encouraging women to talk to their doctors about their risk of gynecological cancers, we can and will increase early detection of these deadly cancers; and, when possible, help women reduce their risk of ever contracting them in the first place.

Johanna's Law is a good bill, it is good public policy. I urge my colleagues to support this bill, and I urge our colleagues in the Senate to act quickly and move this critically needed legislation to the President's desk for his signature. This is literally a matter of life and death.

Mr. KNOLLENBERG. Mr. Speaker, the House of Representatives passed H.R. 1245, known as "Johanna's Law," which will increase the awareness and knowledge of gynecologic cancers. This legislation authorizes a national campaign to increase awareness of gynecologic cancers—including the creation of written information to distribute to the public.

This legislation was named after a constituent of mine, Johanna, who was diagnosed with ovarian cancer in 1997. Johanna was a healthy and active 54-year-old woman who had retired from teaching from Southfield Lathrup High School when she was diagnosed. It was a shock to Johanna and her family when they received the devastating news. Sadly, the cancer was not caught in time and she passed away on August 29, 2000.

Each year, more than 80,000 women are diagnosed with a gynecologic cancer. One-third—or 28,000—of these women will die from the disease. Survival rates drop 50 percent or less if the cancer is not diagnosed early.

Early detection is critical to successfully treat gynecologic cancers. Many symptoms of this type of cancer often resemble non-threatening illnesses. Furthermore, many gynecologic cancers do not have a reliable screening test for the general public to utilize.

It is important that we educate the American public on early detection and prevention of gynecologic cancers. Public awareness is crucial to curbing this deadly disease, and Johanna's Law will help spread knowledge that can save the lives of women that may die needlessly each year. I thank my colleagues for supporting the passage of "Johanna's Law."

Ms. BALDWIN. Mr. Speaker, I yield back the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and pass the bill, H.R. 1245, as amended.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SOBER TRUTH ON PREVENTING UNDERAGE DRINKING ACT

Mr. DEAL of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 864) to provide for programs and activities with respect to the prevention of underage drinking, as amended.

The Clerk read as follows:

H.R. 864

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Sober Truth on Preventing Underage Drinking Act, or the 'STOP Underage Drinking Act'".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—SENSE OF CONGRESS

Sec. 101. Sense of Congress.

TITLE II—INTERAGENCY COORDINATING COMMITTEE; ANNUAL REPORT ON STATE UNDERAGE DRINKING PREVENTION AND ENFORCEMENT ACTIVITIES

Sec. 201. Interagency coordinating committee on the prevention of underage drinking.
Sec. 202. Annual report on State underage drinking prevention and enforcement activities.
Sec. 203. Authorization of appropriations.

TITLE III—NATIONAL MEDIA CAMPAIGN

Sec. 301. National media campaign to prevent underage drinking.

TITLE IV—INTERVENTIONS

Sec. 401. Community-based coalition enhancement grants to prevent underage drinking.
Sec. 402. Grants directed at preventing and reducing alcohol abuse at institutions of higher education.

TITLE V—ADDITIONAL RESEARCH

Sec. 501. Additional research on underage drinking.
Sec. 502. Authorization of appropriations.

SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) The term "alcohol beverage industry" means the brewers, vintners, distillers, importers, distributors, and retail or online outlets that sell or serve beer, wine, and distilled spirits.

(2) The term "school-based prevention" means programs, which are institutionalized, and run by staff members or school-designated persons or organizations in any grade of school, kindergarten through 12th grade.

(3) The term "youth" means persons under the age of 21.

(4) The term "IOM report" means the report released in September 2003 by the National Research Council, Institute of Medicine, and entitled "Reducing Underage Drinking: A Collective Responsibility".

TITLE I—SENSE OF CONGRESS

SEC. 101. SENSE OF CONGRESS.

It is the sense of the Congress that:

(1) A multi-faceted effort is needed to more successfully address the problem of underage drinking in the United States. A coordinated approach to prevention, intervention, treatment, enforcement, and research is key to making progress. This Act recognizes the need for a focused national effort, and addresses particulars of the Federal portion of that effort, as well as Federal support for State activities.

(2) The Secretary of Health and Human Services shall continue to conduct research and collect data on the short and long-range impact of alcohol use and abuse upon adolescent brain development and other organ systems.

(3) States and communities, including colleges and universities, are encouraged to adopt comprehensive prevention approaches, including—

(A) evidence-based screening, programs and curricula;

(B) brief intervention strategies;

(C) consistent policy enforcement; and

(D) environmental changes that limit underage access to alcohol.

(4) Public health groups, consumer groups, and the alcohol beverage industry should continue and expand evidence-based efforts to prevent and reduce underage drinking.

(5) The entertainment industries have a powerful impact on youth, and they should use rating systems and marketing codes to reduce the likelihood that underage audiences will be exposed to movies, recordings, or television programs with unsuitable alcohol content.

(6) The National Collegiate Athletic Association, its member colleges and universities, and athletic conferences should affirm a commitment to a policy of discouraging alcohol use among underage students and other young fans.

(7) Alcohol is a unique product and should be regulated differently than other products by the States and Federal Government. States have primary authority to regulate alcohol distribution and sale, and the Federal Government should support and supplement these State efforts. States also have a responsibility to fight youth access to alcohol and reduce underage drinking. Continued State regulation and licensing of the manufacture, importation, sale, distribution, transportation and storage of alcoholic beverages are clearly in the public interest and are critical to promoting responsible consumption, preventing illegal access to alcohol by persons under 21 years of age from commercial and non-commercial sources, maintaining industry integrity and an orderly marketplace, and furthering effective State tax collection.

TITLE II—INTERAGENCY COORDINATING COMMITTEE; ANNUAL REPORT ON STATE UNDERAGE DRINKING PREVENTION AND ENFORCEMENT ACTIVITIES

SEC. 201. INTERAGENCY COORDINATING COMMITTEE ON THE PREVENTION OF UNDERAGE DRINKING.

(a) IN GENERAL.—The Secretary of Health and Human Services, in collaboration with the Federal officials specified in subsection (b), shall formally establish and enhance the efforts of the interagency coordinating committee, that began operating in 2004, focusing on underage drinking (referred to in this section as the "Committee").

(b) OTHER AGENCIES.—The officials referred to in subsection (a) are the Secretary of Education, the Attorney General, the Secretary of Transportation, the Secretary of the Treasury, the Secretary of Defense, the Surgeon General, the Director of the Centers for Disease Control and Prevention, the Director of the National Institute on Alcohol Abuse and Alcoholism, the Administrator of the Substance Abuse and Mental Health Services Administration, the Director of the National Institute on Drug Abuse, the Assistant Secretary for Children and Families, the Director of the Office of National Drug Control

Policy, the Administrator of the National Highway Traffic Safety Administration, the Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Chairman of the Federal Trade Commission, and such other Federal officials as the Secretary of Health and Human Services determines to be appropriate.

(c) CHAIR.—The Secretary of Health and Human Services shall serve as the chair of the Committee.

(d) DUTIES.—The Committee shall guide policy and program development across the Federal Government with respect to underage drinking, provided, however, that nothing in this Act shall be construed as transferring regulatory or program authority from an Agency to the Coordinating Committee.

(e) CONSULTATIONS.—The Committee shall actively seek the input of and shall consult with all appropriate and interested parties, including States, public health research and interest groups, foundations, and alcohol beverage industry trade associations and companies.

(f) ANNUAL REPORT.—

(1) IN GENERAL.—The Secretary of Health and Human Services, on behalf of the Committee, shall annually submit to the Congress a report that summarizes—

(A) all programs and policies of Federal agencies designed to prevent and reduce underage drinking;

(B) the extent of progress in preventing and reducing underage drinking nationally;

(C) data that the Secretary shall collect with respect to the information specified in paragraph (2); and

(D) such other information regarding underage drinking as the Secretary determines to be appropriate.

(2) CERTAIN INFORMATION.—The report under paragraph (1) shall include information on the following:

(A) Patterns and consequences of underage drinking as reported in research and surveys such as, but not limited to Monitoring the Future, Youth Risk Behavior Surveillance System, the National Survey on Drug Use and Health, and the Fatality Analysis Reporting System.

(B) Measures of the availability of alcohol from commercial and non-commercial sources to underage populations.

(C) Measures of the exposure of underage populations to messages regarding alcohol in advertising and the entertainment media as reported by the Federal Trade Commission.

(D) Surveillance data, including information on the onset and prevalence of underage drinking, consumption patterns and the means of underage access. The Secretary shall develop a plan to improve the collection, measurement and consistency of reporting Federal underage alcohol data.

(E) Any additional findings resulting from research conducted or supported under section 501.

(F) Evidence-based best practices to prevent and reduce underage drinking and provide treatment services to those youth who need them.

SEC. 202. ANNUAL REPORT ON STATE UNDERAGE DRINKING PREVENTION AND ENFORCEMENT ACTIVITIES.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") shall, with input and collaboration from other appropriate Federal agencies, States, Indian tribes, territories, and public health, consumer, and alcohol beverage industry groups, annually issue a report on each State's performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking.

(b) STATE PERFORMANCE MEASURES.—

(1) IN GENERAL.—The Secretary shall develop, in consultation with the Committee established in section 201, a set of measures to be used in preparing the report on best practices.

(2) CATEGORIES.—In developing these measures, the Secretary shall consider categories including, but not limited to:

(A) Whether or not the State has comprehensive anti-underage drinking laws such as for the illegal sale, purchase, attempt to purchase, consumption, or possession of alcohol; illegal use of fraudulent ID; illegal furnishing or obtaining of alcohol for an individual under 21 years; the degree of strictness of the penalties for such offenses; and the prevalence of the enforcement of each of these infractions.

(B) Whether or not the State has comprehensive liability statutes such as dram shop, social host and "house party" laws; and the prevalence of enforcement of each of these infractions.

(C) Whether or not the State encourages and conducts comprehensive enforcement efforts at retail outlets, such as random compliance checks and shoulder tap programs; and the number of compliance checks within alcohol retail outlets measured against the number of total alcohol retail outlets in each State; and the results of such checks.

(D) Whether or not the State mandates or encourages training on the proper selling and serving of alcohol for all sellers and servers of alcohol as a condition of employment.

(E) Whether or not the State has policies and regulations with regard to direct sales to consumers and home delivery of alcoholic beverages.

(F) Whether or not the State has programs or laws to deter adults from purchasing alcohol for minors; and the number of adults targeted by these programs.

(G) Whether or not the State has programs targeted to youths, parents, and caregivers to deter underage drinking; and the number of individuals served by these programs.

(H) Whether or not the State has enacted graduated drivers licenses and the extent of those provisions.

(I) The amount that the State invests, per youth capita, on the prevention of underage drinking, further broken down by the amount spent on—

(i) compliance check programs in retail outlets, including providing technology to prevent and detect the use of false identification by minors to make alcohol purchases;

(ii) checkpoints and saturation patrols;

(iii) community-based, school-based, and higher-education-based programs to prevent underage drinking;

(iv) underage drinking prevention programs that target youth within the juvenile justice and child welfare systems; and

(v) other State efforts or programs as deemed appropriate.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $1,000,000 for fiscal year 2007, and $1,000,000 for each of the fiscal years 2008 through 2010.

TITLE III—NATIONAL MEDIA CAMPAIGN

SEC. 301. NATIONAL MEDIA CAMPAIGN TO PREVENT UNDERAGE DRINKING.

(a) SCOPE OF THE CAMPAIGN.—The Secretary of Health and Human Services shall continue to fund and oversee the production, broadcasting, and evaluation of the Ad Council's national adult-oriented media public service campaign.

(b) REPORT.—The Secretary of Health and Human Services shall provide a report to the Congress annually detailing the production, broadcasting, and evaluation of the campaign referred to in subsection (a), and to detail in the report the effectiveness of the campaign in reducing underage drinking, the need for and likely effectiveness of an expanded adult-oriented media campaign, and the feasibility and the likely effectiveness of a national youth-focused media campaign to combat underage drinking.

(c) CONSULTATION REQUIREMENT.—In carrying out the media campaign, the Secretary of Health and Human Services shall direct the Ad Council to consult with interested parties including both the alcohol beverage industry and public health and consumer groups. The progress of this consultative process is to be covered in the report under subsection (b).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $1,000,000 for fiscal year 2007 and $1,000,000 for each of the fiscal years 2008 through 2010.

TITLE IV—INTERVENTIONS

SEC. 401. COMMUNITY-BASED COALITION ENHANCEMENT GRANTS TO PREVENT UNDERAGE DRINKING.

(a) AUTHORIZATION OF PROGRAM.—The Administrator of the Substance Abuse and Mental Health Services Administration, in consultation with the Director of the Office of National Drug Control Policy, shall award "enhancement grants" to eligible entities to design, test, evaluate and disseminate effective strategies to maximize the effectiveness of community-wide approaches to preventing and reducing underage drinking.

(b) PURPOSES.—The purposes of this section are to—

(1) prevent and reduce alcohol use among youth in communities throughout the United States;

(2) strengthen collaboration among communities, the Federal Government, and State, local, and tribal governments;

(3) enhance intergovernmental cooperation and coordination on the issue of alcohol use among youth;

(4) serve as a catalyst for increased citizen participation and greater collaboration among all sectors and organizations of a community that first demonstrates a long-term commitment to reducing alcohol use among youth;

(5) disseminate to communities timely information regarding state-of-the-art practices and initiatives that have proven to be effective in preventing and reducing alcohol use among youth; and

(6) enhance, not supplant, effective local community initiatives for preventing and reducing alcohol use among youth.

(c) APPLICATION.—An eligible entity desiring an enhancement grant under this section shall submit an application to the Administrator at such time, and in such manner, and accompanied by such information as the Administrator may require. Each application shall include—

(1) a complete description of the entity's current underage alcohol use prevention initiatives and how the grant will appropriately enhance the focus on underage drinking issues; or

(2) a complete description of the entity's current initiatives, and how it will use this grant to enhance those initiatives by adding a focus on underage drinking prevention.

(d) USES OF FUNDS.—Each eligible entity that receives a grant under this section shall use the grant funds to carry out the activities described in such entity's application submitted pursuant to subsection (c). Grants under this section shall not exceed $50,000 per year and may not exceed four years.

(e) Supplement Not Supplant.—Grant funds provided under this section shall be used to supplement, not supplant, Federal and non-Federal funds available for carrying out the activities described in this section.

(f) Definitions.—For purposes of this section, the term "eligible entity" means an organization that is currently receiving or has received grant funds under the Drug-Free Communities Act of 1997 (21 U.S.C. 1521 et seq.).

(g) Administrative Expenses.—Not more than 6 percent of a grant under this section may be expended for administrative expenses.

(h) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $5,000,000 for fiscal year 2007, and $5,000,000 for each of the fiscal years 2008 through 2010.

SEC. 402. GRANTS DIRECTED AT PREVENTING AND REDUCING ALCOHOL ABUSE AT INSTITUTIONS OF HIGHER EDUCATION.

(a) Authorization of Program.—The Secretary shall award grants to eligible entities to enable the entities to prevent and reduce the rate of underage alcohol consumption including binge drinking among students at institutions of higher education.

(b) Applications.—An eligible entity that desires to receive a grant under this Act shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each application shall include—

(1) a description of how the eligible entity will work to enhance an existing, or where none exists to build a, statewide coalition;

(2) a description of how the eligible entity will target underage students in the State;

(3) a description of how the eligible entity intends to ensure that the statewide coalition is actually implementing the purpose of this Act and moving toward indicators described in section (d);

(4) a list of the members of the statewide coalition or interested parties involved in the work of the eligible entity;

(5) a description of how the eligible entity intends to work with State agencies on substance abuse prevention and education;

(6) the anticipated impact of funds provided under this Act in preventing and reducing the rates of underage alcohol use;

(7) outreach strategies, including ways in which the eligible entity proposes to—

(A) reach out to students and community stakeholders;

(B) promote the purpose of this Act;

(C) address the range of needs of the students and the surrounding communities; and

(D) address community norms for underage students regarding alcohol use; and

(8) such additional information as required by the Secretary.

(c) Uses of Funds.—Each eligible entity that receives a grant under this section shall use the grant funds to carry out the activities described in such entity's application submitted pursuant to subsection (b).

(d) Accountability.—On the date on which the Secretary first publishes a notice in the Federal Register soliciting applications for grants under this section, the Secretary shall include in the notice achievement indicators for the program authorized under this section. The achievement indicators shall be designed—

(1) to measure the impact that the statewide coalitions assisted under this Act are having on the institutions of higher education and the surrounding communities, including changes in the number of incidents of any kind in which students have abused alcohol or consumed alcohol while under the age of 21 (including violations, physical assaults, sexual assaults, reports of intimidation, disruptions of school functions, disruptions of student studies, mental health referrals, illnesses, or deaths);

(2) to measure the quality and accessibility of the programs or information offered by the eligible entity; and

(3) to provide such other measures of program impact as the Secretary determines appropriate.

(e) Supplement Not Supplant.—Grant funds provided under this Act shall be used to supplement, and not supplant, Federal and non-Federal funds available for carrying out the activities described in this section.

(f) Definitions.—For purposes of this section:

(1) Eligible entity.—The term "eligible entity" means a State, institution of higher education, or nonprofit entity.

(2) Institution of higher education.—The term "institution of higher education" has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(3) Secretary.—The term "Secretary" means the Secretary of Education.

(4) State.—The term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(5) Statewide coalition.—The term "statewide coalition" means a coalition that—

(A) includes, but is not limited to—

(i) institutions of higher education within a State; and

(ii) a nonprofit group, a community underage drinking prevention coalition, or another substance abuse prevention group within a State; and

(B) works toward lowering the alcohol abuse rate by targeting underage students at institutions of higher education throughout the State and in the surrounding communities.

(6) Surrounding community.—The term "surrounding community" means the community—

(A) that surrounds an institution of higher education participating in a statewide coalition;

(B) where the students from the institution of higher education take part in the community; and

(C) where students from the institution of higher education live in off-campus housing.

(g) Administrative Expenses.—Not more than 5 percent of a grant under this section may be expended for administrative expenses.

(h) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $5,000,000 for fiscal year 2007, and $5,000,000 for each of the fiscal years 2008 through 2010.

TITLE V—ADDITIONAL RESEARCH

SEC. 501. ADDITIONAL RESEARCH ON UNDERAGE DRINKING.

(a) In General.—The Secretary of Health and Human Services shall collect data on, and conduct or support research on, underage drinking with respect to the following:

(1) Comprehensive community-based programs or strategies and statewide systems to prevent and reduce underage drinking, across the underage years from early childhood to age 21, including programs funded and implemented by government entities, public health interest groups and foundations, and alcohol beverage companies and trade associations.

(2) Annually obtain and report more precise information than is currently collected on the scope of the underage drinking problem and patterns exhibited in underage alcohol consumption, including improved knowledge of both the problem and progress in preventing, reducing and treating underage drinking; as well as information on the rate of exposure of youth to advertising and other media messages encouraging and discouraging alcohol consumption.

(3) Compiling information on the involvement of alcohol in unnatural deaths of persons ages 12 to 20 in the United States, including suicides, homicides, and unintentional injuries such as falls, drownings, burns, poisonings, and motor vehicle crash deaths.

(b) Certain Matters.—The Secretary of Health and Human Services shall carry out activities toward the following objectives with respect to underage drinking:

(1) Obtaining new epidemiological data within the National Epidemiological Study on Alcoholism and Related Conditions and other national or targeted surveys that identify alcohol use and attitudes about alcohol use during pre- and early adolescence, including harm caused to self or others as a result of adolescent alcohol use such as violence, date rape, risky sexual behavior, and prenatal alcohol exposure.

(2) Developing or identifying successful clinical treatments for youth with alcohol problems.

(c) Peer Review.—Research under section 501 must meet current Federal standards for scientific peer review.

SEC. 502. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out section 501 $6,000,000 for fiscal year 2007, and $6,000,000 for each of the fiscal years 2008 through 2010.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. Deal) and the gentlewoman from Wisconsin (Ms. Baldwin) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. DEAL of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to add extraneous material on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. DEAL of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 864, the Sober Truth on Preventing Underage Drinking Act. Commonly referred to as the STOP Act, this legislation takes several important measures to address the problem of underage drinking.

Underage drinking is a serious problem in our country that has serious consequences. It is estimated that nearly one-third of children and adolescents between the ages of 12 and 20 use alcohol, which is a higher percentage than those who use tobacco or illicit drugs. Alcohol is a leading contributor to death and injury among adolescents. Over 5,000 young people die every year as a result of injuries that involve drinking.

Not only does underage drinking cause accidents, injuries and death, but it can have a lasting impact on a young person's physical development. Studies have shown that the human brain continues to develop into a young person's early 20s, and that exposure of the developing brain to alcohol may have long-lasting effects on intellectual capabilities and increase the likelihood of alcohol addiction.

The legislation before us today will take several steps to address the problem of underage drinking at the national level. It would also assist States, localities and institutions of higher learning in their efforts to prevent underage drinking. The bill would create a nationwide media campaign to educate youth and parents on the dangers of underage drinking. It would also assist States in collecting data on underage drinking laws and their enforcement around the country, so that States can collaborate and learn from each other about which strategies are most effective at combating this problem. The bill also calls for research to be conducted on the influences and pressures that entice youth to consume alcohol.

I am pleased to recognize Congresswoman ROYBAL-ALLARD, the lead sponsor of the bill, Congressman TOM OSBORNE and other Members who have worked so hard on this legislation.

Mr. Speaker, at this time I ask unanimous consent that Mr. FLAKE from Arizona be able to control 5 minutes of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Ms. BALDWIN. Mr. Speaker, I rise in support of H.R. 864, the Sober Truth on Preventing Underage Drinking Act or STOP Underage Drinking Act.

Underage drinking is a serious public health concern in communities throughout our Nation. According to 2004 estimates from the Centers for Disease Control and Prevention, there were over 142,000 emergency room visits by youth, age 12 to 20, for unintentional injuries and other health-related concerns caused by alcohol consumption.

This bill builds interagency and community-based coalitions focusing on underage drinking, funds the production, broadcast and evaluation of national media-based public health campaigns about the dangers of underage drinking, and establishes grant programs for preventing and reducing alcohol abuse at institutions of higher education and surrounding communities.

This bill is a great start in moving our Nation towards the goal of decreasing youth access to, and consumption of, alcohol. It has the endorsement of both the alcohol beverage industry and a number of key public health advocates, both committed to the idea that a multifaceted national effort is key to making progress in curbing underage alcohol consumption.

I want to express my appreciation to Congresswoman ROYBAL-ALLARD's office, as well as the many other lead cosponsors of this bill that include Representatives WAMP, OSBORNE and DELAURO. I also want to thank the committee staff; the committee staff have dedicated their time and attention and effort to this bill. And I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time

Mr. FLAKE. Mr. Speaker, I thank the gentleman for giving me time on this bill.

I am not rising today to debate the merits of trying to prevent underage drinking. What I am here to do is challenge the Federal Government's role in authorizing what amounts, in this bill, to $40 million for two new grant programs, $24 million for a new research initiative, $4 million to establish a new Federal committee, and another $4 million for a public service announcement. This is a total of $72 million over 4 years. And here's the real kicker: There already exist Federal programs that do exactly what this suspension bill intends to do.

My staff and I visited www.thecoolspot.gov this morning. The Cool Spot was created for young teens by the lead U.S. agency supporting research into the causes, prevention and treatment of alcohol programs. It is an agency within the Department of Health and Human Services, an agency that is estimated to receive over $430 million in fiscal year 2007 and to do exactly what this suspension bill intends to do.

The acting director of this agency justified in House and Senate Appropriations Committee hearings a budget increase of over $2 million for fiscal year 2005 to 2006 by claiming the agency would expand its research into youth alcohol abuse.

But if you think that there needs to be more money, you can visit www.alcoholfreechildren.org, another underage drinking program that receives Federal funding from the Federal Government. Or there's www.collegedrinkingprevention.gov, or www.alcoholpolicy.gov.

Why are we spending $72 million on Federal research and grants to establish duplicative programs? And why are we doing this exactly 1 week after the voters told us that they were tired of wasteful spending?

Mr. Speaker, we simply cannot afford to keep adding new authorizations, new Federal programs when we know that we are running deficits and we have a massive debt. Where does it end? Where do we say, you know, having seven or eight or a dozen programs that already do virtually the exact same thing are enough?

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Why are we simply adding another? We can't continue to do this. So I would rise in opposition to this legislation and urge my colleagues to vote against it.

Mr. DEAL of Georgia. Mr. Speaker, I would yield 5 minutes to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. I would like to thank the gentleman. Mr. Speaker, I rise in support of H.R. 864. As many have pointed out, underage drinking certainly flies under the radar screen, because alcohol is legal, and it is widely accepted. I understand the objection to new spending, a so-called new program.

I think it is important to realize that many programs involving alcohol abuse are already ongoing, and they are funded, but they are not authorized, and there is no oversight. That is what this bill does.

We are not talking about completely new spending on every issue. We are simply trying to rein in and control and to better channel the spending on underage drinking.

Underage drinking costs the citizens of Nebraska $435 million a year. The United States estimate is $53 billion a year. AMA estimates $61 billion. If you can cut that by 10 percent, you are talking about a $5 billion savings. We can do that.

So let us not be a penny wise and a pound foolish on this, which is what I think we may be talking about here. But the cost is measured in more than money. The Centers for Disease Control and Prevention estimated the number of underage deaths due to excessive alcohol use at 4,554 a year. That is more than six times the rate of death in Iraq and Afghanistan.

We have agonized on this floor over that death rate, and yet we are having six times more young people die every year, and it is sort of something that doesn't capture our attention. An estimated 3 million teenagers are full-blown alcoholics, and several million more have serious drinking problems. Alcohol kills six times more young people than all other illegal drugs combined.

So the Federal Government, in response, spends 25 times more annually to combat youth drug use, which would be cocaine, heroin, methamphetamine, marijuana, than it does to prevent underage alcohol use, which is $1.8 billion on the drug side versus $71 million on the alcohol side. That doesn't make sense. It is tremendously imbalanced. This is the biggest problem we have as far as our young people, and yet we are spending a drop in the bucket compared to what we are spending on other drugs.

Recent studies have found that heavy exposure of the adolescent brain to alcohol interferes with brain development, which is a real problem, and this is something that has really come to light only in the last 2 or 3 years. It was assumed for a long time that drinking with a 12-year-old is the same as drinking if you are 30 years old, but it really is not in terms of what it does to the adolescent brain or the adolescent body, and we need to focus on that.

According to an analysis performed in 2004, the average age in which 12- to 17-year-olds begin drinking is age 13. Now when you start at age 13, that does some stuff to you. Young people tend to binge drink; 92 percent of the alcohol consumed by 12- to 14-year-olds is consumed when they are having five or more drinks upon a single occasion; 12- to 14-year-olds, 92 percent of them are binge drinking. They do not drink socially, they drink to get drunk, in most cases. That, again, of course, is a huge problem with our young people.

Young people who began drinking before age 15 are four times more likely to develop alcohol dependence. The STOP Act, which we are talking about here today, includes four major areas of policy development. The first creates an interagency coordinating committee, and that is something that I want to address to Mr. FLAKE, because these programs that he cited, and I agree with him, there are some things that are out there, but they are not coordinated, and as a result we are spending money here and there, but it is not channeled, it is not funneled in the direction that it has to be.

So what we need to do is have this report filed with Congress so we know what works and what doesn't work. What are we spending money on that is not effective. What are we spending money on that is effective. That is the important distinction here.

The STOP Act would authorize a national media campaign against underage drinking, which would be directed at adults. Now, this is important, because the biggest single determinant as to what young people do with underage drinking is the attitude of their parents, and we totally missed that point.

So whatever advertising we do is aimed at kids, it is not at the adults who influence their thinking. So we think that this is a critical component. The bill would also provide additional resources to prevent underage drinking, including alcohol specific grants through the drug-free communities program, and competitive grants that would create statewide coalitions to prevent underage drinking and alcohol abuse by college and university students.

Currently, we are losing 1,700 college students a year to underage drinking, 1,700. There are roughly 70,000 date rapes in this regard as well.

So I would like to thank Jeremiah Blake on my staff, Ms. ROYBAL-ALLARD, Mr. WAMP, Ms. DELAURO, Mr. WOLF and Senator DEWINE and Senator DODD. I appreciate their hard work and urge passage.

Ms. BALDWIN. Mr. Speaker, I am pleased to yield 5 minutes to the bill's primary author, the gentlewoman from California (Ms. ROYBAL-ALLARD).

Ms. ROYBAL-ALLARD. I thank my colleague for yielding.

Mr. Speaker, the passage of the Sober Truth on Preventing Underage Drinking Act is an opportunity for this House to make a historic commitment to the well-being of our children and our Nation.

I extend my sincere thanks to my colleagues, FRANK WOLF, TOM OSBORNE, ZACH WAMP, ROSA DELAURO for their original cosponsorship of my bill. Their commitment and steadfast efforts throughout the years have helped to make possible today's consideration of this significant piece of legislation.

I particularly want to acknowledge the efforts of Congressman OSBORNE. Passage of the STOP Act would be an important part of his legacy as he retires from Congress at the end of this session. TOM, I wish you well, and I thank you for being a champion on behalf of our children.

I also thank Senators DEWINE and DODD for sponsoring the companion bill in the Senate. I thank the public health groups, especially MADD, CAMY, CSPI and CADCA for working with me over 10 years on this critical issue. Their advocacy has raised the level of awareness in Congress and throughout the Nation about our public health crisis of underage drinking, and I commend them for their efforts. I also thank the alcohol beverage industry for its efforts this year in support of the STOP Act.

Mr. Speaker, prior to being elected to public office, I worked for a nonprofit agency which focused on alcohol abuse. At that agency, I witnessed firsthand the many devastating consequences of irresponsible drinking. That experience is what motivated me to find ways to address underage drinking. Initially, my colleagues and I commissioned a landmark study by the Institute of Medicine to determine the extent of the problem in our country.

The IOM study was published in 2003, and its findings were more than alarming. The study found, for example, that in the United States, in any given month, nearly 11 million of our youth between the ages of 12 and 20 drink alcohol. This number includes nearly 1 in 5 of 8th graders, 1 in 3 of 10th graders and half of all 12th graders. It also includes the over 5,000 youth in our Nation under the age of 16, who will take their first drink by the end of today.

Mr. Speaker, the result of these facts is that today alone at least three teenagers will die from drinking and driving, and six more will die from alcohol-related causes such as a homicide, suicide and drowning. To add to these tragic consequences is a recent scientific study that suggests that youth who drink alcohol can lose as much as 10 percent of that which they learn compared to those who don't drink.

When one considers the additional problems associated with drinking before the legal age of 21, like car accidents, violent crime, unsafe sexual activity and teenage pregnancy, one begins to sense the extent and tragic consequences of underage drinking, which, according to the American Medical Association, costs our country more than $61 billion a year.

Using the Institute of Medicine's study as a guide to help address this crisis, my colleagues and I initiated an interagency council which brought together for the first time Federal agencies with jurisdiction over programs related to underage drinking.

Also, in December 2005, with Federal funds we secured, the Ad Council began airing a national media campaign to educate parents about the dangers of consuming alcohol before the age of 21.

In the 108th Congress, based on the recommendations of the IOM report, my colleagues and I introduced the STOP Act. The STOP Act is the first comprehensive piece of national legislation to address underage drinking in this country. This legislation makes permanent the national anti-underage drinking campaign directed at parents and makes permanent the interagency council to coordinate Federal efforts.

In addition, the STOP Act requires an annual report by the Secretary of HHS on the progress States are making to address underage drinking. H.R. 864 also makes available research grants to find effective strategies to deter childhood drinking and grants to communities and colleges to address this crisis.

Mr. Speaker, our Nation must no longer be complacent about underage drinking and its alarming consequences. We must bring this national public health crisis out of the shadow and into the bright light of a national priority.

I urge my colleagues to vote "yes" on the passage of H.R. 864, the STOP Act.

Mr. DEAL of Georgia. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Thank you, Mr. Chairman, for your leadership in bringing this bill to the floor, and to the ranking member. I also want to thank the gentleman from Arizona, who is leaving the floor, for being a watch guard, for standing on the wall, because we haven't done enough of that, and we need to do that all the time.

Even though on this particular issue, I would come today and say we need to go forward with investments that will save us billions of dollars in the future. I also want to remind people that this is the illegal use of this legal product.

That hasn't been talked about enough on the floor today, that underage drinking is illegal. When other things are illegal, we pay attention to it. Illegal immigration didn't get enough attention. It is a misdemeanor, so it is not that big a deal. And now we are addressing it because it became a big problem.

This is the illegal use of a legal product, and we need to address it on a national level because you can't hodgepodge and address a national problem that frankly is like a cancer among young people.

I want to reemphasize the binge drinking problem. I don't know if you have taken your family to the beach for spring break, but as my children were growing up, we would go, and I was shocked at what I saw.

When I was young, I sowed wild oats, but I had never seen anything like this where 15- and 16-year-old kids just completely sick and running into telephone poles. I mean, it was not only not funny, it was one of the scariest things I have ever seen. Because these kids get away from their parents, and they binge drink until they are sick. Dozens of them are going to the hospital, and some of them dying. This is a problem, a big problem that needs to be addressed, and we need accurate information.

We don't need the information from the industry. That is what has dominated this debate forever. We need the government to give us the accurate information, cause and effect, advertising leads to. This is an illegal use of a product with our children that is devastating the next generation.

I know moms and dads should raise their children and stay on top of them and keep them, but this problem is getting much worse, and the government needs to do a better job at addressing this problem. I also know we are going against the grain. This is the popular culture. This is iconic, Hollywood promotes it, it is all around us. But I have got to tell you, in a world that is going in the wrong direction, the people that are advocating on this issue, Ms. ROYBAL-ALLARD with me for 12 years, and FRANK WOLF, and Coach OSBORNE for 6 years, we are going against the grain.

The wind is in our face. We are going in the right direction. The world is going in the wrong direction. The world is going down the tubes with things like this, and we need to stand against it together, united, and invest wisely to frankly save the next generation from some problems. I know it starts at home, but all families are not staying together.

All children are not getting the basics, and they are devastating our culture. Frankly, alcohol leads to a lot of other things when you start drinking at 12 years old. It is a big problem that needs to be addressed. Frankly, the industry has pushed us back and pushed us back.

Coach OSBORNE, thank you for sharing 6 years of your life with all of us here in the House of Representatives. Thank you for your service and thank you for your whole life of helping other people. You are an icon.

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Ms. BALDWIN. Mr. Speaker, I am pleased to yield 3 minutes to one of the bill's cosponsors, the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I want to thank, again, all my colleagues who have worked for so many years to see this bill reach the floor: Congresswoman ROYBAL-ALLARD, Congressmen OSBORNE, WOLF, and WAMP, as well as our colleagues in the other body, Senators DODD and DEWINE.

This is an important moment, one in which this Congress says "enough is enough." For too long we have looked the other way when it comes to the increasing problem of underage drinking, and the results of our inaction are clear.

Today, the average age kids start drinking is 13; 7 million young people describe themselves as binge drinkers; alcohol plays a role in the three leading causes of death among young people; and studies tell us that the average young person today, not the troubled teen, but the average kid, is engaging in behavior that leads to alcoholism.

Mr. Speaker, the time for action is now. This is a disease that starts when we are young, and it does not get better as we get older. It gets worse. That is why we need this comprehensive bill. To start with, the STOP Act will increase resources for drinking prevention coalitions like Mothers Against Drunk Driving, which we already know have had a positive impact on teenagers. This bill supports them.

It will also fund more research and create a committee charged with delivering a record card on the progress we are making and what we can do better. The committee will also give us a better picture of the degree to which this problem is exacerbated by advertisements targeted toward young people.

Lastly, the STOP Act would help us fund a national media campaign directed to adults to make them as aware of the dangers associated with underage drinking as possible. Too often, when it comes to adults, parents think "not my child," and we need to turn that around.

So I urge my colleagues to support the STOP Act. As a Member of Congress and as someone who lost a family member in a drunk driving accident, it is long past time that Congress said with one voice that it is serious about reducing underage drinking in our communities. With this bill, we can and we will.

Mr. DEAL of Georgia. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. POE).

Mr. POE. Mr. Speaker, the greatest natural resource in this country is not the Spotted Owl, it is not the Grand Canyon, it is not the environment, it is our children, and this bill is a preventive bill.

I spent all my life in the criminal justice system before I came to Congress, 22 years on the criminal court in Houston, Texas. I saw about 25,000 people work their way to the courthouse. Many of those people were young people who made bad decisions, first to drink and then to commit a crime like driving. I will relate one of those to you.

A young lady by the name of Lisa, graduating from one of our local high schools, was, as was said earlier, just a regular person, not a troubled child. In fact, she was an honor student, a National Merit Scholar going to one of the Ivy League colleges upon graduation.

She and her best friend drove to a nearby town, had something to eat to celebrate, and then they decided they needed something to drink, because that was the thing to do, even though both of them were 18-year-olds, under the age to drink.

They did have something to drink. The waiter knew they were underage, but he figured he would get a big tip if he served them, and he did.

They were driving home in Lisa's mother's car. Having too much to drink, she started weaving on one of our farm-to-market roads, crashed in a ditch and killed her best friend in the car, her very best friend, her next-door neighbor. Because of that crime, involuntary manslaughter, drinking and driving and killing somebody under Texas law, it was mandatory that she go to the penitentiary for a period of time.

But in court, when that 5-foot-2 little girl came to court, she said to me, "Judge Poe, this can't happen to me. This can't happen to me." But, you see, that is life's biggest lie, especially among young people. It can happen. It does happen. It destroys lives.

And rather than wait to be reactionary, to so-called punish somebody for committing that crime, we need to educate. We need to make sure that young people understand it is not socially acceptable or legal to drink under the age of 21.

I appreciate this bill. This is a good bill to be sponsored to show that we have a concern about our children. I too want to thank Coach OSBORNE for dedicating his life to the betterment of young people.

Ms. BALDWIN. Mr. Speaker, I yield back the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, let me say to my friend from Arizona (Mr. FLAKE) that I agree with his observations and I agree with his concern; but as pointed out by Mr. OSBORNE, I believe that this is a bill that can help solve part of that problem, to give some oversight mechanisms to existing allocations, to give some response back to this Congress about programs that are working and that are not working.

I think the challenge that we all face, and I pledge to him to work with him cooperatively in this effort, is in the appropriations process. And pointing out this is not an appropriations bill, this is an authorization bill, that in the appropriations process, that we try to make sure that our appropriators funnel the money only to those programs that are authorized, such as this one, that will have some oversight and response back to this Congress, so that we can eliminate duplicative programs. I would pledge to him that I would work cooperatively with him in that effort.

But I do believe this is a well-thought-out piece of legislation and one that I would urge this body to adopt

Ms. BORDALLO. Mr. Speaker, I rise today in strong support of H.R. 864, the Sober Truth on Preventing Underage Drinking Act. If enacted, this legislation would require Federal, State, local and tribal authorities to adopt a comprehensive and coordinated approach toward mitigating and countering underage consumption of alcoholic beverages. I fully support a multifaceted strategy toward addressing this public health issue. Preventing underage drinking requires strict enforcement of existing laws, comprehensive education to prevent binge drinking, and continued research of the effects of alcohol on the health of adolescents. Combating the problem of underage drinking also requires committed efforts by community leaders, parents, teachers, mentors, policy makers, and others to work to instill an increased sense of responsibility and respect for the law in young people.

I firmly believe that investing in research of the effects alcohol has on minors and raising public awareness among at-risk demographic groups, parents, and educators are two important ways to mitigating and countering underage drinking. As leaders, it is our duty to help improve the health and well-being of the next generation. Doing so will ensure that they have the utmost opportunity to lead productive and prosperous lives. By countering underage drinking, we are allowing young adults to recognize their full potential. Enactment of this legislation would go far toward achieving these goals.

Mr. TOWNS. Mr. Speaker, I rise today in support of H.R. 864, the STOP Underage Drinking Act. First and foremost, I would like to thank the sponsors—Mrs. ROYBAL-ALLARD and Mr. OSBORNE—for their diligence over the years on this issue and am pleased to see their work pay off today. Keeping alcohol out of the hands of America's youth is of the utmost importance and this bill will ensure that the federal government is doing its part, working hand-in-hand with private industry and other public interest groups while strengthening the intent of congress that states have the primary jurisdiction to regulate the sale, production and distribution of alcohol under the 21st amendment.

Alcohol, Mr. Speaker, has always been regarded as a unique product throughout American history. No one would suggest that it is the same as a flat screen television or ball bearings. No, alcohol can have tangible societal costs—from underage drinking, drunken driving deaths, and other issues stemming from overconsumption. Be it through the tax law or the 21st amendment, Congress has never intended alcohol to be just another consumer good—as evidenced by the unique regulatory model put in place after prohibition was repealed. We have always placed this distinction on the product, because of the societal dangers involved—not consumer irresponsibility. Because of these concerns, it is of the utmost importance for us to keep alcohol away from children. We need to prevent abuse in our communities and detach the stigma associated with these challenges so that we can meet them head on.

As we confront underage drinking today and the responsibility issues that go along with them, we must also face the reality that while the federal government is well-suited to coordinate national ad campaigns and other valuable research studies; we must understand that states should and do have the primary jurisdiction to regulate the distribution, production and sale of alcohol under the 21st amendment.

States and their individual regulatory models are our best ally and the people's best ally in the fight against underage drinking. We in Brooklyn do not want Boise's laws and they probably do not want ours either under the guise of Big Brother knows best.

In addition to the programs which are authorized in this bill, I hope this will serve to put groups who look to dismantle our regulatory system on notice that Congress will continue to utilize its bully pulpit to advance best practices and responsibility from the industry and the public.

Again, Mr. Speaker, I would like to thank the sponsors of H.R. 864 and laud their efforts and urge my colleagues to pass this much-needed legislation into law.

Mr. RENZI. Mr. Speaker, I stand before you in support of H.R. 864, the Sober Truth on Preventing Underage Drinking (STOP) Act.

I would like to thank Congresswoman ROYBAL-ALLARD for introducing the Sober Truth on Preventing Underage Drinking Act, and I would also like to thank Majority Leader BOEHNER for bringing this measure to the floor.

Protecting our young people from the consequences of underage drinking must be a national priority. In my home state of Arizona, 20 percent of children and teens from 12 to 20 years old regularly drink five or more drinks in one sitting, according to the National Survey on Drug Use and Health conducted by the Department of Health and Human Services.

State and tribal enforcement efforts and regulations are central in our fight against underage drinking.

This legislation holds the States accountable for enforcing underage drinking laws by mandating that the Department of Health and Human Services issue an annual report card to rate the performance of each State in preventing or reducing underage drinking.

Additionally, this measure requires the Director of the Office of National Drug Control Policy to award grants to design and disseminate strategies to maximize the effectiveness of community-wide approaches to preventing and reducing underage drinking.

The bill would provide $5 million in enhancement grants to the Drug Free Communities program to address the problem of underage drinking. Also, another new program will be funded at $5 million annually to provide competitive grants to states, non-profits, and institutions of higher education to create statewide coalitions to prevent underage drinking and alcohol abuse by university students.

In my district, I have fought hard to work against substance abuse by supporting funding to combat alcohol and drug abuse. Just this past September, the Navajo Nation received a $98,000 grant from the Department of Justice for breathalyzers. Statistics have shown that about 90 percent of violent crime on the Navajo Nation is alcohol-related, and many of our young people are learning that substance abuse is a way of life.

I am pleased that the Sober Truth on Preventing Underage Drinking (STOP) Act is being considered by the full House this afternoon and I look forward to its passage to provide additional tools to prevent underage drinking in Arizona and throughout the Nation.

Mr. CARNAHAN. Mr. Speaker, I rise today in support of the STOP Act.

This bill is the result of a lot of hard work by its authors and represents a strong effort to reduce underage drinking.

The diligence put into drafting this bill is reflected by the broad support of this bill by the beer and wine industries.

Many in the industry have worked hard to curb underage drinking for years.

As a result of these efforts, underage drinking has been significantly reduced, evidenced by recent data showing that over 70 percent of youths aged 12–20 do not drink.

I commend the beer and wine industries as a whole in their efforts to decrease underage drinking.

This bill will continue and strengthen these efforts, and I am pleased to support it.

SOBER TRUTH ON PREVENTING UNDERAGE DRINKING ACT

SPEECH OF

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Mr. SULLIVAN. Mr. Speaker, I rise today in support of the Sober Truth on Preventing Underage Drinking Act (Stop Act), which tackles an important issue facing families in every congressional district, the issue of underage drinking. If present for rollcall vote 521 on H.R. 864, the measure would have my strong support.

The Stop Act serves to restate the importance of state alcohol laws in fighting underage drinking while supplementing federal research and advocacy with additional funds. I am proud to support this legislation to confront the growing problem of underage drinking.

Mr. DEAL of Georgia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and pass the bill, H.R. 864, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those voting have responded in the affirmative.

Mr. FLAKE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

RECOGNIZING THE CONTRIBUTIONS OF THE CHRISTMAS TREE INDUSTRY TO THE UNITED STATES ECONOMY

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 96) recognizing the contributions of the Christmas tree industry to the United States economy and urging the Secretary of Agriculture to establish programs to raise awareness of the importance of the Christmas tree industry, as amended.

The Clerk read as follows:

H.J. RES. 96

Whereas Christmas trees have been sold commercially in the United States since the 1850s;

Whereas, by 1900, one in five American families decorated a tree during the Christmas season, while, by 1930, a decorated Christmas tree had become a nearly universal part of the American Christmas celebration;

Whereas 32.8 million households in the United States purchased a live-cut Christmas tree in 2005;

Whereas the placement and decoration of live-cut Christmas trees in town squares across the country have become an American tradition;

Whereas, for generations, American families have traveled hundreds and even thousands of miles to celebrate the Christmas season together around a live-cut Christmas tree;

Whereas 36 million live-cut Christmas trees are produced each year, and 98 percent of these trees are shipped or sold directly from Christmas tree farms;

Whereas North Carolina, Oregon, Michigan, Washington, Wisconsin, Pennsylvania, New York, Minnesota, Virginia, California, and Ohio are the top producers of live-cut Christmas tree, but Christmas trees are grown in all 50 States;

Whereas there are more than 21,000 growers of Christmas trees in the United States, and approximately 100,000 people are employed in the live-cut Christmas tree industry;

Whereas many Christmas tree growers grow trees on a part-time basis to supplement their other farm and non-farm income;

Whereas growing Christmas trees provides wildlife habitat;

Whereas more than a half million acres of land were planted in Christmas trees in 2005;

Whereas 73 million new Christmas trees will be planted in 2006, and, on average, over 1,500 Christmas trees can be planted per acre; and

Whereas the retail value of all Christmas trees harvested in 2005 was $1.4 billion: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress recognizes the important contributions of the live-cut Christmas tree industry, Christmas tree growers, and persons employed in the live-cut Christmas tree industry to the United States economy.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Minnesota (Mr. PETERSON) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to commend my colleague, the gentlewoman from North Carolina (Ms. FOXX) for introducing this resolution. The Christmas tree industry is an important part of the American agricultural industry and is an important part of the rural and forested landscape of Virginia and many other States. One of the leading States in the industry is my own.

Christmas tree growers, like many other family farmers and forest landowners, are stewards of the land. They are bound together by a love of the land and a desire to produce renewable products that enhance people's lives while protecting the environment.

For many family forest landowners, Christmas tree growing provides a source of annual income. While this income is rarely enough to make a living on, it allows family growers to make long-term investments for the management of their woodlands. For many small growers, this income is critical to allowing them to keep their forests green and growing, rather than subdividing or switching to another land use.

According to the Virginia Christmas Tree Growers Association, there are thousands of growers in the Commonwealth who produce more than 1 million trees annually, ranging from commercial operations to choose-and-cut family farms. These trees annually account for nearly $50 million in revenue.

Like other segments of the forest products industry, Christmas tree growers are engaged in a renewable, sustainable activity. They plant millions of new trees every year, 73 million trees that cover over a half million acres to be precise. That is a lot of land protected from development and a lot of new trees helping to clean the air, protect watersheds and improve the environment.

Just as growing Christmas trees helps renew the environment, the annual tradition of bringing home a tree and decorating it helps renew the faith of millions of families as they gather to celebrate Christmas. In the Christmas season, the Christmas tree is a symbol of joy and goodwill, and we are grateful to all who work to provide this American tradition.

I want to thank my colleague, the gentleman from Minnesota, the ranking member of the committee, for his support in our efforts to move this legislation forward.

Mr. Speaker, I reserve the balance of my time.

Mr. PETERSON of Minnesota. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.J. Res. 96. Congresswoman FOXX's resolution recognizes the success and importance of the live-cut Christmas tree industry in the United States, and the economic strength and cultural contribution of this industry makes this resolution worthy of congressional support.

Mr. Speaker, before I recognize other Members, I would like to take a minute to recognize the distinguished gentleman from Virginia (Mr. GOODLATTE) who has served with distinction as chairman of the Agriculture Committee over these last few years.

The Agriculture Committee has always enjoyed a reputation as one of the most bipartisan committees in the Congress, and Chairman GOODLATTE has continued that great tradition of cooperation. Under his direction, the committee has accomplished important things. His leadership led to the passage of historic measures to protect our national forests. He took a strong stand for American agriculture in the face of unreasonable proposals from our trade partners, making it clear that we would prefer no deal to a bad deal. He started the process of writing the new farm bill with a series of field hearings across the Nation and ensured that the many voices of agriculture were heard.

Mr. Speaker, anybody who cares about American agriculture, or for that matter, anybody who eats in this country, should give BOB GOODLATTE their thanks for the outstanding job he has done on the committee. I look forward to working with him as we continue this process on the farm bill.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman from Minnesota for his kind words, and I look forward to working with him in a new capacity in the new Congress. He certainly has my commitment that we will continue to work together for the interests of America's farmers and ranchers and agribusinesses in the bipartisan fashion that has been the history of the Agriculture Committee

Mr. Speaker, I yield such time as she may consume to the author of the legislation, the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Speaker, I thank the chairman.

Mr. Speaker, it is my great privilege to rise today as the House considers House Joint Resolution 96, a bill I authored, to recognize the contributions of the live Christmas tree industry to the United States economy. Having been a Christmas tree farmer myself, I can attest to the importance of recognizing this often overlooked farming industry.

My district is one of the largest producers of live-cut Christmas trees in the country. North Carolina has an estimated 50 million Fraser fir Christmas trees growing on over 25,000 acres. Fraser firs represent over 95 percent of all species grown in North Carolina. They are grown in the far western North Carolina counties, including Allegheny, Ashe, Avery, Buncombe, Haywood, Henderson, Jackson, Macon, Madison, Mitchell, Swain, Transylvania, Watauga and Yancey.

There are over 1,600 North Carolina growers. The North Carolina Christmas tree industry is ranked second in the Nation in number of trees harvested, producing over 19 percent of the real Christmas trees in the United States.

The North Carolina Fraser fir has been judged the Nation's best through a contest sponsored by the National Christmas Tree Association and chosen for the official White House Christmas tree nine times, more than any other species, in the years 1971, 1973, 1982, 1985, 1991, 1993, 1995, 1997 and 2005.

□ 1315

The North Carolina Fraser fir Christmas tree is the most popular Christmas tree in North America and is shipped to every State in the U.S. as well as the Caribbean Islands, Mexico, Canada, Bermuda, Japan, and other points all over the world.

The Christmas tree industry supports our economy and environment. Christmas trees are grown in all 50 States with North Carolina, Oregon, Michigan, Washington, Wisconsin, Pennsylvania, New York, Minnesota, Virginia, California, and Ohio being the top Christmas tree-producing States. Nationally, there are more than 21,000 Christmas tree growers and more than 100,000 people employed in the live-cut Christmas tree industry. Thirty-six million of all live-cut Christmas trees are produced each year, and 98 percent are shipped or sold directly from Christmas tree farms. On average over 1,500 Christmas trees are planted per acre, providing an abundant habitat for wildlife.

The retail value of all live Christmas trees harvested in 2005 was $1.4 billion. Live-cut Christmas trees have been sold commercially in the United States since 1850, and by 1900 one in five American families decorated live-cut trees during Christmas. By 1930 the tree had become a nearly universal part of the American Christmas. For generations American families have traveled hundreds and thousands of miles to celebrate the holiday season together at home around the Christmas tree. I think it is difficult to overstate the way that having a live, lit Christmas tree in a room can set a warm and positive tone for a family.

I would like to thank the majority leader, the chairman, and ranking member of the Committee on Agriculture for their assistance in getting this bill to the floor and for their very appropriate remarks today.

I urge my colleagues to support this measure recognizing this important industry not just for its economic impact but also for its cultural contribution to the Christmas holiday.

I also want to thank the growers for their contributions to our economy, our environment, and our Nation's heritage.

Mr. PETERSON of Minnesota. Mr. Speaker, I am pleased to yield 2 minutes to a good friend of mine and a good friend of American agriculture, Congresswoman DARLENE HOOLEY from Oregon.

Ms. HOOLEY. Mr. Speaker, I thank the gentleman from Minnesota for yielding me time.

Mr. Speaker, when you think of Oregon, the first thing you think of is trees. Therefore, it should be no surprise that my home State, Oregon, is the largest producer of Christmas trees in the Nation. I am proud to say the overwhelming majority are grown in my district. We have hundreds and hundreds of Christmas tree growers.

In the coming weeks it is estimated that Oregon growers will be harvesting 7.8 million Christmas trees, roughly one quarter of the total nationwide. Not only will these trees make their way to homes in America but also homes in Canada, Mexico, Japan, Panama, Costa Rica, Philippines, Taiwan, Guam, as well as many other international destinations.

I want to thank the gentlewoman from North Carolina for bringing this bill to the House floor today. With the holiday season just around the corner, there could not be a more appropriate time for the House of Representatives to recognize the joy the Christmas tree industry brings to homes across our country this time of year. There is no better activity than going with a family to pick out that Christmas tree.

Please support H.J. Resolution 96.

Mr. GOODLATTE. Mr. Speaker, at this time I am pleased to yield such time as he may consume to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. Mr. Speaker, I thank the chairman of the Agriculture Committee for yielding me time to speak about an important industry in my district.

And I want to thank my fellow Member of Congress from North Carolina, VIRGINIA FOXX, for her leadership on this important agricultural issue for our districts, which border each other in the mountains of western North Carolina.

We have got a wonderful industry in my district centered around Avery County, and this resolution today honors those men and women that work so very hard in the Christmas tree growing business. They provide a wonderful service and a wonderful product for Americans all around the country. And coming from a small county in western North Carolina, it is a wonderful privilege.

Outside of western North Carolina this niche industry is often overlooked, but inside of our region it is never under appreciated. There are over 1,600 Christmas tree growers in North Carolina who produce over 19 percent of the real Christmas trees in the United States. Not those fake ones. The real ones. The evergreens. And the Fraser fir, which is grown in western North Carolina, is the most popular Christmas tree in North America and is shipped to every State in the U.S. as well as the Caribbean, Mexico, Canada, Bermuda, Japan, and other points around the globe, from little old counties in western North Carolina, and I do want to pay tribute to the Christmas tree growers and the contribution they make to our country and our States and my district, and it is with great pleasure that I also pay tribute to the small communities in the mountains that work so hard to produce products to send around the country and around the world.

Mr. Speaker, I urge my colleagues' support of this great resolution that will help and honor our industries in western North Carolina

Mr. BLUMENAUER. Mr. Speaker, as the Congressman with the privilege to represent Estacada, Oregon—the Christmas Tree Capital of the World—I rise in strong support of this resolution.

Christmas trees are a large part of Oregon's nursery and tree industry. In fact, Oregon leads the Nation in Christmas tree production, with 6.9 million trees sold last year at a value of nearly $108 million to the Oregon economy. In particular, Clackamas County—which I am proud to represent along with Ms. HOOLEY—is the largest producing county in the country with $36.8 million in sales from 17,500 acres of Christmas trees. Across our state, there are almost 1,600 Christmas tree operations, encompassing an area over one and half times the size of Washington, DC and employing close to 10,000 people at total wages of over $32 million.

Oregon farmers began hauling Christmas trees for out-of-state sales by horse and wagon at the turn of the 20th century. It's now the sixth-largest agricultural industry in Oregon, and our crop covers 31 percent of the market. Oregon Christmas trees can be found across the country and across the world.

I thank the gentlelady from North Carolina for offering this resolution. As we head into consideration of the 2007 Farm Bill, it provides an important reminder that the agriculture upon which many of our communities depend is more than corn and cotton. Our federal farm policy should reflect the diversity of American agriculture and ensure a fair playing field for all of our farmers and ranchers.

Already, Oregon nurseries and vineyards, ranchers, and farmers are leading the way, showing how we can craft winning policies that are good for farmers, the land, the environment, consumers, our water supplies, and wildlife. I look forward to the opportunity to work with my friends on the Agriculture Committee, to build on this good work and take it to the next level, and, in true Oregon tradition, create an opportunity to unite citizens throughout the state.

Mr. ETHERIDGE. Mr. Speaker, I rise in support of House Resolution 96, a bill recognizing the American Christmas tree industry, and the important role that it plays in U.S. agriculture.

This resolution is a timely one as we approach the upcoming holiday season. And for my home state of North Carolina, it is also one that reminds us of the tremendous impact that agriculture has on our state's economy. The Christmas tree industry in North Carolina is ranked second in the Nation, with more than 30,000 acres in production that contributes over $100 million to our state's economy.

This resolution reminds us that there are many facets to our Nation's diverse agricultural economy. Agriculture now includes such specialties as aquaculture, trees and ornamental horticulture, landscaping, and turf production. The Christmas tree industry in North Carolina is an example of the growth and development of the industry.

I urge support on House Resolution 96.

Mr. PETERSON of Minnesota. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the joint resolution, H.J. Res. 96, as amended.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the joint resolution, as amended, was passed.

The title of the joint resolution was amended so as to read: "Joint resolution recognizing the contributions of the Christmas tree industry to the United States economy.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.J. Res. 96, the joint resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will now resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 6314, by the yeas and nays;

H.R. 864, by the yeas and nays.

AMENDING TITLE 38, UNITED STATES CODE, TO EXTEND CERTAIN EXPIRING PROVISIONS OF LAW

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 6314.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. BUYER) that the House suspend the rules and pass the bill, H.R. 6314, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 393, nays 0, not voting 39, as follows:

[Roll No. 520]

YEAS—393

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (VA)
Sekula Gibbs
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Sires
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Stark
Stearns
Stupak
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—39

Boozman
Brown (OH)
Burton (IN)
Cardin
Carson
Chandler

Cubin
Davis (TN)
Engel
Evans
Ford
Gallegly
Gibbons
Gillmor
Gohmert
Goode
Hefley
Herseth
Higgins
Lewis (KY)
McKinney
Melancon
Millender-McDonald
Moran (KS)
Murtha
Oxley
Pearce
Reynolds
Sanders
Scott (GA)
Shimkus
Slaughter
Spratt
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Udall (NM)

☐ 1348

Mr. CLYBURN and Mr. EVERETT changed their vote from "nay" to "yea."

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Ms. HERSETH. Mr. Speaker, on November 14, 2006, I missed rollcall vote No. 520 on H.R. 6314 to amend title 38, United States Code, to extend certain expiring provisions of law and to expand eligibility for the Survivors' and Dependents' Educational Assistance program. Had I been present and voting, I would have voted "yea" on H.R. 6314.

SOBER TRUTH ON PREVENTING UNDERAGE DRINKING ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 864, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and pass the bill, H.R. 864, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 373, nays 23, not voting 36, as follows:

[Roll No. 521]

YEAS—373

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Forbes
Fortenberry
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herseth
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (VA)
Sekula Gibbs
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Sires
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Stark
Stearns
Stupak
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—23

Barrett (SC)
Campbell (CA)
Cantor
Feeney
Flake
Foxx
Gutknecht
Hensarling
Herger
Hostettler
Inglis (SC)
Johnson, Sam
Jones (NC)
King (IA)
Kolbe
Manzullo
Myrick
Otter
Paul
Pence
Rohrabacher
Taylor (MS)
Westmoreland

NOT VOTING—36

Blumenauer
Boozman
Brown (OH)
Burton (IN)
Cardin
Carson
Chandler
Cubin
Evans
Ford
Gallegly
Gibbons
Gillmor
Gohmert
Goode
Hefley
Higgins
Jindal
Lewis (KY)
Marchant
McKinney
Moran (KS)
Murtha
Oxley
Pearce
Sanders
Scott (GA)
Shimkus
Slaughter
Spratt
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Udall (NM)

☐ 1405

Mr. HERGER and Mr. TAYLOR of Mississippi changed their vote from "yea" to "nay."

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. CARSON. Mr. Speaker, due to a flight delay, I was unable to record my rollcall votes 520 and 521. Had I been present, I would have voted "yes" to both votes.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 6 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 1647

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 4 o'clock and 47 minutes p.m.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. MCKINNEY (at the request of Ms. PELOSI) for today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 3501. An Act to amend the Shivwits Band of the Paiute Indian Tribe of Utah

Water Rights Settlement Act to establish an acquisition fund for the water rights and habitat acquisition program; to the Committee on Resources.

S. 3687. An Act to waive application of the Indian Self-Determination and Education Assistance Act to a specific parcel of real property transferred by the United States to 2 Indian tribes in the State of Oregon, and for other purposes; to the Committee on Resources.

ADJOURNMENT

Mr. CAMPBELL of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 48 minutes p.m.), the House adjourned until tomorrow, Wednesday, November 15, 2006, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9980. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Bacillus Thuringiensis Modified Cry3A Protein and the Genetic Material Necessary for Its Production in Corn; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2006-0784; FRL-8096-4] received October 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9981. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Flumioxazin; Pesticide Tolerances for Emergency Exemptions [EPA-HQ-OPP-2006-0792; FRL-8098-5] received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9982. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — NESHAP: National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors (Amendment) [EPA-HQ-OAR-2004-0022 FRL-8233-9] (RIN: 2050-AG33) received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9983. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Tennessee; Memphis/Shelby County Area Second 10-Year Maintenance Plan for the Carbon Monoxide National Ambient Air Qaulity Standard [EPA-R04-OAR-2006-0531-200618(a); FRL-8233-8] received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9984. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; State of California; PM-10; Determination of Attainment for the San Joaquin Valley Nonattainment Area; Determination Regarding Applicability of Certain Clean Air Act Requirements [EPA-R09-OAR-2006-0583, FRL-8234-1] received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9985. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; State Implementation Plan Revision for American Cyanamid Company, Havre de Grace; Maryland [EPA-R03-OAR-2006 -0607 ; FRL-8233-2] received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9986. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Lake County Air Quality Management District, Monterey Bay Unified Air Pollution Control District, San Joaquin Valley Unified Air Pollution Control District, and Ventura County Air Pollution Control District [EPA-R09-OAR-2006-0839, FRL-8234-9] received November 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9987. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Louisiana: Final Authorization of State Hazardous Waste Management Program Revision [EPA-R06-RCRA-2006-0914; FRL-8241-3] received November 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9988. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Export Notification; Change to Reporting Requirements [EPA-HQ-OPPT-2005-0058; FRL-8101-3] (RIN: 2070-AJ01) received November 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9989. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Iowa [EPA-R07-OAR-2006-0836; FRL-8240-6] received November 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9990. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Louisiana; 2006 Low Enhanced Vehicle Inspection/Maintenance (I/M) Program [EPA-R06-OAR-2006-0456; FRL-8241-2] received November 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9991. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Clean Air Act Approval and Promulgation of Air Quality Implementation Plan Revision for Colorado; Long-Term Strategy of State Implementation Plan for Class I Visibility Protection [EPA-R08-OAR-2005-CO-0002; FRL-8232-2] received October 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9992. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Amendment to Prevention of Significant Deterioration (PSD) Air Quality Permit Program [EPA-R03-OAR-2006-0527; FRL-8236-5] received October 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9993. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Amendments to Nonattainment New Source Review (NSR) Air Quality Permit Program [EPA-R03-OAR-2006-0528; FRL-8236-6] received October 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9994. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Utah; Revisions to the Utah Administrative Code; Direct Final Rule [EPA-R08-OAR-2006-0564; FRL-8236-8] received October 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9995. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Revised Format for Materials Being Incorporated by Reference for Wyoming [R08-WY-2006-0001; FRL-8236-2] received October 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9996. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Washington: Final Authorization of State Hazardous Waste Management Program Revisions [FRL-8235-5] received October 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9997. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the Nevada State Implementation Plan, Clark County [EPA-R09-OAR-2006-0548a; FRL-8225-5] . received October 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9998. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Yolo-Solano Air Quality Management District [EPA-R09-OAR-2005-0557e; FRL-8225-7] received October 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9999. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Antelope Valley Air Quality Management District [EPA-R09-OAR-2006-0747; FRL-8231-5] received October 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10000. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Louisiana; Transportation Conformity [EPA-R06-OAR-2005-LA-0003; FRL-8234-8] received October 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10001. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana [EPA-R05-OAR-2006-0539; EPA-R05-2006-

0610; FRL-8224-3] received October 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10002. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Regional Haze Regulations; Revisions to Provisions Governing Alternative to Source-Specific Best Available Retrofit Technology (BART) Determinations [EPA-HQ-OAR-2002-0076; FRL-8230-4] (RIN: 2060-AN22) received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10003. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri; Correction [EPA-R07-OAR-2005-MO-0005; FRL-8228-9] received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10004. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans Alabama: Volatile Organic Compounds [EPA-R04-OAR-2005-AL-0004-200619a; FRL-8229-8] received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10005. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Announcement of the Delegation of Partial Administrative Authority for Implementation of Federal Implementation Plan for the Umatilla Indian Reservation to the Confederated Tribes of the Umatilla Indian Reservation [R10-OAR-2005-TR-0001; FRL-8230-8] received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10006. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Air Quality Designations and Classifications for the 8-Hour Ozone National Ambient Air Quality Standards; Early Action Compact Areas With Deferred Effective Dates [EPA-OAR-2003-0083; FRL-8231-1] received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10007. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2006 [EPA-HQ-OAR-2006-0158; FRL-8227-4] (RIN: 2060-AN29) received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10008. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — New Hampshire: Final Approval of Underground Storage Tank Program Revisions [EPA-R01-UST-2006-0622; FRL-8226-5] received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10009. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing [EPA-HQ-OAR-2003-0178; FRL-8227-5] (RIN: 2060-AM72) received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10010. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Southern California Distinct Population Segment of the Mountain Yellow-Legged Frog (Rana muscosa) (RIN: 1018-AU30) received October 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10011. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endnagered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Alameda Whipsnake (RIN: 1018-AT93) received October 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10012. A letter from the Assistant Secretary for Fish, Widlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Perdido Key Beach Mouse, Choctawhatchee Beach Mouse, and St. Andrew Beach Mouse (RIN: 1018-AT90) received October 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10013. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Guidelines Establishing Test Procedure for the Analysis of Pollutants; Analytical Methods for Biological Pollutants in Wastewater and Sewage Sludge; Final Rule [EPA-HQ-OW-2004-0014; FRL-8228-1] (RIN: 2040-AE68) received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. KOLBE:

H.R. 6321. A bill to provide for the conveyance of certain public land near the City of Douglas, Arizona, for use as a shooting range; to the Committee on Resources.

By Mrs. MCCARTHY (for herself and Mr. DANIEL E. LUNGREN of California):

H.R. 6322. A bill to direct the Attorney General to conduct a study on the feasibility of expanding the National Incident-Based Reporting System to identify crime data relating to elementary and secondary schools; to the Committee on the Judiciary.

By Mr. KANJORSKI (for himself and Mr. ROYCE):

H.R. 6323. A bill to amend the Home Owners' Loan Act to remove the limitation on investments by Federal savings associations in consumer auto loans; to the Committee on Financial Services.

By Mr. LEWIS of California:

H.J. Res. 100. A joint resolution making further continuing appropriations for the fiscal year 2007, and for other purposes; to the Committee on Appropriations.

By Mr. KIRK (for himself and Mrs. LOWEY):

H. Res. 1080. A resolution expressing the sense of the House of Representatives that the Government of Bangladesh should immediately drop all pending charges against Bangladeshi journalist Salah Uddin Shoaib Choudhury; to the Committee on International Relations.

By Mr. BURTON of Indiana (for himself, Mr. LANTOS, Mr. ENGEL, Ms. SOLIS, and Ms. LEE):

H. Res. 1081. A resolution expressing the sympathy of House of Representatives to the families of women and girls murdered in Guatemala and encouraging the Government of Guatemala to bring an end to these crimes; to the Committee on International Relations.

By Mr. FITZPATRICK of Pennsylvania (for himself, Ms. SCHWARTZ of Pennsylvania, Mr. SHUSTER, Mr. SHERWOOD, Mr. DENT, Mr. PITTS, Mr. WELDON of Pennsylvania, Mr. HOLDEN, Mr. PLATTS, Mr. MURPHY, Mr. PEARCE, Mr. PETERSON of Pennsylvania, and Ms. HART):

H. Res. 1082. A resolution condemning the decision by the city of St. Denis, France, to name a street in honor of Mumia Abu-Jamal, the convicted murderer of Philadelphia Police Officer Danny Faulkner; to the Committee on the Judiciary, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. PALLONE introduced A bill (H.R. 6324) to provide a new effective date for the applicability of certain provisions of law to Public Law 105-331; which was referred to the Committee on Financial Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 63: Ms. ESHOO.

H.R. 352: Mr. PETRI.

H.R. 515: Mr. DAVIS of Tennessee.

H.R. 550: Mrs. BIGGERT.

H.R. 944: Mr. RAHALL.

H.R. 1264: Mr. HOLT, Mr. WALSH, Mr. GORDON, Mr. MCCOTTER, and Mr. BOUCHER.

H.R. 1366: Mr. JEFFERSON and Mr. OBERSTAR.

H.R. 1545: Mr. BOUCHER.

H.R. 1652: Mr. SMITH of Washington.

H.R. 1671: Mr. GILCHREST, Mr. MARSHALL, and Mr. RADANOVICH.

H.R. 1849: Ms. HARRIS, Mr. GOODE, and Mr. SALAZAR.

H.R. 2076: Mr. JEFFERSON.

H.R. 2716: Mr. BOUCHER.

H.R. 2719: Mr. MORAN of Virginia and Ms. ZOE LOFGREN of California.

H.R. 2735: Mr. REICHERT and Mr. MCINTYRE.

H.R. 3042: Mr. MEEHAN.

H.R. 3476: Mr. MCHUGH, Mrs. DAVIS of California, and Mr. RYAN of Ohio.

H.R. 3579: Mr. BOSWELL and Mr. SALAZAR.

H.R. 3628: Ms. SCHAKOWSKY.

H.R. 3954: Mr. RAHALL.

H.R. 4025: Mr. FRANK of Massachusetts.

H.R. 4188: Mr. BOUCHER.

H.R. 4398: Mr. CONYERS.

H.R. 4560: Mr. RYAN of Ohio.

H.R. 4609: Mr. DICKS.

H.R. 4767: Mr. ROTHMAN.

H.R. 4769: Mr. BOUCHER and Ms. FOXX.

H.R. 4924: Mr. PEARCE and Mr. BLUMENAUER.

H.R. 4927: Mrs. TAUSCHER.

H.R. 4993: Mr. RAHALL, Mr. FILNER, and Mr. JINDAL.

H.R. 5052: Mr. MEEHAN.

H.R. 5148: Mr. CLAY.

H.R. 5150: Mr. KIND.

H.R. 5188: Mrs. LOWEY.

H.R. 5238: Ms. MOORE of Wisconsin.

H.R. 5312: Mr. FILNER.

H.R. 5324: Mr. RAHALL.

H.R. 5390: Mr. MCINTYRE, Ms. ESHOO, and Mr. BUTTERFIELD.

H.R. 5471: Mr. SHERMAN.

H.R. 5519: Mr. RAHALL and Mr. SMITH of Washington.

H.R. 5558: Mrs. MYRICK.

H.R. 5680: Ms. WOOLSEY and Mr. VAN HOLLEN.

H.R. 5704: Ms. HART, Mr. LEWIS of Kentucky, Mr. COOPER, Mr. GUTKNECHT, Mr. CLAY, Mr. ABERCROMBIE, Mr. RAHALL, and Ms. HERSETH.

H.R. 5733: Mr. EVANS.

H.R. 5771: Mr. ANDREWS, Mr. STRICKLAND, Mr. INSLEE, Mr. MOLLOHAN, Mr. FALEOMAVAEGA, Ms. MOORE of Wisconsin, and Ms. MCKINNEY.

H.R. 5836: Mr. RAHALL and Mr. CLAY.

H.R. 5888: Mr. VAN HOLLEN.

H.R. 5894: Mr. DAVIS of Illinois.

H.R. 5896: Mr. FRANK of Massachusetts.

H.R. 5920: Mr. BAIRD.

H.R. 5940: Mr. UPTON and Mr. KENNEDY of Rhode Island.

H.R. 5948: Mrs. MALONEY.

H.R. 5960: Mr. ABERCROMBIE and Mr. SERRANO.

H.R. 5965: Mr. FALEOMAVAEGA, Mr. JEFFERSON, and Mr. EVANS.

H.R. 6044: Mr. FRANK of Massachusetts and Mr. CLAY.

H.R. 6045: Mr. BISHOP of New York.

H.R. 6064: Mr. SHAYS and Mr. GEORGE MILLER of California.

H.R. 6093: Mr. KIND.

H.R. 6098: Mr. PAYNE and Mr. PRICE of North Carolina.

H.R. 6100: Mr. FILNER.

H.R. 6122: Mr. ROTHMAN and Ms. JACKSON-LEE of Texas.

H.R. 6130: Mr. SKELTON.

H.R. 6135: Ms. BORDALLO, Mr. WYNN, Mr. RUSH, Mr. CUMMINGS, and Ms. JACKSON-LEE of Texas.

H.R. 6147: Mr. RAHALL.

H.R. 6168: Mr. PALLONE.

H.R. 6200: Mr. CLEAVER.

H.R. 6281: Mr. CUMMINGS, Ms. MATSUI, and Mr. BERMAN.

H. Con. Res. 340: Mr. BOUCHER.

H. Con. Res. 388: Ms. BERKLEY.

H. Con. Res. 391: Mr. FRANK of Massachusetts.

H. Con. Res. 465: Mr. RAMSTAD and Mr. VAN HOLLEN.

H. Res. 335: Mr. MORAN of Virginia, Mr. SCHWARZ of Michigan, Mrs. JO ANN DAVIS of Virginia, and Mr. MEEHAN.

H. Res. 466: Mr. HAYWORTH, Mr. NEAL of Massachusetts, Ms. ROYBAL-ALLARD, Mr. WOLF, Ms. HARRIS, and Mrs. MALONEY.

H. Res. 635: Ms. WATSON.

H. Res. 790: Mr. KUCINICH.

H. Res. 822: Mr. BAIRD.

H. Res. 931: Mr. RUPPERSBERGER.

H. Res. 987: Mr. MARKEY.

H. Res. 995: Mr. LEACH.

H. Res. 1005: Mr. HINOJOSA and Mr. KIND.

H. Res. 1057: Mr. ISRAEL, Mr. WAXMAN, Mr. WEXLER, Mrs. MALONEY, Mr. WEINER, and Mr. ENGEL.

H. Res. 1063: Mr. ACKERMAN, Mr. PAYNE, Mr. SHERMAN, Mr. BLUMENAUER, Ms. BERKLEY, Ms. WATSON, Mr. SMITH of Washington, Ms. MCCOLLUM of Minnesota, and Mr. CARNAHAN.

SENATE—*Tuesday, November 14, 2006*

The Senate met at 2:15 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our Creator and God, You provide us with strength. Lead us in life's battles. Keep us from retreating when we confront overwhelming challenges and painful losses. With Your powerful arm, chase away the forces that seek to confuse and discourage us. Let Your shining glory illuminate the road ahead. In Your kindness and mercy, rescue us from ourselves.

Guide the Members of this body in the path they should walk today. May their thoughts, words, and actions bring You pleasure. Teach them how to make concessions without coercion and to find conciliation without compromise.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. SUNUNU. Mr. President, this afternoon we will resume consideration of the Military Construction-Veterans Affairs appropriations bill. We will be voting later this afternoon. Once a vote is scheduled, we will notify Senators as to the exact timing of that vote. As it stands now, we are looking at a late afternoon vote as the first vote of the day. If we can expedite floor consideration with a handful of relevant amendments, it is our hope we should be able to finish this important spending bill today.

I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 5385, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (H.R. 5385) making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 11, 2007, and for other purposes.

Pending:

> Akaka/Obama amendment No. 5128, to provide, with an offset, an additional $2,500,000 for the Department of Veterans Affairs for the Office of Inspector General.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 5144

Mr. CONRAD. Mr. President, let me thank Senators HUTCHISON and FEINSTEIN, the managers of this bill, for the opportunity to offer and discuss my amendment to provide emergency agricultural disaster assistance for our farmers and ranchers. Normally, most of my colleagues know I would not offer this amendment on an unrelated measure. Our hand is forced. We are told it is highly unlikely there will be an Agriculture appropriations bill considered separately. We have no alternative but to offer this measure to this legislation.

This amendment will determine whether thousands of farm families will be able to continue next year. We have had 2 years of unusual natural disasters that have affected agriculture across this country. These people need to know whether they can continue in the business of farming and ranching. Their bankers need to know. This legislation is critical to that determination.

For over a year, I, along with many of my Senate colleagues—let me indicate that it is already nearly 20 of my colleagues—have come on a bipartisan basis to cosponsor this bill, including Senator COLEMAN of Minnesota; Senator BEN NELSON of Nebraska; my own colleague, Senator DORGAN of North Dakota; Senator SALAZAR of Colorado; Senator HAGEL of Nebraska; Senator JOHNSON of South Dakota; Senator THUNE of South Dakota; Senator ENZI of Wyoming; Senator BAUCUS of Montana; Senator REID of Nevada; Senator CLINTON; Senator OBAMA; Senator DURBIN; Senator LEAHY; Senator HARKIN; Senator CANTWELL; Senator BURNS of Montana; Senator SCHUMER; and Senator ROBERTS of Kansas. Repeatedly, we have come to the Senate to try to get disaster assistance considered.

Last spring, as part of the hurricane supplemental, the Senate approved an agricultural disaster package for the 2005 crop-year. That measure was dropped in conference due to opposition from the administration and the House leadership. I have taken out the provisions that drew the opposition of the administration. Those direct payments that were an offset to the dramatic runup in energy prices are not in this bill.

The legislation I am offering today is nearly identical to the bipartisan relief provision I introduced on September 20, 2006. My amendment is bipartisan and has 19 cosponsors.

The need for this amendment is compelling. In North Dakota last year, as this picture shows, we faced extraordinary flooding. Over a million acres were prevented from being planted. Hundreds of thousands of acres that were planted were drowned out because of excessive rainfall. There was no disaster assistance for those farmers.

This year, in the irony of ironies, we now have experienced an extraordinary drought. This is a picture from my home county, Burleigh County, where the capital of North Dakota is located. This is a corn crop, but nothing was produced. It is only one of thousands of fields that were not worth harvesting.

This drought has been determined by the USDA meteorologist to be the third worst drought in our Nation's history. Only the Dust Bowl of the 1930s and the prolonged drought of the 1950s compared to what many parts of the country have been facing.

This chart shows the U.S. Drought Monitor. It shows how severe the drought was all across the Midwest and Southeast. Its darkest colors represent exceptional drought. North Dakota and South Dakota were the epicenter of this drought in late July. It has been totally devastating to my part of the country. If assistance is not granted, literally thousands of farm families will be forced off the land. That is a fact.

The independent bankers of my State said to a White House representative who was in my office that if assistance does not come, 5 to 10 percent of their customers in North Dakota will be

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

forced out of business. Mr. President, 34 farm organizations have told Congress that assistance is needed and it is needed now. In addition, we have a letter from the State commissioners of agriculture from all across the country saying that emergency agricultural disaster assistance is a high priority requiring action by Congress this year. It could not be more clear. Assistance is needed. It is needed now.

As I noted last May, the Senate approved disaster assistance, only to be thwarted by the threat of a veto. In June, the Senate Committee on Appropriations once again approved emergency disaster assistance as part of the Agriculture appropriations bill for 2007. Thus far, that bill has failed to come to the Senate.

On numerous occasions, including the last day we were in session before we recessed for the elections, I tried to get the Senate to adopt disaster relief legislation. Again, the effort was stymied.

Today, we have another chance to do what is necessary and what is right. My amendment incorporates many of the provisions already approved by the Senate, but I have made a few modifications to address the objections raised by the administration. The economic assistance provisions help producers offset rising energy costs, and the direct grants to States to assist specialty crop and livestock sectors have been removed. Those provisions, at the insistence of the White House, have been removed.

Also, the administration has stated that we need to wait until harvest is concluded. The harvest is now over for 2006; the losses are real and significant throughout many parts of the country.

The crop and livestock production loss provisions contained in the original legislation were retained and will apply for both the 2005 and 2006 production years. Crop producers will still need to demonstrate a 35-percent loss before they get any assistance. The Livestock Compensation Program will only be made to producers whose operations are in counties designated as disaster areas by the Secretary and who can demonstrate they have suffered a material loss. The legislation also contains additional funding for conservation operations to help restore and rehabilitate drought and livestock losses on grazing land. Scientists have told us this is imperative. Because of the modifications, the cost of providing disaster assistance for 2005 and 2006 has been reduced from $6.7 billion to $4.9 billion—a reduction of nearly $2 billion.

Farmers and ranchers need assistance for the 2005 and 2006 fall disaster losses, and they need it now. If these emergencies are not addressed, literally tens of thousands of farm families and Main Street businesses will suffer, many irreparably. It is time to act and allow the Senate to vote on this amendment.

Mr. President, I conclude by saying I regret having to offer this amendment to this legislation. I have no choice. We have no choice. The over 20 Members of the Senate who have come forward to sponsor this legislation in various variations of the legislation have no choice. If we do not act now, tens of thousands of farm families will not be able to continue. The stakes are high. I urge my colleagues to give favorable consideration to this legislation.

I yield the floor.

The PRESIDENT pro tempore. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I rise today in support of Senator CONRAD's agriculture disaster assistance amendment and am pleased to be a cosponsor of this important legislative package. The package would provide comprehensive, critical relief dollars for agriculture disaster. It would provide assistance for a drought that has plagued our Nation's family farms, including those in my home State of South Dakota.

Producers in South Dakota have suffered from drought conditions that have rivaled the Dust Bowl of the 1930s. These chronic conditions have already ruined the wheat and corn crop for many producers in the State and resulted in thousands of cattle being sold off prematurely in auction barns. Those who have already sold the factory are left with only a mortgage to pay and no relief in sight.

Senator JOHN THUNE and I jointly traveled across South Dakota this summer to some of the areas hit hardest by this drought. We consistently heard about the astronomically high price for hay and fuel costs for transportation, if a producer could even find forage to purchase. We saw the effects of the drought on corn and soybeans, many of which barely got out of the ground and were stunted by desert-like conditions. Some producers saw yields that measured out to the tenth of the bushel, after being socked with severe fuel and fertilizer costs.

At a stop at the Ft. Pierre Livestock Sale Barn, we met with ranchers who finally had to sell out because of extreme conditions. The Herreid Livestock Sale Barn saw an estimated 2,500 to 3,500 head per week over the summer instead of the usual 200 to 300 cattle per week for that time of year.

I invited USDA Secretary Mike Johanns to travel to South Dakota and see this extensive damage firsthand. The Secretary of Agriculture came to my home State, but, unfortunately, rolled out a grossly inadequate agriculture disaster assistance program. This empty shell game is a glaring example of the "too little, too late" approach that this administration has too often employed with agriculture disaster assistance.

The Agriculture Department released only $2 million in Grasslands Reserve Program money and less than $7 million in Emergency Conservation Program funds to South Dakota over the summer. These dollars barely made a dent in the backlog of producers who have applied for these programs, leaving many out in the cold.

While in my home State, the Secretary announced the release of section 32 funds for distribution in our agriculture communities, amounting to $50 million in block grants to drought-impacted States. Although South Dakota has been subject to chronic extreme and exceptional drought conditions, the State received only $4.3 million. It was announced that Texas, however, would be given $16.1 million in assistance.

The administration's disaster relief package provides just a fraction of the dollars that the 2005 disaster relief measure, that my colleagues and I successfully attached to the most recent agriculture appropriations bill, would contain for my home State of South Dakota. Over $100 million would be directed toward producers impacted by devastating conditions, including comprehensive livestock and crop assistance measures.

The agriculture appropriations bill, however, has yet to see the light of day for debate on floor of the U.S. Senate. It is my hope that the majority leadership would allow this bill to be considered with due process.

My colleagues and I also passed agriculture disaster assistance as part of the supplemental spending measure that funded Katrina relief efforts and the war in Iraq. Because of a Presidential veto threat, however, the vast majority of meaningful agriculture disaster assistance was stripped out. The White House said that it would reject money for our troops in Iraq and victims devastated by Hurricane Katrina if that spending package contained a nickel of agriculture disaster relief for our Nation's farm and ranch producers.

Secretary Johanns adopted a "wait and see" approach to aiding our rural communities. The Secretary said this summer that he wanted to see how the harvest looked after the combines ran before considering further agriculture disaster aid for this production year. As the worst drought since the Dust Bowl, however, combines haven't run at all in parts of South Dakota. Our Nation's food security demands immediate assistance, not stop-gap measures and delay tactics.

Agriculture disaster is like any other disaster, and producers deserve meaningful relief. The administration continues to dig in their heels on drought assistance for our Nation's producers. Yet, this White House places a priority on rebuilding Iraqi agriculture while crying poor and lack of revenue at home.

The truth is that the administration has the authority to provide more comprehensive drought assistance at the stroke of a pen, if it wants, just as it did in 2002.

I urged President Bush to establish a program that would target those who suffer from actual losses, avoiding the type of waste and abuse that was disclosed with the implementation of the 2002 program. I expressed my interest in working with the Department of Agriculture to develop an effective and timely plan before more producers sold the family farm and were forced out of business. It has become painfully clear that real drought relief is not on this administration's current agenda.

The administration's lack of action on drought assistance underscores a need to pass this drought amendment today. This comprehensive agriculture disaster assistance measure covers 2005 and 2006 losses with a livestock compensation program and resources for crop production losses, and funds are included for impacted sheep producers. Small business assistance grants will also offer critical help. This amendment qualifies agriculture disaster money as an emergency, deserving immediate attention—attention that has so far been denied.

Producers are faced with critical financial decisions, and for many relief was needed frankly, months ago. Because of this drought and the delay in assistance, many producers won't be able to rebuild their herds.

A meaningful agriculture disaster relief package already passed the Senate—it was only because of this administration's veto threat that it was stripped out in conference by leadership.

Today I am pleased to join with my colleagues in offering comprehensive agriculture disaster assistance for 2005 and 2006. I thank Senator CONRAD for offering this important legislation. An agriculture disaster is a natural disaster, like a tornado or a hurricane, and providing relief for our Nation's producers is simply fair and simply just.

Mr. President, I yield the floor.

The PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I thank my colleague Senator CONRAD for his leadership, my colleague Senator JOHNSON, and so many others, Republicans and Democrats, who have worked together to try to construct a piece of legislation that would provide some disaster help for farmers, and then to try to get it through the Congress and get it to the President's desk for his signature.

This has been a long, tortuous trail. Twice before the Senate has passed disaster relief for family farmers—twice. Both times it went to a conference with the House. I was a conferee on both occasions. I was involved with my colleagues in attaching it to the appropriations bill as it went to a conference. We got to conference. Both times the President threatened to veto the legislation, to block it. And he got the conferees on the House side to require that it be taken out of the conference report. Therefore, this is the third attempt on the floor of the Senate to do this piece of legislation. And it is very important.

Let me talk for a moment about this issue of farming because we all come to work and we wear neckties and suits and take showers at the start of the day. Farmers take showers at the end of the day because their work is hard. They feed cattle. They plow the ground. They grease a tractor. They run a combine. They put up hay. They do all the things that represent very hard work out in the land, and they are economic all-stars.

The ability of the American family farmer to feed more and more people is pretty extraordinary. But they work very hard and they produce a product. If things cooperate, if they get decent weather, enough rain, the disasters don't come, the insects aren't there, then they produce a crop. They produce a kernel of corn, perhaps some wheat, a kernel of barley, some rice. What happens is the wheat gets puffed by a company someplace, after it gets hauled by railroad, and then it gets put in a box and sold as puffed wheat. The farmer gets almost nothing. The railroads take too much, and the box of puffed wheat costs an unbelievable amount of money.

The same is true with crisping rice. It goes into a box called Rice Krispies. The same is true with corn. They flake the corn, put it in a box, and call it corn flakes. The railroads get a lot of money for hauling that corn to market, the people who sell the corn flakes get a lot of profit, and the farmer gets almost nothing. That is what farming has always been about. But they only get the crop in the first place if they do not get wiped out by a natural disaster—whether disease, insects, or so on.

Now, what has happened in the last couple of years, particularly in our part of the country, the Dakotas were called the epicenter of a drought, the epicenter of a drought. So those farmers, who in the spring went out and planted their crops, discovered they did not have any crop growth at all. Nothing came up in those fields.

It is pretty unbelievable to drive by a field that is supposed to be a field of grain and see it look like a moonscape. I drove to Zeeland, ND, one day, a very small town just north of the South Dakota border. And as I drove into that town, to my left was a patch of ground that looked like moonscape—no vegetation at all. There had been no rain there. One hundred ranchers gathered in a small community hall in Zeeland, ND, to talk about what this meant to them. One after another, they stood up to talk about what it means when you don't get rain.

One fellow from another part of our country who had moved back to North Dakota said: I had never, ever understood why they measured rain in hundredths. How much rain did you get? Twenty hundredths, twenty-four hundredths. I never understood before why they measured rain in hundredths until I came to North Dakota, a State with 15 to 17 inches of annual rainfall in an entire year. And then what happens? It stops raining, and you have a drought and nothing grows; or it rains too much, and you get one-third of the annual rainfall in one day. We have had both happen. One happened the year before, in 2005; one happened in 2006.

Some will say: Well, you just come and talk about farming all the time. Family farmers this, family farmers that. There is a writer in North Dakota, a farmer, a rancher, down near Almont, I believe. His name is Rodney Nelson. He asks in some of his prose some very important questions: What is it worth to our country? What is it worth for a young person to know how to plow a field, to grease a tractor? What is it worth for a young person to know how to weld a seam, how to combine a field of grain? What is it worth to have a young person know how to build a lean-to, how to take care of cattle, how to care for livestock? What is it worth to have young people know how to work in the bitter cold and do chores in the morning in the bitter cold, or to be out in the fields when it is unbelievably hot, combining that field of grain? What is that worth? There is only one university in America where those studies are taught, and that is America's family farms.

What is it worth to us? Do we want to save those farmers when they run through some tough times, when they reach a tough patch? That is what has happened here.

Always before our country has said: Do you know what. When you are out there alone, living under a yard light, and you and your family are trying to make a living and you get hit with a natural disaster, this country is going to help. This country wants to reach out a hand and say: You are not alone. We want to help you.

Well, in the new farm bills, they took out the disaster title. There ought to be one. I intend to offer legislation to put a disaster title back in the farm bills so we are not begging at the end of every session to try to provide some help to farmers who otherwise are going to go broke.

Let me describe, as my colleague has done, this picture of a soybean field in North Dakota. There are not any soybeans there. That is a field that is dead, with barely any green at all. Normally, these soybeans would be lush, filling that piece of ground, and would be a foot tall. But, as you can see, these plants are worthless. There is not much alive in that photograph.

I have talked to farmers who sold off their entire herds. I talked to a young farmer who built a herd of cattle for 3 years. It was his life's goal to take over from his parents. He built his herd for 3 years and was barely making it, and then this drought hit and he had nothing to feed his cattle. If you don't have anything to feed your cattle, those cows are going to market. His cows are gone. He is out of business.

Shown in this picture is a man from my State who was a rancher. His name is Frank Barnick. He is shown walking on a creekbed. It does not look like that. It looks like, again, a moonscape. That is a creekbed that would hold water for his cattle, but it is dry. Frank said this is the worst drought he has ever seen.

These people, Frank and his neighbors and friends, are not asking a lot from this country. They are asking if this country cares whether family farmers are able to live on the land and continue farming. They hope that the answer is yes and that this country understands farmers contribute something very important. Family farmers contribute something very important to this country. A fellow who I thought was a wonderful author, used to write in a book about the nurturing of family values in America. He always described that family values in America came from family farms, the seedbed of family values, and they rolled to small towns and big cities, nurturing the value system and culture along the way.

We have attempted time and time again to get some disaster aid for people who need help. We asked the President, in the middle of the drought this year, to come out and do a drought tour. He was not able to do that. I went back and recalled that President Franklin Delano Roosevelt came out for a drought tour. We don't have a lot of Presidents stop through North Dakota. When they do, we are enormously honored to have them join us and be a part of North Dakota.

I wanted to read you a couple of things that President Roosevelt said. He stopped in Huron, SD, exactly 70 years ago. Then he stopped in North Dakota—both on a drought tour, both on a train—and spoke to people. Here is what he said to our neighbors to the south in Huron, SD, on a drought inspection trip. He said:

> No city in an agricultural country can exist unless the farms are prosperous.

I understand our economy has grown in ways that make this less than an agricultural country, but it certainly has not been the case with respect to agricultural States, where a predominant part of our economic base is still agriculture and family farming.

Here is what else the President said in Huron, SD, 70 years ago, understanding that family farmers were having great trouble during that drought:

> I have come out here to find you with your chins up, looking toward the future with confidence and courage. I am grateful to you for the attitude you are taking.

That is the only way you could ever farm. There isn't anybody who would decide to be a farmer if they didn't look forward to the future with hope. They plant a seed and hope. They hope what they planted will produce a crop. It is the only way farmers can exist.

When Franklin Delano Roosevelt went to North Dakota 70 years ago on a drought tour, here is what he said:

> But, when you come to this water problem through here, you are up against two things. In the first place, you are up against the forces of nature and, secondly, you are up against the fact that man, in his present stage of development, cannot definitely control those forces.

He continued:

> Today, out here, I do not ask you to have courage and faith. You have it. You have demonstrated that through a good many years. I am asking, however, that you keep up that courage and, especially, keep up the faith.
>
> If it is possible for Government to improve conditions in this State, Government will do it.
>
> We hope that Nature is going to open the Heavens. When I came out on the platform this morning and saw a rather dark cloud, I said to myself, "Maybe it is going to rain." Well, it didn't. All I can say is, I hope to goodness it is going to rain, good and plenty.
>
> My friends, I want to tell you that I am glad I came here. I want to tell you I am not going to let up until I can give my best service to solving the problems of North Dakota.

Again, Franklin Delano Roosevelt, 70 years ago to family farmers: If it is possible for Government to improve conditions, we will do that. He said to the farmers: You are not alone. We want to help.

Let's say that again today, let the Congress say that to our farmers: You matter. You make a difference to this country's future. Your contribution to our culture and our economy is important. This Congress has not forgotten that. We will remember it today by investing in the future and saying to family farmers: We want you to be able to continue to farm. We don't want you wandering, as you go into spring planting, whether you are going to have the ability to remain on the farm with your family, producing food for a hungry world.

We want to pass a disaster aid package, one that puts this Congress in the same position that Franklin Delano Roosevelt was in 70 years ago, saying, if it is within the capability of this Government to help, we intend to help.

Again, let me compliment my colleague, Senator CONRAD. I am pleased to work with him, as I have for many decades. This is an important amendment to offer now. While this is not the optimum place to offer this amendment, as this appropriations bill deals with different appropriations, we have not had the opportunity to do anything but this because we have not been given the opportunity to move this legislation separately. We offer it hoping for good will and for the support of others.

This is not partisan. It is bipartisan. Republicans and Democrats from farm country understand the importance and the value of doing this kind of legislation that says to family farmers: You matter to this country.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I join in thanking my colleague from North Dakota for giving me the opportunity to speak about the trials of Minnesota farmers. I join in this bipartisan plea to deal with an issue that is of great importance to many Minnesota farm families.

While my colleagues from North Dakota speak from the other side of the aisle, our call for assistance for our farmers is made with one voice. I particularly thank Senator CONRAD for his leadership on this issue. After last week's election, there was a lot of discussion about how the parties can, and should, work together, how we should find common ground on behalf of the American people. Here is one of our first opportunities to display bipartisanship. Supporters of this disaster assistance package hail from all over the country and from both parties. This amendment is just the sort of bipartisan cooperation that this body should embrace to meet the Nation's needs.

The need for agricultural disaster assistance is great. Minnesota farmers have had to fend for themselves in the face of real natural disaster; first, against record flooding in 2005 and now record drought in 2006. In the sugar sector alone, revenue was reduced by $60 million in Minnesota in 2005, thanks to this natural disaster. In one county, crop loss exceeded $52 million and farmers were prevented from planting over 60,000 acres, thanks to saturated fields. Now with one of the worst droughts ever experienced in the Great Plains, Minnesota farmers have experienced hundreds of millions of dollars of crop loss in 2006. The pictures that we saw of North Dakota show the same reality that is faced in Minnesota.

It isn't just about statistics. It is about farmers enduring personal struggles. This summer, in Lake Bronson, MN, about 100 farmers showed up, out of a town of 180, to talk about the impact on their lives and families. It is about the farmers calling my office, desperate to save the family farm. I have received letters from scores of Minnesota farmers talking about the impact on their lives, on their families, families that go back through generations of farming today could come to an end because we haven't done something that needs to be done. The producers who will not be coming back to the fields next year as a result of catastrophic weather aren't just losing a family business, many are losing a family tradition.

In June, I came this floor appalled that the Senate would pass an emergency supplemental appropriations bill that offers a helping hand to some Americans and a cold shoulder to others. Since then, the only thing that has changed is that the burden of natural disaster has grown heavier on American farmers with the addition of last summer's record drought.

It isn't that this Congress has refused to pass agricultural disaster assistance. In fact, we provided $1.6 billion in emergency agricultural assistance. Of course, none of my farmers will benefit from this assistance unless they happen to own a farm in one of the Gulf States. Congress still hasn't provided a dime for farmers suffering from natural disasters outside of the gulf region. It would shock many Americans to learn that natural devastation must come in the right package to be worthy of Federal aid. The message being sent is that record flooding and droughts don't count, only hurricanes.

I traveled to the gulf to see the hurricane damage firsthand in order to more fully understand what my fellow Americans who live far from my home in Minnesota are suffering. I have wholeheartedly supported their cause in Congress. At its core, this is an issue about equity and fairness for all regions that are suffering. And to the thousands of Minnesotans whose very livelihoods have been jeopardized and those losing farms due to last year's disastrous weather, withholding assistance is nothing short of cruel.

Some folks in Washington have cited the overall success of agriculture in 2006, the aggregate numbers, as a justification for withholding assistance. Congress didn't look at the overall economy when determining what sort of assistance to send to the gulf after the hurricanes. We didn't cite the Nation's robust GDP growth and lower unemployment rate as reasons not to assist gulf communities whose local economies were devastated by natural disaster, nor should we propose such a false standard for comprehensive agricultural disaster assistance.

Let us seize the opportunity for this body to show Americans that we understand and reflect the character and the heart and soul of America, a big heart that understands that Americans are there with a helping hand for all those deserving of assistance in times of extraordinary need. Let us show America that the Senate will work in a bipartisan spirit to meet their needs.

I urge my colleagues to support passage of this critical amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. DEMINT). The Senator from Maine.

Ms. COLLINS. Mr. President, I ask unanimous consent that the pending amendment be set aside so that I may call up amendment No. 5123.

The PRESIDING OFFICER. Is there objection? The Senator from North Dakota.

Mr. CONRAD. Mr. President, I would reserve the right to object. This presents us with somewhat of an awkward situation because I have withheld offering my amendment. The only amendment pending is the amendment of the Senator from Hawaii, Mr. AKAKA. But we have been on my amendment. We withheld actually offering it. I would ask my colleague if she would at least allow us to call up my amendment—Senator AKAKA was waiting to speak on the amendment—and then be able to lay that amendment aside?

The PRESIDING OFFICER. Is there further objection? The Senator from New Hampshire.

Mr. GREGG. Reserving the right to object, I also wish to speak to the amendment that is about to be called up by the Senator from North Dakota. In order to maintain continuity, I would hope that I could speak after the Senator from Hawaii, if that is going to be the speaking order. If we are going to go to the Senator from Maine as an intermediary event, that is fine, too. If we are going to continue on this amendment, I would like to participate.

The PRESIDING OFFICER. Is there objection?

Mrs. HUTCHISON. Reserving the right to object, I had told the Senator from North Dakota that he could offer the amendment, and then I asked that he set it aside so that Senator COLLINS could offer her amendment, after which we would have a voice vote, but his amendment would still be in order. I did not know that Senator AKAKA was going to speak on it. I ask the Senator from Maine if it would be acceptable to allow the Senator from Hawaii 10 minutes, the Senator from New Hampshire 10 minutes, if that is acceptable, and then the amendment would be set aside and Senator COLLINS and Senator FEINGOLD would be recognized for their amendment.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, that is certainly fine with me. I was trying to follow the direction I got from the chairman and the floor manager when we talked a few minutes ago. But if she wants to pursue this and proceed as she has suggested, I have no objection, and I withdraw my unanimous consent request.

The PRESIDING OFFICER. Does the Senator from Hawaii seek recognition? The Senator from North Dakota.

Mr. CONRAD. Mr. President, might I now call up my amendment?

The PRESIDING OFFICER. Without objection, the Senator may offer his amendment.

The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from North Dakota [Mr. CONRAD], for himself, Mr. COLEMAN, Mr. NELSON of Nebraska, Mr. SALAZAR, Mr. HAGEL, Mr. JOHNSON, Mr. THUNE, Mr. DORGAN, Mr. ENZI, Mr. BAUCUS, Mr. REID, Mrs. CLINTON, Mr. OBAMA, Mr. DURBIN, Mr. LEAHY, Mr. HARKIN, Ms. CANTWELL, Mr. BURNS, Mr. SCHUMER, Mr. ROBERTS, Mr. DAYTON, Mr. INOUYE, and Mr. AKAKA, proposes amendment numbered 5144.

Mr. CONRAD. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. CONRAD. I thank the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order be Senator AKAKA for 10 minutes, Senator GREGG for 10 minutes, after which the amendment would be set aside and Senator COLLINS would be recognized for the Collins-Feingold amendment.

Mr. CONRAD. Reserving the right to object, I would like to be included in that order so that I may be able to respond to whatever the Senator from New Hampshire might say.

Mrs. HUTCHISON. Mr. President, after Senator GREGG, I amend my request to include up to 5 minutes for Senator CONRAD, after which Senator COLLINS would be recognized.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, I thank my colleague very much for the opportunity to speak at this time. I rise today in support of Senator KENT CONRAD's amendment. I thank Senator CONRAD for his leadership and agreeing to include a provision on behalf of the senior Senator from Hawaii, DAN INOUYE, and myself to H.R. 5385, the Fiscal Year 2007 Military Construction and Veterans Affairs and Related Agencies Appropriations Act.

Mr. President, I was in Hawaii on October 15, 2006, when we felt a violent tremor, an earthquake measuring 6.7 in magnitude that rocked the Hawaiian Islands, and it set off a series of aftershocks for days afterward.

The earthquake loosened rocks, dirt, and building foundations, and subsequent heavy rains have continued to undermine the structural integrity of public utilities, buildings, roads, and related infrastructure. In recognition of these damages, President Bush on October 17, 2006, declared the State as a major disaster area. While this declaration enabled some relief from the Federal Emergency Management Agency, FEMA, a significant amount of damage remains unaddressed.

The farming community was hit particularly hard by the earthquake. The water intakes for the Lower and Upper Hamakua Ditches and the Kohala Ditch on the Big Island were buried by landslides. The earthquake and the many aftershocks also caused the collapse of earthen tunnels and wooden flumes and cracks in dams. These irrigation systems provide the sole source of water for most farmers and other members of rural communities in the region. The Big Island also suffered a collapsed lane on the Hawaii Belt Road on the Hamakua Coast, north of Hilo town.

The provision would add $21 million to address the agriculture damages caused by the October 15th earthquake:

$12 million to the Natural Resources Conservation Service, NRCS, Emergency Watershed Protection Program for the repair of the Lower Hamakua Ditch and the Waimea Irrigation System/Upper Hamakua Ditch—which were heavily damaged by the earthquake, and are negatively impacting the farming community on the Big Island; $3 million to the Big Island Resource Conservation and Development Council to repair of the Kohala Ditch system that was also severely damaged by the earthquake; $6 million to the Farm Service Agency, FSA, for its Emergency Conservation Program to repair broken irrigation pipelines and damaged and collapsed water tanks. Of this amount, $2 million will go towards repairing the damages to stone fences on cattle ranches in the Kona and Kohala areas, and another $2 million is needed under the Emergency Loan Program to cover losses of agricultural income.

Mr. President, last week I met with Big Island farmers and ranchers whose livelihoods have been dramatically impacted by the October earthquake. They need water for their farms or they risk losing cattle and crops. The damage done to Hawaii's irrigation systems is too severe to be repaired by the State alone. I promised that I would not abandon these hard-working individuals.

I ask my colleagues to support Senator CONRAD's amendment, which would also help Hawaii's farmers and ranchers recover from last month's earthquake.

Senator INOUYE and I urge our colleagues and ask them for their support. Thank you very much. I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, it is my understanding that I have 10 minutes under the order.

The PRESIDING OFFICER. The Senator is correct.

Mr. GREGG. Mr. President, there are some things so ironic around here that you just have to smile. We are just coming off this election—and I congratulate my colleagues on the other side for their success with a significant and dramatic win. But if we listen to the rhetoric from them, and certainly from the pundits who analyzed the election, it was obviously about the war in Iraq, but it was also about fiscal discipline.

I don't know how many times I have read from national pundits, from the Washington Post and the New York Times, how the Democratic Party is now the party of fiscal discipline. Yet the first amendment brought to the floor of this Senate—the first amendment—increases the national debt by $4.9 billion. It exceeds the budget by $4.9 billion and claims it is an emergency, on an issue which has already been addressed by this Senate, I think, two, maybe three times, and rejected.

Well, maybe the folks out there who voted and thought they were voting for fiscal discipline when they voted to bring in the other party should take a look at this amendment and ask: Where did this come from? Is this a bill of goods I just got sold?

The first amendment brought up by the other side of the aisle after they win this significant, important, dramatic victory is to ask for $4.9 billion above the budget, throw it on the debt, increase spending. It is, as I said, ironic. It makes you wonder. I wonder where we are headed under this new regime. There is something called a regular appropriations process. In fact, it is very likely that we will get to an agriculture bill, an appropriations bill before we adjourn this session, euphemistically referred to as a lameduck session. When that bill comes up, if it is the belief, contention, and argument of those in the farm communities who have been affected by what they feel is a bad crop-year—if they believe they need additional funds, that bill will have the opportunity to shift funds around, move funds to those accounts that are needed, and which need additional funding, within the context of the budget, within the limitations of the budget. That is called regular order. But this is not regular order. This is a daytime robbery of the Treasury, a heist, in open daylight, and I give them credit for that.

There is nothing secretive about this. This is just saying we have the votes, so we are going to come to the floor and spend $4.9 billion and add it to the Federal debt and call it an emergency. It is going to stuff the budget. It is not good policy. It is not good fiscal policy. It clearly, in my humble opinion—I may have misread the election. I wasn't up for reelection, but I have certainly read a lot about it, and I participated on the stump enough.

I think it sells the people of this country who voted in the election a bill of goods they didn't think they were buying—in fact, just the opposite. I understand there are some folks on my side of the aisle who also feel compelled to vote for this amendment. I regret that, too, obviously. I hope they will reconsider. In any event, it is an amendment that violates the budget. It is, therefore, subject to a 60-vote point of order. We have 60-vote points of order here in order to try to maintain some semblance of fiscal discipline. This will be our first exercise in trying to maintain that semblance of fiscal discipline in what you might call the new congressional year. It will be a good test for us as a Senate for my colleagues on the other side who are about to become the majority party, and for us on this side, who will become the honorable minority. It will be a good test for us to see if we have the courage to actually initiate fiscal discipline in this new Congress. The opportunity is there. All we need is 41 votes.

Mr. President, 59 people can vote for their constituencies, vote to raise spending, raise the debt, vote to increase spending outside the budget. It will be a good test to see whether there are 41 people here who took the message away from the election that the pundits have told us is the message, that the national Democratic Party told us is the message, and that some of our own folks on our side told us is the message, which is that they expect the Congress to start living within its budgets. It will be a good test of whether at least the working minority heard that message.

At this point, I will make a point of order.

Mr. President, pursuant to the fiscal year 2006 budget resolution, I raise a point of order against the emergency designation in the pending amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I have listened to my colleague with great interest. He is the chairman of the Budget Committee, someone with whom I work closely and have respect for and affection for. But he has talked about this violating the budget. There is no budget. No budget has been passed. My colleagues have been in control, and we have not passed a budget. Let's be square about this. There is no budget.

No. 2, this is not the new Congress; this is a continuation of the old Congress. The old Congress didn't get the job done. Let's be straight about that.

No. 3, the Senator said this has been defeated in the past in the Senate. Wrong. This has passed the Senate. This passed the Senate with 77 votes. It wasn't defeated; it was passed with 77 votes on a bipartisan basis. The package that passed was more generous than this package because the White House raised objection to that package. The White House said it was too much money. The White House said they did not want the direct payments as an offset to the skyrocketing energy prices, so we took those provisions out and saved $1.8 billion. That is the package that is before this body. It is the package that has passed. In fact, in the appropriations process, it passed several times. In fact, it is waiting in the Agriculture appropriations bill right now.

Unfortunately, that bill, we are told, is not going to be considered. So the only opportunity we have to address the emergency disaster concerns of people all across this country is with this amendment, make no mistake. This amendment is fully bipartisan. We now have 20 cosponsors.

This is an emergency. So pursuant to section 402 of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2006, I move to waive section 402 of that concurrent resolution for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I must respond briefly to the Senator from North Dakota, whom I also greatly admire and with whom I have enjoyed working. He has always been a responsible and effective Member of this Senate, to say the least.

Let me make the point; he said there is no budget. There is no grand budget, that is true, but there is a budget. That is why he had to waive the Budget Act in order to get to this point. It is a function of the fact that we put in place, as those who follow the arcane nature of this institution know, a set of 302 allocations which are guiding how much money can be spent in the Senate, and that is essentially the budget. It is a pretty aggressive mechanism to put in place. Innumerable budget points of order have been brought under that, some sustained, some not sustained.

As to this amendment, this amendment did fail. It failed on an issue of germaneness. So there is a history here. But more importantly, the essence of the problem of this amendment is it busts the budget. It adds $4.9 billion to the debt. And I would argue that maybe the Senator from North Dakota doesn't feel he is in the new structure, but I believe most people think, in this post-election environment, where the election was so dramatic, that Congress shouldn't be functioning under the old rules of just breaking the budget; we should be living under the discipline, and we are not. That is my point.

If the American people's intent—and I think it was—was to send a message to us as the keepers of their pocketbooks, we are, in my opinion, not living up to that request when the first amendment brought to the floor of the Senate after this election is an amendment to increase spending by $4.9 billion above the budget and add that money to the debt. It is not good policy.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, this doesn't bust the budget. No, no, no. We have always handled natural disasters in this way, with an emergency designation. That is the rule, that is the precedent, that is what we have done before, and that is what we should do now. This is not breaking the budget. That is just not the case. The Senator knows it is not the case.

This is a circumstance, as we have dealt with every natural disaster in the past: We make a determination whether an emergency exists. Clearly it does. We have been struck by the third worst drought in our Nation's history. This provision passed this body with 77 votes.

The people who are out there expect the Congress, expect the Senate to respond to the needs of the American people. We have a need for security. We have a need, an absolute need, for a return to fiscal responsibility. We also have a need to deal with natural disasters when they strike the American family. This is a set of disasters almost unprecedented in our history. The people who have been hit by them deserve a response. That is what this amendment seeks to do.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. KYL). The Senator has a minute and a half remaining.

Mr. CONRAD. Does the Senator from New Hampshire want to continue?

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, parliamentary inquiry: It has come to my attention that this language is not only increasing the appropriations, it may also have authorizing language in it. Is this amendment subject to rule XVI?

The PRESIDING OFFICER. This amendment does constitute legislation on an appropriations bill.

Mr. GREGG. I wish to speak to the other side. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, we recognize the Senator would be within his rights to make a motion under rule XVI. I say to the Senator, we hope he will not do that. We hope we will have a chance for a vote on the Senate floor on this question. I say to my colleagues, if we don't get a vote now, we are not going to stop until we do get a vote.

I say to my colleague, it is certainly reasonable to bring a challenge under the Budget Act and to require a supermajority vote, but I hope very much that the Senator will not use rule XVI on a matter of this importance to so many people across the country. I implore the Senator not to invoke rule XVI.

Mrs. HUTCHISON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the amendment be laid aside.

The PRESIDING OFFICER. Without objection, the amendment is laid aside.

The Senator from Maine is recognized.

AMENDMENT NO. 5123

Ms. COLLINS. Mr. President, on behalf of myself and Senator FEINGOLD, I call up amendment No. 5123 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for herself, Mr. FEINGOLD, Mr. LIEBERMAN, Mr. LEAHY, Ms. CANTWELL, Mr. COLEMAN, Mr. COBURN, Mr. KERRY, Mr. SALAZAR, Mr. SUNUNU, Mr. KENNEDY, Mrs. FEINSTEIN, Mr. LAUTENBERG, Mr. DORGAN, Mr. WYDEN, Mr. BIDEN, Mr. LEVIN, Mr. BYRD, Mr. SCHUMER, Mr. WARNER, Ms. SNOWE, Mr. MCCAIN, Mr. NELSON of Florida, and Mr. GREGG, proposes an amendment numbered 5123.

Ms. COLLINS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To extend the Office of the Inspector General for Iraq until 80 percent of the funds appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund has been expended)

On page 82, between lines 19 and 20, insert the following:

SEC. 126. Section 3001(o) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1238; 5 U.S.C. App., note to section 8G of Public Law 95–452), as amended by section 1054(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364), is amended to read as follows:

"(o) TERMINATION.—(1)(A) The Office of the Inspector General shall terminate 10 months after 80 percent of the funds appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund have been expended.

"(B) For purposes of calculating the termination of the Office of the Inspector General under this subsection, any United States funds appropriated or otherwise made available for fiscal year 2006 for the reconstruction of Iraq, irrespective of the designation of such funds, shall be deemed to be amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund.

"(2) The Special Inspector General for Iraq Reconstruction shall, prior to the termination of the Office of the Special Inspector

General under paragraph (1), prepare a final forensic audit report on all funds deemed to be amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund.".

Ms. COLLINS. Mr. President, I ask unanimous consent that Senators JOHN MCCAIN, BILL NELSON, and JUDD GREGG be added as cosponsors to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, this amendment, which the Senator from Wisconsin and I have offered, would ensure continuing vigorous, aggressive oversight of American tax dollars in Iraq by repealing the premature termination date for the Office of the Special Inspector General for Iraq Reconstruction. This office will be prematurely terminated by provisions that were recently enacted as part of the conference report on the Defense authorization bill. Our amendment will restore the special IG's termination date to its previous schedule of 10 months after 80 percent of the funds for the Iraqi reconstruction projects have been expended.

The special IG has been very effective, and the important work of this watchdog must continue as long as American funds are being used for Iraq reconstruction. We should not terminate this mandate to prevent waste, fraud, and abuse by some arbitrary and premature date. In fact, it is inconceivable to me that we would terminate this office which has played such a vital role in spotlighting waste, fraud, and abuse and has more than proven its worth.

The Office of the Special Inspector General has saved the American taxpayers literally millions of dollars. In fact, when one looks at the combined impact of the audits, the investigations, the cost avoidances, and other savings, the potential financial impact of this office has been nearly $2 billion. Yet the office has cost the American taxpayers only $73 million since it was created. So $2 billion in savings, in cost avoidances, versus a cost of only $73 million. This means that for every dollar the special inspector general has spent, there has been a financial impact of $25—an impressive ratio.

There is no question that the inspector general's office has been extremely effective. Its work has led to convictions, to indictments, to the recovery of funds, and to improvement in contracting. It was the inspector general who told us about cost overruns on contracts—Halliburton contracts, for example. It was the inspector general who highlighted shoddy construction of health clinics, of a special police station. It was the inspector general who made recommendations that have improved contracting oversight and procedures in Iraq.

We are talking about billions and billions of dollars. It makes absolutely no sense at all for this office, which has been such an effective watchdog, to be brought to a premature end.

Some people say: Why can't you just have the regular IG from the Department of Defense or the Department of State or USAID undertake this work? I think in many ways the question answers itself. There are many departments and agencies that are involved in the Iraqi reconstruction projects. We need to have a special IG who has the authority to follow the money no matter from what agency or department it originated. Also, the special IG has proven its worth time and again. The special IG is in Iraq even as we speak and has had a team on the ground in harm's way. Also, the DOD IG's office has not had a team on the ground in Iraq auditing, inspecting, and investigating on an ongoing basis.

I am very pleased to join with the Senator from Wisconsin who has been such a leader in this area, who originated the idea of having a special inspector general in the first place, and I was very pleased to partner with him in that effort years ago.

Let's correct this mistake right off so that the office doesn't have to start shutting down its operations in anticipation of the termination date next October. We can remedy this mistake right now, and we should do so.

I thank the Chair.

Mr. LEAHY. Mr. President, I am pleased to be a cosponsor of amendment 5123 offered by Senators COLLINS and FEINGOLD. This bipartisan amendment would extend the life of the Office of the Special Inspector General for Iraq Reconstruction, SIGIR, and restore the bipartisan agreement made regarding the termination of the SIGIR in the Senate-passed fiscal year 2007 Defense authorization bill.

The Collins-Feingold amendment is necessary to undo the damage of a veiled provision inserted in the fiscal year 2007 Defense authorization conference report by the chairman of the House Armed Services Committee that terminates the SIGIR by an artificial date that has no basis in the progress of reconstruction projects.

This amendment will sustain the valuable work of the special IG to monitor, audit, and inspect funds made available for assistance for Iraq in both the Iraq Relief and Reconstruction Fund and in other important accounts, which totals nearly $32 billion.

The amendment will restore the formula for calculating the SIGIR's termination to 10 months after 80 percent of the funds appropriated for Iraq reconstruction have been expended. While I strongly support this amendment, I believe the SIGIR's authority should extend as long as necessary to ensure that the billions of dollars appropriated for Iraq's reconstruction be granted adequate oversight.

It is important that the special IG auditors continue their work as long as taxpayer funds are being spent on reconstruction efforts. Thus aspects of this amendment—including the 80 percent expended trigger and the exclusion of future Iraq reconstruction appropriations will need to be revisited in the coming months. I intend to work with other Senators to ensure that all future Iraq reconstruction funds are subject to the continued oversight of the SIGIR.

Wasteful spending and profiteering are especially offensive in wartime, and our soldiers and the American people deserve more oversight of how their tax dollars are being spent in Iraq, not less oversight.

The special inspector general's work to date has been enormously valuable to the executive branch, to Congress, and to American taxpayers. The SIGIR has completed more than 55 audit reports, issued more than 165 recommendations, and seized more than $13 million in assets. What the SIGIR has uncovered proves the need for the work of this office to continue.

The SIGIR's investigations have sent American reconstruction officials to jail on bribery and conspiracy charges, exposed numerous instances of colossal mismanagement in construction projects, and uncovered case after case of waste, fraud, and abuse at the taxpayers' expense. In fewer than 3 years, the special IG's operations have resulted in savings to the U.S. Government and the taxpayers of more than $24 million and uncovered considerable wasteful or fraudulent spending.

The Collins-Feingold amendment will abolish the artificial and arbitrary termination date inserted by one Member of the other body and extend the SIGIR's charter with the recognition that the office has performed crucial work, with much more remaining to be done.

I appreciate the work of Senators COLLINS and FEINGOLD in offering this commonsense amendment and urge its adoption by the Senate.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, the Senator from Maine has been a wonderful leader on this issue. It is always a pleasure to work with her. I am also pleased to be working with Senator LIEBERMAN and a number of other distinguished Members on this effort as well. It is truly the kind of bipartisan work not only the American people have called for with these elections but the American people deserve, and I hope it is a sign of things to come.

As Senator COLLINS noted, this is an important bill. I have worked hard with a few of my colleagues to create the SIGIR several years ago and I am very proud of what we have accomplished.

To go back to how this started, this is all the way back to October 2003. We all remember the famous $87 billion bill that became famous for other reasons. But included in the bill was the creation of the original inspector general as a part of the Coalition Provisional Authority. I was pleased we got it in there, but I obviously wasn't certain it would work out and that it would be done well, but in fact that is exactly what happened. Regardless of your view of the wisdom of the Iraq war, we were able to come together and say: In any event, the taxpayers' dollars for reconstruction should be monitored and evaluated; there should be accountability.

Well, thanks to the appointment of Stuart Bowen, who is the inspector general, that is exactly what has happened. The agency has worked extremely well. As Senator COLLINS indicated, they go out into the field in Iraq in a way that other agencies have not done to do very effective reports.

Now, these reports are troubling, many of them. They indicate things aren't working well in a lot of places and a whole lot of money has to be spent on security rather than on reconstruction. Nonetheless, they are doing the taxpayers a service. We have run into a problem because the Iraq war, of course, has been far less successful than people expected, and this whole situation has continued much longer than was originally anticipated. So not only did we create it in October 2003, I had offered an amendment in June 2004 to extend it, and then again in 2005 with the help of Senator COLLINS and then again this year in 2006. And unfortunately, after we had agreed to extend it because not all of the dollars had been expended, a provision was added in the House in conference that basically cuts this off artificially. It goes against the whole assumption, which is that this agency should continue to do its work until 80 percent—10 months after 80 percent of the funds have been expended. That is the formula. We now estimate that work cannot be done until approximately the end of 2009, given how long it is going to take to expend this money. To cut this off prematurely in October of 2007 is to simply undo the good work of this agency.

So I am pleased Senator COLLINS and I were able to add an amendment to the recent Defense authorization bill that expanded oversight authority. We actually expanded its jurisdiction so it could monitor and audit United States taxpayers' dollars being used for Iraq reconstruction regardless of the type of account. So that actually involves another $11 billion in accounts that need to be evaluated and the taxpayers are going to get what they deserve. This is the problem with the provision that cuts this off prematurely. This is no time to terminate the office that has done so much to protect taxpayer dollars in Iraq. Our work on the Defense authorization bill provided the Senate with an estimated additional $11 billion in oversight responsibility and that makes SIGIR's total oversight responsibility approximately $32 billion.

Now, for people listening, what kind of money is $32 billion? I understand that roughly the entire foreign aid that we give to all of the countries in the world in one year is only $20 billion. This is $32 billion, just for reconstruction in Iraq. Surely there needs to be accountability for this, and we need to give this important office the time to do its work and to make sure the money isn't subject to waste, fraud, or abuse.

I am delighted we are working together, Senator COLLINS and I and others, and I do hope we can simply reverse this unfortunate error in the House version of the conference report and that we can restore this office to its full form.

I yield the floor.

Ms. COLLINS. Mr. President, I again want to commend the Senator from Wisconsin for his leadership on this issue. It has been a great pleasure to work with him. I mentioned we have 24 cosponsors of the amendment. I did want to acknowledge that Senator LIEBERMAN and Senator COLEMAN have played important roles in drafting this bill, and both the chairman and the ranking minority member of the Senate Armed Services Committee, Senator WARNER and Senator LEVIN, are cosponsors as well.

Finally, I want to thank the two floor managers, Senator HUTCHISON and Senator FEINSTEIN, for working with us on this bill. Senator FEINSTEIN is also a cosponsor of it, and I very much appreciate Senator HUTCHISON assisting us to bring this to the floor. So I say thank you to my colleagues.

Mr. President, if there is no further debate on the amendment, I ask that the amendment be brought to a voice vote.

The PRESIDING OFFICER. Is there further debate on the amendment?

The question is on agreeing to the amendment.

The amendment (No. 5123) was agreed to.

Mr. FEINGOLD. Mr. President, I move to reconsider the vote.

Ms. COLLINS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 5144

Mr. CONRAD. Mr. President, I have been advised that the other side may intend to raise rule XVI against my amendment. I would ask them before they make that judgment, it would be entirely in order for me to offer my amendment to the Vietnam PNTR legislation. And if we are going to get treated this way, then I reserve my right to offer the amendment on the Vietnam PNTR. That will assure that the Vietnam PNTR will not get done during this week. So if others are going to treat us that way, they should be prepared for me to play hardball, too.

I have been very patient. I have operated under the regular rules repeatedly. But if others are going to give us short shrift, if they are going to tell the farmers and the ranchers who have suffered disaster that they don't even get a vote, then I am prepared to play hardball, too.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the Conrad amendment.

Mr. SANTORUM. My understanding is that this amendment, as the Senator from North Dakota just talked about, is an amendment dealing with agriculture. This is a military construction bill that is before us. The Senator from North Dakota said we might want to raise a germaneness question, which is rule XVI, and that would be treating the Senator from North Dakota and others who support this legislation improperly. I would make the point that the reason rule XVI is there is to make sure we don't have amendments that are offered to appropriations bills that are not germane. I think it is a great stretch to suggest an emergency supplemental for agriculture is germane to military construction. That is not treating my colleague any way other than how every other colleague is treated here on a whole variety of different issues.

There are lots of opportunities we all would love to have to offer amendments to appropriations bills we don't take because it is not germane, and we don't do it as a result of that. That is the way in which the Senate operates under some semblance of order. It doesn't necessarily operate as seamlessly as we would like, but this is one of the rules we have kept intact and used because we want to try to keep to the subject at hand, particularly on the issue of appropriations.

So throw on top of that what I can tell you in my State and in lots of other States and in lots of other races around the country is the cry of deficit spending, which was heard loudly and clearly and echoed, by the way, by both sides of the aisle, of how we were going to have much more fiscal responsibility, and here we are with the first amendment with nearly $5 billion in emergency spending on a military construction bill having nothing to do with military construction. It may be bipartisan but, as far as I am concerned, that is no excuse. This is not what I think the message from the electorate was, that we need to have a whole bunch of new spending nongermane to the matter at hand.

So while I understand the need—and we have farmers in my State who have suffered through floods earlier this year and I am sure will be impacted by this, but it is absolutely essential that we take this issue seriously, and I intend to do that.

So at this point I am going to suspend and ask for a quorum call and I will be back in a minute. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SANTORUM. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANTORUM. Mr. President, I understand the Chair has reviewed the amendment, amendment No. 5144, and I now raise a point of order against the amendment. But first, before I do that, I understand the Chair is currently reviewing this amendment, so I am going to suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mrs. HUTCHISON. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I thank the Chair. I thank my colleagues.

Let me be very clear. Senators have a right to invoke rule XVI. But let's be clear. This is how emergency disasters have been dealt with year after year in this body. What I am seeking to do is to get a vote. The farmers and ranchers of this country deserve a vote. Now, they can deny the vote, at least temporarily, but if they think that is the end of the story, they are wrong. We are going to be back. And, look: If my colleagues are going to invoke rule XVI on this measure, when the underlying legislation has passed this body with 77 votes, and by that device prevent a vote, then things are going to get very tough around here. I know the rules of the Senate. If Members think they can ramrod things and deny farmers and ranchers in this country a vote on desperately needed disaster assistance, then this Senate is going to slow way down. My colleagues can use their rights and I will use mine. Let there be no doubt about what the result will be. This place is going to have a hard time functioning if there is not comity, if there is not fairness, and if people are denied a vote repeatedly. That is what is occurring.

The precedent is clear in this Senate. Virtually every disaster package has been legislation on an appropriations bill. Rule XVI was not invoked because it was recognized that is one of the few ways to achieve the result.

The Senator has the right to invoke rule XVI. This Senator has a right to object to unanimous consent agreements, to put the legislation on Vietnam PNTR, and to move to seek a vote. It is only fair the farmers and ranchers of this country, who have been devastated, get a vote. Let the Members vote. That is what the people were saying in this election. They want a process that is fair and that gets results for the American people.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent this amendment be set aside until we have the withdrawal of the previous motion.

Mr. CONRAD. I object.

Mrs. HUTCHISON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MARTINEZ). Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I note that the majority leader is on the Senate floor. I am prepared to speak for just about 5 minutes, if that is acceptable. I thank the majority leader, and I thank the Senator from North Dakota.

THE PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair.

(The remarks of Mr. SPECTER and Mrs. FEINSTEIN pertaining to the introduction of S. 4051 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

QUORUM CALL

Mr. SPECTER. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 1 Leg.]

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson, Florida
Nelson, Nebraska
Obama
Pryor
Reed, Rhode Island
Reid, Nevada
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thune
Vitter
Voinovich
Warner
Wyden

The PRESIDING OFFICER (Mr. ISAKSON). A quorum is not present.

Mr. FRIST. Mr. President, I move to instruct the Sergeant at Arms to request the presence of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion of the Senator from Tennessee.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. The following Senators are necessarily absent: the Senator from Rhode Island (Mr. CHAFEE) and the Senator from Wyoming (Mr. THOMAS).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

The PRESIDING OFFICER (Mr. CHAMBLISS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 1, as follows:

[Rollcall Vote No. 264 Leg.]

YEAS—95

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
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Dayton
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Durbin
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Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thune
Vitter
Voinovich
Warner
Wyden

NAYS—1

Allen

NOT VOTING—4

Biden
Chafee
Kennedy
Thomas

The motion was agreed to.

Mr. FRIST. Mr. President, I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FRIST. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, I ask unanimous consent that amendment No. 5142 to the Military Construction-Veteran Affairs bill be called up.

The PRESIDING OFFICER. Is there objection?

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY], for himself, Mr. KENNEDY, Mr. AKAKA, Mrs. BOXER, and Mr. JEFFORDS, proposes an amendment numbered 5142.

Mr. KERRY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make available $18,000,000 for the provision of additional mental health services through Vet Centers to veterans who served in combat in Iraq or Afghanistan)

On page 106, between lines 12 and 13, insert the following:

SEC. 229. Of the amount appropriated by this title, up to $18,000,000 may be available for necessary expenses, including salaries and expenses, for the provision of additional mental health services through centers for readjustment counseling and related mental health services for veterans under section 1712A of title 38, United States Code (commonly referred to as "Vet Centers"), to veterans who served in combat in Iraq or Afghanistan.

Mr. KERRY. Mr. President, I will be very brief. I thank the managers of the bill for accepting this amendment. I do this as Senator KENNEDY's cosponsor, along with Senators AKAKA, BOXER, and JEFFORDS.

What we have found is that all of the vet centers around the country are enormously overburdened in trying to be able to take care of returning Iraq and Afghanistan veterans, particularly those with PTSD mental health issues. The staffing, unfortunately, is not up to what it needs to be. Demand has doubled. So we have an obligation, which I think everybody accepts, to try to make certain we do what is necessary for those who have served as they return.

This amendment would add money that is offset: it comes out of the fund within the bill itself. I am grateful to both Senators FEINSTEIN and HUTCHISON for their willingness to accept it. This will provide quality care in our vet centers. We had a study in the Veterans' Affairs Committee in the House which found that the number of returning veterans requesting services has doubled.

One in four vet centers that have been surveyed around the country have been forced to actually limit services or establish waiting lists for critically needed services. So I think this will help us meet a need, and I am grateful for my colleagues being willing to accept it.

It is our obligation to do everything possible to ensure that veterans returning from Iraq and Afghanistan can make the transition home successfully.

"Welcome home" must be more than something we say to our veterans. It must be measured in actions taken, not just words spoken.

Today, I am offering an amendment to increase funding for the VA vet centers to provide critically needed services to our returning veterans.

The VA vet centers provide readjustment counseling and outreach services to all veterans who served in any combat zone. Our veterans earned these benefits through their service to country, and we must fulfill Nation's commitment to them by providing the highest quality services possible. Unfortunately, a recent report reveals that VA vet centers need additional funding in order to provide the trained professionals necessary to offer quality mental health services.

The vet center program was established to assist Vietnam-era veterans who were experiencing readjustment problems. In 1991, Congress extended the eligibility to veterans who served during other periods of armed hostilities after the Vietnam era. The goal of the centers is to provide a broad range of counseling, outreach and referral services to help veterans successfully readjust to civilian life. Services include individual counseling, group counseling, marital and family counseling, bereavement counseling, medical referrals, assistance in applying for VA benefits, and employment counseling.

A recent report by the House Veterans Affairs Committee Democratic staff found that in 9 months, between October 2005 and June 2006, the number of returning veterans from Iraq and Afghanistan who turned to vet centers for post traumatic stress disorder services doubled.

The increased demand for services is beginning to affect access to quality care. In fact, one in four vet centers surveyed has been forced to limit services or establish waiting lists for critically needed services. After serving this Nation and fighting for our country, our veterans should not have to fight for critical adjustment services.

In November of 2004, VA Secretary Nicholson approved a mental health strategic plan, acknowledging gaps in mental health services due to the surge in demand from veterans of combat in Iraq and Afghanistan. Congress provided approximately $100 million to fund the VA mental health strategic plan. However, a recent GAO report shows that the VA has diverted or failed to utilize money that was intended for staffing at vet centers and has not provided a full accounting of what has happened to the funding. The GAO is expected to issue a full report on these funding gaps later this year, but the preliminary results indicate a possible misuse of mental health dollars.

One-third of the veterans coming home from Iraq and Afghanistan come to the VA with mental health concerns. We have seen the cases of PTSD rise sharply along with the need for readjustment care when veterans return home. It is imperative that our vet centers have enough trained professionals to offer quality mental health services. There are 207 vet centers across the country. They are currently unable to deal with the increasing demand for mental health services. Each of these centers needs additional funding to hire sufficient staff to deal with the recent influx of patients.

John Rowan, National President of Vietnam Veterans of America, recently said, "The resources are not there in the VA Vet Centers." Mr. Rowan went on to say that "Not only is the mental health and well-being of veterans being placed at risk, the Vet Centers themselves are at risk. Because of significantly increased work loads, some centers have introduced waiting lists. Accommodating the ever-increasing demand for readjustment counseling is taking a heavy toll on already overworked staff." We need to do more to help our veterans.

My amendment would provide $18 million to hire additional mental health staff at VA vet centers. This amount was recommended by the Vietnam Veterans of America to allow the VA to hire the appropriate staff needed to deal with the influx of veterans who need help. The Vietnam Veterans of America and the National Military Family Association support my amendment.

Our soldiers have sacrificed greatly for their country, and we owe them the best care when they return. Many wounds of war are not visible, which makes it that much more important that vet centers have all the resources they need to serve those veterans who are suffering in any way. I ask all my colleagues to support this amendment to provide appropriate funding to staff our vet centers.

Mr. KENNEDY. Mr. President, last Saturday, all across the country, we honored our Nation's veterans, and we renewed our commitment to care for them, in the way Abraham Lincoln advised us in his Second Inaugural Address: "to bind up the nation's wounds; to care for him who shall have borne the battle, and for his widow, and his orphan."

From the very beginning of America, brave men and women have sacrificed their lives or suffered wounds while serving our country. We owe each of them a debt of gratitude that we can never truly repay, and we must honor them and support them whenever we can.

In doing so, we must take great care to remember that not all wounds are visible and that, when we call upon our best and brightest, we often send their precious minds, as well as their bodies, into harm's way. The continuing current missions in Iraq and Afghanistan have been especially demanding of, and damaging to, our troops.

A recent study published in the Journal of the American Medical Association and conducted by a medical research team at the Walter Reed Army Institute of Research surveyed soldiers and Marines returning from Iraq, Afghanistan, and other locations yielded disturbing results. According to the survey, post-traumatic stress disorder, major depression, substance abuse, or other mental health disorders may afflict nearly 1 in 5 service members returning from Iraq and more than 1 in ten returning from Afghanistan.

The Veterans Health Administration estimates that a large percentage of the veterans of Iraq or Afghanistan who have sought VA care have exhibited symptoms of one or more mental disorders and have sought treatment from veterans centers. Last month, the Washington Post reported that, as of the end of June, the VA treated a third of the more than 184,000 veterans of Afghanistan and Iraq for these symptoms. Nearly half of those treated were diagnosed as possible victims of post-traumatic stress disorder.

According to the Post, the VA's estimate represents a tenfold increase in the number of cases treated in only 18 months, and the number is likely to increase as our forces continue to serve multiple tours of duty in hostile areas. The number may be further increased by ongoing medical outreach programs conducted by the military to increase service members' awareness of the indications and implications of the types of psychological trauma associated with combat deployments.

As their awareness grows, many more veterans will likely seek mental health treatment, and veterans groups are deeply concerned that the VA is already straining to meet the increased demand. All too frequently we read reports of reduced services, staff shortages, and long waits for minimal or intermittent care.

In August, the Washington Post reported the example of a veteran of Iraq who receives only 30 minutes of treatment a month for post-traumatic stress disorder. In October, the Post reported that another veteran of Iraq was told he would have to wait 2½ months for an appointment at a VA facility to treat his sleep disorder.

We need to be sure that our veterans receive the care they deserve, and that the VA has the capacity to provide adequately specialized services to every veteran who needs counseling or treatment. We can't allow the heavy demands of our commitments overseas to impair the quality of assistance that our veterans actually receive. The more we ask of our brave men and women, the more we must provide them in return.

The Kerry amendment will help the Veterans' Administration to better address the surge in mental health needs of our veterans and help to provide a higher standard of medical care to them in a more productive and efficient manner. I urge my colleagues to support the amendment.

Our veterans need and deserve this support. We owe them nothing less in light of the intense dangers and stresses they have faced and endured so courageously.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I am looking for the chairman on this bill. I know she has no objections. I request a voice vote on the amendment.

The PRESIDING OFFICER. Is there objection?

The question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment (No. 5142) was agreed to.

Mr. KERRY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, unfortunately, the Republican leader just left the floor. We were about to be in a position to resolve this matter. I ask the leader's staff to ask the leader to return to the floor so we can resolve this.

Maybe for the interest of my colleagues, I will try to reflect on where we are. I had offered an amendment for disaster aid for farmers and ranchers. The chairman of the Budget Committee, within his rights, raised a budget point of order against my amendment. It was then suggested that rule XVI would be raised as well. We have had, over the last several hours, a series of discussions to find a way to resolve this matter. At this hour, it appears the best way to resolve it is to have a commitment that we would go to the Agriculture Appropriations bill tomorrow and try to do that in a tight timeframe of limited amendments, and that I would have a chance to offer the amendment at that time and other Senators' rights would be reserved, and that I would withdraw my amendment from this bill with the understanding that we would go to the Agriculture Appropriations bill tomorrow. That is what we had tentatively agreed to. I think we just have to have the leader indicate publicly that that is his understanding as well. Then we can break the gridlock here and proceed to finish Military Construction.

While we are waiting, I might indicate how much I appreciate the patience of the chairman and the ranking member of the Military Construction bill and their very constructive efforts to try to find a way out of this. I for one deeply appreciate it. I also very much appreciate the work of both the majority leader, Senator FRIST, who has made his best efforts to try to resolve this matter, and our own leader, Senator REID, for his assistance as well. Certainly a special thanks goes to Senator BENNETT and ranking member Senator KOHL for their constructive efforts and their agreement to go to their bill tomorrow. I also thank Senator DORGAN, my colleague, for his efforts to try to move this matter along.

With that, I yield the floor and hope that we have a chance to hear from the majority leader, so we can start the process to unwind this and reach a conclusion.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, while the Senator who was talking is still on the floor, let me say if a unanimous consent request is propounded that is consistent with what he has said, I would have to object. I want to make sure everybody knows this.

We have a bill, Energy and Water, authored by this Senator and Senator REID, soon to be majority leader. It is our bill, Energy and Water. We want to make sure that during these operative days we are going to get some work done and that this bill gets in line to be taken up. We are not asking for any special privileges, but if you are going to propound it the way you have, then I am going to ask that House bill 5427, which is Energy and Water, be put in order behind the Agriculture bill, to be taken up after it. Otherwise, I would object, until we sit down and talk and make sure that H.R. 5427 gets some position in the Senate before we are gone and find no way to take it up. Those in leadership know I have been talking to the leaders and others. So I am not bringing anything up that is brand new. In these times, you don't know what is going to come up. This is the best way to bring it up and nobody can say you didn't bring it up. I am bringing it up to whoever is supposed to have things brought up to them. I hope that is enough. The distinguished leader is here. I wanted to put that in the RECORD so nobody had a misunderstanding.

Mr. CONRAD. Mr. President, I notice the majority leader has returned to the floor. I tried to recount for our colleagues the status of our discussion, and the understanding that we had reached, that I would withdraw my amendment from this bill with the understanding that we would go to the Agriculture Appropriations bill tomorrow and have a chance to offer it there. All Senators' rights would be reserved. That is the status of it. I just ask if that is the majority leader's understanding. If it is, I will then be willing to withdraw my amendment from the Military Construction bill and we can conclude that.

Mr. FRIST. Mr. President, in the last hour or so we have had numerous discussions on the floor, as our colleagues have observed, and many participated in the discussion. My understanding and the general agreement that we have is to go to the Agriculture Appropriations bill tomorrow. That does facilitate the progress we need to make on the current bill that is on the floor, which I hope and expect to be able to finish tonight. If that is the case, we plan on going to the Agriculture bill tomorrow. All rights will be reserved for all Senators, of course. We don't have an agreement, but that is the intention. The disaster ag relief bill is very important and has been talked about by Republicans and Democrats and we expect to debate it tomorrow. It is a more appropriate place for this amendment. So I think this is a good understanding.

Other bills, such as Energy and Water, we want to come to very soon. We have a number of appropriation bills—10 of them—out there. I have not talked to the Democratic leader specifically about the Energy and Water bill. I am not sure if the chairman has, but it is a bill that I hope we will be able to go to quickly, as well.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, might I say to the distinguished leader, if it is being asked of the Senate that we concur by unanimous consent that the arrangement to bring up Agriculture in the method and manner described, if that is going to be a UC, then I have to object because I want to be treated fairly on a comparable bill.

If nothing else other than a simple sentence is added that says when the Agriculture bill is completed that the next bill to be taken up would be H.R. 5427, the Energy and Water appropriations bill, if that is part of the UC, I have no objection.

Mr. FRIST. I don't think there is a formal UC on the floor, but I have to object to that only because as leader, I am going to have every chairman coming out putting bills in order. I want to be able to keep that flexibility a bit, just as we have today, because if we don't reach some sort of agreement working together, we are not going to finish even the first MILCON bill on the floor of the Senate.

What I can say is what I intend to do tomorrow—again without any UC; I guess we can write up something—is complete this bill that is on the floor tonight and then tomorrow go to the Agriculture bill, finish that bill, and then very high on the list would be Energy and Water.

What I don't want to do is get in the overall sequencing of bills when I don't know how long this bill is going to take—hopefully tonight—or the Agriculture bill.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, might I inquire—first, I thank the leader for his words, which appear to be accommodating and perhaps efficient at this moment. I am not sure, but I want to ask another question.

Mr. FRIST. I hope so.

Mr. DOMENICI. The leader is aware of an Agriculture amendment that has rather broad support that we discussed today in the meetings and other Democrats have discussed with me which has to do with how manure and the like from cows and pigs is defined under the Comprehensive Environmental Response, Compensation, and Liability Act. I want to offer that amendment on the Agriculture bill. Nothing is going to preclude that in what we have talked about, is it?

Mr. FRIST. No, all rights will be preserved for Senators as we go on the Agriculture bill tomorrow. My understanding is the Senator from North Dakota will withdraw—in fact, why don't we go ahead and do that. The pending amendment will be withdrawn, and we will proceed with the MILCON bill.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 5144, WITHDRAWN

Mr. CONRAD. Mr. President, I thank the majority leader for being very constructive. I thank my friend from New Mexico for his zealous guarding of the rights of his chairmanship of his committee. I certainly recognize that position.

I think we have made significant progress. We can move to the Agriculture appropriations bill tomorrow. That is the place this amendment ought to be. I only offered it on this bill because we had no prospect of going to the Agriculture appropriations bill any time this year without this agreement.

I thank the majority leader. I thank very much the chairman of the Agriculture Appropriations Subcommittee, the very able Senator from Utah. I thank the Senator from Wisconsin, Mr. KOHL. I very much thank the chairman of this committee, the Senator from Texas, and the Senator from California, the ranking member, who have been so constructive today. And again, special thanks to my colleague Senator DORGAN for his assistance throughout.

I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I commend the two Senators from North Dakota. We have worked well together. I think we have come to the right accommodation. He has been a gentleman to work with, and I appreciate it.

I am now going to start clearing amendments with voice votes. They have been cleared on both sides of the aisle. We have a couple of other small issues that need to be cleared. I hope by the time I finish, we can go to final passage.

I ask Senator BROWNBACK to come to the floor to work out his issue because we are about to go to final passage.

AMENDMENT NO. 5122

Mrs. HUTCHISON. Mr. President, I call up amendment No. 5122 offered by Senator STEVENS and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. STEVENS, proposes an amendment numbered 5122.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide that, of the amount appropriated or otherwise made available by this title for Family Housing Operation and Maintenance, Army, $7,500,000 may be available for the lease of not more than 300 additional housing units in the vicinity of Fairbanks, Alaska)

On page 82, between lines 19 and 20, insert the following:

SEC. 126. (a) Of the amount appropriated or otherwise made available by this title under the heading "FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY", $7,500,000 may be available for the lease of not more than 300 additional housing units in the vicinity of Fairbanks, Alaska. Such funds may not be available for the construction or purchase of such units.

(b)(1) The total cost of a unit leased under subsection (a), including the cost of utilities, maintenance, and operation, may not exceed $25,000 per year.

(2) A lease entered into under subsection (a) may not exceed 5 years in duration or include an option to extend the lease beyond the 5-year period beginning on the date the lease commences.

Mrs. HUTCHISON. I urge the adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 5122) was agreed to.

Mrs. HUTCHISON. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 5125

Mrs. HUTCHISON. Mr. President, I call up amendment No. 5125 offered by Senator REED.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. REED, proposes an amendment numbered 5125.

The amendment is as follows:

(Purpose: To provide that, of the amount appropriated or otherwise made available for Military Construction, Navy and Marine Corps, $3,410,000 shall be available for the replacement of a vehicle bridge at Naval Station, Newport, Rhode Island, and to provide an offset)

On page 82, between lines 19 and 20, insert the following:

SEC. 126. (a) Of the amount appropriated or otherwise made available by this title under the heading "MILITARY CONSTRUCTION, NAVY AND MARINE CORPS", $3,410,000 may be available for the replacement of a vehicle bridge at Naval Station, Newport, Rhode Island.

(b) The amount appropriated or otherwise made available by this title under the heading "MILITARY CONSTRUCTION, NAVY AND MARINE CORPS" and available for the Hazardous Material Storage Facility at Naval Station, Newport, Rhode Island, is hereby reduced by $3,410,000.

Mrs. HUTCHISON. I urge the adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 5125) was agreed to.

AMENDMENT NO. 5131, AS MODIFIED

Mrs. HUTCHISON. Mr. President, I call up amendment No. 5131 offered by Senator THUNE, and I send a modification to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. THUNE, proposes an amendment numbered 5131, as modified.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase by $750,000 the amount appropriated or otherwise made available for Military Construction, Air Force and available for the Air Force Financial Management Center, and to provide an offset)

On page 82, between lines 19 and 20, insert the following:

SEC. 126. (a) The amount appropriated or otherwise made available by this title under the heading "MILITARY CONSTRUCTION, AIR FORCE" is hereby increased by $750,000.

(b) Of the amount appropriated or otherwise made available by this title under the heading "MILITARY CONSTRUCTION, AIR FORCE", as increased by subsection (a), $750,000 may be available for the Air Force Financial Management Center.

(c) The amount appropriated or otherwise made available by this title under the heading "NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM" is hereby reduced by $750,000.

Mrs. HUTCHISON. Mr. President, I urge adoption of the amendment.

Mrs. FEINSTEIN. Mr. President, I have no objection to amendment No. 5131, as modified.

Mrs. HUTCHISON. I urge the adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 5131), as modified, was agreed to.

Mrs. HUTCHISON. I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. FEINSTEIN. Mr. President, beg your pardon, if this is by voice vote, I suggest we have a voice vote.

Mrs. HUTCHISON. Amendment No. 5125 has been already approved; is that correct?

The PRESIDING OFFICER. There was no objection to the amendment, and it was agreed to.

Mrs. HUTCHISON. I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 5126

Mrs. HUTCHISON. Mr. President, I call up amendment No. 5126 offered by Senator FEINSTEIN.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mrs. FEINSTEIN, proposes an amendment numbered 5126.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To repeal the requirement for the Secretary of the Interior to cease the plan to exterminate the deer and elk population on Santa Rosa Island, Channel Islands, California)

On page 82, between lines 19 and 20, insert the following:

SEC. 126. Subsection (c) of section 1077 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364) is hereby repealed.

Mrs. HUTCHISON. I urge the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate? There being no further debate, the amendment is agreed to.

The amendment (No. 5126) was agreed to.

Mrs. HUTCHISON. I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 5127

Mrs. HUTCHISON. Mr. President, I call up amendment No. 5127 offered by Senator FEINSTEIN.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mrs. FEINSTEIN, proposes an amendment numbered 5127.

Mrs. HUTCHISON. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require a report on actions taken by the Secretary of Veterans Affairs to test veterans for vestibular damage)

On page 106, between lines 12 and 13, insert the following new section:

SEC. 229. Not later than 60 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report on the actions taken by the Secretary to test veterans for vestibular damage.

Mrs. HUTCHISON. I urge the adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 5127) was agreed to.

Mrs. HUTCHISON. I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 5129

Mrs. HUTCHISON. Mr. President, I call up amendment No. 5129 offered by Senator CRAIG.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. CRAIG, proposes an amendment numbered 5129.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase to $10,000,000 the threshold for major medical facility projects of the Department of Veterans Affairs)

On page 106, between lines 12 and 13, insert the following new section:

SEC. 229. (a) Increase in Threshold for Major Medical Facility Projects.—Section 8104(a)(3)(A) of title 38, United States Code, is amended by striking "$7,000,000" and inserting "$10,000,000".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on October 1, 2006, and shall apply with respect to fiscal years beginning on or after that date.

Mrs. HUTCHISON. I urge the adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 5129) was agreed to.

Mrs. HUTCHISON. I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 5135

Mrs. HUTCHISON. Mr. President, I call up amendment No. 5135 offered by Senator Hutchison. I ask unanimous consent that Senators Craig and Allard be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. Hutchison], for herself, Mr. Craig, and Mr. Allard, proposes an amendment numbered 5135.

Mrs. HUTCHISON. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize Department of Veterans Affairs to continue major medical facility projects and leases which have funds previously appropriated)

At the appropriate place insert the following:

SEC. 229. Notwithstanding any other provision of law, the Secretary is authorized to carry out major medical facility projects and leases for which any funds have been appropriated under this Act or any other Act. Further, for major medical facility projects authorized under Public Law 108-170, the Secretary may carry out contracts through September 30, 2007, including land purchase on projects for which Phase I design has been authorized.

Mrs. HUTCHISON. I urge the adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 5135) was agreed to.

Mrs. HUTCHISON. I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 5141

Mrs. HUTCHISON. Mr. President, I call up amendment No. 5141.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. Hutchison] proposes an amendment numbered 5141.

The amendment is as follows:

(Purpose: To amend the amount of a military construction project)

At the appropriate place insert the following:

"SEC. 126. (a) the amount available for 'Military Construction, Air Force' is hereby reduced by $25,400,000 for 'Basic Expeditionary Airmen Training Facility, Lackland AFB, Texas.'

"(b) The amount available for 'Department of Defense Base Closure Account 2005' is hereby increased by $25,400,000."

Mrs. HUTCHISON. I urge the adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 5141) was agreed to.

Mrs. HUTCHISON. I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 5128, AS MODIFIED

Mrs. HUTCHISON. Mr. President, I call up amendment No. 5128 offered by Senator Akaka, and I send a modification to the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment is pending.

Without objection, the amendment is so modified.

The amendment (No. 5128), as modified, is as follows:

(Purpose: To provide, with an offset, an additional $2,500,000 for the Department of Veterans Affairs for the Office of Inspector General)

At the end of title II, add the following:

SEC. ___. (a) Additional Amount for Office of Inspector General of Department of Veterans Affairs.—The amount appropriated by this title under the heading "Office of Inspector General" is hereby increased by $2,500,000.

(b) Offset.—The amount appropriated by this title under the heading "Construction, Major Projects" is hereby reduced by $2,500,000.

Mrs. HUTCHISON. I urge the adoption of the amendment, as modified.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment, as modified, is agreed to.

The amendment (No. 5128), as modified, was agreed to.

Mrs. HUTCHISON. I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 5130, AS MODIFIED

Mrs. HUTCHISON. Mr. President, I call up amendment No. 5130 offered by Senator Thune, and I send a modification to the desk.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. Hutchison], for Mr. Thune, proposes an amendment numbered 5130, as modified.

The amendment, as modified, is as follows:

(Purpose: To require the business plan of the Veterans Integrated Service Network 23 for the implementation of a Community Based Outpatient Clinic in Wagner, South Dakota, to include an evaluation and an analysis of the prospect of colocating such clinic with the Wagner Indian Health Service unit in Wagner, South Dakota)

On page 106, between lines 12 and 13, insert the following:

SEC. 229. (a) Colocation of Community Based Outpatient Clinic With Wagner Indian Health Service Unit, Wagner, South Dakota.—No amount appropriated or otherwise made available for the Department of Veterans Affairs by this title may be obligated or expended to implement a business plan of Veterans Integrated Service Network 23 (VISN 23) for the implementation a Community Based Outpatient Clinic (CBOC) in Wagner, South Dakota, unless such business plan contains an evaluation and an analysis of the prospect of colocating such Community Based Outpatient Clinic with the Wagner Indian Health Service unit in Wagner, South Dakota.

(b) Availability of Amounts for Emergency Room Services at Wagner Indian Health Service Unit.—Of the amount appropriated or otherwise made available to the Department of Veterans Affairs by this title under the heading "Medical Facilities", at the discretion of the Secretary of the Department of Veterans Affairs up to $500,000 may be available for emergency room services at the Wagner Indian Health Service unit pending implementation of a business plan meeting the requirements in subsection (a).

Mrs. HUTCHISON. I urge the adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 5130), as modified, was agreed to.

Mrs. HUTCHISON. I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 5138, AS MODIFIED

Mrs. HUTCHISON. Mr. President, I call up amendment No. 5138 offered by Senator Obama, and I send a modification to the desk.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. OBAMA, proposes an amendment numbered 5138, as modified.

The amendment is as follows:

(Purpose: To require a report on the costs of the Comprehensive Service Programs for homeless veterans)

At the appropriate place in title II, insert the following:

SEC. ___. (a) STUDY ON COSTS OF COMPREHENSIVE SERVICE PROGRAMS FOR HOMELESS VETERANS.—The Secretary of Veterans Affairs shall carry out a study of costs associated with the Comprehensive Service Programs authorized by sections 2011 and 2012 of title 38 United States Code.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Veterans' Affairs and Appropriations of the Senate and the Committees on Veterans' Affairs and Appropriations of the House of Representatives a report on the study required by subsection (a). The report shall set forth the following:

(1) The number of authorized and operational transitional housing beds and service centers under the programs referred to in subsection (a) in fiscal year 2006, and the number of such beds and centers in each State and in each Congressional District during such fiscal year.

(2) The cost in fiscal year 2006 of grants under section 2011 of title 38, United States Code, to authorized and operational transitional housing beds and service centers under the programs referred to in that subsection.

(3) The cost in fiscal year 2006 of per diem payments under section 2012 of title 38 United States Code, to authorized and operational transitional housing beds and service centers under the programs referred to in that subsection.

(5) The number of applications received, scored as qualified, and awarded pursuant to the Capital Grant Notice of Funds Availability published on April 20, 2006.

(6) The range of per diem payment rates, the average per diem payment rate, and the median per diem payment rate paid to recipients of grants under section 2012 of title 38, United States Code, in fiscal year 2006.

(7) The number and percentage of total recipients of grants under section 2011 of title 38 United States Code, in fiscal year 2006 being paid under section 2012 of title 38, United States Code, the rate authorized for State homes for domiciliary care under section 1741(a)(1)(A) of that title for fiscal year 2006.

Mrs. HUTCHISON. I urge the adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 5138), as modified, was agreed to.

Mrs. HUTCHISON. I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 5146

Mrs. HUTCHISON. Mr. President, I call up amendment No. 5146 offered by Senator COCHRAN.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. COCHRAN, for himself, and Mr. LOTT, proposes an amendment numbered 5146.

The amendment is as follows:

(Purpose: To provide that of the amount appropriated or otherwise made available by chapter 7 of title I of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 for Military Construction, Navy and Marine Corps, and available for the replacement of a Bachelor Enlisted Quarters at Naval Construction Battalion Center, Gulfport, Mississippi, $13,400,000 may be available for the construction of an additional Bachelor Enlisted Quarters at such center)

On page 82, between lines 19 and 20, insert the following:

SEC. 126. Of the amount appropriated or otherwise made available by chapter 7 of title I of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148) under the heading "MILITARY CONSTRUCTION, NAVY AND MARINE CORPS" and available for the replacement of a Bachelor Enlisted Quarters at Naval Construction Battalion Center, Gulfport, Mississippi, $13,400,000 may be available for the construction of an additional Bachelor Enlisted Quarters at Naval Construction Battalion Center, Gulfport, Mississippi.

Mrs. HUTCHISON. I urge the adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 5146) was agreed to.

Mrs. HUTCHISON. I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. HUTCHISON. Mr. President, we are now down to two amendments that we are still clearing with the proper committees and one more that is still not yet agreed to.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, I understand the chairman and ranking member are trying to work out the final amendments on this bill, and they have both done an excellent job in putting the Military Construction bill together for the Nation. But also, while my colleague from Idaho is on the floor, Senator CRAIG, who is leading on the authorization side, I wanted to come to the floor on behalf of the people of Louisiana and the gulf coast, really, to thank the chair and ranking member for putting in this MILCON bill, the Military Construction appropriations bill, a full authorization for the veterans hospital that was destroyed or heavily damaged in Hurricane Katrina, and then, of course, flooded again in Hurricane Rita. Four hundred thousand veterans from Louisiana rely on this hospital, as well as hundreds of thousands from the gulf coast: Texas, Mississippi, and Alabama.

We have worked very hard to reestablish the veterans infrastructure along the gulf coast. This has been extremely problematic because of some tensions between several committees. But the good work of Senator HUTCHISON from Texas and Senator FEINSTEIN from California and, of course, Senator CRAIG's good help and support has helped us to get this authorization done in this way. We are extremely grateful. It may be the first public-private partnership in the Nation, or one of the earliest. We think it is going to be an excellent model of health care, not only for our veterans but a real economic anchor, if you will, for the revitalization of New Orleans and the gulf coast. We are looking forward to doing an excellent job with this money for the taxpayer and for the veterans, who have come to rely on this hospital and the services we provide as a lifeline, literally. Now they look at it as more than just a place to go for health care; they look at it as a flag that will be raised in the devastated part of New Orleans to rebuild this great city and region. It has really become a symbol of hope, not just for veterans, which it always is, and their families, but now it has become a symbol of hope for our whole community.

So I just wanted, while that is being worked out and other things are being worked out, to take this time to thank them and to tell them how grateful we are in Louisiana and those in the New Orleans area for their help and support and for their confidence in moving this project forward. As a member of the committee, I have been very pleased to work on this and have it accomplished in this way.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I want to announce for our colleagues that it is our intention in the next 15 minutes to finish this bill and go to final passage. We are intending to voice-vote final passage. However, we are still working out two amendments:

an amendment by Senator REID and an amendment by Senator ALLEN. I cannot say for sure that there will not be a record vote on one of those amendments, but we are trying to avoid that. I will just say the disposition of the Reid and Allen amendments will be the last measures in this bill to be agreed to, and we will then go to final passage.

I would just tell my colleagues we are hoping not to have any more rollcall votes, but it is not totally clear yet. I hope to be able to finish this by 7 o'clock. I will report back.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. THUNE). Without objection, it is so ordered.

AMENDMENT NO. 5143

Mrs. HUTCHISON. Mr. President, I call up amendment No. 5143 by Senator ALLEN.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. ALLEN, proposes an amendment numbered 5143.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mrs. HUTCHISON. Mr. President, I urge passage of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 5143) was agreed to.

Mrs. FEINSTEIN. Mr. President, I move to reconsider the vote.

Mrs. HUTCHISON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

YELLOWSTONE COUNTY NATIONAL VETERANS CEMETERY PROJECT

Mr. BAUCUS. Is the distinguished Senator from California aware of the need for a new veterans cemetery in Yellowstone County in Montana?

Mrs. FEINSTEIN. I am aware that there is a need for more veterans cemeteries nationwide. I would be very interested in hearing about the situation in Montana.

Mr. BAUCUS. In Montana, we have the highest percentage of veterans per capita of any State in the country. Yellowstone County has 17.5 percent of all of the State's veterans, and when added to the surrounding counties, the greater Yellowstone area includes 25 percent of the State's veterans. The other national cemetery in the area—the Little Bighorn National Cemetery—is full. Eastern Montana faces a severe shortage in burial locations for Veterans.

Mrs. FEINSTEIN. What is being done to address this need?

Mr. BAUCUS. On November 7 of this year the voters of Yellowstone County in my home State of Montana overwhelmingly approved a mill levy to provide $250,000 to the opening phase of the construction of the new Yellowstone County National Veterans Cemetery. However, the local mill levy only provides part of the funding needed and is to be used in conjunction with anticipated Federal funding as well as private donations because the first phase of the project has a preliminary cost estimate of over $1 million for roads, irrigation, and site improvements. Federal funds are needed for the project to begin. This funding is very important to Montana because we are out of burial space for our veterans. This new cemetery would provide burial spaces for our veterans for the next 20 to 30 years.

Mrs. FEINSTEIN. I applaud the initiative of the residents of Yellowstone County, and I can assure the distinguished Senator from Montana that I will work in conference on this bill to include language in the Statement of Managers directing the Secretary of the Department of Veterans Affairs to review the status and progress of the Yellowstone County National Veterans Cemetery project and report his findings back to Congress.

Mr. BAUCUS. I deeply appreciate the commitment of my distinguished colleague from California to the State of Montana's veterans.

CHILD CARE CENTER AT BEALE AIR FORCE BASE

Mrs. BOXER. Mr. President, I would like to take a few moments to discuss an issue of critical importance to the military families at Beale Air Force Base in Yuba City, CA.

The Child Development Center, CDC, at Beale Air Force Base is in dire need of refurbishment. While the Beale community has gone to great lengths to ensure that the dependents of military personnel at Beale have a safe place to be cared for and to learn, the reality is that the existing CDC is woefully inadequate.

The existing structure which is approximately 40 years old is worn, outdated, and far too small. In fact, I understand that for over the past 5 years, the waiting list for placing students in the facility has not dropped below 100 children.

To make matters worse, the CDC may even pose a potential health risk to children. Old and worn carpet cannot be replaced because doing so would expose the children to asbestos. This is unacceptable.

Our men and women who are serving our country simply should not have to worry that their children are being exposed to hazardous material. We owe them far more than that.

The Air Force has reached the conclusion that it will take $14 million to refurbish the Beale CDC. It is my understanding that funding to upgrade the CDC is included in the fiscal year Defense plan for 2008. It is extremely important that this funding for the CDC be included in the President's budget request for 2008.

Mrs. FEINSTEIN. I share my home State colleague's concern for the Child Development Center at Beale. As the ranking member of the Subcommittee on Military Construction and Veterans Affairs, I, too, believe that it is critical to fund the CDC at Beale. The Air Force has included $14 million in its Future Years Defense Plan for fiscal year 2008, which clearly indicates the Air Force intends to include this project for funding in the President's budget request. I strongly urge the Air Force to retain this project in its projection for funding in next year's request.

FUNDING FOR BLINDED VETERANS' SERVICES

Mr. SALAZAR. Mr. President, as we consider legislation to fund the Department of Veterans Affairs for fiscal year 2007, I want to briefly discuss the importance of providing adequate funding for blinded veterans' services.

Visual impairment or blindness is an increasingly frequent injury among our fighting men and women. In my visits to military hospitals, I have seen firsthand the impact that these severe eye injuries can have on the lives of our young men and women in uniform. While none of them ever complains, the sacrifice they have made for their country is starkly evident, and we owe it to them to ensure they are taken care of when they return home.

The good news is that VA's Blind Rehabilitative Service is a global leader in providing comprehensive blind rehabilitation to America's blinded veterans, and the care available from the Nation's 10 Blind Rehabilitation Centers is dependable and effective. The bad news is that, while these 10 rehabilitation centers provide inpatient care effectively and efficiently, that is not always the case at other VA medical centers across the country.

The VA Medical Center in Denver, CO, treats approximately 900 blinded veterans, many of whom require rehabilitative services that the Denver facility cannot provide. Instead, those men and women must travel to Tucson, AZ, or even farther to the American Lake Blind Center in Washington State to receive the care they have earned. The problem is not limited to my State of Colorado; VA's own analysis in April 2005 found that 78 VA medical centers currently do not have any basic existing outpatient blind rehabilitative services.

I am glad that, in its budget request for fiscal year 2007, the VA provided an increase in its line item for blind services of $5.4 million over last year. However, I am concerned that with growing medical costs and the rising numbers of service members returning from Iraq and Afghanistan with severe eye injuries, such an increase is not enough.

Walter Reed Army Medical Center recently reported to the Veterans Health Administration that, between March 2003 and April 2006, 16 percent of all service members evacuated from the war in Iraq had eye injuries, and of the 1,800 service members wounded with traumatic brain jury, 19 percent experienced post trauma visual Syndrome, PTVS, with neurological visual impairments requiring long-term specialized care. It is clear from these figures that the VA workload with respect to low-vision and blinded veterans is going to increase in coming years, on top of the already aging population of veterans with blindness.

The strong report language contained in this legislation, which directs the VA to begin implementing a plan to expand more outpatient blind rehabilitation services and training and directs the VA to report back to Congress on the status of these efforts, is a good start. I am grateful to Chairwoman HUTCHISON and Ranking Member FEINSTEIN and their staffs for their work in this area and hope we can work together to build on these efforts to ensure adequate funding for blinded veterans' services in years to come.

Mrs. FEINSTEIN. Mr. President, I thank Senator SALAZAR for his dedication to our Nation's veterans and to the effort to provide comprehensive care to blinded veterans in particular. I certainly understand the devastating impact that severe eye injuries have on the lives of service men and women returning from combat and agree we must work to ensure that our efforts in Congress keep pace with the rising costs of providing care to these men and women and with the growing numbers of service members returning home in need of such care.

The language contained in this report is strong, and I am confident it will help to push the VA in the right direction as we strive to provide care for blinded veterans in the most comprehensive and efficient way possible. I remain committed to that effort and to working with my colleagues in both parties to see that blinded veterans receive the best services our government can provide.

Mr. SALAZAR. Mr. President, again, I thank the chair and the ranking member for their leadership on this legislation and look forward to working closely with both of them on behalf of our Nation's blinded veterans.

Mr. CRAIG. Mr. President, I support the Smith and Burns amendments and take just a few minutes to address both issues which are truly an emergency.

First, Mr. SMITH has filed an amendment to extend the Secure Rural Schools and Community Self-Determination Act for 1 year. Without a one year extension, the 780 counties that benefit from the Act will face difficult funding decisions regarding the next school year. This act expired September 30th of this year and the last payment is in the process of being made. Without this funding, school districts will have to decide what programs should be cut in order to make ends meet. For many districts this will include the decision of which schools to keep open and which schools to close. We are about to experience an emergency in our schools if funding is not addressed.

The act has been an enormous success in achieving and even surpassing the goals of Congress. This act has restored programs for students in rural schools and prevented the closure of numerous isolated rural schools. It has been a primary funding mechanism to provide rural school students with educational opportunities comparable to suburban and urban students. Over 4,400 rural schools receive funds because of this act.

Next, the act has allowed rural county road districts and county road departments to address the severe maintenance backlog. Snow removal has been restored for citizens, tourists, and school buses. Bridges have been upgraded and replaced and culverts that are hazardous to fish passage have been upgraded and replaced.

The legacy of this act over the last few years is positive and substantial. This law should be extended so it can continue to benefit the forest counties, their schools, and continue to contribute to improving the health of our national forests.

If we do not work to reauthorize this act, all of the progress of the last years will be lost. Schools in timber dependant communities will lose a substantial part of their funding. These school districts will have to start making tough budget decisions such as keeping or canceling after school programs, sports programs, music programs, and trying to determine what is the basic educational needs of our children. Next, counties will have to reprioritize road maintenance so that only the essential services of the county are met because that is all they will be able to afford.

Thirty of our colleagues, have joined Senator WYDEN and me in recognizing the importance of the reauthorization of this Act by cosponsoring S. 267.

Next, Mr. BURNS has filed an amendment addressing wildfire suppression funding. As we all know, this has been an extraordinary year with 89,524 fires on 9.5 million acres of land across the country to date. Indeed, this has been the worst fire season on record in terms of acres burned. By way of comparison, the 10-year average projection for fiscal year 2006 was 60,726 fires on 4.9 million acres, or about half of what is likely to burn for this year.

Due to the severity of this year's fire season, the Forest Service and Department of the Interior, DOI, will exhaust their appropriated funds for wildfire suppression before the end of this fiscal year which will force them to borrow from nonfire program accounts. Additional funds are needed to repay these borrowed funds or these agencies will face serious disruptions to critical programs. When borrowing from non-fire program accounts occurs, it causes numerous project delays and cancellations, strained relationships with state and local agency partners, and disruptions in essential program management efforts. Frequently, these cancellations and delays increase costs and the time needed to complete the projects. Again, we need to address this emergency before it causes significant havoc for our public lands.

Mr. JOHNSON. Mr. President, in July the Senate Appropriations Committee approved the fiscal year 2007 Military Construction and Veterans Affairs appropriations bill. As a member of the committee, I supported this measure, and it is now being considered by the full Senate.

The bill provides a total of $94.3 billion in spending, including funding to make a number of critical upgrades to our military infrastructure. As a member of the appropriations subcommittee that has oversight on military construction, I was able to use my position to ensure that $23.4 million was included for three military construction projects in South Dakota.

Investing in our military infrastructure ensures that our military personnel have the tools they need to perform their mission. This bill provides $7.5 million to construct a new base civil engineer maintenance complex for the South Dakota Air National Guard at Joe Foss Field. This funding is necessary because the current complex is undersized and inadequate. The new facility will help the 114th Fighter Wing maintain a combat-ready force of civil engineers.

In addition to this infrastructure upgrade, Ellsworth Air Force Base will receive $3 million to install an urgently needed base water well. Likewise, a new Armed Forces Reserve Center will be constructed in Sioux Falls. Currently Army Reserve and Navy Reserve operations are housed in leased facilities that are over 40 years old. The new center will consolidate all operations into a new complex.

The bill also includes nearly $78 billion for the Department of Veterans Affairs, which is $6.45 billion above last year's funding level. This amount includes $28.7 billion for medical services—an increase of $3 billion from last year.

Most importantly, the Senate Appropriations Committee rejected President Bush's budget proposal to implement a $250 annual enrollment fee and increased pharmacy copayments for category 7 and 8 veterans. These fees are designed to generate revenue in order to help offset VA expenditures. In reality, they may force veterans to seek health care elsewhere because they cannot afford either the annual enrollment fees or the increased copayment costs.

Rather than relying on budget proposals aimed at driving veterans out of the VA in order to save money, I am pleased that the Senate opposed President Bush's proposal. I firmly believe that we should provide adequate funding to ensure all those who have defended our country receive the health care they have earned and deserve.

Mr. President, I continue to have deep concerns about the spending priorities of the Bush administration, but I do believe this bill will help provide our service members with top-notch military facilities. And while we can always do more for our veterans, this bill is a step in the right direction toward honoring our commitment to all those who served.

Mr. ALLARD. Mr. President, I rise today in support of the Military Construction and Veterans Affairs appropriations bill because of its commitment to VA health care as well as its support of vital and necessary military facilities in the State of Colorado.

I am pleased that this bill increases funding to essential programs that maintain and improve the quality of life for our veterans. It important to note that this is the sixth consecutive year that Congress has increased funding for veterans health care programs. This year the committee recommends that Veterans Health Administration be appropriated at $32.67 billon, which is a $3.32 billion increase over last year's level.

Furthermore, I would like to commend the committee for maintaining their commitment to Capital Asset Realignment Enhanced Services, CARES, process. CARES is the most comprehensive analysis of the VA's health care infrastructure that has ever been conducted and is important in prioritizing the VA's budget. Specifically, I am especially pleased with the committee's recommendation of $52 million for a replacement hospital in Denver, CO.

The current Denver VA hospital was built more than 50 years ago and medical technology has far surpassed what the builders of the Denver VA originally envisioned. While I cannot say enough about the care and service our veterans receive at the current facility, many changes and improvements can and should be made, and a new facility is the only way to accomplish these goals.

The construction plans present credible proof that a new Fitzsimons facility will increase healthcare quality and quantity for our veterans. It is my hope, and it is a likely one, that a new hospital will also serve as a regional beacon for modern veteran medical care science and will fill an important void for the large number of veterans in Colorado.

I would like to acknowledge the recommendation of $161 million for the National Cemetery Administration, which saw an increase of $4.1 million over the fiscal year 2006 level. Specifically, I am pleased the committee recognizes the need for a VA cemetery in the Pikes Peak region of southern Colorado. This area is home to over 125,000 veterans, and would be well served by a national cemetery.

Additionally, I support portions of this appropriations bill that recommend $50.1 million for necessary military construction improvements at Fort Carson, and an additional $130.6 million for projects in Colorado.

Specifically at Fort Carson, this bill recommends funds for the completion of phase 2 of the airfield arrival/departure complex as well as funds for the Special Operations Complex. Fort Carson, known as the Mountain Post, plays an essential role for the Army.

I am also pleased at the committee's recommendation that directs the U.S. Air Force to submit a master infrastructure recapitalization plan for the U.S. Air Force Academy facilities. This plan will begin the process of updating and improving necessary infrastructure concerns. As the Academy enters its sixth decade of operation, these important improvements will better enable the Academy to fulfill its mission of education, training and equipping cadets.

Other projects in Colorado funded by this bill includes funds for the Space Test and Evaluation Facility at Schriever Air Force Base, continued construction at the Pueblo Chemical Weapons Depot, $10.7 million for a consolidated fuels facility at Buckley AFB and $7 million for the Air National Guard F–16 Fighter Squadron Operations Center, also at Buckley AFB. These projects are vital to the continued success of our military at all levels.

I urge the Senate to expeditiously pass this bill in order to send it to the President's desk as soon as possible. I would also like to thank Chairwoman HUTCHISON for her leadership and diligence on this committee over the years and look forward to continuing to work with her in the future.

Mr. McCAIN. Mr. President, I rise today to address the Senate concerning the legislation before us, the Military Construction and Veterans Affairs appropriations bill for fiscal year 2007. This bill is particularly important in this time of ongoing war, structural changes in the force, and an aging veteran population. The committee has worked to produce a bill that, while imperfect, addresses many of the issues that challenge our armed services and veterans, and I thank them for their work.

America remains at war, a war that continues to unite Americans in pursuit of a common goal—to defeat terrorism. Americans have and will continue to make sacrifices for this war. Our service men and women in particular are truly on the front lines in this war, separated from their families, risking their lives, and working extraordinarily long hours under the most difficult conditions to accomplish the ambitious but necessary task their country has set for them.

It is important that we understand the context of this year's military construction legislation. Three processes are playing out simultaneously that require reasoned and appropriate congressional action on this bill. First, America's struggle for peace in Iraq continues. Second, our largest service, the Army, is undertaking significant structural changes and redeploying thousands of troops. Third, the recent round of base realignment and closure that streamlined the defense infrastructure is now being implemented. These three issues have defined the requirements of the legislation before us. The committee has recognized the challenges and outlined military construction spending that, in large part, meets them.

I am pleased to note that the Appropriations Committee has met the spending level requested by the administration for the Department of Veterans Affairs. This is particularly important in light of the growing numbers of young veterans who look to the VA for care. To date more than 184,000 veterans of Iraq and Afghanistan have sought care through the VA. Of that number, 30,000 have been found to exhibit symptoms similar to post-traumatic stress or PTSD, and I applaud the committee's support for PTSD programs and funding. This legislation also provides $32.7 billion for the Veterans Health Administration for fiscal year 2007, nearly equivalent to the President's request.

I commend the distinguished chairman of the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies for her willingness to work with the Senate Armed Services Committee, SASC, to ensure this bill generally funds MILCON projects consistent with the authorizing committee's views. The chairman has always made a considerable effort to work with the authorizers to mitigate differences in the defense funding and authorizing bills.

In particular, I appreciate the chairman's efforts to remove an unrequested and unauthorized MILCON project for

Lackland Air Force Base after I brought my concerns to her attention. That project was not requested by the administration, nor is it listed in the Air Force's Unfunded Priority List, UPL. It was added only after the Air Force Chief of Staff sought the funding outside the regular process, without the concurrence of DOD or OMB and without any notification to or feedback from the authorizing committees.

When the authoring committees finally learned about this project, we had already completed committee markups and passed Defense authorization bills in both chambers. The authorizing committees refused to add an out-of-scope provision into the final conference report to authorize this Air Force earmark, and as such, the chairman has since agreed to remove it from the pending bill in a manager's amendment on the Senate floor.

I wanted to spend time on the Senate floor to highlight this Air Force MILCON earmark because it demonstrates how authorizers and appropriators can and should work together. While ideally the provision would never have been included in the bill since it wasn't requested, the chairman was more than willing to listen to my concerns as an authorizer, and she acted most appropriately by agreeing to remove the earmark. Again, I thank Senator HUTCHISON for her steadfast leadership and accommodation of the authorization committees' wishes.

Unfortunately, the bill before us is not entirely free of earmarks. I am concerned that, while this bill is some $434 million below the administration's request, it nonetheless recommends almost $90 million in unrequested spending that is directed at unauthorized projects. While I recognize that many of the earmarks added to this legislation may sound worthwhile, they do not belong in the bill or its report. Needless to say, it is distressing that in this time of fiscal constraints, lawmakers continue to earmark military funds while underfunding the President's overall request.

Let me mention a few examples of money earmarked in the committee report for specific projects that were not requested by the Department of Defense: $1.5 million for a general instruction building in Fort Lewis, WA; $1.5 million for officer's quarters in Ravenna, OH; $1.5 million for a dining facility at Camp Roberts in San Miguel, CA; $3.4 million for an Aviation Readiness Center at Helena Regional Airport, MT; $1.4 million for an engine shop in Fort Worth, TX; $900,000 for an information technology complex at Wright-Patterson AFB, OH; and $2.0 million for a regional training institute in West Virginia.

Almost all the earmarked money will go to the States represented by members of the committee. These examples are only part of the nearly $60 million in unrequested earmarks that siphon funds away from important programs needed for enhancing our warfighting capability. This means that the armed services have come to us with urgent needs, and we have responded by giving them less than what they asked for while requiring that they spend it to suit our parochial needs rather than military necessity.

The problems facing our active and retired veterans, whether in the form of force structure or modernization or enhancing quality of life benefits, are properly addressed in a deliberative budget process. However, we should think twice before diverting money away from military necessities to fund home State projects. The American taxpayer expects more of us, as do our brave service men and women who are fighting this war on global terrorism on our behalf.

Mrs. HUTCHISON. Mr. President, we are now ready to go to final passage. I ask for a voice vote on passage.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 5385), as amended, was passed, as follows:

The bill will be printed in a future edition of the RECORD.

Mrs. FEINSTEIN. Mr. President, I move to reconsider the vote.

Mrs. HUTCHISON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the title amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The title was amended so as to read:

An Act making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes.

Mrs. HUTCHISON. Mr. President, I think that finalizes the bill, the Military Construction appropriations bill and Veterans Affairs appropriations bill for 2007. I thank all of my colleagues for their cooperation and patience, especially my colleague, Senator FEINSTEIN, my ranking member who has been such a great colleague to work with on this bill. Her staff and my staff have done an incredible job. I appreciate this opportunity and look forward to going to conference and having our military personnel be housed and have the equipment that is in the Military Construction bill which they so readily deserve.

Especially, I have to say that funding the veterans and their needs is a special privilege for all of us because we have young men and women coming back from Iraq and Afghanistan as we speak with injuries that we want to assure are cared for and healed, and where necessary that we have the rehabilitation which they so richly deserve.

I think we have done a good job of covering these needs. I am very pleased that we have taken one more step to finalize this bill.

Mrs. FEINSTEIN. Mr. President, if I might, I thank the chairman, my friend, the Senator from Texas. We usually have a very easy time with this bill. There are usually not many amendments to this bill. But perhaps because this is the first vehicle to move a number of items, they seemed to come up this afternoon. I think the chairman has shown great leadership and flexibility. Sometimes they go together and sometimes they do not, but she has possessed both today.

I am very grateful, and the Democratic side is very grateful for it as well. This is a good bill. It is a bipartisan bill. It takes good care of veterans. It eliminates the problem of financing that we had last year. Overall, it is an excellent bill. I am very proud to have worked with the chairman. I thank her.

I thank the majority staff. And, of course, I thank my staff, of which Christina Evans is sitting on my left, and B.G. Wright and Chad Schulken back in the box.

It has been a good day. At least we have accomplished a substantial bill.

I yield the floor.

Mrs. HUTCHISON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

SERGEANT KAMPHA B. SOURIVONG

Mr. GRASSLEY. Mr. President, today I ask that the Senate join me in paying tribute to SGT Kampha Sourivong, who made the ultimate sacrifice while protecting freedom. Sergeant Sourivong, of Iowa City, IA, was assigned to C Company, 1st Battalion, 133rd Infantry Regiment, 34th Infantry Division, Army National Guard, based out of Iowa Falls, IA. He was mobilized for Operation Iraqi Freedom with the unit in September 2005 and arrived in Iraq in early May 2006. He died at the age of 20, on September 30, 2006, in Al Asad, Iraq, when his military vehicle encountered small arms fire.

Sergeant Sourivong will be posthumously awarded the following awards and decorations for his heroic service: the Bronze Star, the Purple Heart, the Armed Forces Reserve Medal with Mobilization device, the Army Good Conduct Medal, the Iraq Campaign Medal, the Global War on Terrorism Service Medal, the National Defense Service Medal, the Army Service Ribbon, and the Combat Infantryman Badge.

My thoughts and prayers have been with Sergeant Sourivong's parents, Patty and Maliphone Sourivong, his brother and sister, and all those other family and friends who are grieving the loss of this young man. The Sourivong family described Kampha as "a very caring person" who "had a lot of friends, loved his family, loved his brother and loved his sister" and someone who "would give the shirt off his back to someone in need."

I am grateful for the sacrifice that both Sergeant Sourivong and his family have made. Our Nation will forever be in their debt. While the tragic loss of this young American is deeply saddening, he will be remembered proudly as the hero that he was.

REMEMBERING CONGRESSWOMAN HELEN CHENOWETH-HAGE

Mr. CRAPO. Mr. President, in recent weeks, many of our thoughts have been turned to Helen Chenoweth-Hage, her memory, and her family.

As you know, Helen was laid to rest in October after a tragic automobile accident took her life. We honor and remember this remarkable woman, and I feel privileged to share with you some of my memories and thoughts about her and the time that we served together in the U.S. House of Representatives.

There will never be another public servant in Idaho like Helen. I served alongside her in the House of Representatives and worked on many issues with her, from fighting Federal mandates in north Idaho to fighting for our military at Mountain Home Air Force Base and Gowen Field in Boise. She stood firm in her convictions and beliefs, honoring the promises she made to those who put her in office. Helen knew, without a doubt, what she believed in, and she lived those beliefs in word and deed unwaveringly.

She worked very hard to make sure she had an understanding of what was at stake. When she started her congressional career in 1995, she read every piece of legislation that was coming up for a vote on the House floor. She felt she owed it to those who sent her to Congress. She surprised more than a few committee chairmen by showing up at hearings being held by committees she didn't serve on, simply because of her desire to know more and understand an issue.

One of her most-oft repeated matras was "Love many, trust few, and paddle your own canoe." And that is exactly what she did—she was not someone who would check the wind before deciding what to do. She listened, asked questions, read documents, studied the issues, and talked with experts and plain folks. She took all that information she gathered and then made her decision. At her center was a very principled, gracious woman—one who was strong in her beliefs and kind to all those around her, regardless of theirs. In many ways, she mirrored the principled center many of us admire about President Ronald Reagan.

Idahoans have lost a true champion for smaller government and personal freedoms. Helen brought Idaho into the national spotlight. She stood tough on the issues and spoke out often, even after she left the House of Representatives in 2001. She could always be counted on to call out hypocrisy in government and placed her reputation on the line many times to hold to her beliefs on what was best for Idahoans.

Perhaps the best way to remember Helen is to quote her own words in an interview done with Reason Magazine in October 2000. When the reporter asked how she would like to be remembered, this is what she said:

> That I have been true to real Republican principles. It's been people like Tom Coburn, Mark Sanford, and myself who have constantly said, 'Let's not forget who we are and why we are here.' And that is to protect individual rights, American sovereignty, and private property. If there is not a force of law and justice to protect private property, then we have lost the basis of our freedoms.

She said something else in that interview that strikes a resonant chord with me, in particular. When asked what the greatest threat to American Liberty was, she said:

> Too much federal and state government. The lack of respect of people working in government for individuals. An idea that certain people who occupy powerful positions in the administration can make better decisions about an individual and their life choices than can that individual.

Helen will always be remembered as a champion of the individual—the rugged, self-reliant American that is in all of us—and I thank her for that.

BOB DOLE ON GEORGE McGOVERN

Mr. JOHNSON. Mr. President, civility is alive and well in the great State of South Dakota.

During the recess, there was an extraordinary, bipartisan celebration honoring our former colleague, Senator George McGovern. The occasion was the dedication of the George and Eleanor McGovern Library at Dakota Wesleyan University in Mitchell, SD.

The dedication brought together former President Bill Clinton, former majority leader Bob Dole, former majority leader Tom Daschle, Senator JOHN THUNE, Representative STEPHANIE HERSETH, Governor Mike Rounds, and 5,000 of Senator McGovern's closest friends and admirers.

Governor Rounds noted that Senator McGovern was a "patriot" and that "all of us gathered here today have a whole lot more in common than what divides us as Americans." Senator THUNE noted that his father always voted for George McGovern, even as the children urged him to vote Republican, because George was a decorated WWII fighter pilot. Perhaps it was Senator Dole, with his characteristic humor, who best captured the significance of Senator McGovern's inspiring career.

I ask unanimous consent that the remarks of Senator Dole be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> Thank you very much for that generous introduction, and for the honor of receiving the first McGovern Prize for Leadership and Public Service. It is something that I will cherish, not least of all because of its namesakes who have set the standard—in friendship as well as in leadership. This week's events remind us once again that George McGovern is a uniter and not a divider. Who else could bring together Bill Clinton, Bob Dole, Al Neuharth, Tom Daschle, John Thune, and Peter, Paul and Mary?
>
> As you know, at times George and I have had our political differences. Though not the differences you might think. For example, here at Wesleyan he was twice elected president of his class. I have yet to be elected president of anything—though I'm thinking of running against Bill Clinton for president of the Senate spouses.
>
> For me tonight is both an opportunity to salute an old friend, and to repay an old debt. You see, three years ago George came to the dedication of the Dole Institute of Politics at the University of Kansas. What he said about me then more than made up for what he said about me when I ran for President in 1980, 1988 and 1996. So I figured the least I could do was to return the favor, and make up for what I said about him, when he ran for President in 1968—and 1972—and 1984.
>
> I've long since accommodated myself to a career pitching Pepsi and other stimulants. And George has happily resigned himself to the fact that the only presidents in South Dakota are on Mount Rushmore. At our stage of life we both adhere to the wisdom of W.C. Fields, who expressed his philosophy as follows: If at first you don't succeed, try, try, again. Then give up. No use being a damn fool about it.
>
> Of course, in all that truly matters, George has never given up. Neither has his beloved Eleanor. Sixty-six years after they enrolled as undergraduates on this campus, sixty-three years after they declared their marriage vows, the McGoverns of Mitchell are still making a difference, still living every

day in the spirit of this school's motto: sacrifice or service.

Having been both a candidate and a candidate's spouse, I speak from experience when I say that for spouses it isn't sacrifice or service, it's sacrifice and service. But then Eleanor McGovern has always been a leader and humanitarian in her own right. What ever else you can say about us, it's pretty clear that both George and I married above ourselves.

That's not all we have in common. "There is a wholesomeness about life in a rural state. . .life tends to be more authentic and less artificial." The words are George's but the sentiment applies as much to Russell, Kansas as to Mitchell, South Dakota. We both can attest to the fact that small towns nurture large dreams, and a generosity unbounded as the Great Plains. Generosity is what this evening's all about—the generosity of donors, and of those who seek their donations. I want to congratulate Ambassador Kimmelman and President Duffett as well as the trustees and the campaign committee and every single individual whose generosity has helped to realize a dream called the McGovern Library and Center for Leadership and Public Service.

Since we're all being so generous, maybe george would let me borrow his fundraising team. We could use your help at KU. I can't imagine a more appropriate tribute to the McGoverns than a library, and not just because George taught here at Wesleyan before he put classroom theory to the test in a public career that spans half a century. In fact, he and Eleanor are both educators at heart. They understand, for they personify, the essential truth of education—that so long as books are kept open, then minds can never be closed. In years to come, this place will be an incubator of informed Citizenship. What more could any teacher ask for?

Generosity takes many forms. In the case of the McGoverns, it means a lifetime of principled service, and a personal decency that transcends any party label. I'm tempted to say it transcends generations as well. It has been said by this state's second most famous son, Tom Brokaw, that George and I belong to the greatest generation. Actually, we were fairly average americans, who suddenly found ourselves caught up in the historical whirlwind—a tornado as random and devastating as any that slashed across the prairies of my youth.

If we were prepared for the curve balls that came our way, it was only because of the values passed on to us by pioneers and parents who had confronted more than their share of challenges. When hard times engulfed the American farmer like a Kansas dust storm, we clung all the tighter to our neighbors. I don't know about George, but my own commitment to feeding the hungry is rooted in those distant days when millions of Americans struggled to put food on the table. Hunger is bipartisan. So is compassion.

It wasn't only economic democracy that was called into question during those bleak years. Also on the line was the idea—enshrined in places like Mitchell and Russell—that every life is precious because every human is created with a plan and a purpose. The great test of our time was moral as well as military. It was met by 16 million citizen soldiers, backed by millions more on the home front. All of them heroes in the age old struggle for popular government.

The word hero gets thrown around a lot. It's a lot easier to be a hero if someone is shooting at you, as happened to me on an Italian hillside—or attempting to shoot down your plane, as George will recall from 35 missions with his fellow B-24 bomber pilots. Nor was it any accident that he named his plane the Dakota Queen—for the young bride to whom he would return after the war, with a Distinguished Flying Cross pinned to his uniform. When in another context George said, "Come home, America," I think it was that America to which he referred—a country that in every generation has produced heroes, and is, in turn, a land fit for heroes to come home to.

In this America we fight as one, though we vote and pray and speak as many. One of the unfortunate aspects of modern politics is our tendency to label, dehumanize and even demonize opponents who are, after all, opponents—not enemies. George McGovern is a leader, not a label. The man we honor this evening is a proud liberal who nevertheless found much to admire in such common sense conservatives as Bob Taft and Barry Goldwater. A Methodist preacher's son, raised in a republican household, he cast his first vote for Henry Wallace. As a young activist he was spellbound by the eloquence of Adlai Stevenson. But in later years he would praise my hero, Dwight Eisenhower, for his statesmanship and restraint while in the White House.

George got to Congress ahead of me. By the time we served in the Senate, it's a safe bet that our votes usually cancelled each other out. As fate would have it, I was Republican national chairman in 1972, the year George ran against President Nixon. In politics, as earlier, I tried to be a good soldier, but there are times when party loyalty asks too much. More than once I returned speech drafts objecting to the official line against the Democratic nominee for President. By election day, I think I had upset more people around the White House than George did. enough, anyway, so that I became expendable once the votes were counted.

Come to think of it, George, there's another thing we have in common. We were both left unemployed by the Nixon White House.

If ever a candidate was entitled to nurse a grudge, it was George McGovern. Except no man I know is less inclined to waste time or energy in holding grudges. His generosity of spirit extended to the man who defeated him in 1972. I will never forget a day in June, 1993, when we buried Pat Nixon in the rose gardens at the Nixon Library and birthplace. After the formal service concluded, we were invited inside—away from the prying eye of television—so that President Nixon could deliver a tribute of his own to his wife of fifty-three years. Among other things, he spoke of the joys of grandparenting, describing what happened when their youngest granddaughter, Jennie, asked Mrs. Nixon how she wished to be addressed.

After rejecting "grandmother" as too formal, and "grandma" as a bit too elderly for her liking, Pat suggested to the little girl that she call her "Ma." Jennie then put the same question to her famous grandfather. To which he replied, "Oh, you can call me anything, Jennie, because I've been called everything." At that moment I wasn't the only person in the room who was struggling to control his emotions. Not twenty feet from Nixon stood George, dabbing at his eyes with a handkerchief.

Later that day, a reporter approached him, curious to know why he was there. George replied that he had always admired Mrs. Nixon, and wished to honor her memory. The reporter persisted. Why should he honor the wife of the man whose alleged dirty tricks may have denied him the White House?

And you know what George told him? In what may be the classiest remark I've ever heard, George looked him straight in the eye and said, "You can't keep on campaigning forever."

Four years later I had my own taste of defeat, following a hard fought campaign as President Ford's running mate. When it was over, I got some bracing advice from Hubert Humphrey—yet another proud son of South Dakota who knew what it felt like to lose a close one. Hubert, like George, had a gift for bipartisan friendship that made him a genuinely beloved figure in the Senate. We worked closely on issues dealing with agriculture and nutrition. He was promoting Minnesota dairy farmers, and I was pushing Kansas wheat, but we shared a common vision—the same vision with which George McGovern gave life to President Kennedy's Food for Peace Program—with which he inspired school lunch programs and food stamps and which, even now, underlies his dream of a world in which no child goes to bed hungry.

George and Eleanor call this the third freedom. They have even set a deadline of 2030 by which they hope to banish hunger around the globe. To some this may seem impossibly visionary. Not to the McGoverns. "People call me an idealist," Woodrow Wilson once said. "Well, that is how I know I am an American."

Is it idealistic to insist, as George and I do, that school children deserve not only a square lunch, but breakfast as well? Is it idealistic to demand that the children of low income and working families have the same access to basic nutrition as their well-heeled classmates? Is it idealistic to want to share American's bounty with hungry children in other lands—to feed their bodies out of our abundance, to demonstrate that the freedom we cherish is not the freedom to starve, but the freedom to soar.

Is that idealistic—or just plain American? Here in the Heartland our ideals and our interests are inseparable. To us freedom is a theory, a mere abstraction, unless it improves the quality of life for those who are set free. Earlier I mentioned Mount Rushmore. One of the four Presidents enshrined there is Theodore Roosevelt. One hundred years ago TR professed horror when told of Americans who, when traveling abroad, apologetically asked their foreign hosts to refrain from judging the United States based on its politicians.

But they must judge his country by the actions of its politicians, said TR. Was that idealistic? Or was it simply the old rugged faith in the ability of so-called ordinary men and women to govern themselves? It is easy to be cynical about modern day politics. But the easy course will never fix what is broken. In America, government is nothing if it is not self-government. For in the mirror of democracy we see reflected back to us both our noblest, and our meanest, attributes. It is the purpose of this college to promote the best that we can be. It is the goal of the McGovern Center to foster service before self. And it is the hope of America that our politics can be as decent as our people—that civility need never be confused with weakness—nor compromise with surrender.

When we come home to this America, we will fulfill the promise of our birth. We will create a legacy to inspire generations yet unborn. And we will uphold the McGovern tradition of idealistic leadership—for that is how we know we are Americans.

Thank you very much.

HEROICS OF ALAN JOHNSTON

Ms. SNOWE. Mr. President, I rise today to honor and recognize with the highest esteem Mr. Alan Johnston of Windsor, ME, for the tremendous courage and enormous valor he demonstrated in Iraq in 2004 that helped save many lives.

CPT Aaron P. Hill of the U.S. Marine Corps recounted in a witness statement that Alan Johnston's heroic actions on August 7, 2004, had he been in military uniform, would have earned him a medal. Mr. Johnston, a civilian contractor who was overseeing construction of two medical clinics in Iraq, acted swiftly and selflessly to rescue others during a suicide attack on the headquarters facility at the Al Kasik Military Base located approximately 35 miles northwest of Mosul, Iraq.

Captain Hill was part of a unit advising Iraqi soldiers in Northern Iraq. He credits Mr. Johnston with saving a number of lives after insurgents drove two water trucks packed with as many as 8,000 pounds of explosives to the headquarters building. The blasts from this insurgent attack lasted over 90 minutes and destroyed the 2-level headquarters building, resulting in 14 deaths and an estimated 40 severely to critically injured people.

Acting without hesitation, Mr. Johnston sounded the alarm, throwing those around him to the floor, saving many lives. In the devastation that followed, acting with total disregard to his own safety, Mr. Johnston emerged from the wreckage and began to assist in evacuating and treating the survivors. Despite the continuing barrage of mortars and rockets, Mr. Johnston continued to offer help with his medical expertise, calm demeanor, and steadfast devotion to helping his fellow man.

Mr. Johnston not only reduced casualties and treated the wounded but restored critical support systems, including power and water. He also helped to find ways to feed the thousands of Iraqi soldiers dependent on the American military for support.

Alan Johnston, a 6-year veteran of the U.S. Army Corps of Engineers and an emergency medical technician for nearly 18 years, suffered injuries to his head and leg but treated himself and remained at the base in Iraq for 3 months after the attack. He left Iraq in December of 2004 and underwent another series of leg surgeries once he returned to the United States.

As a result of Captain Hill's eyewitness account of Alan Johnston's actions, last month I had the solemn privilege of pinning the Defense of Freedom Medal on Mr. Johnston's lapel at a medal ceremony held at my Augusta, ME, office with Mr. Johnston's family present, officially acknowledging these courageous actions. This award is a rare and unique commendation issued only to civilians and is equivalent to the Purple Heart awarded to military service men and women.

But what is most remarkable is that this occasion marked the first time a civilian, private contractor was awarded this particular medal. Mr. Johnston's lifesaving response to serve and sacrifice on behalf of others was something he chose to do. It was not his duty. It was not his responsibility it was his goodwill and American patriotism that drove him to put his life at risk in order to assist and save others. There is only one word that sufficiently describes this exemplary Mainer, and that word is hero. I was extremely proud to present him with the Defense of Freedom Medal.

Mr. Johnston's awe-inspiring willingness to think of others ahead of himself will forever be remembered by those whose lives he touched and saved that day. The courageous commitment and valiant care demonstrated by Alan Johnston of Windsor, ME, exemplifies the very best of what it means to be a Mainer and an American.

TRIBUTE TO ROB McCLINTIC

Ms. STABENOW. Mr. President, I rise today in celebration of my longtime friend and staff member, Rob McClintic. After 23 years of work in the U.S. Congress, Rob has decided to retire from the Senate.

Rob started with my office on March 13, 1998, while I was still in the U.S. House of Representatives. When I won the election to the Senate in 2000, I couldn't imagine not bringing Rob to work in the Senate with me.

Rob is often the first contact with my constituents and visitors. As a staff assistant, Rob has been tasked with answering phone calls from constituents and greeting visitors. Everyone who works in Congress knows that answering phones is an extremely important job and can be tremendously challenging. This is one of the main ways that Senators and Representatives hear how their constituents are feeling on important issues. Rob has at busy times answered well over 100 or more phone calls a day. In 23 years on the Hill, Rob surely has answered over 600,000 phone calls. This is, needless to say, a tremendous feat.

Rob is also responsible for giving tours of the Capitol building and for setting up other tours around Washington, DC. His knowledge of the history of the Capitol is outstanding. He knows every corner of the Capitol and provides a personal touch on each and every tour. Rob not only just gave tours, he made sure that the visitors from Michigan enjoyed their stay in DC, and experienced the history of Congress.

Prior to working for me, Rob worked for Congressman Phil Sharp from Indiana, Rob's home State, from April 1983 through January 1995 and Congresswoman MARCY KAPTUR of Ohio from August 1995 through February 1998.

Upon leaving the Senate, Rob will be moving back to his home State of Indiana to be closer to friends and family. I know his family is proud of him and will welcome him home with open arms.

I also know that Rob's friendly demeanor and unparalleled professionalism will be dearly missed here in Washington, DC. Rob McClintic is irreplaceable.

Mr. President, I am sad because I am losing my trusted and valued staffer who has worked with me for nearly a decade, but I am happy to see a dear friend move on to new challenges, and I wish him the best of luck.

TRIBUTE TO FALLEN U.S. FOREST SERVICE FIREFIGHTERS FROM CALIFORNIA

Mrs. BOXER. Mr. President, today I have a very heavy heart as I pay tribute to five fallen U.S. Forest Service firefighters from California. It is an honor to talk about their heroic deeds, but it is heartbreaking.

These five heroes died in the line of duty while protecting families and homes in the Esperanza Fire west of Palm Springs. We deeply mourn the loss of Engine Captain Mark Loutzenhiser, Fire Engine Operator Jess McLean, Assistant Fire Engine Operator Jason McKay, Firefighter Daniel Hoover-Najera, and Firefighter Pablo Cerda.

Mark Loutzenhiser was 44 years old and had 21 years of firefighting service. He was a certified emergency management technician, EMT. He had previously worked as a hotshot crewman for the Vista Grande Hot Shots and also as a volunteer firefighter for Riverside County. He majored in fire science at Mount San Jacinto College. He was a longtime resident of Idyllwild, CA, and was a wonderful supporter and coach for the youth sports program. He is survived by his wife Maria Loutzenhiser.

Jess McLean was 27 years old and had 7 years of firefighting service. He had been a hotshot for 3 years with the Vista Grande Hot Shots. He graduated from Banning High School in 1997 and attended fire science classes at Crafton Hills College. He was a resident of Beaumont, CA. He is survived by his wife Karen McLean and his mother Cecelia McLean.

Jason McKay was 27 years old and had 5 years of Forest Service experience and 4 years as a volunteer firefighter in Adelanto. He also served on the Mojave Greens Type II crew. He was a certified EMT and earned an associate's degree in fire science. He was a resident of Phelan, CA. He is survived by his mother Bonnie J. McKay and his father Robert McKay.

Daniel Hoover-Najera was 20 years old and in his second season of firefighting. He worked on the Tahquitz

Type II crew in 2005 and was a seasonal employee in 2006. He graduated from San Jacinto Mountain View High School in 2004. He was a resident of San Jacinto, CA. He is survived by his mother Gloria Ayala and his father Timothy Hoover.

Pablo Cerda was 23 years old and in his second season with the Forest Service. He was previously of the Tahquitz Type II crew. He graduated from Los Amigos High School in Santa Ana in 2001 and attended Fire Academy of Riverside Community College. He was a resident of Fountain Valley, CA. He is survived by his father Pablo Cerda, Sr.

These five U.S. Forest Service firefighters on Engine Crew 57 on the San Jacinto Ranger District were dispatched early on the morning of Thursday, October 26 to fight the Esperanza fire. As the fire blazed out of control, they bravely fought it when they were overrun by flames.

Mark, Jess, Jason, Daniel, and Pablo are true examples of why we call firefighters heroes. They bravely and selflessly risked their lives time and time again trying to protect California. No more could be asked of anyone. Tragically, they have fallen in one of these battles. We know why their friends, family, and colleagues are so proud of them and so devastated by their loss. Their loss reverberates throughout California and our Nation.

I send my sincere condolences to their families, their communities, and all of the firefighters who had the honor of serving with Mark, Jess, Jason, Daniel, and Pablo over the years.

These firefighters are extraordinary heroes. And we will not rest until we have found those responsible for this horrific crime.

NATIONAL PRAYER BREAKFAST

Mr. COLEMAN. Mr. President, as the session winds down I have been thinking back over the year. As always, there has been a lot more activity than action, but we are making progress on the people's business.

But not everything we do here is legislative in nature. Senator PRYOR and I had the opportunity to chair the National Prayer Breakfast in February, a nonofficial, nonpartisan, and nondenominational gathering of people from all over the world who are seeking better ways to connect with each other and find strength beyond ourselves. Many of our colleagues in the House and Senate participated. For their reference and for the benefit of other interested readers of this RECORD, I ask unanimous consent that a copy of a transcript of the event, including a very interesting talk by U2 lead singer and humanitarian Bono, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Senator Mark Pryor: Good morning. Thank you very much for being here. I am Senator Mark Pryor, from Arkansas, and I am one of the co-chairs of this event along with my very good friend Senator Norm Coleman of Minnesota. We are so grateful that you have come from every state in the Union, and from 160 nations around the world. To start us out on an uplifting and prayerful note, I am happy to introduce Karen Mason from Little Rock, Arkansas. She has a song to share today about gratitude, and it expresses how we all are feeling today.

Mrs. Karen Mason: Psalm 100 says that protocol for coming into the presence of our heavenly King is to enter into His gates with thanksgiving, to come into His presence with gratitude, with a heart of gratefulness, and this song is my song of gratitude to my heavenly King.

(Song.) (Applause.)

Senator Norm Coleman: Good morning, folks, I am Senator Norm Coleman, from the state of Minnesota, and before we enjoy our breakfast and more fellowship around the tables, I would like to introduce our head table's special guests and say a few words of grace. To my far left, Karen Mason, and the four women from Point of Grace, who will be introduced later in the program. Next to them is Senator David Vitter from Louisiana, then we have Senator Barack Obama, Illinois' new senator. Next to him is someone who we will introduce more fully later, for now one word will suffice—Bono. Next to him is my wife Laurie, whose love and support has brought me to this moment. On the other end, we have Congressman Lincoln Davis from Tennessee. Next to him we have Representative Tom Osborne of Nebraska, we will just call him Coach. Next to him is Senator Ken Salazar from Colorado. Then we have Senator Kay Bailey Hutchison from the great state of Texas. Next, a former main speaker at this event, Senator Joe Lieberman of Connecticut, and next, a member of the Joint Chiefs of Staff, Chief of Naval Operations, Admiral Michael Mullen. Finally, the spouse of my co-chair, Jill Pryor.

Let us pray to bless the food, which I will do in a moment. But first I would like to recite the most holy prayer in Judaism which is called the Shema, and I have prayed it since I was a little boy.

Sh'ma Yisrael, Adonai Elohaynu, Adonai Echad—Hear O Israel, Adonai is your God, Adonai is your God. Barukh Shem k'vod malkhuto l'olam va-ed—Blessed is the Name of His glorious kingdom for ever and ever. V-ahavta et Adonai Elohecha—you shall love the Lord your God—b-chol l'vavcha u-v-chol naf'sh'cha u-v-chol m'odecha—with all your heart and with all your soul and with all your strength.

We gather under the shelter of encouragement of Your love today, to return thanks, to seek unity, to help the suffering, and to work for peace. Almighty God, we thank You for this food for our bodies and our hearts which we are receiving this morning. Bless all who prepared it. Lord, change us, and send us out of here different people than we were when we walked in. Amein.

Enjoy the food and the fellowship around the table.

(Breakfast.)

Senator Coleman: We are going to begin the program. I am happy to introduce my good friend Mark Pryor. He is a Democrat from a red state.

Senator Pryor: And my good friend Norm Coleman who is a Republican from a blue state and maybe that is why we get along so well. (Laughter.)

Senator Coleman: We came to Washington together, and one of the first things we heard from our senior colleagues was Harry Truman's advice: If you want a friend in Washington, buy a dog. The hardest thing in public life is not making decisions, it is finding people you can trust to guide you and encourage you to do the right thing.

Senator Pryor: And that is a real challenge, because with every senator, every congressman, and every other leader who is here, we got to where we are because of our friends. Someone described public service as being like cutting flowers from a garden and putting them in a vase—they look great, but before too long they need some nourishment.

Senator Coleman: And for me that is what this breakfast and our weekly breakfast group in the Senate is all about—putting back in what the job takes out. You should already know by now that what you are experiencing is a very big public version of what we experience privately on a personal scale every week in the Senate and in the House. People from all kinds of backgrounds come together to share a meal, deepen our relations, pray to God for His guidance and blessings, and look for the inspiration to live our faith more completely. We would also like to provide a special welcome to four heads of state who have honored us with their presence. President Miro Jovic of Bosnia-Herzegovina, Prime Minister Navinchandra Ramgoolam of Mauritius, Prime Minister Said Musa of Belize, and King Abdullah bin al-Hussein II of Jordan. (Applause.)

Senator Pryor: We hope that this breakfast is an encouragement to you to do similar things where you live. I want to read a few verses from the gospel of John, chapter 21. It says:

Afterward Jesus appeared again to his disciples by the Sea of Tiberias. Early in the morning, Jesus stood on the shore, but the disciples did not realize that it was Jesus. He called out to them, "Friends, haven't you any fish?"

"No," they answered.

He said, "Throw your net on the right side of the boat and you will find some." When they did, they were unable to haul the net in because of the large number of fish.

Jesus said to them, "Bring some of the fish you have just caught."

Simon Peter climbed aboard and dragged the net ashore. It was full of large fish, 153, but even with so many the net was not torn. Jesus said to them, "Come and have breakfast."

When they had finished eating, Jesus said to Simon Peter, "Simon son of John, do you truly love me more than these?"

"Yes, Lord," he said, "you know that I love you."

Jesus said, "Feed my lambs."

Again Jesus said, "Simon son of John, do you truly love me?"

He answered, "Yes, Lord, you know that I love you."

And Jesus said, "Take care of my sheep."

The third time he said to him, "Simon son of John, do you love me?"

Peter was hurt because Jesus asked him the third time, "Do you love me?" He said, "Lord, you know all things; you know that I love you."

Jesus said, "Feed my sheep."

That is the spirit in which we meet together today.

Senator Coleman: I am a tennis player, but not a very good one. I read somewhere that when you hit a tennis ball, it is only on the racket for a tenth of a second. The rest is all backswing and follow-through. The prayer breakfast is like that. We are here for just a moment, but the months and years of work that went into this event is the backswing, and hopefully there will be years of fruitful follow-through.

Listen to the words of Psalm 100. May this be your affirmation today as well.

Shout for joy to the Lord, all the earth. Worship the Lord with gladness; come before him with joyful songs. Know that the Lord is God. It is he who made us and we are his; we are his people, the sheep of his pasture. Enter his gates with thanksgiving and his courts with praise; give thanks to him and praise his name. For the Lord is good and his love endures forever; His faithfulness continues through all generations.

Senator Pryor: Amen to that. Norm, it has been a great pleasure and joy for me to work with you on this prayer breakfast, and seeing all these people it makes me feel like we can do anything. What about next week we go in the office and fix the federal budget deficit? (Laughter.)

Senator Coleman: You know, Mark, miracles do happen. One of my favorite quotes was from David Ben-Gurion, first Prime Minister of Israel, who said, "Anybody who doesn't believe in miracles is not a realist." (Laughter.)

Senator Pryor: Now to kick off the main part of the program, I am going to introduce our second musical selection. You've noticed we have music this morning. When Moses led Israel out of Egypt, he also led them in song. King David is recorded as writing and singing many, many songs. The apostles of the first century are recorded on many different occasions as singing songs. Music is an important way in which we can express our faith. Point of Grace is four young women with a passion for conveying the character of God through music. This is a song about prayer and friendship that expresses the heart of why we gather today. Ladies and gentlemen, Point of Grace.

[Point of Grace woman]: Thank you so much, Senator Pryor, for inviting us to be here today. It is a great honor, to be here with all of you to celebrate not only our faith but the great friendship that we all share. This is called "Circle of Friends."

(Song.)

Senator Barack Obama: Good morning. Mr. President, Madam First Lady, our speaker today, Bono, for the outstanding work you are doing. Thank you all for being here. I offer a reading from the letters to the Romans, chapter 12, verses 3 through 12:

"For by the grace given me I say to every one of you: Do not think of yourselves more highly than you ought, but rather think of yourself with sober judgment, in accordance with the measure of faith God has given you. Just as each of us has one body with many members, and these members do not all have the same function, so in Christ we who are many form one body, and each member belongs to all the others. We have different gifts, according to the grace given us. If a man's gift is prophesying, let him use it in proportion to his faith. If it is serving, let him serve; if it is teaching, let him teach; if it is encouraging, let him encourage; if it is contributing to the needs of others, let him give generously; if it is leadership, let him govern diligently; if it is showing mercy, let him do it cheerfully. Love must be sincere. Hate what is evil; cling to what is good. Be devoted to one another in brotherly love. Honor one another above yourselves. Never be lacking in zeal, but keep your spiritual fervor, serving the Lord. Be joyful in hope, patient in affliction, faithful in prayer."

Praise be to God.

Senator David Vitter: Good morning. I am David Vitter of Louisiana.

Senator Ken Salazar: Good morning. I am Ken Salazar from Colorado.

Senator Vitter: Ken and I both came to the U.S. Senate last year.

Senator Salazar: We came from different regions of the country, different parties, and different perspectives on some issues, but we were both drawn to the Senate prayer breakfast.

Senator Vitter: It is a truly wonderful refuge from the bitter partisanship and win-at-any-cost atmosphere that, unfortunately, we so often face outside that prayer circle.

Senator Salazar: As I said, Senator Vitter and I are members of the United States Senate breakfast. At that breakfast we pray together, Democrats and Republicans alike, and put aside what are sometimes very divisive and bitter political and policy differences. There we focus on our common humanity and our faith in God. And like many of my Republican and Democratic colleagues in the U.S. Senate and those of you in this distinguished audience today, I grew up in a family and a community with a deep and abiding faith, and with a desire to translate our values into the service of our neighbors and into the betterment of our nation and our world. My own faith begins with my family. My family founded one of the first settlements in the New World, and named that city Santa Fe, the City of Holy Faith, in New Mexico. Over the more than four centuries since that time, my family has sacrificed and endured through war, poverty, death and discrimination. Yet during those four centuries, we have survived because of our faith that all of God's children have within their minds and their hearts the ability to create a more perfect and better world with the freedom and intellect endowed upon us by our Creator.

As Jesus said in the book of John:

"If anyone says 'I love God' and hates his neighbor, he is a liar. For he who does not love his brother whom he has seen cannot love God whom he has not seen."

Let us pledge today to redouble our efforts to mend the rifts that too often exist between religious traditions, nations and political parties. Let us remember the love of neighbor and love of God are linked by an unbreakable bond, and that our lives and our work should be motivated by love and compassion for our fellow man.

In closing I would like to share with you a prayer that is very close to my heart, one that was created and given by Cesar Chavez, the founder of the United Farm Workers of America. There he says, "Let the spirit flourish and grow, so that we will never tire of the struggle. Let us remember those who have died for justice, for they have given us life. Help us love even those who hate us, so that we can change the world."

In conclusion, a part of a prayer that my family has handed down over the centuries goes as follows: Infinitas gracias damos, por tus grandes beneficios que asi sin hacer servicio, nos das mas que merecemos. This means, in general, "We thank you infinitely, oh God, for all the great blessings that you have given us."

And today, God, we pray that you would continue to unite our nation and our world.

Senator Vitter: I guess my family are newcomers to this country compared to Ken's. We came from France to Louisiana in the latter 1800s, but we share the same deep, rich Catholic faith. At the Senate prayer breakfast I have talked about the very Catholic concept of grace. It is God's blessing given from above, unearned, undeserved. It is a very un-Washington concept that we are not in control. And prayer breakfasts have also deepened my sense of the power of prayer. Amazing things can happen when we truly acknowledge that we are not in control and ask for God's grace, however unearned and undeserved.

These parts of my faith meant a lot to me this year, as we were hit by Hurricanes Katrina and Rita in my home state of Louisiana and on the Gulf Coast. What better example of humans not being in control. And they sustain me today as we face the often overwhelming challenge of rebuilding, and the even more worrisome thought that the country has forgotten or moved on. So I call on that power of prayer this morning. I ask for your real prayer commitment to the people of the Gulf Coast. We all ask for God's grace, that He touch us, bless us, awaken us to this and other great ongoing national challenges. And I pray that we meet and not forget this test of our national character here at home.

U.S. Representative Lincoln Davis: Mr. President, First Lady, speakers, and musicians, on behalf of the U.S. House of Representatives and my congressional co-chair of the prayer breakfast, we welcome you today. I want to give you a brief history. In 1942 the prayer breakfast groups were inaugurated in both the House of Representatives and the U.S. Senate. Later, in 1953, members of the Senate and House prayer groups gathered together with President Eisenhower for prayer and worship, to seek divine guidance for national leadership and to reaffirm faith and dependence on God. This gathering became known as the Presidential Prayer Breakfast until 1970, when the name was changed to the National Prayer Breakfast in order to put more emphasis on the gathering rather than the individuals involved. In my mind this was a fitting thing to do. And today, 64 years later, on the 54th anniversary of the National Day of Prayer, we gather again to celebrate the glory of faith. I am amazed at the amount of people who are here from outside of our country, at this wonderful event, highlighting the global nature of faith.

I would like to thank all the members of Congress and both the House and Senate who are here today. This last year has been a wonderful time for me every Thursday morning as we gather in the House restaurant, and I have served as co-chairman with the wonderful fellow, Coach, named Congressman Tom Osborne. It has been a delight, and as we gather each morning, as members of Congress share their lives, their story about their family and their faith journey, it is one of the best moments that we have.

When I first came to Congress in January of 2003, I quickly found that the weekly prayer breakfast, where I would join with my colleagues giving thanks to the Lord and ask for guidance in our work for the country, was my favorite hour of the week. For this reason I have always looked forward to the prayer breakfasts. However, I truly believe that any amount of time we spend in prayer are the best moments of our life, and it helps us to continue with our faith. Thank you for joining us this morning. My good friend, Tom Osborne.

U.S. Representative Tom Osborne: Thanks very much, Lincoln. Mr. President and First Lady, it is good to be with you this morning.

I see a lot of politicians out there, and it reminds me of this event I went to not long ago. There were these three politicians, and one guy said to them: okay, let's get to the bottom of this thing—let's suppose you guys are laid out in your coffins and people are walking by and they're talking about you, what one thing would you want them to say about you? The first politician said, I'd want somebody to walk by and look down and say: this was an honest man. The second politician said, I'd want somebody to walk by and look down and say: this was a great family man. The third politician said, yeah, I'd want somebody to walk by and look down and say: I think he's still moving. (Laughter.)

Sometimes—at this time of the morning, that is about the way you feel.

Lincoln covered the House prayer breakfast very well. Each Thursday, 30 to 40 of us meet together, and the speakers are always members of Congress. The interesting thing is, people share their lives and talk about their families and their hopes and their aspirations and their struggles, it seems that the labels begin to come off—Republican, Democrat, liberal, conservative, and on and on. You begin to see the person behind the mask and you begin to see people as they really are. Every time I have come away from that breakfast, I have had a great appreciation and usually a genuine love for that person as I have heard them talk about their life.

It has been an unwavering tradition that the only speakers we have are members of Congress. But we were notified one day that King Abdullah was going to come from Jordan, and, we have had a senator or two come by but we have never had a king before, so we didn't know what to do. We said, we had better ask him to speak. And so he spoke, and it was really an interesting morning, because he talked about his country, he talked about things that were going on in the world, he talked about the Koran, and then he talked about Jesus. It was really a very meaningful time, because at that point I began to realize that this person that we often put in a box, and this person that often is so clearly identified with a particular ideology, cuts across so many areas. And I know that is why so many of you are here today from so many countries, because of an interest in this particular topic.

Lincoln and I wanted to thank you and welcome you this morning, and we certainly hope that you will experience God's presence here as we meet today, and that the world will be a better place for our having been here. Thank you very much. (Applause.)

Senator Joseph Lieberman: Mr. President, Mrs. Bush, your majesty King Abdullah, ladies and gentlemen, honored guests, it is with great gratitude and joy that I greet you all, of different faiths but all brothers and sisters in a shared faith in God. In the language and spirit of the Hebrew Bible, "B'rukhim ha-baim b'Shem Adonai"—Blessed be those who have come in the name of the Lord.

I am greatly honored to have been asked this morning to offer prayer for our national leaders. I pray that God will open my lips so that my mouth may declare his praise.

In Genesis 2:7 it is written that God formed the man of dust from the ground, and he blew into his nostrils the soul of life, and man became a living being. In 1776, God moved the founding generation of Americans to breathe a soul into their new land and make it a living nation, when they acknowledged the self-evident truth that there is a Creator, and that he created us all equal, and that we are all endowed by our Creator with unalienable rights, including among them the rights to life, liberty, and the pursuit of happiness, and that governments are formed to secure those rights. That declaration gave America not only its independence but its purpose. And it was not just a national purpose but a global purpose, because God's endowment of those rights was truly not just to Americans but to all the men, women and children of His creation. So I pray this morning that God will bless America, and each American, as we work to advance our faith-based purposes; to unite all of God's children here at home and throughout the world; to support the causes of freedom, opportunity, unity and hope, and defeat the evils of oppression, poverty, illness, hatred and fear.

We pray, Lord, that you will hold our president and his family and all national leaders in your hands, and protect them and us as they lead us forward to achieve the humane and universal mission you have given us, so that together we may come to the day when the mountains will be made low and the valleys will be raised up, when the crooked places will be made straight and the rough places smooth. For on that day, which we all pray and work for, the earth will surely be full of the glory of God. Amen. (Applause.)

Senator Kay Bailey Hutchison: I am Senator Kay Bailey Hutchison from Texas. Mr. President, First Lady Laura, King Abdullah, Heads of State, and all distinguished visitors from around the world and from our wonderful country. As religious, community and political leaders, we deal with the most difficult problems our people face. Complete success frequently proves illusive, and the victories we do achieve often come with setbacks and failures. A passage that renews my energy and restores my focus is Second Corinthians chapter 4, verses 16 to 18:

"Therefore we do not lose heart. Though outwardly we are wasting away, yet inwardly we are being renewed day by day. For our light and momentary troubles are achieving for us an eternal glory that far outweighs them all. So we fix our eyes not on what is seen, but on what is unseen. For what is seen is temporary, but what is unseen is eternal." (Applause.)

Admiral Michael G. Mullen: Good morning, Mr. President, Mrs. Bush, other distinguished Heads of State, and distinguished visitors. I am Admiral Mike Mullen, I am the Chief of Naval Operations and this morning I represent the Joint Chiefs of Staff. I am honored to be here and to have this opportunity. I have been asked to say a few words about myself which I don't do well but I will give it a shot. I like to describe myself as a husband and father, an American, a sailor in the United States Navy, and a naval officer, in that order. I have been married for 35 years to my partner for life, Deborah, and we are very proud of our two sons, Jack and Michael, currently serving on active duty in the Navy. I am originally from Los Angeles, son of hard-working parents who moved out west after the Depression in search of a better life. They found it there and gave it to me. I hold their memories dear. Born and raised a Catholic, I also hold my faith dear. I know its enormous power, have seen it with my own eyes during countless visits with soldiers, sailors, airmen, Marines and Coast Guardsmen employed in harm's way. Just like the power of prayer, faith can move mountains. This morning I ask you to join me. I would like to offer a prayer for our world's leaders.

Father in heaven, we gather in prayer today to ask your blessing over the lives and decisions of those who lead nations around the world. It is a time of great challenge and great adversity. Theirs is an especially mighty task and a deeply noble calling. For upon the shoulders of our leaders rests the hopes and the dreams of billions of people. From the pen and from the podium, they direct the future not only of this generation but of generations yet unborn. May you guide them in that pursuit, oh Lord, and give them strength. Help them serve with integrity and with compassion. Help them choose love over hate, courage over fear, principle over expediency. Let them find new and even better ways to be providers and peace makers. Let them be guided from the wisdom found in Romans 12, which tells us, "Do not be conformed to this world but be transformed by the renewal of your mind, that you may prove what is the will of God. Let love be genuine, hate what is evil, hold fast to what is good. Repay no one evil for evil, but take thought for what is noble in the sight of all."

In the sight of all, oh Lord, let our leaders be noble and learn from your example. Let them realize that to be right with you is to be right. And finally, from this sailor to the One who made the seas, be pleased to guide the ships of state to safe harbor. In the face of storms and shoals and fainting hearts, we trust you with everything we have, everything we are, and everything we hope to be. You not only chart our course, you help us hold the tiller. You brave the waves and calm the waters. You really are Emmanuel, God with us. May that truth be known today to those who lead our nations. With grateful hearts we pray, Amen.

Senator Coleman: There are a lot of Catholics on this program. Mr. President, I thought they were all on the Supreme Court. (Laughter.)

In my day, I have introduced the president, I once introduced Dr. Billy Graham, but as a former roadie for the 60s rock band Ten Years After, this ranks right up there as one of the high points of my introducing career. Mark and I were joking about this earlier, this kind of makes us the rhetorical warm-up act for U2. (Laughter.)

Our message today comes from a person who has gotten the attention of the world by walking with God, talking about things that matter, and letting his light shine. He is an extraordinary musician, charismatic leader, and is unabashedly, uniquely himself. We have an expression that a celebrity is a person who is famous for being famous. But our speaker this morning is known around the world as a person of conscience, a person of influence, but most of all, a person of faith. His organization is called DATA—Debt, AIDS, Trade in Africa. They are working to bring people, organizations, leaders and politicians together to make a unified effort to change the future of Africa.

He has come to challenge us, to reach across the boundaries, to care for the poor and to walk the talk of our faith. Ladies and gentlemen, Bono. (Applause.)

Bono: Thank you very much. Thank you Mr. President, First Lady, King Abdullah, other heads of state, distinguished guests. Please join me in praying that I don't say something we will all regret. That was for the FCC.

If you are wondering what I am doing here at a prayer breakfast, well so am I. I am certainly not here as a man of the cloth, unless that cloth is leather. And I am certainly not here because I am a rock star, which leaves only one possible explanation: I have got a messianic complex. It is true. And to anyone who knows me, it is hardly a revelation.

I am the first to admit that there is something unnatural, something even unseemly about rock stars mounting the pulpit and preaching at presidents, then disappearing to their villas in the south of France. Talk about a fish out of water. It was weird enough to have Jesse Helms come to a rock show. But, this is really weird, isn't it?

One of the things I love about this country is the separation of Church and State—although I have to say in inviting me here both Church and State have been separated from something else completely: their mind!

Mr. President, are you sure about this? It is very humbling, and I will try to keep my homily brief. But be warned: I am Irish.

I would like to talk about the laws of man, here in this city, where those laws are written. I would like to talk about higher laws. It would be great to assume that one serves the other, that the laws of man serve these higher laws, but of course they don't always. I presume, in a way, that that is why you are all here. I presume the reason for this gathering is that all of us here—Muslims, Jews, Christians—are searching our souls for how to better serve our family, our community, our nation, our God. And some of us are not very good examples, despite what Norm says.

I am certainly searching, and that, I suppose, is what led me here. Yes, it is odd, having a rock star at the breakfast. But maybe it is odder for me than for you, because, you see, I have avoided religious people most of my life. Maybe it has something to do with my having a father who was a Protestant and a mother who was a Catholic in a country where the line between the two was, quite literally, often a battle line; where the line between Church and State was, at the very least, a little blurry and hard to see.

I remember how my mother would bring us to chapel on Sundays and my father used to wait outside. One of the things that I picked up from my father and my mother was the sense that religion often gets in the way of God. For me, at least, it got in the way, seeing what religious people, in the name of God, did to my native land. And even in this country, seeing God's second-hand car salesmen on the TV cable channels offering indulgences for cash. In fact, all over the world, seeing the self-righteous roll down like a mighty stream from certain corners of the religious establishment. I must confess, I changed the channel. I wanted my MTV.

So, even though I was a believer, and perhaps because I was a believer, I was cynical—not about God, but about God's politics.

In 1997, a couple of eccentric septuagenarian British Christians went and ruined my shtick, my reproachfulness. They did it by describing the Millennium, the year 2000, as a Jubilee year; as an opportunity to cancel the chronic debts of the world's poorest people. They had the audacity to renew the Lord's call and were joined by Pope John Paul II, who, from an Irish half-Catholic's point of view, may have had a little more of a direct line to the Almighty, to declare the Year of Jubilee.

So Jubilee. Why Jubilee? What was this Year of Jubilee, this year of our Lord's favor? I had always read the Scriptures, actually, even the obscure stuff. There it was in Leviticus 25:35:

"If your brother becomes poor, and cannot maintain himself, you shall maintain him. You shall not lend him your money at interest, nor give him your food for profit."

Jubilee is such an important idea that Jesus begins his ministry with this. Jesus is a young man, he has met with the rabbis, he has impressed everybody, people are talking. The elders say, he is a clever guy, this Jesus, but, he has not done much, yet. He has not spoken in public before. When he does, his first words are from Isaiah: "The Spirit of the Lord is upon me because He has anointed me to preach the good news to the poor." And Jesus proclaims the year of the Lord's favor, the year of Jubilee in Luke 4:18. What he was really talking about was an era of grace, and we are still in it.

So fast-forward 2,000 years. That same thought—grace—is now incarnate in a movement of all kinds of people. It was not a bless-me club, it was not a holy huddle. These religious guys were willing to get out in the streets, get their boots dirty, wave the placards, follow their convictions with actions, making it really hard for people like me to keep our distance—ruining my shtick. I almost started to like these church people.

But then my cynicism got another helping hand. It was what Colin Powell, a five-star general, called the greatest W.M.D. of them all: a tiny little virus called A.I.D.S. And the religious community, in large part, missed it, The ones that did not miss it could only see it as divine retribution for bad behavior—even on children? Even if the fastest-growing group of HIV infections were married, faithful women?

Ah, there they go, I thought to myself. Judgmentalism is back. But in truth, I was wrong again. The Church was slow but the Church got busy on this the leprosy of our age. Love was on the move. Mercy was on the move. God was on the move. Moving people of all kinds to work with others they had never met, never would have cared to meet. We had conservative church groups hanging out with spokesmen from the gay community, all singing off the same hymn sheet on AIDS. See, miracles do happen. And we had hip-hop stars and country stars. This is what happens when God gets on the move. Crazy, crazy stuff happens. Popes were seen wearing sunglasses! Jesse Helms had a ghetto blaster now! Evidence of the Spirit moving—it was breathtaking. It literally stopped the world in its tracks.

When churches started demonstrating on debt, governments listened—and acted. When churches started organizing, petitioning, and even that most unholy of acts today, God forbid, lobbying on AIDS and global health, governments listened—and acted. I am here today in all humility to say: you changed minds, you changed policy, and you changed the world. So thank you. (Applause.)

Check Judaism. Check Islam. Check pretty much anyone. God may well be with us in our mansions on the hill. I hope so. He may well be with us in all manner of controversial stuff. Maybe, maybe not. But the one thing we can all agree on—all faiths, all ideologies—is that God is with the vulnerable and poor. God is in the slums, in the cardboard boxes where the poor play house. God is in the silence of a mother who has infected her child with a virus that will end both their lives. God is in the cries heard under the rubble of war. God is in the debris of wasted opportunity and lives, and God is with us if we are with them. (Applause.)

"If you remove the yoke from your midst, the pointing of the finger and the speaking of wickedness, and if you give yourself to the hungry and satisfy the desire of the afflicted, then your light will rise in darkness and your gloom will become like midday, and the Lord will continually guide you and satisfy your desire even in scorched places."

It is not a coincidence that in the Scriptures poverty is mentioned more than 2,100 times. It is not an accident. That is a lot of air time. The only time Jesus Christ is judgmental is on the subject of the poor. Matthew 25:40: "As you have done it unto the least of these my brethren, you have done it unto me."

As I say, good news to the poor. Here is some good news for you, Mr. President. After 9–11, we were told America would have no time for the world's poor. We were told America would be taken up with its own problems of safety. And while it is true that these are dangerous times, America has not drawn the blinds and double-locked the doors. In fact, you have doubled aid to Africa. You have tripled funding for global health. And Mr. President, your emergency plan for AIDS relief and support of the Global Fund—yours' and Congress'—have put 700,000 people onto life-saving anti-retroviral drugs and provided eight million bed nets to protect children from malaria. (Applause.)

Outstanding human achievements. Counterintuitive, I think you will admit, but historic. You should be very, very proud. But here is the bad news: There is so much more to do. There is a gigantic chasm between the scale of the emergency and the scale of the response.

And finally—getting to higher levels, higher callings—this is not about charity in the end, is it? It is about justice, the good news yet to come. I just want to repeat that: This is not about charity, it is about justice. And that is too bad. Because we are good at charity. Americans as well as the Irish are good at charity. We like to give and we give a lot, even those who cannot afford it. But justice is a higher standard. Africa makes a fool of our idea of justice; it makes a farce of our idea of equality. It mocks our pieties, it doubts our concern, and it questions our commitment. 6,500 Africans are still dying every day of preventable, treatable disease, for lack of drugs we can buy at any drugstore. This is not about charity: this is about justice and equality. Because there is no way we can look at what is happening in Africa and, if we are honest, conclude that deep down, we would let it happen anywhere else, if we really accepted that Africans are equal to us. And I say that humbled in the company of a man with an African father.

Look at what happened in Southeast Asia with the Tsunami. 150,000 lives lost to the greatest misnomer of all misnomers, Mother Nature. Well, in Africa, 150,000 lives are lost every month—a tsunami every month. And it is a completely avoidable catastrophe.

It is annoying, but justice and equality are mates, aren't they? Justice always wants to hang out with equality. And equality is a real pain.

You think of these Jewish sheep-herders going to meet with the Pharaoh, mud on their shoes, and the Pharaoh goes, "Equal? Equal?" And they say, "Yeah, that is what it says here in the Book—we are all made in the image of God, sir." Eventually the Pharaoh says, "Look, I can accept that. I can accept the Jews—but not the blacks. Not the women. Not the gays. Not the Irish. No way." So on we go with the journey of equality. On we go in the pursuit of justice.

We hear that call in the ONE Campaign, a growing movement of more than two million Americans—five million by the next election, I can promise you—united in the belief that where you live should no longer determine whether you live.

We hear that call even more powerfully today, when we mourn the loss of Coretta Scott King, mother of a movement for equality, one that changed the world but is only really getting started, because these issues are as alive as they ever were; they just change shape and they cross the seas.

Preventing the poorest of the poor from selling their products while we sing the virtues of the free market—that is not charity, that is a justice issue. Holding children to ransom for the debts of their grandparents—that is not charity, that is a justice issue. Withholding life-saving medicines out of deference to the Office of Patents—that is not charity, that is a justice issue. And while the law is what we say it is, God is not silent on the subject. That is why I say there are laws of the land and then there is a higher standard. And we can hire experts to write them so they benefit us, so that these laws say that it is okay to protect our agriculture but it is not okay for African farmers to protect their agriculture, to earn a living. As the laws of man are written, that is what they say. But God will not accept that. Mine will not. Will yours?

I close this morning on very thin ice, probably. This is a dangerous idea I have put on the table here: my God versus your God, their God versus our God, versus no God. It is very easy in these times to see religion as a force for division rather than unity. And Washington is a town that knows something of division. But the reason I am here, and the reason I keep coming back, is because Washington is a town that is proving it can come together on behalf of what the Scriptures call "the least of these." It is not a Republican idea, it is not a Democratic idea, it is not even, with all due respect, an American idea, nor is it unique to any one faith.

"Do to others as you would have them do to you." Jesus says that.

"Righteousness is this: that one should give away wealth out of love for Him to the near of kin and to the orphans and the needy and the wayfarer and the beggars and for the emancipation of the captives." The Koran says that.

"Thus sayeth the Lord: Bring the homeless poor into your house. When you see the naked, cover him. Then your light will break out like the dawn and your recovery will spring forth speedily; then the Lord will be your rear guard." The Jewish Scripture says that. Isaiah 58 again. It is a very powerful incentive: The Lord will watch your back. Sounds like a good deal to me, especially right now. (Applause.)

A number of years ago, I met a wise man who changed my life, in countless ways, big and small. I was always seeking the Lord's blessing. I would be saying, look, I have got a new song, look after it. I have a family, and I am going away on tour, please look after them. I have this crazy idea, could I have a blessing on it. And this wise man asked me to stop. He said stop asking God to bless what you are doing. Get involved in what God is doing, because it is already blessed.

Let's get involved in what God is doing. God, as I say, is always with the poor. That is what God is doing, and that is what He is calling us to do.

I was amazed when I first got to this country and I learned how much some churchgoers tithe: up to ten percent of the family budget. How does that compare with the federal budget, the budget for the entire American family? How much of that goes to the poorest people in the world? It is less than one percent of the federal budget.

Mr. President, Congress, people of faith, people of America, I want to suggest to you today that you see the flow of effective foreign assistance as tithing, which to be truly meaningful will mean an additional one percent of the federal budget tithed to the poor. And what is that one percent that we are asking for in the ONE campaign? It is not merely a number on a balance reader pulled out of the air. One percent is the girl in Africa who gets to go to school, thanks to you. One percent is the AIDS patient who gets her medicine, thanks to you. One percent is the African entrepreneur who can start a small family business, thanks to you. One percent is not redecorating presidential palaces. One percent must not be—or do not give it—money down a rat hole. This one percent is digging waterholes to provide clean water, like I saw with Bill Frist in Uganda. That is what we are asking for. (Applause.)

One percent is a new partnership with Africa, not paternalism towards Africa, where increased assistance flows toward improved governance and initiatives with proven track records and away from the boondoggles and white elephants that we have seen before.

America gives less than one percent now. We are asking for an extra one percent to change the world, to transform millions of lives—and I say this to the military men now not just transform hundreds of thousands of communities, indeed millions, but transform the way they see us, which might be smart in these dangerous times. One percent is national security. One percent is enlightened economic self-interest, and a better, safer world rolled into one. Sounds to me that in this town of deals and compromises, one percent is the best bargain around.

Thank you very much. (Applause.)

Senator Pryor: Thank you.

You may know, friends, that the National Prayer Breakfast came into being as a way to support and encourage the president and his family. Back in the 1950s, newly elected Dwight Eisenhower declared to a close friend in the Senate, "I live in the loneliest house in the world." President Eisenhower was invited to be part of a small, private Senate breakfast group which is still meeting today. At some point one of the people in that group declared, "It sure would be an encouragement to the nation to know we are meeting like this." And so the first National Prayer Breakfast was held. The model of leaders meeting in private to share their lives, their testimony, and to pray has spread, and this is spreading to scores of nations around the world.

This morning we are honored to have our first couple with us. Mrs. Bush, we want to express the comfort and reassurance we have felt from your loving personality. Thank you. (Applause.)

And now, Mr. President, we want you to know that we all pray for you. The awesome burdens you carry are beyond anything any of us can even imagine. We thank you for being a man of real faith and of prayer. It is evident that this is a deep, personal faith. And I want to thank you for encouraging people of faith to take a larger role in our society. I remember the story of the people coming around Moses, to hold up his arms as he led the people. We have come here today to do that for you.

Ladies and gentlemen, it is my honor to introduce the President of the United States.

President George W. Bush: Thank you all. (Applause.)

Thanks for the warm welcome. Laura and I are delighted to be here. This lovely personality said this morning: keep your remarks short. (Laughter.)

I appreciate this prayer breakfast a lot, and I appreciate the spirit in which it was formed. Ike said he was living in the loneliest house in America—but what he forgot to say is: the rent is pretty good. (Laughter.)

It is great to be here with distinguished guests from all around the world. Your Majesty and Prime Ministers and former Prime Ministers, friends with whom I have the honor to work, you are welcome here. I appreciate the fact that people from different walks of life, different faiths have joined us. Yet I believe we share one thing in common: We are united in our dedication to peace and tolerance and humility before the Almighty. (Applause.)

I want to thank Senators Pryor and Coleman for putting on this breakfast. I appreciate Senator Frist, Representative Blunt, Representative Pelosi, other members of the United States Congress who have joined us on the dais and who are here for this breakfast. I thank the members of my Cabinet who are here. Get back to work. Laughter.)

I find it interesting that the music is from Arkansas. (Laughter.) I am glad it is, because they know how to sing down there. (Laughter.)

I was trying to figure out what to say about Bono, and a story jumped to mind about this really good Texas preacher. And he got going in a sermon and a fellow jumped up in the back and said, "Use me, Lord, use me." The preacher ignored him and finished his sermon. The next Sunday, the preacher gets up and is cranking on another sermon when the guy jumps up again and says, "Use me, Lord, use me." After the service, the preacher walked up to him and said, "If you're serious, I'd like for you to paint the pews." Next Sunday, he's preaching, the guy stands up and says, "Use me, Lord, use me, but only in an advisory capacity." (Laughter.)

So I have gotten to know Bono. (Laughter.) He is a doer. The thing about this good citizen of the world is that he has used his position to get things done. You are an amazing guy, Bono. God bless you. (Applause.)

It is fitting we have a National Prayer Breakfast, because our nation is a nation of prayer. In America, we do not prescribe any prayer. We welcome all prayer. We are a nation founded by men and women who came to these shores seeking to worship the Almighty freely. From these prayerful beginnings God has greatly blessed the American people, and through our prayers we give thanks to the true source of our blessings.

Americans remain a prayerful people today. I know this firsthand. I cannot tell you the number of times while traveling out there in our country, people walk up, total strangers, and say, Mr. President, I am praying for you and your family. It is one of the great blessings of the presidency, and one of the most wonderful gifts a person can give any of us who have the responsibility to govern justly. So I thank my fellow citizens for their gracious prayers and wonderful gifts.

Every day, millions of Americans pray for the safety of our troops, for the protection of innocent life, and for the peace we all hope for. Americans continue to pray for the recovery of the wounded, and to pray for the Almighty's comfort on those who have lost a loved one. We give thanks daily for the brave and decent men and women who wear our nation's uniform, and we thank their families as well.

In this country we recognize prayer is a gift from God to every human being. It is a gift that allows us to come before our Maker with heartfelt requests and our deepest hopes. Prayer reminds us of our place in God's creation. It reminds us that when we bow our heads or fall to our knees, we are all equal and precious in the eyes of the Almighty.

In prayer, we are reminded that we are never alone in our personal trials or individual suffering. In prayer, we offer our thanksgiving and praise., recognizing our lives, our talents and all that we own ultimately flow from the Creator. And in these moments of our deepest gratitude, the Almighty reminds us that for those to whom much has been given, much is required.

In prayer, we open ourselves to God's priority, especially His charge to feed the hungry, to reach out to the poor, to bring aid to the widow or the orphan. By surrendering our will to God's will, we learn to serve His eternal purposes. Through prayer, our faith is strengthened, our hearts are humbled and our lives are transformed. Prayer encourages us to go out into the world and serve.

In our country we recognize our fellow citizens are free to profess any faith they choose, or no faith at all. You are equally American if you are a Jew or a Christian or Muslim. You are equally American if you choose not to have faith. It is important America never forget the great freedom to worship as you so choose. (Applause.)

What I have found in our country, that whatever our faith, millions of Americans answer the universal call to love your neighbor just like you would like to be loved yourself. Over the past five years we have been inspired by the ways that millions of Americans have answered that call. In the face of terrorist attacks and devastating natural disasters here and around the world, the American people have shown their faith in action again and again. After Katrina, volunteers from churches and mosques and synagogues and other faith-based and community groups opened up their hearts and their homes to the displaced. We saw an outpouring of compassion after the earthquake in Pakistan and the tsunami that devastated entire communities. We live up to God's calling when we provide help for HIV/AIDS victims on the continent of Africa and around the world. In millions of acts of kindness, we have seen the good heart of America.

The true strength of this country is not in our military might or in the size of our wallet, it is in the hearts and souls of the American people. (Applause.)

I was struck by the comment of a fellow who was rescued from the Gulf Coast and given shelter. He said, "I didn't think there was so much love in the world."

This morning we come together to recognize the source of that great love. We come together before the Almighty in prayer, to reflect on God's will, to seek His aid, and to respond to His grace.

I want to thank you for the fine tradition you continue here today. I pray that our nation will always have the humility to commend our cares to Providence and trust in the goodness of His plans.

May God bless you all. (Applause.)

Senator Coleman: Thank you, Mr. President. Senator Pryor said that we all pray for you and we want to reiterate that. We know that prayer changes people and prayer changes history, and we send you and the First Lady off with our love and gratitude for spending time with us this morning. We promise to pray like all depends on our prayers. God bless the President and his wife.

We are now going to have a concluding song.

(Song.) ["Waiting in the Wings."] (Applause.)

Senator Coleman: Ladies and gentlemen, Point of Grace.

Senator Pryor: It has been a great morning, hasn't it? (Applause.)

One of the highlights of the year of preparation for this prayer breakfast was for Norm and me to place a phone call to Dr. Billy Graham. And, as most of you know, he was deeply involved, and has been deeply involved, in many prayer breakfasts, especially the early ones. In years past he has been very involved in the National Prayer Breakfast and has helped us develop this model over the last 54 years.

Senator Coleman: We were asking if Dr. Graham could be with us this morning to say our closing prayer but he said that his health would not allow him to travel. But he wanted us all to greet you in the name of the Lord and he said that he would be right here with us praying. He is a national treasure, and we know his prayers have been answered today. We ask that God would sustain him and continue to give him voice to bring our nation and our world together.

And now we have a very special moment to conclude in prayer. When we began to put this breakfast together beginning almost a year ago, our prayer was that it not just be another annual event, but that it address the deepest needs of the world that are unique to this moment in time and history. In the messages we have heard from Bono and the President, we have touched the heart of the world situation today. In addition, we would like all to welcome to the podium a very distinguished guest, a courageous leader in the pursuit of peace in the Middle East, King Abdullah bin al-Hussein II of Jordan. Your Majesty, please join us up here. (Applause.)

King Abdullah bin al-Hussein II: Bismillah Ar-Rahman Ar-Rahim—In the name of God, the Compassionate, the Merciful.

My friend Bono, Senator Coleman, Senator Pryor, all of you, thank you very much for the honor to stand with you today, as a brother with people of faith, to reaffirm our common values and beliefs. The principles that we gather to recognize today are grounded in the firmest of foundations, our scriptural heritage.

For Muslims, the essence of the Koran is its opening chapter, Al-Fatiha, each of whose verses echoes the teachings of the Torah and the Gospels. The Koran begins, "In the name of God, the Infinitely Good, the All-Merciful." This reflects the famous verse of the Psalms, "We will remember the name of our Lord." The next line of the Koran, "Praise be to God, the Lord of the worlds" reminds us of the words of the Psalm, "Let every thing that has breath praise the Lord." The following line, "the Infinitely Good, the All-Merciful," reaffirms the Psalm "gracious is the Lord and righteous." Yes, our God is merciful. The Koran then confirms that God is master of the day of judgment, as does the Good Book: "He has prepared his throne for judgment. He shall judge the world in righteousness."

The last three lines of the Fatiha are supplication. "Thee we worship and Thee we ask for help. Guide us upon the straight path, the path of those on whom is Thy grace, not those upon whom is anger nor those who are astray." This recalls the final words that Jesus—may peace and blessings be upon him—taught us in the Lord's Prayer: "And lead us not into temptation, but deliver us from evil, for Thine is the kingdom, the power, and the glory forever and ever. Amen."

I now ask you all to join in a special prayer for the Middle East, that not one more generation will grow up knowing conflict and injustice, nor suffer from poverty or oppression; that not one more family will lose a loved one to war and bitterness; and that together, Muslim, Jew and Christian, we can create a new future for the Holy Land, a future of hope, a future of promise, a future of peace.

Let us remember the words of Amos, the words that Dr. Martin Luther King urged for all peoples and all time: "Let justice roll down like waters, and righteousness like a mighty stream." Thank you very much. (Applause.)

Senator Pryor: Let us pray. Lord, we are grateful for your presence among us. You made us and you love us, so to be in your presence is what our lives are all about. We stand as people from all walks of life, many backgrounds and traditions, as a circle of friends. We know your love waits in the wings, and we ask you to bring it onto the world stage. We grieve for our fellow human beings who suffer the pain and hardship and bereavement of war and disease. We pray especially for the children. May they somehow escape the destruction, the mental scars that would lead them to want to make war in their own adulthood. Lord, as your servant the King has asked, we pray for the peace of the Middle East. We pray that you would restrain the forces of evil, and raise up and propel forward the leaders of peace.

Senator Coleman: Lord, we pray for the people of Africa. We pray that we would each individually in our roles as leaders allow our hearts to be broken by the things that break the heart of the Lord. May we join together in medical solutions and financial solutions and economic solutions which rescue that continent from the problems that it has. We thank you for the joy and faith of the African people. May their example of grace in the face of suffering inspire us all. And Lord, that which we pray for, give us the strength to work for. And together may we say the ancient benediction from the Torah: The Lord bless you and keep you.

Senator Pryor: The Lord make his face shine upon you and be gracious to you.

Senators Coleman and Pryor: The Lord turn his face toward you and give you peace. And all of God's people together said: Amen.

Senator Coleman: Thank you all for coming and go in peace. (Applause.)

ADDITIONAL STATEMENTS

RETIREMENT OF JEROLD L. HARRIS

• Mr. BROWNBACK. Mr. President, today I wish to publicly recognize Jerold L. Harris, president and CEO of U.S. AgBank, FCB, in Wichita, KS. Jerold will retire in January 2007 following a 43-year career in the Farm Credit System.

Jerold is a native of South Dakota, growing up near Denby. He attended high school in Gordon, NE, just across the State line. After receiving a bachelor's degree in agricultural business from Colorado State University in 1963, he went to work for the Farm Credit System, where he has served agriculture and rural America ever since.

Throughout his distinguished career, Jerold has demonstrated a positive leadership style based on cooperation, mutual respect, and trust. His focus has always been on working toward solutions that serve all of agriculture. He exemplifies a statement he often quotes, "There is no limit to progress when people work together." Jerold has certainly demonstrated this throughout his career.

One particular achievement stands out during Jerold's 43 years of service. In January 2002, the Western Farm Credit Bank in Sacramento, CA, entered into a joint management agreement with the Farm Credit Bank of Wichita, KS. The board of directors named Jerold as president and chief executive officer. Under this agreement, Jerold combined the operations of these two banks while developing and implementing a merger strategy that resulted in the merger of the two banks and the formation of U.S. AgBank, FCB, effective October 1, 2003. A milestone was achieved with the unanimous approval of the merger by all voting stockholders. Following the merger, Jerold quickly leveraged the operational and financial strengths of the previous organizations and achieved the cost savings anticipated in the joint management agreement and merger. He focused the new organization on supporting associations in their objective of service to farmers and ranchers. He capitalized on the synergies created by the merger, increasing patronage and lowering costs to associations affiliated with U.S. AgBank. Significant credit goes to Jerold for establishing a culture within the new district that is based on trust and mutual respect between the bank and associations. Today, U.S. AgBank covers all or parts of 11 States and has total assets of almost $20 billion.

While leading U.S. AgBank, or one of its predecessor institutions, Jerold implemented utilization of continuous improvement strategies that resulted in streamlined Bank operations, improved effectiveness of services provided to associations, and reduced costs. He improved competitive pricing and established effective asset/liability management, new loan products, sophisticated profitability measurement, and cost accounting systems. A correspondent lending function, focused on the purchase of large loan participations, was developed under his leadership. He also led the formation of AgVantis, Inc., a technology service provider for Farm Credit System institutions. Direct lender agricultural credit associations and Federal land credit associations were formed and patronage programs that resulted in payment of significant amounts of patronage to Associations were implemented on his watch.

There is an old saying that a true warrior must be tested under fire. Many of you will remember the 1980s as a very difficult time for agriculture. From 1986 thru 1990, Jerold was the chief executive officer of the jointly managed Ninth District Federal Land Bank Association and Ninth District Production Credit Association. These entities were formed from the merger of 40 farm credit associations during that difficult agricultural lending climate. Jerold was successful in establishing an effective management structure for the new associations and achieved financial stability by significantly reducing risk and nonearning assets and focusing the organization on customer service. As agricultural conditions improved, Jerold developed and implemented a reorganization plan for the two associations, resulting in the establishment of six new production credit associations and eight new Federal land bank associations. While the 1980s may not be remembered by many in agriculture as a time of great reward, Jerold demonstrated the same ability to work with people and achieve great things in the difficult times, as he did when agriculture was more prosperous.

During his career, Jerold held numerous leadership positions of progressively increasing responsibility and impact in the Farm Credit System. Jerold has served as a loan officer, an appraiser, a recruiter and a trainer, a supervisor and a manager, a leader and a follower, but always with the same dedication and sense of purpose. He mentored a long list of people who continue to serve Farm Credit and agriculture today, many of whom are in senior positions all around the Farm Credit System.

But Jerold's service was not only on the local or district level, he also served on numerous national or system-wide boards and leadership groups. Jerold served 15 years as a member of the Farm Credit System Presidents Planning Committee, during 3 of which he served as chairman. Jerold also served 11 years on the board of directors of the Federal Farm Credit Banks Funding Corporation, with 3 of those years as chairman. He also serves on the board of directors of the National Council of Farmer Cooperatives, NCFC, and is a member of the NCFC Executive Council.

Jerold is a familiar face here in Washington, DC. He has represented the Farm Credit System by testifying before the Senate and House Agriculture Committees of the U.S. Congress on numerous occasions. Jerold has always believed in honoring one's responsibilities locally but has also shown that it is possible to support initiatives that will provide benefits for the "greater good" of agriculture as well as those system borrowers and owners he served. His honesty and integrity, keen intelligence, and an understanding of people has earned him the respect of his peers, workers, the boards he has served, and the farmers and ranchers he has represented and served.

Jerold's tireless efforts to improve agriculture and rural America will be truly missed. His countless contributions and leadership, including his steady voice of reason, helped ensure access to credit for both those who were and many who were not Farm Credit System borrowers. His accomplishments speak volumes about his dedication to agriculture and the people who work in agriculture.

Jerold and his wife Janet are looking forward to his retirement as an opportunity to see old friends, travel to new places, and do a little fishing. It is a great pleasure for me to share his impressive record of service with my colleagues in the Senate, and I hope this U.S. Senate record will stand as an inspiration to others.●

TRIBUTE TO ROBERTA TILL-RETZ

● Mr. HARKIN. Mr. President, today, I wish to pay tribute to a very special Iowan, Roberta Till-Retz, who is retiring this month after more than two and a half decades as a scholar and leader at the University of Iowa Labor Center.

Dr. Martin Luther King, Jr. said that "the arc of history is long, but it bends toward justice." I would add, however, that it doesn't bend all by itself. It does so because of the dedication, passion, and tireless strivings of people like Roberta Till-Retz.

In addition to her work as an instructor at the University of Iowa Labor Center, Roberta has worn many other hats. She has been a prolific author, a respected scholar, an enormously popular teacher, a mentor to up-and-coming union activists, and a valued consultant to the labor community, not just in Iowa but nationally.

One key to Roberta's success is that she is both a student of organized labor and also a deeply experienced veteran of the labor movement. Over the years, she has served as executive director of the Iowa Federation of Labor's Iowa Labor History Oral Project, as vice president of the United Association for Labor Education, and as book review editor for the Labor Studies Journal.

Here in Washington, we are daily witness to the persuasion of power. By contrast, Roberta's trademark is the power of persuasion, the passion of her advocacy. She is deeply committed to social and economic justice, and that is what drives her dedication to unions and collective bargaining. The lesson she has taught to thousands of students down through the years is that it was organized labor that fought for and won the minimum wage, the 40-hour workweek, safe workplace standards, workman's compensation, decent pensions, and health insurance. And out of those victories emerged the great middle class in this country.

So I salute Roberta Till-Retz for a job brilliantly done. As long as I have known her, she has always had a tank full of enthusiasm and a heart full of dreams, so I am sure that she will continue to contribute powerfully to the family of organized labor in Iowa and nationally.

Our beloved late colleague, Senator Paul Wellstone, said that "the future belongs to those with passion." By that standard, Roberta has a very bright future. And I wish her the very best.●

TRIBUTE TO EAGLE SCOUT STEPHEN CRAYNER

● Mr. LUGAR. Mr. President, today I congratulate a remarkable young Hoosier and fellow Eagle Scout, Stephen Crayner.

Since becoming an Eagle Scout on April 22, 2004, an extraordinary achievement in itself, Stephen has continued to work diligently to improve himself and his community, eventually earning all 121 merit badges offered by the Boy Scouts. This dedication has earned him the distinguished rank of Eagle Scout with Three Silver Palms.

During my time in the Scouting program, I learned many important lessons about leadership, organization, and community spirit. For the troop to be a successful unit, each member must learn to take initiative and offer ideas and energy. He must also develop the ability to work in a team environment, and therefore accept the challenge of compromise and negotiation. Finally, the activities and the efforts of the Scouting program reflect a commitment to community involvement. Stephen's mastery of these lessons will serve him well in the years ahead.

I also appreciate this opportunity to congratulate the members of Stephen's family who have played such a large role in his many accomplishments. Stephen's father David served as Scoutmaster, and his mother Libby has volunteered extensively to support the troop. It is telling that Stephen's two older brothers, William and Benjamin, have also earned their Eagle.

I am hopeful that each of you will join me in congratulating Stephen for all of his remarkable accomplishments and in wishing him continuing success as he pursues new and exciting challenges.●

IN HONOR OF MR. STAN MINKINOW

● Mr. SESSIONS. Mr. President, today I wish to pay tribute to Mr. Stan Minkinow of Huntsville, AL. Mr. Minkinow is an American patriot whose life epitomizes the American dream. He immigrated to this country under the Lodge Act, which provided a pathway for eastern European refugees to earn American citizenship through honorable service in the U.S. military. Today we see the result of that legislation in Mr. Minkinow and his lifetime of service to this Nation and a family legacy of selfless service.

Mr. Minkinow was born in Lodz, Poland, in 1932. Mr. Minkinow and his family hid from the Gestapo until betrayed and forced to the Warsaw Ghetto. Mr. Minkinow and his parents survived the severe deprivations of ghetto life and accomplished a daring escape. The family survived the war, only to confront postwar life under the harsh control of a Soviet-controlled authoritarian regime.

Mr. Minkinow's journey to U.S. citizenship began in a German village in 1951 where he saw a U.S. Army recruiting film at a train station. Ready for adventure, he enlisted in the U.S. Army, where he became a member of the elite, newly created Special Forces training at Fort Bragg, NC. After marrying Doris, a local girl, the Army sent Sergeant Minkinow back to Germany where he became an American Cold Warrior serving on the frontlines. He served with the 10th Special Forces Group in Bad Tolz from 1955 to 1958.

Ambition and achievement are hallmarks of so many of our immigrant population and Mr. Kinkinow is no exception. He completed Officer Candidate School and was commissioned as a second lieutenant in the Infantry. After a tour in Korea; he completed Army flight school at Fort Rucker, AL, and became an Army aviator. Mr. Minkinow settled his family in Enterprise, AL, while he twice fought for his country in Vietnam. Cited by the Army for valor in combat and service, Mr. Minkinow possesses numerous medals, including the Distinguished Flying Cross, Bronze Star, and the Air Medal.

After completing a distinguished 27-year Army career, Mr. Minkinow retired to Huntsville, AL, where he has become a prominent local businessman known for his generosity for local causes and charities. Mr. Minkinow frequently shares his Holocaust experiences with children at local schools, and gave a presentation on his childhood wartime experiences to a class at the National Defense University in Washington, DC.

Stan and Doris have three adult children in whom they instilled a profound pride of citizenship and an urgent calling to serve the Nation. All three children have served in the Armed Forces. Their oldest daughter and her husband together served for over 28 years in the Army. Their son is a graduate of the Air Force Academy and retired as a lieutenant colonel from the Alabama Air National Guard. Their youngest daughter and her husband will soon retire from the Army as colonels in the Judge Advocate General's Corps with a combined service of 46 years.

I applaud Mr. Minkinow and his fellow veterans for their steadfast devotion to this Nation and his many years of service. From a child, wide-eyed with fright in the streets of Nazi ghettos, to his brave escape from the Soviet fist and subsequent faithful service as a soldier and later as a businessman, Mr. Minkinow epitomizes how this great country is made even greater by such talented immigrants. We are a stronger country today because of men like Stan and the contributions of his family. I am pleased, to bring this example of Alabama patriotism to the Nation's attention as we continue to celebrate those who have served, our veterans, who have assured our freedom and prosperity.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:18 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S.435. An act to amend the Wild and Scenic Rivers Act to designate a segment of the Farmington River and Salmon Brook in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes.

S. 1131. An act to authorize the exchange of certain Federal land within the State of Idaho, and for other purposes.

S. 1140. An act to designate the State Route 1 Bridge in the State of Delaware as the "Senator William V. Roth, Jr. Bridge".

S. 3880. An act to provide the Department of Justice the necessary authority to apprehend, prosecute, and convict individuals committing animal enterprise terror.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 409) to provide for the exchange of land within the Sierra National Forest, California, and for other purposes.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 1129) to authorize the exchange of certain land in the State of Colorado.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

S. 2464. An act to revise a provision relating to a repayment obligation of the Fort McDowell Yavapai Nation under the Fort McDowell Indian Community Water Rights Settlement Act of 1990, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. STEVENS).

At 5:03 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6121. An act to amend the Federal Water Pollution Control Act to reauthorize a program relating to the Lake Pontchartrain Basin, and for other purposes.

The message further announced that the House has passed the following bill, without amendment:

S.819. An act to authorize the Secretary of the Interior to reallocate costs of the Pactola Dam and Reservoir, South Dakota, to reflect increased demands for municipal, industrial, and fish and wildlife purposes.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 3085) to amend the National Trails System Act to update the feasibility and suitability study originally prepared for the Trail of Tears National Historic Trail and provide for the inclusion of new trail segments, land components, and campgrounds associated with that trail, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 4047. A bill to prohibit the issuance of transportation security cards to individuals who have been convicted of certain crimes.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 6121. An act to amend the Federal Water Pollution Control Act to reauthorize a program relating to the Lake Pontchartrain Basin, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 4051. A bill to provide sufficient resources to permit electronic surveillance of United States persons for foreign intelligence purposes to be conducted pursuant to individualized court-based orders for calls originating in the United States, to provide additional resources to enhance oversight and streamline the procedures of the Foreign Intelligence Surveillance Act of 1978, to ensure review of the Terrorist Surveillance Program by the United States Supreme Court, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-9011. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, a report relative to the Agency's actions between April 1, 2006 and September 30, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-9012. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-508, "July Local Supplemental Other Type Appropriations Approval Temporary Act of 2006" received on November 6, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-9013. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-507, "Neighborhood Investment Amendment Temporary Act of 2006" received on November 6, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-9014. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-506, "Deed Transfer and Recordation Clarification Temporary Amendment Act of 2006" received on November 13, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-9015. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-505, "Uniform Disclaimers of Property Interests Revision Act of 2006" received on November 13, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-9016. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-504, "Domestic Violence Amendment Act of 2006" received on November 13, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-9017. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-503, "District of Columbia Poverty Lawyer Loan Assistance Repayment Program Act of 2006" received on November 13, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-9018. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-493, "Health Insurance Coverage for Habilitative Services for Children Act of 2006" received on November 6, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-9019. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-492, "Library Procurement Amendment Act of 2006" received on November 6, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-9020. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-523, "Digital Inclusion Act of 2006" received on November 6, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-9021. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-509, "Anti-Tagging and Anti-Vandalism Amendment Act of 2006" received on November 6, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-9022. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-502, "Crispus Attucks Park Indemnification Act of 2006" received on November 6, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-9023. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-496, "Square 2910 Residential Development Stimulus Temporary Act of 2006" received on November 6, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-9024. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-495, "Wisconsin Avenue Bridge Project and Noise Control Temporary Amendment Act of 2006" received on November 6, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-9025. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-494, "Separation Pay, Term of Office and Voluntary Retirement Modifications for Chief of Police Charles H. Ramsey Amendment Act of 2006" received on November 6, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-9026. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the Inspector General's semiannual report for the period April 1, 2006 to September 30, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-9027. A communication from the Special Inspector General for Iraq Reconstruction, transmitting, pursuant to law, the October 2006 Quarterly Report; to the Committee on Homeland Security and Governmental Affairs.

EC-9028. A communication from the Secretary, United States Commission of Fine Arts, transmitting, pursuant to law, a report relative to the Commission's strategic plan for the period 2006 to 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-9029. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Absence and Leave; SES Annual Leave" (RIN3206-AK72) received on November 6, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-9030. A communication from the Executive Director, Office of Navajo and Hopi Indian Relocation, transmitting, pursuant to law, a report relative to the findings of the Office's tenth financial audit; to the Committee on Homeland Security and Governmental Affairs.

EC-9031. A communication from the General Counsel, Occupational Safety and Health Review Commission, transmitting, pursuant to law, the report of a rule entitled "Regulations Implementing the Freedom of Information Act" (29 CFR Part 2201) received on November 6, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-9032. A communication from the Secretary, Postal Rate Commission, transmitting, pursuant to law, the report of a vacancy in the position of Commissioner (Chairman), received on November 6, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-9033. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, its report for Fiscal Year 2005 on Veterans employment in the

Federal Government; to the Committee on Homeland Security and Governmental Affairs.

EC-9034. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, a report relative to corrections that need to be made in previously submitted documents; to the Committee on the Judiciary.

EC-9035. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Schedules of Controlled Substances: Placement of Embutramide into Schedule III" (Docket No. DEA-269F) received on November 6, 2006; to the Committee on the Judiciary.

EC-9036. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Illinois State Advisory Committee; to the Committee on the Judiciary.

EC-9037. A communication from the Administrator, United States Small Business Administration, transmitting, pursuant to law, the three-year update of the Administration's Strategic Plan; to the Committee on Small Business and Entrepreneurship.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-430. A resolution adopted by the Senate of Pennsylvania relative to the Federal Aviation Administration's proposed air traffic diversion plan; to the Committee on Commerce, Science, and Transportation.

SENATE RESOLUTION

Whereas, the Senate of the Commonwealth of Pennsylvania recognizes the Federal Aviation Administration's plan to divert substantial air traffic from the Philadelphia International Airport over Delaware County, Pennsylvania; and

Whereas, Philadelphia International Airport air traffic presently travels over the Delaware River, with minimal impact on air pollution and noise pollution and minimal danger of catastrophic aircraft disaster to residents of Delaware County communities; and

Whereas, Delaware County comprises 49 municipalities and has an approximate population of 550,000 people; and

Whereas, Delaware County is the fourth most populous county in the Commonwealth of Pennsylvania; and

Whereas, diverting Philadelphia International Airport air traffic over Delaware County potentially increases air and noise pollution by 925% in residential areas, subjects residents to the danger of falling debris as a result of an aircraft disaster and threatens hundreds of wildlife species inhabiting the John Heinz National Wildlife Refuge; and

Whereas, over 4,000 residents of Delaware County have signed petitions objecting to the Federal Aviation Administration's plan to divert air traffic over their homes and schools; and

Whereas, the Federal Aviation Administration has not fully provided residents and government officials an opportunity to offer meaningful comment or input on its plan to change flight patterns over Delaware County; Now, therefore, be it

Resolved, That the Senate of the Commonwealth of Pennsylvania call on the Federal Aviation Administration to conduct at least three public hearings throughout Delaware County to properly inform residents and government officials of the Federal Aviation Administration's proposed air traffic diversion plan, to explore the health, safety and impact on quality of life by diverting air traffic over a densely populated residential area, to afford residents and government officials an opportunity to provide meaningful comment on the plan and to obtain additional input on the environmental impact of its flight diversion plan; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania and to the Federal Aviation Administration's Eastern Region Air Traffic Division, 1 Aviation Plaza, Jamaica, NY 11434-4809.

POM-431. A concurrent resolution adopted by the Pennsylvania House of Representatives relative to the Federal Aviation Administration's proposed air traffic diversion plan; to the Committee on Commerce, Science, and Transportation.

HOUSE RESOLUTION No. 836

Whereas, the House of Representatives of the Commonwealth of Pennsylvania recognizes the Federal Aviation Administration's plan to divert substantial air traffic from the Philadelphia International Airport over Delaware County, Pennsylvania; and

Whereas, Philadelphia International Airport air traffic presently travels over the Delaware River, with minimal impact on air pollution and noise pollution and minimal danger of catastrophic aircraft disaster to residents of Delaware County communities; and

Whereas, Delaware County comprises 49 municipalities and has an approximate population of 550,000 people; and

Whereas, Delaware County is the fourth most populous county in the Commonwealth of Pennsylvania; and

Whereas, diverting Philadelphia International Airport air traffic over Delaware County potentially increases air and noise pollution by 925% in residential areas, subjects residents to the danger of falling debris as a result of an aircraft disaster and threatens hundreds of wildlife species inhabiting the John Heinz National Wildlife Refuge; and

Whereas, over 4,000 residents of Delaware County have signed petitions objecting to the Federal Aviation Administration's plan to divert air traffic over their homes and schools; and

Whereas, the Federal Aviation Administration has not fully provided residents and government officials an opportunity to offer meaningful comment or input on its plan to change flight patterns over Delaware County; therefore, Now, be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania call on the Federal Aviation Administration to conduct at least three public hearings throughout Delaware County to properly inform residents and government officials of the Federal Aviation Administration's proposed air traffic diversion plan, to explore the health, safety and impact on quality of life by diverting air traffic over a densely populated residential area, to afford residents and government officials an opportunity to provide meaningful comment on the plan and to obtain additional input on the environmental impact of its flight diversion plan; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania and to the Federal Aviation Administration's Eastern Region Air Traffic Division, 1 Aviation Plaza, Jamaica, NY 11434-4809.

POM-432. A joint resolution adopted by the California Legislature relative to amending the Federal Railroad Safety Act; to the Committee on Commerce, Science, and Transportation.

SENATE JOINT RESOLUTION No. 13

Whereas, the transportation of freight and passengers by railroad has been an integral part of California's economic infrastructure for nearly 150 years, and remains central to a vibrant economy that Californians hope to continue to enjoy in the 21st century; and

Whereas, the regulation of railroad operations is a major objective of California government in order to ensure and promote the health and safety of California's communities and its residents; and

Whereas, there has been a significant increase in the past 10 years in the number of derailments and accidents on California railways, resulting in injuries, death, and damage within communities where railways exist, and leading to growing attention and concern throughout the country; and

Whereas, the Federal Railroad Safety Act was intended to promote safety in every area of railroad operations and reduce railroad-related accidents and incidents, and has sharply restricted the authority of California and the other states to address rail safety issues, through a broad preemption of state laws; and

Whereas, the Federal Railroad Safety Act nevertheless was intended to provide for cooperative state and federal activity to prevent accidents and reduce their severity when they do occur, including allowing states to act where federal officials have not, providing concurrent state safety jurisdiction over railroads at essentially local safety hazards within states, and authorizing delegations of authority to state officials by the Federal Railway Administration; and

Whereas, Federal courts have consistently failed to find local safety hazards that would permit California to effectively regulate railway safety so as to anticipate and prevent accidents; and

Whereas, the Federal Railroad Administration has failed to institute the necessary rulemakings to develop safety regulations that fully protect California's communities and their residents from railroad derailments, hazardous materials spills, and highway-rail crossing accidents that result in injuries, death, and damage within communities where railways exist; and where the Federal Railroad Administration has exercised jurisdiction, it has precluded states from providing the public with greater safety protections and from reducing the number and severity of railroad derailments, hazardous materials spills, and highway-rail crossing accidents within their jurisdictions; and

Whereas, the Federal government has failed to develop comprehensive plans to protect the public health and safety and to effectively fund railway safety programs; and

Whereas, California has a history of working with the Federal Railroad Administration in coordinating inspections, and has established and funded extensive railway safety programs; and

Whereas, there now exists a clear need to amend federal law in order to empower California officials to protect the public health and safety and to continue to build on the cooperation between California and federal rail safety officials; Now, therefore, be it

Resolved, by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California urges the President and the Congress of the United States to amend the Federal Railroad Safety Act to increase the authority of state and local governments to enact railroad safety regulations providing greater protection for their residents from railroad derailments, hazardous materials spills, and highway-rail crossing accidents, so long as the state enactments, rules, or regulations do not conflict with federal law and do not impose an unreasonable burden on interstate commerce; and be it further

Resolved, That the Federal Railroad Administration is urged to work cooperatively with California and the railroad corporations by increasing its staff and funding, and by delegating additional authority to California officials to promulgate and enforce standards relating to railway track, operations, and equipment that will prevent and reduce the severity of accidents, derailments, and hazardous materials spills; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, and to each Senator and Representative from California in the Congress of the United States.

POM-433. A concurrent resolution adopted by the Pennsylvania House of Representatives relative to urging the Pennsylvania Congressional Delegation to support legislation calling for Federal approval of the extension of the Lewis and Clark National Historic Trail; to the Committee on Energy and Natural Resources.

House Resolution No. 676

Whereas, the Lewis and Clark Expedition was conceptualized by President Thomas Jefferson, who appointed his personal secretary, Meriwether Lewis, to lead the expedition; and

Whereas, Meriwether Lewis spent the early months of 1803 in southeastern Pennsylvania, where he trained with the official Surveyor of the United States, Andrew Ellicott, in Lancaster County and received instruction in celestial navigation; was tutored in botany by Benjamin Smith Barton, professor of natural history and botany at the University of Pennsylvania in Philadelphia; gained knowledge of latitude and longitude, botany and fossils from University of Pennsylvania's vice-provost and professor of mathematics and natural philosophy, Robert Patterson; received advice on health standards to maintain on the trail, diet and internal cleansing from Dr. Benjamin Rush, professor at the University of Pennsylvania's Institute of Medicine and Clinical Practice; and studied paleontology and anatomy with Caspar Wistar, another noted Philadelphian; and

Whereas, Meriwether Lewis purchased more than 3,500 pounds of equipment and merchandise from 28 Philadelphia merchants and artisan manufacturers providing life necessities for the 28-month venture, including portable shelter, clothing, illumination, Indian trading goods, weapons, powder and ball, health maintenance items, emergency food, navigational and cartographic instruments, construction tools and packing boxes, and all was loaded in a Conestoga wagon along with supplies requisitioned at the United States Arsenal, also known as Schuylkill Arsenal, for shipment to Pittsburgh; and

Whereas, renowned Philadelphia clock and gun maker Isaiah Lukens provided Meriwether Lewis with a compressed air rifle he made which became a showpiece of the expedition: the stock of the pneumatic rifle served as an air reservoir to shoot its .31 caliber bullet, producing no smoke and little noise and using no black powder, an astounding innovation during an era when "keep your powder dry" was a hallmark admonition to outdoorsmen; and

Whereas, after obtaining more equipment, including his iron frame boat, from the United States Army Arsenal in Harpers Ferry, Virginia, and hiring a wagon and horses in Fredericktown, Maryland, Meriwether Lewis traveled with his second wagon through Uniontown, Pennsylvania, and finally reached Redstone Old Fort (now Brownsville, Fayette County); and

Whereas, Meriwether Lewis arrived in Pittsburgh on July 15, 1803, where he received a letter from President Thomas Jefferson informing him that the United States had acquired the Louisiana Purchase from France; and

Whereas, on August 31, 1803, Meriwether Lewis departed Pittsburgh at 10 a.m. in a pirogue and a 55-foot masted keelboat built either by Captain John Walker at the Bayard's boat yard in Elizabeth, or by Eliphalet Beebe at a boatyard operated by John Tarascon and James Berthoud on land owned by William Greenough, near what is now the north end of the Liberty Bridge in Pittsburgh; and

Whereas, after launching the crafts with a party of 11 men, Meriwether Lewis traveled three miles down the Ohio River to Brunot Island where he demonstrated his air rifle, and then proceeded downriver to McKees Rock, where the water had fallen so low that the crew was forced to raise the boat for 30 yards; and

Whereas, Meriwether Lewis and his party continued downriver until the pirogue began to leak, forcing him to purchase a canoe at Georgetown, Beaver County, before continuing to Wheeling, West Virginia, where supplies from Pittsburgh were loaded; and

Whereas, on October 15, 1803, Meriwether Lewis and William Clark met in Louisville, Kentucky, and continued their expedition west with their Corps of Discovery on a quest to find and map a transcontinental water route to the Pacific Ocean; and

Whereas, the expedition reached the Pacific Ocean in November 1805 and built Fort Clatsop on the south side of the Columbia River in Oregon; and

Whereas, Meriwether Lewis returned in April 1807 to Philadelphia where he commissioned John James Barralet to paint a likeness of the Great Falls of the Missouri; arranged for noted horticulturist William Hamilton to propagate seeds gathered in the West at the renowned greenhouses adjacent to Hamilton's residence, The Woodlands; sat for a portrait painted by Charles Willson Peale; worked with preeminent ornithologist Alexander Wilson, who arranged the painting of four birds the Corps of Discovery found in the West—Lewis's woodpecker, Clark's nutcracker, the western tanager and the black-billed magpie; and

Whereas, the expedition led by Meriwether Lewis and William Clark "from sea to shining sea" mapped a western route and resulted in the discovery of hundreds of species new to science and collection of natural history specimens; and

Whereas, the Academy of Natural Sciences in Philadelphia houses 226 of these original plant specimens, still mounted on the original sheets of linen paper and labeled in the handwriting of Meriwether Lewis; and

Whereas, a journal kept by Meriwether Lewis during the expedition, contained in 18 small notebooks, was edited by Philadelphia literary figure Nicholas Biddle, with the final revision completed by Paul Allen before its publication by the Philadelphia firm of Bradford and Inskeep in 1814 as "History of the Expedition under the Command of Captains Lewis and Clark to the Sources of the Missouri, Thence Across the Rocky Mountains and Down the River Columbia to the Pacific Ocean'"; original journals of Meriwether Lewis and William Clark are held by the American Philosophical Society Library in Philadelphia; and

Whereas, while the Lewis and Clark National Historic Trail currently begins at Camp River Dubois near Hartford, Illinois, and continues through 11 states, ending in Oregon, the significant representation of the Commonwealth of Pennsylvania and many Pennsylvanians in the planning and preparations which launched the Lewis and Clark search for the Gateway to the West and in the expansion of knowledge from the expedition which is recognized as a foundation of our American heritage is not included in the Lewis and Clark National Historic Trail; and

Whereas, the General Assembly of the Commonwealth of Pennsylvania joins the Lewis and Clark Trail Heritage Foundation in supporting the recognition of a continuous Lewis and Clark National Historic Trail which would include nine additional eastern states of Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, Kentucky, Indiana and Tennessee and the District of Columbia and would complete the story of the expedition and expose a broader base of Americans to the educational and cultural aspects of the expedition; Now, therefore be, it

Resolved, (the Senate concurring), That the General Assembly of the Commonwealth of Pennsylvania memorialize the Pennsylvania Congressional Delegation to support legislation calling for Federal approval of the extension of the Lewis and Clark National Historic Trail; and be it further

Resolved, That a copy of this resolution be transmitted to each member of the Pennsylvania Congressional Delegation.

POM-434. A resolution adopted by the Pennsylvania House of Representatives relative to urging the President and Congress of the United States to enact bills that would add denatonium benzoate to antifreeze containing ethylene glycol; to the Committee on Energy and Natural Resources.

House Resolution No. 835

Whereas, each year a number of adults intentionally ingest antifreeze to commit suicide; and

Whereas, each year a number of children are accidentally exposed to antifreeze left unattended or in open containers; and

Whereas, pets and other animals can die from ingesting antifreeze that has leaked, spilled or been left in improperly secured containers in a garage or driveway; and

Whereas, the National Safety Council, the American Medical Association and the American Association of Poison Control Centers have noted that the addition of a nontoxic bittering agent can make antifreeze so unpalatable that adults, children and animals will reject these products upon tasting them, preventing injury and death; and

Whereas, legislation, in the form of S. 1110 and H.R. 2567, has been introduced in the 109th Congress to require the inclusion of denatonium benzoate at a minimum of 30 parts per million as a bittering agent to any engine coolant or antifreeze that contains more than 10% ethylene glycol; and

Whereas, the Doris Day Animal League, the Humane Society of the United States, the American Veterinary Medical Association, the Society for Animal Protective Legislation, the Pet Food Institute, the United States Conference of Mayors, the Consumer Specialty Products Association and the retail antifreeze industry have endorsed the proposed legislation with the goal of protecting consumers and animals and

Whereas, the House of Representatives of the Commonwealth of Pennsylvania supports protecting the health and safety of adults, children and animals through the inclusion of a bittering agent in ethylene glycol-based antifreeze; Now, therefore, be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania urge the President and Congress of the United States to protect adults, children and animals by enacting legislation, S. 1110 or H.R. 2567, to require the addition of denatonium benzoate to antifreeze containing ethylene glycol; and be it further

Resolved, That the House of Representatives urge the Pennsylvania Congressional Delegation to protect adults, children and animals by supporting enactment of this legislation; and be it further

Resolved, That the House of Representatives urge the President of the United States to advance this legislation to protect adults, children and animals; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–435. A joint resolution adopted by the California Legislature relative to urging the Administrator of the Environmental Protection Agency to adopt federal regulations limiting emissions from marine vessels, locomotives, and aircraft; to the Committee on Environment and Public Works.

SENATE JOINT RESOLUTION NO. 31

Whereas, California is a global gateway for trade, with more than 40 percent of all of the goods imported to the United States entering through California's ports; and

Whereas, growth in the movement of goods through California's ports is projected to double or triple over the next 25 years; and

Whereas, toxic diesel air pollution from goods movement sources, such as marine vessels and locomotives, will increase in the face of this growth, unless more protective control actions are undertaken; and

Whereas,the International Maritime Organization (IMO), and agency of the United Nations, has established initial smog-forming NO_x emissions limitations and fuel sulfur specifications for oceangoing vessels, and the United States Environmental Protection Agency (EPA) has adopted emission standards for new locomotives, new trucks, and some vessels; and

Whereas, current international and federal standards governing air pollution from port-related sources are not sufficient to support attainment of federal health-based air quality standards in areas with growing emissions from port-related sources; and

Whereas, rules adopted by the EPA and the IMO have not adequately reduced emissions from sources associated with the ports; and

Whereas, the EPA has not regulated emissions from foreign flag vessels. The vast majority of oceangoing vessels calling on local ports, over 90 percent, are foreign flagged; and

Whereas, the EPA stated that it will consider adopting emission standards for foreign flag vessels in 2007; and

Whereas, the IMO emissions and fuel standards for foreign flag vessels are particularly weak. IMO smog-forming NO_x standards for new "Category 3" vessels will achieve only a 6-percent reduction in emissions. IMO fuel rules allow extraordinarily high levels of sulfur content; and

Whereas, Federal emission standards for locomotives are relatively lenient. Even the newest locomotives must only achieve a 57-percent reduction in NO_x emissions. In contrast, most onroad and stationary sources are controlled to over 90 percent. EPA has stated it intends to adopt more stringent locomotive emission standards in 2006; and

Whereas, port-related sources emit substantial and growing quantities of smog-forming nitrogen oxides and other air contaminants; and

Whereas, locomotives and marine vessels emit diesel exhaust, a toxic air contaminant; and

Whereas, diesel emissions are responsible for 70 percent of the cancer risk from air toxics emissions in California; and

Whereas, the EPA has stated that diesel exhaust is likely to be carcinogenic for humans; and

Whereas, part or all of 474 counties in 32 states are classified nonattainment for either failing to meet the new eight-hour federal ozone standard or for causing a downwind county to fail to meet that standard; and

Whereas, one hundred fifty-nine million people nationwide live in areas that do not meet the new eight-hour federal ozone standard; and

Whereas, all areas of the country could benefit from the reduction in emissions of toxic air contaminants from locomotives, and many areas would benefit from reduction in those emissions from marine vessels; and

Whereas, emissions from mobile sources, including locomotives, marine vessels, and aircraft, are preventing California from achieving state and federal clean air standards; and

Whereas, the EPA has authority to adopt regulations establishing emissions standards for marine vessels, locomotives, and aircraft; and

Whereas, Federal law mandates that the state adopt rules to attain national ambient air quality standards, but limits state and local authority to adopt certain regulations establishing emissions standards for aircraft, new locomotives, and new locomotive engines; and

Whereas, Federal regulations define new locomotives and new locomotive engines to include remanufactured locomotives and engines so as to restrict state authority to adopt some regulations establishing emissions standards for these older locomotives; and

Whereas, locomotives have extremely long useful lives and older locomotives emit air contaminants at relatively high rates; and

Whereas, State and local governments seeking to control emissions from marine vessels have faced arguments by vessel operators that state and local governments lack authority to adopt laws establishing emission limits for foreign flag vessels; and

Whereas, stringent regulations in California have reduced emissions by over 90 percent from most significant stationary sources and from motor vehicles and other mobile sources under the jurisdiction of state and local authorities in California, but locomotives, marine vessels, and aircraft have been controlled far less stringently by the Federal government, and have not achieved their fair share of emission reductions needed to meet State and Federal clean air standards; and

Whereas, until locomotives, marine vessels, and aircraft are required to achieve their fair share of emission reductions, other mobile sources such as passenger cars, buses, and commercial trucks, as well as stationary sources, including large and small businesses in California will have to make up the difference; and

Whereas, the ports have developed ambitious programs and plans but, to date, they have not rolled back emissions or even arrested emissions growth. Both the Port of Los Angeles and the Port of Long Beach have developed emission control programs and plans that will help mitigate air quality impacts, but the fact remains that the ports continue to be sources of singularly large and growing quantities of diesel emissions; Now, therefore, be it

Resolved, by the Senate and the Assembly of the State of California, jointly, That the Legislature respectfully memorializes the Administrator of the EPA urging the administrator to adopt Federal regulations limiting emissions from marine vessels, locomotives, and aircraft in order to achieve healthful air quality in California and other areas with air quality problems; and be it further

Resolved, That those Federal regulations mandate use and improvement of state-of-the-art emission control and prevention technologies at the earliest feasible date, be comparably stringent to State and local air pollution control requirements so that operators of locomotives, marine vessels, and aircraft contribute their fair share to support air quality attainment plans, and implement Congress' intent that State and local air quality authorities be allowed to adopt rules establishing emissions standards for remanufactured locomotives; and be it further

Resolved, That the Legislature respectfully encourages the EPA to pursue more protective regulations and incentive programs to reduce substantially the emissions from marine vessels, including domestic and foreign flagged vessels, locomotives, and aircraft, with the level of emissions sufficiently reduced to help regions polluted by trade-related diesel emissions attain Federal health-based standards by the dates required by the Clean Air Act, Federal regulations, and corresponding State implementation plans; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the United States Environmental Protections Agency, to the United States Coast Guard, and to the author for appropriate distribution.

POM–436. A resolution adopted by the Massachusetts State Senate relative to memorializing the fiftieth anniversary of the 1965 Hungarian Revolution for Freedom and Democracy; to the Committee on Foreign Relations.

SENATE RESOLUTION

Whereas, following World War II, the Soviet Union occupied Hungary and forced an anti-democratic and brutal government upon the people of Hungary; and

Whereas, on October 23, 1956, Hungarian freedom fighters, the Time magazine 1956 "Man of the Year", took up arms in Hungary to establish a democratic government and free the people of Hungary from oppression by ending the political and economic domination by the communist government and the Soviet Union; and

Whereas, the people of Hungary fought valiantly but alone, and in the course of the uprising thousands gave their lives, thousands were imprisoned, and over 150,000 escaped, many to the United States, including Massachusetts; and

Whereas, in 1956, the brave Hungarians were the first to rebel against the totalitarian and oppressive communist government and their sacrifices exposed the weaknesses of the communist system; and

Whereas, the Hungarians in 1989 were again instrumental in the collapse of communism as they dismantled the Iron Curtain and allowed the East Germans to leave Eastern Europe through Hungary, actions that eventually led to the fall of the Berlin Wall; and

Whereas, the sacrifices of the Hungarians in 1956 were not in vain, as they ultimately led to the collapse of most of the communist systems of the world and freedom for hundreds of millions of people; and

Whereas, the Massachusetts Senate supports the current efforts of people of all nations to assert the right of self-determination and other basic human rights for which the Hungarian people bravely fought in 1956; and

Whereas, October 23, 2006, is the 50th anniversary of the ultimately successful uprising of the people of Hungary, which still serves as an example that sacrifices must be made for the freedom and democracy; now therefore be it

Resolved, that the Massachusetts Senate commends the people of Hungary for their sacrifices for freedom and democracy, and joins in celebrating October 23, 2006, as "Hungarian Freedom Fighters' Day" in the Commonwealth; and be it further

Resolved, that a copy of these resolutions be transmitted forthwith by the Clerk of the Senate to Honorary Consul Gabor Garai, to each member of the Massachusetts Congressional Delegation, the Honorable George H. Walker, United States Ambassador to Hungary, and the Honorable Andras Simonyi, the Ambassador of Hungary to the United States.

POM–437. A resolution adopted by the Michigan Senate relative to urging Congress to support the National Cancer Institute's plan to eliminate suffering and death from cancer by the year 2015; to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION NO. 152

Whereas, each year more than 1.4 million Americans are diagnosed with cancer. One out of every two men and one out of every three women will be diagnosed with cancer in their lifetimes. In 1971, Congress began the battle against cancer with enactment of the National Cancer Act and creation of the National Cancer Institute within the National Institutes of Health. The foundation laid by their foresight puts the nation in position to aggressively enter the final stages of the fight against cancer. Sixty designated cancer research centers have been established across the country by the National Cancer Institute. These centers have the capacity to share knowledge with each other and solve problems in real time through advances in computer technology as well as work collaboratively with researchers in other disciplines, such as engineering, to develop the technologies needed to fight cancer; and

Whereas, scientific research on the human genome and proteins have led to breakthroughs in our understanding of the molecular changes that cause cancer and differences between the same cancers in different patients. This understanding makes it possible to design therapies that target the cancer and bypass healthy tissues that will eliminate the suffering caused by collateral damage to normal tissues from chemotherapy and radiation treatment. Therapies can also be modified to account for the cancer's response to a given treatment in individual patients. Doctors believe it is within their grasp to cure or manage cancer similar to other chronic diseases that a person can live with and not necessarily die from; and

Whereas, concurrent advances in imaging technologies and knowledge networking mean scientists and doctors will be able to see and assess the impact of treatment within days and not have to wait months or years to know the outcome. Imaging technologies now show not only the physical size, shape, and location of cancer tissue, but can also show the function of the tissue. Thus, doctors may apply a treatment targeting the abnormal cells that make up the cancer tissue and be able to see within 24 to 48 hours whether the treatment is altering function in the expected way. Knowledge networking through computers in real time means scientists and doctors working across the country at the 60 centers sponsored by the National Cancer Institute can share what they have learned. This will be particularly valuable with rare forms of cancer as doctors will pool their experience with patients being treated in different centers; and

Whereas, tremendous advances in the treatment and cure of cancer have been achieved in the past 35 years, and this nation has never shied away from bold goals to advance science and technology. The director of the National Cancer Institute has shown great leadership, enthusiasm, and optimism for being able to harness what we know and catapult the scientific and clinical communities forward through the final stage of the battle against cancer; Now, therefore, be it

Resolved by the Senate, That we memorialize Congress to support the National Cancer Institute's plan to eliminate suffering and death from cancer by the year 2015; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–438. A joint resolution adopted by the California Legislature relative to urging Congress and the President to enact the Microbicide Development Act; to the Committee on Health, Education, Labor, and Pensions.

SENATE JOINT RESOLUTION NO. 22

Whereas, microbicides are a promising new prevention tool that could slow down the spread of the HIV/AIDS epidemic in the United States and around the world; and

Whereas, women and girls are the new face of HIV/AIDS and account for almost one-half of the 37 million adults living with HIV and AIDS worldwide as of 2005, and approximately 7,000 women are infected with HIV each day; and

Whereas, in California, women comprise about 8 percent of all reported AIDS cases, yet are the fastest growing population with AIDS, and sex with an HIV-infected male is the most common route of transmission; and

Whereas, AIDS is now the number one cause of death among African-American women between the ages of 25 and 34 years; and

Whereas, the United States has the highest rates of sexually transmitted diseases of any industrialized nation, with more than 19 million new STD infections every year; and

Whereas, it is estimated that by age 25 one-half of all sexually active people in the United States can expect to be infected with a STD; and

Whereas, HIV and AIDS result in direct medical costs of more than $15 billion per year and the pandemic undermines our economy and security; and

Whereas, microbicides may be formulated as gels, creams, or rings to inactivate, block, or otherwise interfere with the transmission of the pathogens that cause AIDS and other STDs, allowing women to protect themselves from disease; and

Whereas, unlike current HIV prevention methods, microbicides would allow women to both conceive children and protect themselves from HIV and STDs; and

Whereas, the microbicide field has achieved an extraordinary amount of scientific momentum, with several first-generation candidates now in large scale human trials around the world; and

Whereas, microbicides are a classic public health good, for which the social benefits are high but the economic incentive to private investment is low and, like other public health goods such as vaccines, public funding must fill the gap; and

Whereas, the federal government needs to make a strong commitment to microbicides research and development, and while three agencies—the National Institutes of Health (NIH), the Centers for Disease Control and Prevention (CDC), and the United States Agency for International Development (USAID)—have played important roles, further strong, well-coordinated, and visible public sector leadership is essential for the promise of microbicides to be fully realized; and

Whereas, in 2005, NIH spent less than 2 percent of its HIV/AIDS research budget on microbicides, and that funding level is inadequate; and

Whereas, HIV and STD prevention strategies must recognize women's unique needs and vulnerabilities if women are to have a genuine opportunity to protect themselves, and their best opinion is the rapid development of new HIV prevention techniques such as microbicides; Now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature memorializes the United States Congress and the President and the United States to enact the Microbicide Development Act (S. 550 and H.R. 3854), which would amend the Public Health Service Act to facilitate the development of microbicides for preventing the transmission of HIV and other diseases, and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, the Majority Leader of the Senate, and each Senator and Representative from California in the Congress of the United States.

POM–439. A joint resolution adopted by the California Legislature relative to urging Congress to place a statue of former President Ronald Reagan next to the statue of Father Junipero Serra in the Congressional collection representing California; to the Committee on the Judiciary.

SENATE JOINT RESOLUTION NO. 3

Whereas, by act of the Congress of the United States, each state is invited to provide two statues of distinguished citizens for display in the United States Capitol; and

Whereas, California, in years past, provided two statues of notable citizens that have been displayed in the United States Capitol since 1931; and

Whereas, one of the those statues is of Thomas Starr King, known as "the orator who saved the nation." He spoke out fervently in favor of the union during the Civil War and is credited with saving California from becoming a separate republic; and

Whereas, Thomas Starr King can best be memorialized by locating his statute in a place of honor in the Capitol of California where citizens and visitors can enjoy it and be reminded of his significant historical impact upon our state; and

Whereas, California has a citizen, Ronald Wilson Reagan, who is exceptionally worthy of national commemoration. He stands alone in California history as beloved actor, President of the Screen Actors Guild, two-term Governor of California, and two-term President of the United States; and

Whereas, affectionately known as the "Great Communicator," Ronald Wilson Reagan served as the 40th President of the United States and was the first Governor of California to be elected President of the United States; and

Whereas, the people of California wish to place a statue of Ronald Wilson Reagan in Statuary Hall in the United States Capitol, with the statue being provided by the citizens of California through the efforts of the Ronald Reagan Presidential Foundation; and

Whereas, the Ronald Reagan Presidential Foundation shall select a commission to represent the state in selecting the sculptor or sculptors to sculpt the statue and obtain the necessary funds to carry out this resolution; and

Whereas, the Ronald Reagan Presidential Foundation shall be responsible for all of the following:

(a) Forming a commission to select the sculptor or sculptors.

(b) Paying the sculptor or sculptors to carve or cast the statue.

(c) Creating a pedestal and desired inscription.

(d) Transporting the statue and pedestal to the United States Capitol.

(e) Removing and transporting the replaced statue of Thomas Starr King back to the California State Capitol.

(f) Temporarily erecting the new statue of Ronald Wilson Reagan in the Rotunda of the United States Capitol for the unveiling ceremony.

(g) Paying the expenses related to the unveiling ceremony and any other expenses that the commission may find necessary to incur in implementing this resolution: Now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to place a statute of Ronald Wilson Reagan alongside the statute of Father Junipero Serra in the Congressional collection representing the State of California; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

POM–440. A resolution adopted by the Tompkins County Legislature of the State of New York relative to urging the federal government to commence a humane, orderly, and comprehensive withdrawal of United States military personnel and bases from Iraq; to the Committee on Armed Services.

POM–441. A resolution adopted by the Lauderdale Lakes City Commission of the State of Florida relative to opposing the enactment of the Communications, Opportunity, Promotion, and Enhancement Act of 2006; to the Committee on Commerce, Science, and Transportation.

POM–442. A resolution adopted by the Macomb County Board of Commissioners of the State of Michigan relative to urging full federal funding to complete construction and ensure permanent operation and maintenance of both electrical barriers in the Chicago Sanitary and Ship Canal to protect the Great Lakes from Asian carp; to the Committee on Environment and Public Works.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. INHOFE:

S. 4048. A bill to prohibit Federal funding for the Organisation for Economic Co-operation and Development; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FEINGOLD:

S. 4049. A bill to provide for the redeployment of United States forces from Iraq by July 1, 2007; to the Committee on Foreign Relations.

By Mr. ISAKSON (for himself and Mr. CHAMBLISS):

S. 4050. A bill to designate the facility of the United States Postal Service located at 103 East Thompson Street in Thomaston, Georgia, as the "Sergeant First Class Robert Lee 'Bobby' Hollar, Jr. Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SPECTER:

S. 4051. A bill to provide sufficient resources to permit electronic surveillance of United States persons for foreign intelligence purposes to be conducted pursuant to individualized court-based orders for calls originating in the United States, to provide additional resources to enhance oversight and streamline the procedures of the Foreign Intelligence Surveillance Act of 1978, to ensure review of the Terrorist Surveillance Program by the United States Supreme Court, and for other purposes; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CRAPO (for himself, Mrs. CLINTON, Mr. LIEBERMAN, Ms. MURKOWSKI, and Mr. MENENDEZ):

S. Res. 612. A resolution designating the week of February 5 through February 9, 2007, as "National Teen Dating Violence Awareness and Prevention Week"; to the Committee on the Judiciary.

By Mr. SANTORUM (for himself and Mr. PRYOR):

S. Res. 613. A resolution honoring the life and work of William Wilberforce and commemorating the 200th anniversary of the abolition of the slave trade in Great Britain; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 382

At the request of Mr. ENSIGN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 382, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 713

At the request of Mr. ROBERTS, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 713, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 759

At the request of Mr. SCHUMER, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 759, a bill to amend the Internal Revenue Code of 1986 to make higher education more affordable, and for other purposes.

S. 908

At the request of Mr. MCCONNELL, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 908, a bill to allow Congress, State legislatures, and regulatory agencies to determine appropriate laws, rules, and regulations to address the problems of weight gain, obesity, and health conditions associated with weight gain or obesity.

S. 919

At the request of Mr. BURNS, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 919, a bill to amend title 49, United States Code, to enhance competition among and between rail carriers in order to ensure efficient rail service and reasonable rail rates, and for other purposes.

S. 1172

At the request of Mr. SPECTER, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 1172, a bill to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers.

S. 1376

At the request of Mr. COCHRAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1376, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 1508

At the request of Mr. COCHRAN, the names of the Senator from Georgia (Mr. ISAKSON), the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. 1508, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 1677

At the request of Mr. SCHUMER, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1677, a bill to amend the Internal Revenue Code of 1986 to permanently extend the deduction for college tuition expenses and to expand such deduction to include expenses for books.

S. 1779

At the request of Mr. AKAKA, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1779, a bill to amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of nonambulatory livestock, and for other purposes.

S. 1915

At the request of Mr. ENSIGN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1915, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 1948

At the request of Mrs. CLINTON, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1948, a bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of passenger motor vehicles, and for other purposes.

S. 2235

At the request of Mr. SCHUMER, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 2235, a bill to posthumously award a congressional gold medal to Constance Baker Motley.

S. 2465

At the request of Mrs. BOXER, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2465, a bill to amend the Foreign Assistance Act of 1961 to provide increased assistance for the prevention, treatment, and control of tuberculosis, and for other purposes.

S. 2747

At the request of Mr. BINGAMAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2747, a bill to enhance energy efficiency and conserve oil and natural gas, and for other purposes.

S. 3238

At the request of Mr. CORNYN, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 3238, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration and the Jet Propulsion Laboratory.

S. 3654

At the request of Mr. JEFFORDS, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 3654, a bill to amend the Internal Revenue Code to allow a credit against income tax, or, in the alternative, a special depreciation allowance, for reuse and recycling property, to provide for tax-exempt financing of recycling equipment, and for other purposes.

S. 3696

At the request of Mr. BROWNBACK, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 3696, a bill to amend the Revised Statutes of the United States to prevent the use of the legal system in a manner that extorts money from State and local governments, and the Federal Government, and inhibits such governments' constitutional actions under the first, tenth, and fourteenth amendments.

S. 3718

At the request of Mr. ALLEN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 3718, a bill to increase the safety of swimming pools and spas by requiring the use of proper anti-entrapment drain covers and pool and spa drainage systems, by establishing a swimming pool safety grant program administered by the Consumer Product Safety Commission to encourage States to improve their pool and spa safety laws and to educate the public about pool and spa safety, and for other purposes.

S. 3744

At the request of Mr. DURBIN, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 3744, a bill to establish the Abraham Lincoln Study Abroad Program.

S. 3791

At the request of Mrs. HUTCHISON, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 3791, a bill to require the provision of information to parents and adults concerning bacterial meningitis and the availability of a vaccination with respect to such disease.

S. 3795

At the request of Mr. SMITH, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 3795, a bill to amend title XVIII of the Social Security Act to provide for a two-year moratorium on certain Medicare physician payment reductions for imaging services.

S. 3910

At the request of Mrs. CLINTON, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 3910, a bill to direct the Joint Committee on the Library to accept the donation of a bust depicting Sojourner Truth and to display the bust in a suitable location in the Capitol.

S. 3913

At the request of Mr. ROCKEFELLER, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 3913, a bill to amend title XXI of the Social Security Act to eliminate funding shortfalls for the State Children's Health Insurance Program (SCHIP) for fiscal year 2007.

S. 3991

At the request of Mr. CONRAD, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 3991, a bill to provide emergency agricultural disaster assistance, and for other purposes.

S. 4014

At the request of Mr. LUGAR, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 4014, a bill to endorse further enlargement of the North Atlantic Treaty Organization (NATO) and to facilitate the timely admission of Albania, Croatia, Georgia, and Macedonia to NATO, and for other purposes.

S. 4042

At the request of Mr. DURBIN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 4042, a bill to amend title 18, United States Code, to prohibit disruptions of funerals of members or former members of the Armed Forces.

S. 4046

At the request of Ms. COLLINS, the names of the Senator from Florida (Mr. NELSON), the Senator from New Hampshire (Mr. GREGG), the Senator from Maryland (Ms. MIKULSKI) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 4046, a bill to extend oversight and accountability related to United States reconstruction funds and efforts in Iraq by extending the termination date of the Office of the Special Inspector General for Iraq Reconstruction.

S. CON. RES. 101

At the request of Mr. REID, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. Con. Res. 101, a concurrent resolution condemning the repression of the Iranian Baha'i community and calling for the emancipation of Iranian Baha'is.

AMENDMENT NO. 5123

At the request of Ms. COLLINS, the names of the Senator from Arizona

(Mr. McCAIN), the Senator from Florida (Mr. NELSON), the Senator from New Hampshire (Mr. GREGG), the Senator from Maryland (Ms. MIKULSKI) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of amendment No. 5123 proposed to H.R. 5385, an act making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 5124

At the request of Mr. REID, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of amendment No. 5124 intended to be proposed to H.R. 5385, an act making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 5126

At the request of Mrs. BOXER, her name was added as a cosponsor of amendment No. 5126 proposed to H.R. 5385, an act making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 5128

At the request of Mr. AKAKA, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 5128 proposed to H.R. 5385, an act making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 5135

At the request of Mrs. HUTCHISON, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of amendment No. 5135 proposed to H.R. 5385, an act making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INHOFE:

S. 4048. A bill to prohibit Federal funding for the Organisation for Economic Co-operation and Development; to the Committee on Banking, Housing, and Urban Affairs.

Mr. INHOFE. Mr. President, the Paris-based Organisation for Economic Cooperation and Development, which receives 25 percent of its budget from the U.S., has used U.S. taxpayer money in turn to encourage and support higher taxes on the U.S. taxpayer, in addition to its support of U.N. global tax schemes.

The OECD has endorsed and encouraged higher taxes, new taxes, and global taxes no fewer than 24 times in reports with titles such as "Towards Global Tax Cooperation," in which the OECD identifies 35 nations guilty of "harmful tax competition."

They have advocated that the U.S. adopt a costly and bureaucratic value added tax, a 40-cent increase in the gas tax, a carbon tax, a fertilizer tax, ending the deductibility of State and local taxes from Federal taxes, new taxes at the State level, and a host of other new and innovative taxes on U.S. citizens.

It is not only the recommending of higher taxes which concerns us; the ultimate concern is the movement towards undermining U.S. sovereignty. Ecogroups such as the Friends of the Earth want the OECD to declare that dam-building for flood control and electronic power is unacceptable as "sustainable energy." In May, 2005 the OECD ministers endorsed a proposal at the U.N. to create a system of global taxes.

The OECD has stated explicitly that low-tax policies "unfairly erode the tax bases of other countries and distort the location of capital and services." What we have here are Paris-based bureaucrats seeking to protect high-tax welfare states from the free market.

That is why the OECD goes on to say that free-market tax competition "may hamper the application of progressive tax rates and the achievement of redistributive goals." Clearly, free market tax competition makes it harder to implement socialistic welfare states. The free market evidently hasn't been fair to socialistic welfare states. Well, it's a good thing that they have the OECD and nearly $100 million in U.S. taxpayer money to protect them.

Noted economist Walter Williams clearly sees the direction in which this is headed when he says that "the bottom line agenda for the OECD is to establish a tax cartel where nations get together and collude on taxes." Treasury Secretary Paul O'Neill seconded that when he said that he was "troubled by the underlying premise that low tax rates are somehow suspect and by the notion that any country should interfere in any other country's" tax policy. And John Bolton argues that the OECD's approach "represents a kind of worldwide centralization of governments and interest groups." Who do you think bears the costs for all this? Mr. Bolton answers and you probably guessed it—the United States.

America's proud history of independence was driven in no small part by the desire for sovereignty over taxation powers. In this context, it makes no sense to relegate our sovereignty over tax policy, in any way, to international bureaucrats.

It is very simple. U.S. taxpayers are being forced to fund a bunch of international bureaucrats who write, speak, organize, and advocate in support of higher taxes, global taxes, and the gradual erosion of American sovereignty over its domestic fiscal policies. I think that most Americans would be outraged to learn that they are forced to subsidize these types of activities with their tax dollars. I think that they shouldn't have to any longer. That's why I am introducing legislation today to remove the United State's contributions to the OECD. I ask you to join me in doing so, as the following individuals and their respective organizations have joined in helping us to combat un-American policies emanating from the OECD in the past: Andrew F. Quinlan, President, Center for Freedom and Prosperity Foundation; Daniel J. Mitchell, Senior Fellow, The Heritage Foundation; Veronique de Rugy, Research Fellow, American Enterprise Institute; John Berthoud, President, National Taxpayers Union; Grover Norquist, President, Americans for Tax Reform; Tom Giovanetti, President, Institute for Policy Innovation; Karen Kerrigan, President and CEO, Small Business and Entrepreneurship Council; Doug Bandow, Vice President of Policy, Citizen Outreach; Roland Boucher, Chairman, United Californians for Tax Reform; Daniel Clifton, Executive Director, American Shareholders Association; Rick Durham, President, Tennessee Tax Revolt, Inc.; Richard Falknor, Executive Vice President, Maryland Taxpayers Association; Kerri Houston, Vice President of Policy, Frontiers of Freedom; David A. Keene, Chairman, American Conservative Union; Matt Kibbe, President and CEO, FreedomWorks; Thomas P. Kilgannon, President, Freedom Alliance; Michelle Korsmo, Vice President, Americans for Prosperity Foundation; Charles W. Jarvis, Chairman, USA Next; James L. Martin, President, 60 Plus Association; Chuck Muth, President, Citizen Outreach; Karl Peterjohn, Executive Director, Kansas Taxpayers Network; George Pieler, Senior Fellow, Institute for Policy Innovation; John Pugsley, Chairman, The Sovereign Society; Don Racheter, President, Public Interest Institute; Amy Ridenour, President, The National Center for Public Policy Research; Terrence Scanlon, President, Capital Research Center; Thomas Schatz, President, Council for Citizens Against Government Waste; Bill Sizemore, Executive Director, Oregon Taxpayers United; David M. Stanley, Chairman, Iowans for Tax Relief; David M Strom, President, Taxpayers League of Minnesota; Henry L. Thaxton, Director, West Virginians Against Government Waste; Pat Toomey, President, Club for Growth; Lewis K. Uhler, President, National Tax Limitation Committee; and Paul M. Weyrich, National Chairman, Coalitions for America.

By Mr. SPECTER:

S. 4051. A bill to provide sufficient resources to permit electronic surveillance of United States persons for foreign intelligence purposes to be conducted pursuant to individualized court-based orders for calls originating in the United States, to provide additional resources to enhance oversight and streamline the procedures of the Foreign Intelligence Surveillance Act of 1978, to ensure review of the Terrorist Surveillance Program by the United States Supreme Court, and for other purposes; read the first time.

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation which I have captioned as the "Foreign Intelligence Surveillance Oversight and Resource Enactment Act of 2006." This is a modification of legislation which had been introduced by the Senator from California, Mrs. FEINSTEIN, and myself and passed out of the Judiciary Committee.

If it is in accordance with the rules, I ask that this bill be held at the desk.

The purpose of this legislation is to provide for oversight on the administration's electronic surveillance program which has been in effect for many years and which was publicly disclosed in mid-December last year. We now are at a state where the provisions of earlier legislation which I introduced, which would call for judicial review by the Foreign Intelligence Surveillance Court, are no longer necessary. Events have overtaken the situation, with litigation having been started in a number of district courts, and a decision has come out of the U.S. district court in Detroit. The issue is now on appeal to the Sixth Circuit, and there is no longer any need to provide for a referral to the Foreign Intelligence Surveillance Court because the matter is now in litigation and will be carried through on the appellate process.

The legislation which I am introducing tracks the Feinstein-Specter bill in that it provides additional resources to the administration. It expands the time when the administration can get approval for an electronic surveillance that has already been accomplished. With these additional resources, I am advised that the NSA will be in a position to have individual warrants for all calls which originate in the United States and go overseas. The bill does not touch the calls which originate overseas and come through checkpoints or transmission in the United States and go back overseas, where both the point of origin and the point of conclusion is overseas. And, we do not deal with calls which originate overseas and come into the United States.

The President has contended that notwithstanding the provisions of the Foreign Intelligence Surveillance Act that it is the exclusive way to get a wiretap warrant, he has article II power. And, there will be a test of that in the court system, which is now underway. That test will involve what the courts have said is the balancing test: the invasion of privacy versus the value for law enforcement and for national security. So that as to calls to repeat—when they originate overseas and come into the United States, that will be the issue which will remain to be tested.

This proposal does not deal with the existing language that the Foreign Intelligence Surveillance Act is the exclusive remedy, nor does it deal with any assertion about the article II power of the President.

It has been my view, expressed on the floor on a number of occasions, that the article II power is what it is, congressional power is what it is, and if there is genuine article II power, then it supersedes an act of Congress because the Constitution trumps an act of Congress. This legislation does not deal with those issues which had created what I thought was a needless controversy.

The bill further provides that there will be review by the Supreme Court of the United States. I think there doubtless would be review by the Supreme Court as a matter of course, but in order not to take any chance on that, Congress has the authority to mandate review with the Supreme Court, and this bill does that.

In addition, the legislation provides for expedited review so that there will be a judicial determination as to the constitutionality of what the President has done with respect to the calls originating overseas and ending in the United States. I think this bill is a significant advance in protecting civil liberties by having individualized warrants on calls which originate in the United States and which go overseas.

We have had this electronic surveillance in existence for a long time. The effort which I have made has been to have it subjected to judicial review, and it is my hope that this stripped-down legislation, which does enhance civil liberties by providing for individual warrants on calls originating in the United States and expedited review in the Federal courts and expedited review by the Supreme Court, would be acceptable.

We have time yet in this session this year to legislate on this important subject.

Mrs. FEINSTEIN. Mr. President, will the Senator yield for a question?

Mr. SPECTER. I yield.

Mrs. FEINSTEIN. Through the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I was trying, as the Senator from Pennsylvania spoke, to figure out exactly what bill it is he is speaking of. I gather this is his bill, not our bill, on which he is adding some of our bill's provisions, but he leaves out the critical part, which is reinforcing the exclusive authority of FISA; is that correct?

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the exclusive authority of FISA remains. This bill does not touch that. FISA is now the law of the land, and FISA says that it is the exclusive remedy for wiretapping. This legislation which I am introducing does not alter that, so it remains as provided in FISA that the Foreign Intelligence Surveillance Act is the exclusive remedy for wiretapping.

Mrs. FEINSTEIN. If I may, a second question: Will this bill allow the President to use his plenary authority to wiretap outside of FISA, first, and secondly, will it allow for program authority for wiretaps?

Mr. SPECTER. It does not deal with program authority at all. That was in the original legislation that I introduced as a way of getting the Foreign Intelligence Surveillance Court to review the program. But this does not deal with that, and it does not give the President any enhanced authority at all to conduct warrantless wiretaps. The bill doesn't deal with that.

Whatever authority the President has under article II, he has. What this bill does is submit for expedited review by the Supreme Court a determination as to whether the President has article II power to have a warrantless wiretap with a call that originates overseas and ends in the United States.

Mrs. FEINSTEIN. Again, through the Chair, if the Senator will put up with this for a moment more, is that to handle the switching issue, or would this apply to all calls coming in from outside the United States are exempt?

Mr. SPECTER. To repeat, the bill I am introducing does not touch that point. The bill I am introducing leaves the status quo on that point, and that is where some contend that it is illegal to have a wiretap where the call originates outside the United States and comes inside. The contention is made that it's governed by the Foreign Intelligence Surveillance Act and is, therefore, illegal. The President has a different argument. He is asserting article II power as Commander in Chief, and he says that his article II power, constitutional power, supersedes or trumps a statute. Whether he is right or wrong depends upon a judicial interpretation. Only the court can weigh, as the existing law is in this area, whether the importance of national security outweighs the invasion of privacy, and that determination is reserved for the Federal courts.

We are now having that determination in the Detroit case, ACLU v. NSA, where the district judge says it is unconstitutional and the Sixth Circuit now has taken the case. They have issued a stay, in effect, but they will take up the case on the merits.

Once the litigation is this far advanced, we are not now in the situation we were in last December when the Judiciary Committee, as the Senator from California knows, had four hearings and I had a bill to submit to the Foreign Intelligence Surveillance Court. That is bypassed now. Events have overtaken it.

This will provide for judicial review. It is my thought—and the Senator from California and I have talked about this again and again and have worked on her bill which I supported, voted out of committee 10 to 8 with 2 Republicans and 8 Democrats—this will expedite a determination as to whether all those calls originating overseas and coming in are or are not constitutionally tapped. And, it will help out with what the Senator from California has been the leader on—and that is to have individualized warrants for calls originating in the United States. That is a big advance on civil liberties if those calls are not tapped without a warrant.

Mrs. FEINSTEIN. I thank the Senator. He has been a very distinguished chairman of the committee. This is an issue in which, as a member of the Intelligence Committee and Judiciary Committee, I have had an intense interest. The Senator from Pennsylvania recognizes that. I appreciate that.

I am unsure whether this bill is for the purpose of judicial review of the President's article II authority—I think I understand what the Senator is doing. He is essentially exempting all those calls which come into the United States, not calls from point A to point B in the United States. I think that bears further discussion, but I trust no action will be taken on this bill in this session but that the Senator from Pennsylvania is submitting it as a marker for next year.

Mr. SPECTER. Mr. President, it would be my hope that we could act on it this session. I say that, subject to review by the Senator from California and by other Members and by the House of Representatives. The Senator from California and I and others have thought about this issue long and hard. This bill is a real effort to try to accommodate all of the concerns the Senator from California has raised. That is to maintain the status of the Foreign Intelligence Surveillance Act as the exclusive way to wiretap. That stands.

There is no statement about the authority of the President under article II, which had been objected to before. As I say, whatever the constitutional authority is, it is, regardless of what the bill says, but this bill says nothing about that. It says nothing.

The Senator from California and I have wanted to have individualized warrants wherever we could get them, and now the Senator from California took the lead on this. She has had access to this program, where I have not, because she is on the Intelligence Committee. It is anomalous that the chairman of the Judiciary Committee would not know the program, but I respect the division which gives that intelligence to the oversight committee. But she and I both wanted to have individualized warrants everywhere if we could get them. And, now we know we can get them on calls originating in the United States if we add the resources that were in the legislation crafted initially by the Senator from California, which I joined, which passed out of committee and onto the floor. And it does not deal with the ones overseas into the United States. Whatever authority the President has on that, he is going to have to assert in Federal court and satisfy ultimately the Supreme Court that he has that article II power. My view is the sooner we have this determination, the better off we are.

Mrs. FEINSTEIN. I thank the chairman. I would like to look very closely at this bill. I am very reluctant to move right now. You have mentioned the case percolating up through the courts now. I am really unsure why passage of this bill now would achieve anything. It seems to me it would be better to wait and see what the court does. I would appreciate your response to that.

Mr. SPECTER. Mr. President, I am glad to respond, and I thank the Senator from California for the question. It would achieve individualized review of warrants on calls originating in the United States, and there are a lot of them. How many there are, I don't know, but the NSA officials have told us that if we give them the additional resources, which was suggested originally by the Senator from California and which I concur in on the Feinstein-Specter bill, that they could have individualized warrants. And, I think that would be a big step forward on civil rights.

Mrs. FEINSTEIN. Except what you are doing is effectively exempting, then, a call from outside into the United States because of the change in technology.

Mr. SPECTER. Mr. President, my bill does not exempt them. My bill just doesn't deal with them. Some say that FISA controls them and, therefore, they are illegal. The President says: No, he has article II power. And the only way that controversy can be resolved is in a Federal court, which will weigh them. And the Federal court in Detroit weighed them and said it was unconstitutional. And the Sixth Circuit has said they will review it. In the meantime, the program stands. But as the program stands, all of these warrantless wiretaps are going on and on and on. And we go one step further. We make sure the Supreme Court will take the case. We also have power in the Congress to expedite the review, set a timetable to get it done faster.

Mrs. FEINSTEIN. I will be very interested to look at the bill, and I thank you very much for this dialog. And this completes my questions. Thank you.

Mr. SPECTER. I thank the Senator from California for the colloquy which has further explained the bill.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 612—DESIGNATING THE WEEK OF FEBRUARY 5 THROUGH FEBRUARY 9, 2007, AS "NATIONAL TEEN DATING VIOLENCE AWARENESS AND PREVENTION WEEK"

Mr. CRAPO (for himself, Mrs. CLINTON, Mr. LIEBERMAN, Ms. MURKOWSKI, and Mr. MENENDEZ) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 612

Whereas 1 in 3 female teens in a dating relationship have feared for their physical safety;

Whereas 1 in 2 teens in serious relationships have compromised their beliefs to please their partner;

Whereas nearly 1 in 5 teens who have been in a serious relationship said their boyfriend or girlfriend would threaten to hurt themselves or their partner if there was a breakup;

Whereas 1 in 5 teens in a serious relationship report they have been hit, slapped, or pushed by a partner;

Whereas more than 1 in 4 teens have been in a relationship where their partner verbally abuses them;

Whereas 13 percent of Hispanic teens reported that hitting a partner was permissible;

Whereas 29 percent of girls who have been in a relationship said they have been pressured to have sex or engage in sex they did not want;

Whereas nearly 50 percent of girls worry that their partner would break up with them if they did not agree to engage in sex;

Whereas Native American women experience higher rates of interpersonal violence than any other population group;

Whereas violent relationships in adolescence can have serious ramifications for victims who are at higher risk for substance abuse, eating disorders, risky sexual behavior, suicide, and adult revictimization;

Whereas the severity of violence among intimate partners has been shown to increase if the pattern has been established in adolescence;

Whereas 81 percent of parents surveyed either believe dating violence is not an issue or admit they do not know if it is an issue; and

Whereas the establishment of the National Teen Dating Violence Awareness and Prevention Week will benefit schools, communities, and families regardless of socio-economic status, race, or sex: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of February 5 through February 9, 2007, as "National Teen Dating Violence Awareness and Prevention Week"; and

(2) calls upon the people of the United States, high schools, law enforcement, State and local officials, and interested groups, to observe National Teen Dating Violence

Awareness and Prevention Week with appropriate programs and activities that promote awareness and prevention of the crime of teen dating violence in their communities.

SENATE RESOLUTION 613—HONORING THE LIFE AND WORK OF WILLIAM WILBERFORECE AND COMMEMORATING THE 200TH ANNIVERSARY OF THE ABOLITION OF THE SLAVE TRADE IN GREAT BRITAIN

Mr. SANTORUM (for himself and Mr. PRYOR) submitted the following resolution; which was referred to the Committe on the Judiciary:

S. RES. 613

Whereas William Wilberforce, born August 25, 1759, used his position as a Member of Parliament in the House of Commons to stop the slave trade in Great Britain, proclaiming, "I [will] never rest until I have effected [slavery's] abolition.";

Whereas William Wilberforce displayed remarkable perserverance in answering the call of social justice and fought the slave trade in Great Britain and slavery itself for 46 years, despite the national and personal financial interests aligned against him, the public criticism and slander he endured, and the stress and pain placed on his family;

Whereas William Wilberforce rested his political career on the ideals of stewardship, respect for the rights of others, advancing the views of others, and promoting the happiness of others, and proclaimed, "Let every one . . . regulate his conduct by the golden rule . . . and the path of duty will be clear before him.";

Whereas William Wilberforce defended the rights of slaves who had no voice in the legislature of Great Britain and committed himself to sweeping social reform in his country;

Whereas William Wilberforce joined with Sir Thomas Fowell Buxton, Thomas Clarkson, Olaudah Equiano, Harriet Martineau, Hannah More, and other great abolitionists in Great Britain;

Whereas William Wilberforce inspired abolitionists in the United States, including William Lloyd Garrison, John Greenleaf Whittier, Ralph Waldo Emerson, Henry David Thoreau, and Harriet Beecher Stowe;

Whereas William Wilberforce also influenced John Quincy Adams, James Monroe, John Jay, Abraham Lincoln, and Benjamin Franklin, along with many leaders in the African-American community, among them William Wells Brown, Paul Cuffe, and Benjamin Hughes;

Whereas Frederick Douglass said, "it was the faithful, persistent and enduring enthusiasm of . . . William Wilberforce . . . and [his] noble co-workers, that finally thawed the British heart into sympathy for the slave, and moved the strong arm of the government in mercy to put an end to his bondage."; and

Whereas March 25, 2007 marks the 200th anniversary of the abolition of the slave trade in Great Britain: Now, therefore, be it

Resolved, That the Senate—

(1) honors the life and work of William Wilberforce; and

(2) commemorates the 200th anniversary of the abolition of the slave trade in Great Britain and its impact on similar efforts in the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5137. Mr. OBAMA (for himself, Ms. MIKULSKI, Mr. SALAZAR, Mr. AKAKA; Mr. LEAHY, Mr. ROCKEFELLER, Mrs. BOXER, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 5385, making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table.

SA 5138. Mr. OBAMA (for himself, Ms. MIKULSKI, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 5385, supra.

SA 5139. Mr. OBAMA (for himself, Ms. MIKULSKI, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 5385, supra; which was ordered to lie on the table.

SA 5140. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 5385, supra; which was ordered to lie on the table.

SA 5141. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 5385, supra.

SA 5142. Mr. KERRY (for himself, Mr. KENNEDY, Mr. AKAKA, Mrs. BOXER, and Mr. JEFFORDS) submitted an amendment intended to be proposed by him to the bill H.R. 5385, supra.

SA 5143. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 5385, supra.

SA 5144. Mr. CONRAD (for himself, Mr. COLEMAN, Mr. NELSON of Nebraska, Mr. SALAZAR, Mr. HAGEL, Mr. JOHNSON, Mr. THUNE, Mr. DORGAN, Mr. ENZI, Mr. BAUCUS, Mr. REID, Mrs. CLINTON, Mr. OBAMA, Mr. DURBIN, Mr. LEAHY, Mr. HARKIN, Ms. CANTWELL, Mr. BURNS, Mr. SCHUMER, Mr. ROBERTS, Mr. DAYTON, Mr. INOUYE, and Mr. AKAKA) proposed an amendment to the bill H.R. 5385, supra.

SA 5145. Mr. SMITH submitted an amendment intended to be proposed to amendment SA 4920 submitted by Mr. BURNS and intended to be proposed to the bill H.R. 5385, supra; which was ordered to lie on the table.

SA 5146. Mr. COCHRAN (for himself and Mr. LOTT) submitted an amendment intended to be proposed by him to the bill H.R. 5385, supra.

SA 5147. Mr. WYDEN (for himself and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill H.R. 5385, supra; which was ordered to lie on the table.

SA 5148. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 5385, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 5137. Mr. OBAMA (for himself, Ms. MIKULSKI, Mr. SALAZAR, Mr. AKAKA Mr. LEAHY, Mr. ROCKEFELLER, Mrs. BOXER, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 5385, making appropriations for Military Construction and Veterans Affairs, and Releated Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. (a) ELIGIBILITY FOR MEDICAL CARE AND SERVICES FOR VETERANS OF FUTURE CONFLICTS FOR MENTAL HEALTH CONDITIONS FOR WHICH EVIDENCE IS INSUFFICIENT TO ESTABLISH A SERVICE-CONNECTION.—Paragraph (1) of section 1710(e) of title 38, United States Code, is amended by adding at the end the following new subparagraph:

"(F) Subject to paragraphs (2) and (3), a veteran who served on active duty as described in subparagraph (D) during a period of war specified in that subparagraph, or after the date specified in that subparagraph, is also eligible for—

"(i) a mental health evaluation to be provided by the Secretary not later than 30 days after the date of the request of the veteran for such evaluation; and

"(ii) hospital care, medical services, nursing home care, and family and marital counseling for any mental health condition identified pursuant to such evaluation, notwithstanding that there is insufficient medical evidence to conclude that such condition is attributable to such service.".

(b) LIMITATIONS.—

(1) CAUSATION.—Paragraph (2)(B) of such section is amended by striking "or (E)" and inserting "(E), or (F)".

(2) DURATION AFTER SERVICE.—Paragraph (3) of such section is amended—

(A) in subparagraph (C), by striking "and" at the end;

(B) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(E) in the case of a veteran described in paragraph (1)(F)—

"(i) with respect to the evaluation described in clause (i) of that paragraph, after a period of 5 years beginning on the date of the veteran's discharge or release from active military, naval, or air service; and

"(ii) with respect to the care, services, and counseling described in clause (ii) of that paragraph, after a period of 2 years beginning on the date of the commencement of the provision of such care, services, and counseling to the veteran.".

SA 5138. Mr. OBAMA (for himself, Ms. MIKULSKI, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 5385, making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the appropriate place in title II, insert the following:

SEC. . (a) STUDY ON COSTS OF COMPREHENSIVE SERVICE PROGRAMS FOR HOMELESS VETERANS.—The Secretary of Veterans Affairs shall carry out a study of costs associated with the Comprehensive Service Programs authorized by sections 2011 and 2012 of title 38 United States Code.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Veterans' Affairs and Appropriations of the Senate and the Committees on Veterans' Affairs and Appropriations of the House of Representatives a report on the study required by subsection (a). The report shall set forth the following:

(1) The number of authorized and operational transitional housing beds and service centers under the programs referred to in subsection (a) in fiscal year 2006, and the number of such beds and centers in each State and in each Congressional District during such fiscal year.

(2) The cost in fiscal year 2006 of grants under section 2011 of title 38, United States Code, to authorized and operational transitional housing beds and service centers under the programs referred to in that subsection.

(3) The cost in fiscal year 2006 of per diem payments under section 2012 of title 38 United States Code, to authorized and operational transitional housing beds and service centers under the programs referred to in that subsection.

(4) An estimate of the costs in each of fiscal years 2007, 2012, and 2017 associated with an increase in the number of operational transitional housing beds under the programs referred to in that subsection to each of 10,000, 20,000, and 30,000 beds, and a description of the methodology used for making such estimates.

(5) The number of applications received, scored as qualified, and awarded pursuant to the Capital Grant Notice of Funds Availability published on April 20, 2006.

(6) The range of per diem payment rates, the average per diem payment rate, and the median per diem payment rate paid to recipients of grants under section 2012 of title 38, United States Code, in fiscal year 2006.

(7) The number and percentage of total recipients of grants under section 2011 of title 38 United States Code, in fiscal year 2006 being paid under section 2012 of title 38, United States Code, the rate authorized for State homes for domiciliary care under section 1741(a)(1)(A) of that title for fiscal year 2006.

SA 5139. Mr. OBAMA (for himself, Ms. MIKULSKI, Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 5385, making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 106, between lines 12 and 13, insert the following new section:

SEC. 229. Effective as of October 1, 2006, the authority provided by section 2064 of title 38, United States Code, shall continue in effect until September 30, 2007.

SA 5140. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 5385, making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, add the following:

SEC. ___. (a) TERMINATION UNDER SERVICEMEMBERS CIVIL RELIEF ACT OF CONTRACTS FOR CELLULAR PHONE SERVICES.—

(1) INCLUSION OF CONTRACTS UNDER TERMINATION AUTHORITY.—Subsection (b) of section 305 of the Servicemembers Civil Relief Act (50 U.S.C. App. 535) is amended by adding at the end the following new paragraph:

"(3) CONTRACTS FOR CELLULAR PHONE SERVICE.—

"(A) IN GENERAL.—Subject to subparagraphs (B) and (C), a contract for a cellular phone used, or intended to be used, by a servicemember or a servicemember's dependent for a personal or business purpose if—

"(i) the contract is executed by or on behalf of a person who thereafter and during the term of the contract enters into military service under call or order specifying a period of not less than 90 days (or who enters military service under a call or order specifying a period of 90 days or less and who, without a break in service, receives orders extending the period of military service to a period not less than 90 days);

"(ii) the servicemember, while in military service, executes the contract and thereafter receives military orders for a permanent change of station outside of the continental United States or to deploy with a military unit for a period of not less than 90 days; or

"(iii) the servicemember, while in military service, executes the contract and thereafter receives military orders for a permanent change of station to a location within the continental United States where the contract cannot be transferred at the same rate, terms, and quality of service.

"(B) APPLICABILITY TO DEPENDENTS.—Subparagraph (A) shall apply with respect to a contract, or portion of a contract, for a cellular phone used, or intended to be used, by a servicemember's dependent only if the dependent—

"(i) relocates in accompanying the servicemember in the performance of the military service, or in a permanent change of station or deployment, described in that subparagraph; or

"(ii) otherwise relocates as a consequence of such military service or change of station or deployment.

"(C) APPLICABILITY TO GROUP PLANS.—If a servicemember or a dependent to whom this paragraph applies is not the primary account holder under a contract described in subparagraph (A), that subparagraph shall apply only to the extent of the obligations of the servicemember or dependent, as the case may be, in the contract.".

(2) MANNER OF TERMINATION.—Subsection (c)(1) of such section is amended—

(A) in subparagraph (A), by striking "and" at the end;

(B) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(C) in the case of a contract for a cellular phone, by delivery by the contractee of written notice of such termination, and a copy of the servicemember's military orders, to the contractor or to the contractor's agent.".

(3) EFFECTIVE DATE OF TERMINATION.—Subsection (d) of such section is amended by adding at the end the following new paragraph:

"(3) CONTRACT FOR CELLULAR PHONE SERVICE.—In the case of a contract for a cellular phone described in subsection (b)(3), termination of the contract under subsection (a) is effective on the day on which the requirements of subsection (c) are met for such termination.".

(4) ARREARAGES.—Subsection (e) of such section is amended—

(A) by striking "(e) ARREARAGES AND OTHER OBLIGATIONS AND LIABILITIES.—Rents or lease amounts" and inserting the following:

"(e) ARREARAGES AND OTHER OBLIGATIONS AND LIABILITIES.—

"(1) IN GENERAL.—Rents or lease amounts";

(B) by designating the second sentence as paragraph (2), indenting such paragraph 4 ems from the left margin, and inserting before "In the case of the lease" the following:

"(2) LEASE CHARGES FOR MOTOR VEHICLES.—"; and

(C) by adding at the end the following new paragraphs:

"(3) TERMINATION CHARGES FOR CELLULAR PHONE CONTRACTS.—In the case of a contract for a cellular phone, the contractor may not impose an early termination charge, but may request the return of equipment provided to the contractee as part of the contract which would normally remain the property of the contractee at the end of the contract term if the contractee is given the option of paying a pro-rated amount to retain such equipment based on the original retail price of such equipment, the amount previously paid for such equipment by the contractee, and the time remaining on the contract.

"(4) REACTIVATION FEES.—In the event a contractor and contractee jointly agree to treat the termination of a contract for a cellular phone under this section as a suspension of such contract, the contractor may not impose any fee for reactivation of service under such contract at the completion of suspension of such contract.".

(b) CONFORMING AMENDMENT.—Subsection (a)(1)(B) of such section is amended by striking "or (2)(B)" and inserting ", (2)(B), (3)(A)(ii), or (3)(A)(iii)".

(c) CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

"SEC. 305. TERMINATION OF RESIDENTIAL OR MOTOR VEHICLE LEASES OR CONTRACTS FOR CELLULAR PHONE SERVICE.".

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents for such Act is amended by striking the item relating to section 305 and inserting the following new item:

"Sec. 305. Termination of residential or motor vehicle leases or contracts for cellular phone service.".

SA 5141. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 5385, making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the appropriate place insert the following:

"SEC. 126. (a) The amount available for 'Military Construction, Air Force' is hereby reduced by $25,400,000 for 'Basic Expeditionary Airmen Training Facility, Lackland AFB, Texas'.

"(b) The amount available for 'Department of Defense Base Closure Account 2005' is hereby increased by $25,400,000."

SA 5142. Mr. KERRY (for himself, Mr. KENNEDY, Mr. AKAKA, Mrs. BOXER, and Mr. JEFFORDS) submitted an amendment intended to be proposed by him to the bill H.R. 5385, making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 106, between lines 12 and 13, insert the following:

SEC. 229. Of the amount appropriated by this title, up to $18,000,000 may be available for necessary expenses, including salaries and expenses, for the provision of additional mental health services through centers for readjustment counseling and related mental health services for veterans under section 1712A of title 38, United States Code (commonly referred to as "Vet Centers"), to veterans who served in combat in Iraq or Afghanistan.

SA 5143. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 5385, making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 110, between lines 22 and 23, insert the following:

TITLE V—DIGITAL AND WIRELESS TECHNOLOGY

SEC. 501. SHORT TITLE.

This title may be cited as the "Minority Serving Institution Digital and Wireless Technology Opportunity Act of 2006".

SEC. 502. ESTABLISHMENT OF PROGRAM.

Section 5 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3704) is amended by inserting the following after subsection (f):

"(g) MINORITY SERVING INSTITUTION DIGITAL AND WIRELESS TECHNOLOGY OPPORTUNITY PROGRAM.—

"(1) IN GENERAL.—The Secretary, acting through the Under Secretary, shall establish a Minority Serving Institution Digital and Wireless Technology Opportunity Program to assist eligible institutions in acquiring, and augmenting their use of, digital and wireless networking technologies to improve the quality and delivery of educational services at eligible institutions.

"(2) AUTHORIZED ACTIVITIES.—An eligible institution may use a grant, cooperative agreement, or contract awarded under this subsection—

"(A) to acquire equipment, instrumentation, networking capability, hardware and software, digital network technology, wireless technology, and infrastructure to further the objective of the Program described in paragraph (1);

"(B) to develop and provide training, education, and professional development programs, including faculty development, to increase the use of, and usefulness of, digital and wireless networking technology;

"(C) to provide teacher education, including the provision of preservice teacher training and in-service professional development at eligible institutions, library and media specialist training, and preschool and teacher aid certification to individuals who seek to acquire or enhance technology skills in order to use digital and wireless networking technology in the classroom or instructional process, including instruction in science, mathematics, engineering, and technology subjects; and

"(D) to foster the use of digital and wireless networking technology to improve research and education, including scientific, mathematics, engineering, and technology instruction.

"(3) APPLICATION AND REVIEW PROCEDURES.—

"(A) IN GENERAL.—To be eligible to receive a grant, cooperative agreement, or contract under this subsection, an eligible institution shall submit an application to the Under Secretary at such time, in such manner, and containing such information as the Under Secretary may require. Such application, at a minimum, shall include a description of how the funds will be used, including a description of any digital and wireless networking technology to be acquired, and a description of how the institution will ensure that digital and wireless networking will be made accessible to, and employed by, students, faculty, and administrators. The Under Secretary, consistent with subparagraph (B), shall establish procedures to review such applications. The Under Secretary shall publish the application requirements and review criteria in the Federal Register, along with a statement describing the availability of funds.

"(B) REVIEW PANELS.—Each application submitted under this subsection by an eligible institution shall be reviewed by a panel of individuals selected by the Under Secretary to judge the quality and merit of the proposal, including the extent to which the eligible institution can effectively and successfully utilize the proposed grant, cooperative agreement, or contract to carry out the program described in paragraph (1). The Under Secretary shall ensure that the review panels include representatives of minority serving institutions and others who are knowledgeable about eligible institutions and digital and wireless networking technology. The Under Secretary shall ensure that no individual assigned under this subsection to review any application has a conflict of interest with regard to that application. The Under Secretary shall take into consideration the recommendations of the review panel in determining whether to award a grant, cooperative agreement, or contract to an eligible institution.

"(C) MATCHING REQUIREMENT.—The Under Secretary may not award a grant, cooperative agreement, or contract to an eligible institution under this subsection unless such institution agrees that, with respect to the costs incurred by the institution in carrying out the program for which the grant, cooperative agreement, or contract was awarded, such institution shall make available, directly, or through donations from public or private entities, non-Federal contributions in an amount equal to one-quarter of the grant, cooperative agreement, or contract awarded by the Under Secretary, or $500,000, whichever is the lesser amount. The Under Secretary shall waive the matching requirement for any institution or consortium with no endowment, or an endowment that has a current dollar value lower than $50,000,000.

"(D) AWARDS.—

"(i) LIMITATION.—An eligible institution that receives a grant, cooperative agreement, or contract under this subsection that exceeds $2,500,000 shall not be eligible to receive another grant, cooperative agreement, or contract.

"(ii) CONSORTIA.—Grants, cooperative agreements, and contracts may only be awarded to eligible institutions. Eligible institutions may seek funding under this subsection for consortia which may include other eligible institutions, a State or a State educational agency, local educational agencies, institutions of higher education, community-based organizations, national nonprofit organizations, or businesses, including minority businesses.

"(iii) PLANNING GRANTS.—The Under Secretary may provide funds to develop strategic plans to implement such grants, cooperative agreements, or contracts.

"(iv) INSTITUTIONAL DIVERSITY.—In awarding grants, cooperative agreements, and contracts to eligible institutions, the Under Secretary shall ensure, to the extent practicable, that awards are made to all types of institutions eligible for assistance under this subsection.

"(v) NEED.—In awarding funds under this subsection, the Under Secretary shall give priority to the institution with the greatest demonstrated need for assistance.

"(E) ANNUAL REPORT AND EVALUATION.—

"(i) ANNUAL REPORT REQUIRED FROM RECIPIENTS.—Each institution that receives a grant, cooperative agreement, or contract awarded under this subsection shall provide an annual report to the Under Secretary on its use of the grant, cooperative agreement, or contract.

"(ii) INDEPENDENT ASSESSMENT.—Not later than 6 months after the date of enactment of this subsection, the Under Secretary shall enter into a contract with the National Academy of Public Administration to conduct periodic assessments of the program. The Assessments shall be conducted once every 3 years during the 10-year period following the enactment of this subsection. The assessments shall include an evaluation of the effectiveness of the program in improving the education and training of students, faculty and staff at eligible institutions that have been awarded grants, cooperative agreements, or contracts under the program; an evaluation of the effectiveness of the program in improving access to, and familiarity with, digital and wireless networking technology for students, faculty, and staff at all eligible institutions; an evaluation of the procedures established under subparagraph (A); and recommendations for improving the program, including recommendations concerning the continuing need for Federal support. In carrying out its assessments, the National Academy of Public Administration shall review the reports submitted to the Under Secretary under clause (i).

"(iii) REPORT TO CONGRESS.—Upon completion of each independent assessment carried out under clause (ii), the Under Secretary shall transmit the assessment to Congress along with a summary of the Under Secretary's plans, if any, to implement the recommendations of the National Academy of Public Administration.

"(F) DEFINITIONS.—In this subsection:

"(i) DIGITAL AND WIRELESS NETWORKING TECHNOLOGY.—The term 'digital and wireless networking technology' means computer and communications equipment and software that facilitates the transmission of information in a digital format.

"(ii) ELIGIBLE INSTITUTION.—The term 'eligible institution' means an institution that is—

"(I) a historically Black college or university that is a part B institution, as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)), or an institution described in section 326(e)(1) of that Act (20 U.S.C. 1063b(e)(1));

"(II) a Hispanic-serving institution, as defined in section 502(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)(5));

"(III) a tribally controlled college or university, as defined in section 316(b)(3) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)(3));

"(IV) an Alaska Native-serving institution under section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)); or

"(V) a Native Hawaiian-serving institution under section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)).

"(iii) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

"(iv) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

"(v) MINORITY BUSINESS.—The term 'minority business' includes HUBZone small business concerns (as defined in section 3(p) of the Small Business Act (15 U.S.C. 632(p)).

"(vi) MINORITY INDIVIDUAL.—The term 'minority individual' means an American Indian, Alaskan Native, Black (not of Hispanic origin), Hispanic (including persons of Mexican, Puerto Rican, Cuban and Central or South American origin), or Pacific Islander individual.

"(vii) STATE.—The term 'State' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

"(viii) STATE EDUCATIONAL AGENCY.—The term 'State educational agency' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).".

SEC. 503. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Technology Administration of the Department of Commerce to carry out section 5(g) of the Stevenson-Wydler Technology Innovation Act of 1980 such sums as may be necessary for each of the fiscal years 2007 through 2010.

SA 5144. Mr. CONRAD (for himself, Mr. COLEMAN, Mr. NELSON of Nebraska, Mr. SALAZAR, Mr. HAGEL, Mr. JOHNSON, Mr. THUNE, Mr. DORGAN, Mr. ENZI, Mr. BAUCUS, Mr. REID, Mrs. CLINTON, Mr. OBAMA, Mr. DURBIN, Mr. LEAHY, Mr. HARKIN, Ms. CANTWELL, Mr. BURNS, Mr. SCHUMER, Mr. ROBERTS, Mr. DAYTON, Mr. INOUYE, and Mr. AKAKA) proposed an amendment to the bill H.R. 5385, making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 110, between lines 22 and 23, insert the following:

TITLE V—EMERGENCY FARM RELIEF

SEC. 501. SHORT TITLE.

This title may be cited as the "Emergency Farm Relief Act of 2006".

SEC. 502. DEFINITIONS.

In this title:

(1) ADDITIONAL COVERAGE.—The term "additional coverage" has the meaning given the term in section 502(b)(1) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)(1)).

(2) DISASTER COUNTY.—The term "disaster county" means—

(A) a county included in the geographic area covered by a natural disaster declaration; and

(B) each county contiguous to a county described in subparagraph (A).

(3) HURRICANE-AFFECTED COUNTY.—The term "hurricane-affected county" means—

(A) a county included in the geographic area covered by a natural disaster declaration related to Hurricane Katrina, Hurricane Rita, Hurricane Wilma, or a related condition; and

(B) each county contiguous to a county described in subparagraph (A).

(4) INSURABLE COMMODITY.—The term "insurable commodity" means an agricultural commodity (excluding livestock) for which the producers on a farm are eligible to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(5) LIVESTOCK.—The term "livestock" includes—

(A) cattle (including dairy cattle);

(B) bison;

(C) sheep;

(D) swine; and

(E) other livestock, as determined by the Secretary.

(6) NATURAL DISASTER DECLARATION.—The term "natural disaster declaration" means a natural disaster declared by the Secretary during calendar year 2005 or 2006 under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)).

(7) NONINSURABLE COMMODITY.—The term "noninsurable commodity" means a crop for which the producers on a farm are eligible to obtain assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

(8) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

Subtitle A—Agricultural Production Losses

SEC. 511. CROP DISASTER ASSISTANCE.

(a) IN GENERAL.—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance authorized under this section available to producers on a farm that have incurred qualifying losses described in subsection (c).

(b) ADMINISTRATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–55), including using the same loss thresholds for quantity and economic losses as were used in administering that section, except that the payment rate shall be 50 percent of the established price, instead of 65 percent.

(2) NONINSURED PRODUCERS.—For producers on a farm that were eligible to acquire crop insurance for the applicable production loss and failed to do so or failed to submit an application for the noninsured assistance program for the loss, the Secretary shall make assistance in accordance with paragraph (1), except that the payment rate shall be 35 percent of the established price, instead of 50 percent.

(c) QUALIFYING LOSSES.—Assistance under this section shall be made available to producers on farms, other than producers of sugar beets, that incurred qualifying quantity or quality losses for the 2005 or 2006 crop due to damaging weather or any related condition (including losses due to crop diseases, insects, and delayed harvest), as determined by the Secretary.

(d) QUALITY LOSSES.—

(1) IN GENERAL.—In addition to any payment received under subsection (b), the Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make payments to producers on a farm described in subsection (a) that incurred a quality loss for the 2005 or 2006 crop, or both, of a commodity in an amount equal to the product obtained by multiplying—

(A) the payment quantity determined under paragraph (2);

(B)(i) in the case of an insurable commodity, the coverage level elected by the insured under the policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); or

(ii) in the case of a noninsurable commodity, the applicable coverage level for the payment quantity determined under paragraph (2); by

(C) 50 percent of the payment rate determined under paragraph (3).

(2) PAYMENT QUANTITY.—For the purpose of paragraph (1)(A), the payment quantity for quality losses for a crop of a commodity on a farm shall equal the lesser of—

(A) the actual production of the crop affected by a quality loss of the commodity on the farm; or

(B)(i) in the case of an insurable commodity, the actual production history for the commodity by the producers on the farm under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); or

(ii) in the case of a noninsurable commodity, the established yield for the crop for the producers on the farm under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

(3) PAYMENT RATE.—

(A) IN GENERAL.—For the purpose of paragraph (1)(B), the payment rate for quality losses for a crop of a commodity on a farm shall be equal to the difference between (as determined by the applicable State committee of the Farm Service Agency)—

(i) the per unit market value that the units of the crop affected by the quality loss would have had if the crop had not suffered a quality loss; and

(ii) the per unit market value of the units of the crop affected by the quality loss.

(B) FACTORS.—In determining the payment rate for quality losses for a crop of a commodity on a farm, the applicable State committee of the Farm Service Agency shall take into account—

(i) the average local market quality discounts that purchasers applied to the commodity during the first 2 months following the normal harvest period for the commodity;

(ii) the loan rate and repayment rate established for the commodity under the marketing loan program established for the commodity under subtitle B of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7931 et seq.);

(iii) the market value of the commodity if sold into a secondary market; and

(iv) other factors determined appropriate by the committee.

(4) ELIGIBILITY.—

(A) IN GENERAL.—For producers on a farm to be eligible to obtain a payment for a quality loss for a crop under this subsection—

(i) the amount obtained by multiplying the per unit loss determined under paragraph (1) by the number of units affected by the quality loss shall be reduced by the amount of any indemnification received by the producers on the farm for quality loss adjustment for the commodity under a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); and

(ii) the remainder shall be at least 25 percent of the value that all affected production of the crop would have had if the crop had not suffered a quality loss.

(B) INELIGIBILITY.—If the amount of a quality loss payment for a commodity for the producers on a farm determined under this paragraph is equal to or less than zero, the producers on the farm shall be ineligible for assistance for the commodity under this subsection.

(5) ELIGIBLE PRODUCTION.—The Secretary shall carry out this subsection in a fair and equitable manner for all eligible production, including the production of fruits and vegetables, other specialty crops, and field crops.

(e) TIMING.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall make payments to producers on a farm for a crop under this section not later than 60 days after the date the producers on the farm submit to the Secretary a completed application for the payments.

(2) INTEREST.—If the Secretary does not make payments to the producers on a farm by the date described in paragraph (1), the Secretary shall pay to the producers on a farm interest on the payments at a rate equal to the current (as of the sign-up deadline established by the Secretary) market yield on outstanding, marketable obligations of the United States with maturities of 30 years.

SEC. 512. LIVESTOCK ASSISTANCE.

(a) LIVESTOCK COMPENSATION PROGRAM.—

(1) USE OF COMMODITY CREDIT CORPORATION FUNDS.—Effective beginning on the date of enactment of this Act, the Secretary shall use funds of the Commodity Credit Corporation to carry out the 2002 Livestock Compensation Program announced by the Secretary on October 10, 2002 (67 Fed. Reg. 63070), to provide compensation for livestock losses during calendar years 2005 and 2006 for losses due to a disaster, as determined by the Secretary, except that the payment rate shall be 75 percent of the payment rate established for the 2002 Livestock Compensation Program.

(2) ELIGIBLE APPLICANTS.—In carrying out the program described in paragraph (1), the Secretary shall provide assistance to any applicant for livestock losses during calendar year 2005 or 2006, or both, that—

(A)(i) conducts a livestock operation that is located in a disaster county, including any applicant conducting a livestock operation with eligible livestock (within the meaning of the livestock assistance program under section 101(b) of division B of Public Law 108–324 (118 Stat. 1234)); or

(ii) produces an animal described in section 10806(a)(1) of the Farm Security and Rural Investment Act of 2002 (21 U.S.C. 321d(a)(1));

(B) demonstrates to the Secretary that the applicant suffered a material loss of pasture or hay production, or experienced substantially increased feed costs, due to damaging weather or a related condition during the calendar year, as determined by the Secretary; and

(C) meets all other eligibility requirements established by the Secretary for the program.

(3) MITIGATION.—In determining the eligibility for or amount of payments for which a producer is eligible under the livestock compensation program, the Secretary shall not penalize a producer that takes actions (recognizing disaster conditions) that reduce the average number of livestock the producer owned for grazing during the production year for which assistance is being provided.

(b) LIVESTOCK INDEMNITY PAYMENTS.—

(1) IN GENERAL.—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make livestock indemnity payments to producers on farms that have incurred livestock losses during calendar years 2005 and 2006 for losses that occurred prior to the date of enactment of this Act (including wildfire disaster losses in the State of Texas and other States) due to a disaster, as determined by the Secretary, including losses due to hurricanes, floods, anthrax, and wildfires.

(2) PAYMENT RATES.—Indemnity payments to a producer on a farm under paragraph (1) shall be made at a rate of not less than 30 percent of the market value of the applicable livestock on the day before the date of death of the livestock, as determined by the Secretary.

(c) EWE LAMB REPLACEMENT AND RETENTION.—

(1) IN GENERAL.—The Secretary shall use $13,000,000 of funds of the Commodity Credit Corporation to make payments under the Ewe Lamb Replacement and Retention Payment Program under part 784 of title 7, Code of Federal Regulations (or a successor regulation) for each qualifying ewe lamb retained or purchased during the period beginning on January 1, 2006, and ending on December 31, 2006.

(2) INELIGIBILITY FOR OTHER ASSISTANCE.—A producer that receives assistance under this subsection shall not be eligible to receive assistance under subsection (a).

SEC. 513. FLOODED CROP AND GRAZING LAND.

(a) IN GENERAL.—The Secretary shall compensate eligible owners of flooded crop and grazing land in—

(1) the Devils Lake basin; and

(2) the McHugh, Lake Laretta, and Rose Lake closed drainage areas of the State of North Dakota.

(b) ELIGIBILITY.—

(1) IN GENERAL.—To be eligible to receive compensation under this section, an owner shall own land described in subsection (a) that, during the 2 crop years preceding receipt of compensation, was rendered incapable of use for the production of an agricultural commodity or for grazing purposes (in a manner consistent with the historical use of the land) as the result of flooding, as determined by the Secretary.

(2) INCLUSIONS.—Land described in paragraph (1) shall include—

(A) land that has been flooded;

(B) land that has been rendered inaccessible due to flooding; and

(C) a reasonable buffer strip adjoining the flooded land, as determined by the Secretary.

(3) ADMINISTRATION.—The Secretary may establish—

(A) reasonable minimum acreage levels for individual parcels of land for which owners may receive compensation under this section; and

(B) the location and area of adjoining flooded land for which owners may receive compensation under this section.

(c) SIGN-UP.—The Secretary shall establish a sign-up program for eligible owners to apply for compensation from the Secretary under this section.

(d) COMPENSATION PAYMENTS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the rate of an annual compensation payment under this section shall be equal to 90 percent of the average annual per acre rental payment rate (at the time of entry into the contract) for comparable crop or grazing land that has not been flooded and remains in production in the county where the flooded land is located, as determined by the Secretary.

(2) REDUCTION.—An annual compensation payment under this section shall be reduced by the amount of any conservation program rental payments or Federal agricultural commodity program payments received by the owner for the land during any crop year for which compensation is received under this section.

(3) EXCLUSION.—During any year in which an owner receives compensation for flooded land under this section, the owner shall not be eligible to participate in or receive benefits for the flooded land under—

(A) the Federal crop insurance program established under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.);

(B) the noninsured crop assistance program established under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333); or

(C) any Federal agricultural crop disaster assistance program.

(e) RELATIONSHIP TO AGRICULTURAL COMMODITY PROGRAMS.—The Secretary, by regulation, shall provide for the preservation of cropland base, allotment history, and payment yields applicable to land described in subsection (a) that was rendered incapable of use for the production of an agricultural commodity or for grazing purposes as the result of flooding.

(f) USE OF LAND.—

(1) IN GENERAL.—An owner that receives compensation under this section for flooded land shall take such actions as are necessary to not degrade any wildlife habitat on the land that has naturally developed as a result of the flooding.

(2) RECREATIONAL ACTIVITIES.—To encourage owners that receive compensation for flooded land to allow public access to and use of the land for recreational activities, as determined by the Secretary, the Secretary may—

(A) offer an eligible owner additional compensation; and

(B) provide compensation for additional acreage under this section.

(g) FUNDING.—

(1) IN GENERAL.—The Secretary shall use $6,000,000 of funds of the Commodity Credit Corporation to carry out this section.

(2) PRO-RATED PAYMENTS.—In a case in which the amount made available under paragraph (1) for a fiscal year is insufficient to compensate all eligible owners under this section, the Secretary shall pro-rate payments for that fiscal year on a per acre basis.

SEC. 514. SUGAR BEET DISASTER ASSISTANCE.

(a) IN GENERAL.—The Secretary shall use $24,000,000 of funds of the Commodity Credit Corporation to provide assistance to sugar beet producers that suffered production losses (including quality losses) for the 2005 or 2006 crop year.

(b) REQUIREMENT.—The Secretary shall make payments under subsection (a) in the same manner as payments were made under section 208 of the Agricultural Assistance Act of 2003 (Public Law 108–7; 117 Stat. 544), including using the same indemnity benefits as were used in carrying out that section.

(c) HAWAII.—The Secretary shall use $6,000,000 of funds of the Commodity Credit Corporation to assist sugarcane growers in Hawaii by making a payment in that amount to an agricultural transportation cooperative in Hawaii, the members of which are eligible to obtain a loan under section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a)).

SEC. 515. BOVINE TUBERCULOSIS HERD INDEMNIFICATION.

The Secretary shall use $2,000,000 of funds of the Commodity Credit Corporation to indemnify producers that suffered losses to herds of cattle due to bovine tuberculosis during calendar year 2005.

SEC. 516. NONINSURED CROP ASSISTANCE PROGRAM.

Section 196(c) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333(c)) is amended by adding at the end the following:

"(5) LOSS ASSESSMENT FOR GRAZING.—The Secretary shall permit the use of 1 claims adjustor certified by the Secretary to assess the quantity of loss on the acreage or allotment of a producer devoted to grazing for livestock under this section.".

SEC. 517. REDUCTION IN PAYMENTS.

The amount of any payment for which a producer is eligible under this subtitle shall be reduced by any amount received by the producer for the same loss or any similar loss under—

(1) the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109-148; 119 Stat. 2680);

(2) an agricultural disaster assistance provision contained in the announcement of the Secretary on January 26, 2006, or August 29, 2006;

(3) the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 418); or

(4) the Livestock Assistance Grant Program announced by the Secretary on August 29, 2006.

Subtitle B—Small Business Economic Loss Grant Program

SEC. 521. SMALL BUSINESS ECONOMIC LOSS GRANT PROGRAM.

(a) Definition of Qualified State.—In this section, the term "qualified State" means a State in which at least 50 percent of the counties of the State were declared to be primary agricultural disaster areas by the Secretary in at least 2 of crop years 2004, 2005, and 2006.

(b) Grants to Qualified States.—

(1) In general.—The Secretary shall use $300,000,000 of funds of the Commodity Credit Corporation to make grants to State departments of agriculture or comparable State agencies in qualified States.

(2) Amount.—

(A) In general.—Subject to subparagraph (B), the Secretary shall allocate grants among qualified States described in paragraph (1) based on the average value of agricultural sector production in the qualified State, determined as a percentage of the gross domestic product of the qualified State.

(B) Minimum amount.—The minimum amount of a grant under this subsection shall be $3,000,000.

(3) Requirement.—To be eligible to receive a grant under this subsection, a qualified State shall agree to carry out an expedited disaster assistance program to provide direct payments to qualified small businesses in accordance with subsection (c).

(c) Direct Payments to Qualified Small Businesses.—

(1) In general.—In carrying out an expedited disaster assistance program described in subsection (b)(3), a qualified State shall provide direct payments to eligible small businesses in the qualified State that suffered material economic losses in at least 2 of crop years 2004, 2005, and 2006 as a direct result of weather-related agricultural losses to the crop or livestock production sectors of the qualified State, as determined by the Secretary.

(2) Eligibility.—

(A) In general.—To be eligible to receive a direct payment under paragraph (1), a small business shall—

(i) have less than $5,000,000 in average annual gross income from all business activities, at least 75 percent of which shall be directly related to production agriculture or agriculture support industries, as determined by the Secretary;

(ii) verify the amount of economic loss attributable to weather-related agricultural losses using such documentation as the Secretary and the head of the qualified State agency may require;

(iii) have suffered losses attributable to weather-related agricultural disasters that equal at least 50 percent of the total economic loss of the small business for each year a grant is requested; and

(iv) demonstrate that the grant will materially improve the likelihood the business will—

(I) recover from the disaster; and

(II) continue to service and support production agriculture.

(3) Requirements.—A direct payment to small business under this subsection shall—

(A) be limited to not more than 2 years of documented losses;

(B) be in an amount of not more than 75 percent of the documented average economic loss attributable to weather-related agriculture disasters for each eligible year in the qualified State; and

(C) not exceed $80,000 per grant per year.

(4) Insufficient funding.—If the grant funds received by a qualified State agency under subsection (b) are insufficient to fund the direct payments of the qualified State agency under this subsection, the qualified State agency may apply a proportional reduction to all of the direct payments.

Subtitle C—Conservation

SEC. 531. EMERGENCY CONSERVATION PROGRAM.

The Secretary shall use an additional $30,000,000 of funds of the Commodity Credit Corporation to carry out emergency measures, including wildfire recovery efforts in Montana and other States, identified by the Administrator of the Farm Service Agency as of the date of enactment of this Act through the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.).

SEC. 532. EMERGENCY WATERSHED PROTECTION PROGRAM.

The Secretary shall use an additional $70,000,000 of funds of the Commodity Credit Corporation to carry out emergency measures identified by the Chief of the Natural Resources Conservation Service as of the date of enactment of this Act through the emergency watershed protection program established under section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203).

SEC. 533. ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.

The Secretary shall use an additional $200,000,000 of funds of the Commodity Credit Corporation to carry out emergency measures identified by the Secretary through the environmental quality incentives program established under chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.), of which not less than $50,000,000 shall be used to carry out wildfire recovery efforts (including in Montana and other States).

Subtitle D—Farm Service Agency

SEC. 541. FUNDING FOR ADDITIONAL PERSONNEL.

The Secretary shall use $20,000,000 of funds of the Commodity Credit Corporation to hire additional County Farm Service Agency personnel—

(1) to expedite the implementation of, and delivery under, the agricultural disaster and economic assistance programs under this title; and

(2) as the Secretary determines to be necessary to carry out other agriculture and disaster assistance programs.

Subtitle E—Miscellaneous

SEC. 551. CONTRACT WAIVER.

In carrying out section 101(a)(5) of the Emergency Supplemental Appropriations for Hurricane Disasters Assistance Act, 2005 (Public Law 108-324; 118 Stat. 1233), the Secretary shall not require participation in a crop insurance pilot program relating to forage.

SEC. 552. FUNDING.

The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this title, to remain available until expended.

SEC. 553. REGULATIONS.

(a) In General.—The Secretary may promulgate such regulations as are necessary to implement this title.

(b) Procedure.—The promulgation of the regulations and administration of this title shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(c) Congressional Review of Agency Rulemaking.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

SEC. 554. EARTHQUAKE DAMAGE IN THE STATE OF HAWAII.

(a) Emergency Watershed Protection Program.—The Secretary shall use an additional $12,000,000 of funds of the Commodity Credit Corporation to carry out emergency measures on the Big Island in the State of Hawaii (referred to in this section as the "Big Island") through the emergency watershed protection program established under section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203), of which $7,000,000 shall be used to repair the Lower Hamakua Ditch and $5,000,000 shall be used to repair the Waimea Irrigation System/Upper Hamakua Ditch.

(b) Emergency Conservation Program.—

(1) In general.—The Secretary shall use an additional $6,000,000 of funds of the Commodity Credit Corporation to repair broken irrigation pipelines and damaged and collapsed water tanks on the Big Island through the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.), of which $2,000,000 shall be used to repair stone fences on cattle ranches in the Kona and Kohala areas and $2,000,000 shall be used to provide emergency loans for losses of agricultural income due to the earthquake of October 15, 2006.

(2) Additional funds.—The Secretary may use an additional $2,000,000 of funds of the Commodity Credit Corporation through the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.) to repair or replace historical stone fences on ranches on the Big Island damaged by the earthquake on October 15, 2006.

(c) Kohala Ditch System.—The Secretary shall use $3,000,000 of funds of the Commodity Credit Corporation to provide a grant to the Big Island Resource Conservation and Development Council, Incorporated, to repair the Kohala Ditch system.

Subtitle F—Emergency Designation

SEC. 561. EMERGENCY DESIGNATION.

The amounts provided under this title are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

SA 5145. Mr. SMITH submitted an amendment intended to be proposed to SA 4920 submitted by Mr. BURNS and intended to be proposed to the bill H.R. 5385, making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. . REAUTHORIZATION OF THE SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000.

(a) IN GENERAL.—The Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106–393) is amended in sections 101(a), 102(b)(2), 103(b)(1), 203(a)(1), 207(a), 208, 303, and 401 by striking "2006" and inserting "2007".

(b) TERMINATION OF AUTHORITY.—

(1) SPECIAL PROJECTS ON FEDERAL LANDS.—Section 208 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106–393) is amended in the second sentence by striking "2007" and inserting "2008".

(2) COUNTY PROJECTS.—Section 303 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106–393) is amended in the second sentence by striking "2007" and inserting "2008".

(c) REDUCTION IN PAYMENTS FOR FISCAL YEAR 2007.—Notwithstanding any provision of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106–393), any payment authorized under section 102 or 103 of that Act for fiscal year 2007 shall be equal to the amount of the payment authorized under the applicable section of that Act for fiscal year 2006, reduced by 10 percent.

(d) EMERGENCY DESIGNATION.—The amount made available under this section and the amendments made by this section is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

SA 5146. Mr. COCHRAN (for himself and Mr. LOTT) submitted an amendment intended to be proposed by him to the bill H.R. 5385, making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 82, between lines 19 and 20, insert the following:

SEC. 126. Of the amount appropriated or otherwise made available by chapter 7 of title I of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148) under the heading "MILITARY CONSTRUCTION, NAVY AND MARINE CORPS" and available for the replacement of a Bachelor Enlisted Quarters at Naval Construction Battalion Center, Gulfport, Mississippi, $13,400,000 may be available for the construction of an additional Bachelor Enlisted Quarters at Naval Construction Battalion Center, Gulfport, Mississippi.

SA 5147. Mr. WYDEN (for himself and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill H.R. 5385, making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 106, between lines 12 and 13, insert the following:

SEC. 229. Of the amount appropriated by this title under the heading "DEPARTMENTAL ADMINISTRATION", up to $500,000 may be available for the Secretary of Veterans Affairs to conduct an independent study on the community health resources in the 14-county catchment area of the Department of Veterans Affairs clinic in Walla Walla, Washington, including the capacity of the private health care facilities in such catchment area to serve veterans that currently receive inpatient care at such clinic.

SA 5148. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 5385, making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 82, between lines 19 and 20, insert the following:

SEC. 126. Section 2836(c)(3) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2005) is amended to read as follows:

"(3) The Secretary may convey, without consideration, to the County all right, title, and interest of the United States in and to a parcel of real property (including improvements thereon), known as Tract No. 404–1, consisting of approximately 137 acres located at Fort Bragg for support of the construction of public school structures that may be used by the Harnett County School Board for the education of—

"(A) members of the Armed Forces stationed at Fort Bragg and Pope Air Force Base and their dependents; and

"(B) children who reside in the County.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, November 14, 2006, at 11 a.m., in 215 Dirksen Senate Office Building, to consider pending nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Tuesday, November 14, 2006, at 10 a.m. to consider the nominations of the Honorable James H. Bilbray to be Governor, U.S. Postal Service, Thurgood Marshall Jr. to be Governor, U.S. Postal Service, and the Honorable Dan G. Blair to be Chairman, Postal Rate Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Competition in Sports Programming and Distribution: Are Consumers Winning?" on Tuesday, November 14, 2006 at 9 a.m. in Dirksen Senate Office Building Room 226.

Witness List

Panel I: Roger Noll, Professor, Economics Department, Stanford University, Stanford, CA; Jeffrey Pash, Executive Vice President and General Counsel of the National Football League, New York, NY; Daniel M. Fawcett, Executive Vice President, Business and Legal Affairs and Programming Acquisition, DIRECTV, Inc., Washington, DC; Landel Hobbs, Chief Operating Officer, Time Warner, New York, NY.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on "Judicial Nominations" on Tuesday, November 14, 2006 at 2 p.m. in Dirksen Senate Office Building Room 226.

Witness List

Panel I: The Honorable Arlen Specter, United States Senator [R–PA].

Panel II: Thomas Michael Hardiman to be United States Circuit Judge for the Third District.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. FRIST. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs be authorized to meet on Tuesday, November 14, 2006, at 2:30 p.m., for a hearing entitled "Failure to Identify Company Owners Impedes Law Enforcement."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that Senator MCCAIN's legislative fellow, Navy LCDR Damien Christopher, be granted floor privileges during the debate and any votes concerning H.R. 5384, as well as any related amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE CALENDAR

RECOMMITTAL OF NOMINATION

Mr. FRIST. As in executive session, I ask unanimous consent that Executive Calendar No. 995, the nomination of John Peyton, be recommitted to the Committee on Health, Education, Labor, and Pensions.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME

Mr. FRIST. Mr. President, I understand there is a bill at the desk and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 4051) to provide sufficient resources to permit electronic surveillance of United States persons for foreign intelligence purposes to be conducted pursuant to individualized court-issued orders, to enhance oversight and streamline the procedures of the Foreign Intelligence Surveillance Act of 1978, to ensure review of the Terrorist Surveillance Program by the United States Supreme Court, and for other purposes.

Mr. FRIST. I now ask for its second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my request.

The PRESIDING OFFICER. Objection is heard.

MEASURE PLACED ON CALENDAR—S. 4047

Mr. FRIST. Mr. President, I understand there is a bill at the desk due for its second reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 4047) to prohibit the issuance of transportation security cards to individuals who have been convicted of certain crimes.

Mr. FRIST. Mr. President, in order to place the bill on the calendar under the provisions of rule XIV, I object to further proceeding.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, and in consultation with the ranking member of the Senate Committee on Finance, pursuant to Public Law 103-296, appoints Marsha Katz, of Montana, vice David Podoff, as a member of the Social Security Advisory Board.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 109-22

Mr. FRIST. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on November 14, 2006, by the President of the United States:

Treaty with Malaysia on Mutual Legal Assistance, Treaty Document No. 109-22.

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty between the United States of America and Malaysia on Mutual Legal Assistance in Criminal Matters, signed on July 28, 2006, at Kuala Lumpur. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty is one of a series of modern mutual legal assistance treaties being negotiated by the United States in order to counter criminal activities more effectively. The Treaty should enhance our ability to investigate and prosecute a wide variety of crimes. The Treaty is self-executing.

The Treaty provides for a broad range of cooperation in criminal matters. Under the Treaty, the Parties agree to assist each other by, among other things: providing evidence (such as testimony, documents, items, or things) obtained voluntarily or, where necessary, by compulsion; arranging for persons, including persons in custody, to travel to the other country to provide evidence; serving documents executing searches and seizures; locating and identifying persons, items, or places; examining objects and sites; freezing and forfeiting assets or property; and identifying or tracing proceeds of crime.

I recommend that the Senate give early and favorable consideration to the Treaty, and give its advice and consent to ratification.

GEORGE W. BUSH.

THE WHITE HOUSE, *November 14, 2006.*

ORDERS FOR WEDNESDAY, NOVEMBER 15, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 2:15 p.m. on Wednesday, November 15. I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and that there then be a period of morning business with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, today we did complete our work on the Military Construction and Veterans Affairs appropriations bill. Tomorrow afternoon, we hope to begin the Agriculture appropriations bill. We are also continuing our efforts to reach an agreement for the consideration of the U.S.-India Peaceful Atomic Energy Cooperation Act. We do expect votes in the afternoon, so Senators should plan their schedules accordingly. This week, we will also need to pass a short-term continuing resolution when received from the House.

ADJOURNMENT UNTIL 2:15 P.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:49 p.m., adjourned until Wednesday, November 15, 2006 at 2:15 p.m.

NOMINATIONS

Executive nominations received by the Senate November 14, 2006:

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

To be lieutenant commander

RICARDO M. ALONSO, 7495
DIRK N. AMES, 0671
THOMAS B. BAILEY, 3975
AGUSTUS J. BANNAN, 7942
MATTHEW P. BARKER, 7721
CHE J. BARNES, 9478
IAN A. BASTEK, 6432
MICHAEL W. BATCHELDER, 1032
MICHAEL E. BENNETT, 7473
ADAM G. BENTLEY, 4815
KENNETH E. BLAIR, 5281
AMY L. BLOYD, 0925
JED R. BOBA, 0390
KENNETH J. BODA, 7374
SCOTT G. BORGERSON, 6887
CAMILLA B. BOSANQUET, 4089
DONALD C. BOYER, 3303
DAVID L. BRADLEY, 0876
RANDY L. BRADLEY, 3577
NELSON J. BRANDT, 0536
MATTHEW T. BROWN, 0010
JAMES W. BUNN, 1575
JOANN F. BURDIAN, 0419
KAREN S. CAGLE, 1410
RICHARD F. CALVERT, 3568
ANDREW T. CAMPEN, 9378
MICHAEL J. CAPELLI, 6935
WILLIE L. CARMICHAEL, 5750
SCOTT S. CASAD, 6112
RENE X. CASAREZ, 3287
CHRISTOPHER R. CEDERHOLM, 1642
JOHN R. COLE, 8648
TEALI G. COLEY, 9705
ROBERT C. COMPHER, 4186
DANIEL A. CONNOLLY, 0615
CHAD W. COOPER, 0820
NATHAN E. COULTER, 9371
GREGORY L. CRETTOL, 9985
CORNELIUS E. CUMMINGS, 7200
SHAWN E. DECKER, 9987
MICHAEL E. DELURY, 1786
JOHN T. DEWEY, 9865
STEVEN J. DOHMAN, 8130
JEFFREY T. DOLAN, 6021

KEITH M. DONOHUE, 2298
ERIC D. DREY, 0934
JEROME E. DUBAY, 9236
BRENT N. DURBIN, 5071
REINO G. ECKLORD, 3471
ARTHUR J. EDWARDS, 1325
DAMON C. EDWARDS, 6153
JEFFREY ELDRIDGE, 6504
RAHSHAAN ENGRUM, 2215
JANET D. ESPINOYOUNG, 3395
MATTHEW R. FARNEN, 8256
FRANCESANN B. FAZIO, 6858
SARAH K. FELGER, 8522
CHRISTINE FERN, 6850
KEVIN B. FERRIE, 4970
JASON B. FLENNOY, 2558
TED R. FOWLES, 1609
JOSEPH FRANKLIN, 7744
MICHAEL E. FRAWLEY, 1743
CHRISTOPHER R. FRIESE, 5544
GLENN J. GALMAN, 2580
PAMELA P. GARCIA, 0163
ROBERT G. GARDALI, 3939
CHRISTOFER L. GERMAN, 0014
TANYA L. GILES, 9961
PETRE S. GILLIAM, 1007
ERROL M. GLENN, 1447
MICHAEL J. GOLDSCHMIDT, 6712
DAVID V. GOMEZ, 2386
RICHARD GONZALEZ, 7415
MICHAEL D. GOOD, 7990
HANS C. GOVERTSEN, 7831
ROBERT T. GRIFFIN, 0681
CHARLES M. GUERRERO, 0103
FAY J. GUERRERO, 7332
TIM A. GUNTER, 1157
ROBERT E. HART, 3789
HEATH A. HARTLEY, 9814
JAMES F. HEDRICK, 6416
JONATHAN N. HELLBERG, 6376
JOHN HENNIGAN, 6500
SCOTT C. HERMAN, 5180
MICHAEL L. HERRING, 9601
ANNA W. HICKEY, 9731
DARREN A. HOPPER, 5218
CHRISTY L. HOWARD, 8757
CHRISTOPHER M. HUBERTY, 0465
JOEL A. HUGGINS, 2805
CHRISTOPHER J. HULSER, 9071
TANGELA F. HUMMONS, 5914
AUSTIN R. IVES, 9201
DAVID M. JOHNSTON, 6464
DANIEL C. JONES, 1524
PETER B. JONES, 6349
JONATHAN P. JORGENSEN, 8564
WARREN D. JUDGE, 3435
KERRY G. KARWAN, 3708
SEAN R. KATZ, 2683
JARED E. KING, 0917
LONNIE T. KISHIYAMA, 8941
BRADLEY J. KLIMEK, 8194
BRIAN G. KNAPP, 4393
MICHAEL S. KRAUSE, 0052
CHARLES F. KUEBLER, 7051
KURT R. KUPERSMITH, 1711
KEN KUSANO, 4759
PAUL E. LAFOND, 5506
ANDREW A. LAWRENCE, 0120
ERIN M. LEDFORD, 1159
CHRISTIAN A. LEE, 9075
BRIAN J. LEFEBVRE, 5145
JACQUELINE M. LEVERICH, 3736
ANDREW H. LIGHT, 4575
LEXIA M. LITTLEJOHN, 1594
CHAD A. LONG, 3832
KEVIN P. LYNN, 9919
SIMON A. MAPLE, 5364
ERIC D. MASSON, 3319
JOSEPH S. MASTERSON, 6036
HEATHER A. MCCAFFERTY, 7064
JOHN F. MCCARTHY, 9783
RUDY S. MCGWIN, 6195
EMILY S. MCINTYRE, 8011
CHRISTOPHER A. MCMUNN, 6249
ELIZABETH A. MCNAMARA, 1291
MICHAEL J. MCNEIL, 1363
RANDY F. MEADOR, 1890
JOSE E. MEDINA, 7528
DWAYNE L. MEEKINS, 0000
MATTHEW W. MERRIMAN, 8767
ANDREW D. MEVERDEN, 4039
TIMOTHY G. MEYERS, 3912
TODD S. MIKOLOP, 1485
KENNETH V. MILLS, 1238
RICHARD W. MINNICH, 0824
MARCUS A. MITCHELL, 1514
KIRK W. MONTGOMERY, 0002
DONALD P. MONTORO, 5297
ALAN H. MOORE, 1084
ELLIS H. MOOSE, 6371
ANNE M. MORRISSEY, 8186
KENNETH T. NAGIE, 8610
JOHN A. NATALE, 6981
DAVID R. NEEL, 0838
KENNETH E. NELSON, 4761
CRAIG D. NEUBECKER, 8881
DOUGLAS D. NORSTROM, 5552
DAVID J. OBERMEIER, 5889
SEAN J. OBRIEN, 0493
TIMOTHY K. OBRIEN, 1845
REBECCA E. ORE, 7818
ANTHONY K. PALMER, 3287
LUIS C. PARRALES, 9955
TIMOTHY A. PASEK, 8674
SCOTT W. PEABODY, 8498
LUKE A. PERCIAK, 6793
PATRICK F. PESCHKA, 6973
JUSTIN D. PETERS, 0202
SANDRA J. PETERSON, 4268
DOUGLAS C. PETRUSA, 1790
HARPER L. PHILLIPS, 1563
TRACY O. PHILLIPS, 2146
SCOTT S. PHY, 3813
FRANK A. PIERCE, 2682
KEITH J. PIERRE, 9860
SHANNON M. PITTS, 7723
EDWARD H. PORNER, 4396
JEFFREY M. POTENSKY, 8304
ALISA L. PRASKOVICH, 0498
PAUL T. PRIEBE, 7096
STEVEN E. RAMASSINI, 8865
JOSHUA T. RAMEY, 6342
JACOB J. RAMOS, 7432
JASON H. RAMSDELL, 3851
TRAVIS J. RASMUSSEN, 3924
ERIC A. REETER, 9930
JAMES P. REID, 5148
SEAN P. ROCHE, 6922
RODRIGO G. ROJAS, 8468
CHRISTOPHER A. ROSE, 5768
CONSTANCE F. RUCKSTUHL, 1123
MATTHEW A. RUDICK, 2156
BELINDA C. SAVAGE, 3322
DAVID J. SCHELL, 7756
CLINT B. SCHLEGEL, 8948
GREGORY J. SCHULTZ, 5967
ANITA M. SCOTT, 0941
HOLLY L. SHAFFNER, 8076
DAVID M. SHERRY, 1674
DANIEL J. SILVESTRO, 1854
JENNIFER L. SINCLAIR, 1980
LORING A. SMALL, 0927
DEREK L. SMITH, 7909
ERIC A. SMITH, 9060
SHAD S. SOLDANO, 6909
JAMES W. SPITLER, 2704
DOUGLAS K. STARK, 6325
JOHN M. STONE, 6486
BENJAMIN F. STRICKLAND, 5020
DENNIS R. SVATOS, 5495
VASILIOS TASIKAS, 7207
ROMUALDUS M. TENBERGE JR, 0399
BRADLEY K. TERRILL, 2760
JAMES P. THOMPSON, 5087
SOLOMON C. THOMPSON, 6952
RUSSELL R. TORGERSON, 5388
ANDRE P. TOWNER, 8486
TERRY A. TREXLER, 9120
CHRISTOPHER A. TRIBOLET, 8398
CLINTON A. TROCCHIO, 7016
MICHAEL A. TURDO, 2791
BRYAN J. ULLMER, 4745
TINA J. URBAN, 8545
JAMES A. VALENTINE, 9573
DANIEL W. VANBUSKIRK, 7914
EVA J. VANCAMP, 7031
STEVEN P. WALSH, 6128
WILBORNE E. WATSON, 5625
TYSON S. WEINERT, 6953
BRENDA M. WHITE, 0347
DIANA J. WICKMAN, 3451
MOLLY A. WIKE, 4555
NATHANIEL R. WILLIAMS, 9508
SOLOMON J. WILLIAMS, 9148
TARIK L. WILLIAMS, 0466
KEVIN M. WILSON, 2487
JOHN W. WINTER, 3321
ANDREW J. WRIGHT, 0502

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUALS IN THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel

NEVANNA I. KOICHEFF, 9766
WATARU ODOMO, 2667
PATRICK M. SHERER, 2385
JEFFREY WEISER, 7010

To be major

OBIE A. AUSTIN, 5425
GARY BARKER, 2040
KAREN BARKER, 9996
RITA BOBBROLLINS, 3920
EDWARD S. CARROLL, 5183
CECILIA M. CORRADO, 8900
OTICE Z. HELMER, 5624
JAMAL JANANIA, 1909
HENRY J. KLEIN, 1774
KURTIS G. KOBES, 7984
WILLIAM A. MACNAUGHTON, 0631
DANUTA MAJKRUSZYNSKI, 4783
STANLEY MOODY, 2523
SHAWN T. NESBO, 3255
BRADDEN R. PYRON, 2198
CHRISTOPHER RYAN, 8566
PERLITA K. TAM, 5929

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be colonel

DEBRA L. COHEN, 0241
PETER S. GOLDBERG, 0803
SCOTT J. STCLAIR, 1878
DAVID H. TURK, 6497
TRACEY L. ZANDER, 9075

To be lieutenant colonel

PAUL G. ANDREWS, 2980
KEVIN K. BERRY, 7033
JAMES H. BOOZELL, 6531
TYLER L. BOSCO, 2031
PATRICK J. CHRISTIAN, 1839
PETER L. CONNELLY, 8601
CHARLES F. CORSON, 9240
ESME M. DAVIS, 1862
STEVEN A. DAVIS, 9733
ALAN D. ECKERSLEY, 0206
GUY R. EDMONDSON, 1098
PHILIP A. ESTEBAN, 6257
RAFAEL GARCIA, 7173
ROBERT A. GARY, 4374
KERRYE GLASS, 3976
LARRY C. HAYES, 2168
PAUL R. JONES, 2161
ROBERT E. KOCH, 1407
DAVID A. KONOP, 8477
ODELL C. LEWIS, 7374
KEVIN C. LOGAN, 3468
FRANCINE D. MARTIN, 4750
MICHAEL E. MASON, 7046
ROBERT B. MAURIO, 1404
MICHIYO J. MONTAGUE, 4145
KEITH A. MORRISON, 7420
KEITH NEWSOME, 3343
BILLY J. POWELL, 2474
JORGE RANGEL, 0357
DAVID M. ROBERSON, 6119
RONNEL L. ROUSE, 4526
MICHAEL E. SANDS, 6226
KARL A. SCHWARTZ, 4652
RICHARD A. SHAW, 1834
PRATYA SIRIWAT, 1367
EDWARD R. SMALLWOOD, 0018
DAWN M. SMITH, 8451
CYNTHIA K. SUMMERS, 8049
JOHN H. WAGNER, 2653
JOHN M. WALKER, 9581
DIANE K. WATERS, 7159
JAMES L. WELLS, 3117
HARRY W. WHIPPLE, 5118
BRIAN C. WRIGHT, 2213
HARRY O. YATES, 0767

To be major

JAMES ADAMS, 8386
JEFFREY A. AGEE, 4127
JEFFREY W. ALLEN, 3555
JOSE A. BALLESTER, 5784
DANNY BANKS, 1586
MARK J. BENEDICT, 4632
KENNETH A. BLAYLOCK, 7808
SHAWN N. BROWER, 5247
STEPHEN CAMPBELL, 6460
GORDON R. CRAWFORD, 8568
SHAWN B. CZEHOWSKI, 8709
JEAN M. DAVIS, 6868
JOSEPH DCOSTA, 8479
ROLAND E. DIGGS, 8436
JEROME C. DUFFY, 9897
KRISTOFFER B. FALE, 0584
PIERRE L. FENRICK, 9878
DARRYL L. GILLIAM, 4455
BRUCE S. GRIFFIN, 5567
MATTHEW HACKATHORN, 7709
JOHN A. HAGAN, 6523
DWIGHT A. HALL, 0787
JEANETTE L. HANKINS, 9876
LULA B. HARTEVANS, 7749
CHRISTOPHER L. HARTLEY, 9035
CONRAD E. HARVEY, 7019
PETER J. HEBERT, 5473
SCOTT C. HENSLEY, 1290
JEFFREY T. HOOVER, 1904
DEAN A. HUARD, 8764
BRUCE JENKINS, 8135
DAVID A. JOHNSON, 1252
RONALD D. JOHNSON, 0661
LEON JONES, 0971
ERIC W. KAEMPFER, 5081
LAUREN KULINSKI, 2003
FLOYD S. LIDDICK, 5761
CURTIS LINDESAY, 7619
RAJESH LOBRECHT, 1628
JOSE P. LOPEZ, 8334
PAUL E. MADSEN, 4617
MATTHEW B. MCGREEVY, 8865
DAVID P. MCHENRY, 1150
CHRISTINA MOORE, 4279
WILLIAM D. MOORE, 4610
KEVIN R. NAIG, 3153
WILLIAM S. OLIVA, 6887
HANS F. OTTESEN, 4863
RANDALL C. PAGE, 4638
JOSEPH A. PAPENFUS, 8642
EDWARD L. PEARCE, 3446
ISAAC B. PEAY, 2605
CURTIS PHELPS, 2659
ERIK K. POOLE, 1463
ROBERT T. QUINNETT, 0493
GEORGE H. RENFRO, 7441

LARRY J. ROBERTS, 9394
JOHN G. ROGERS, 1049
ROBERT SCHMIDT, 7315
NANCY R. SERMONS, 7293
ANNETTE S. SHORMAN, 7011
ANTHONY W. SIPPERT, 5156
JAMES E. SMALLIDGE, 9450
LAWRENCE E. SMITH, 1663
LONNIE S. SPANGLER, 7705
JOSHUA T. STEVENS, 1835
DONALD W. SULLIVAN, 4585
PETER J. TATE, 2997
MICHAEL F. TREVETT, 8444
MICHAEL N. TURNER, 2842
MARY C. VOWELL, 1986
REGINALD A. WARREN, 0670
KEITH WASHINGTON, 7014
ROBERT D. WILLIAMS, 8324
KYLE J. ZABLOCKI, 7249

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

NORMAN F. ALLEN, 9647
STEPHEN J. BERG, 9271
THOMAS D. COOK, 0356
ROBERT J. COTELL, 2274
RICHARD J. GALVIN, 0423
JAMES F. GARRETT, 3454
CHARLES D. HAYES, JR., 4628
WILLIAM R. KERN, 3315
JAMES D. KEY, 6907
CHERYL R. LEWIS, 4269
CRAIG A. MEREDITH, 0317
JEFFERY R. NANCE, 4890
STUART W. RISCH, 3767
EDWARD J. SHEERAN, 9115
SAMUEL J. SMITH, JR., 6587
PAUL H. TURNEY, 0470
DARIA P. WOLLSCHLAEGER, 7600

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

MICHAEL R. ABERLE, 7781
BRUCE S. ADKINS, 5870
THOMAS W. AHRENDT, 6771
JOHN T. AKERS, 5669
PAUL L. ALBERTI, JR., 3299
CLINT L. ALDAY, 1173
PHILLIP W. ALEXANDER, 7489
ERIC S. ALFORD, 5799
FRED W. ALLEN, 2985
JOHN W. ALTEBAUMER, JR., 6520
DANIEL U. ALVAREZ, 6792
BRIAN E. ALVIN, 2057
ARTHUR B. ANDERSON, 8873
JAMES O. ANDERSON, 6124
WESLEY R. ANDERSON, 6714
THOMAS J. ANDREA, 9539
JOHN K. ANDREW II, 6372
PATRICIA M. ANSLOW, 6078
MARK A. ANSPACH, 6837
MARTIN R. APPRICH, 4448
BILL R. AQUINO, 2261
JEFFREY T. ARCHER, 0031
NORBERT E. ARCHIBEQUE, 2860
JULIA E. ARTHUR, 6248
KRIS ATTARIAN, 2607
CHARLES H. AUCOIN, 5814
ARTHUR G. AUSTIN, JR., 7034
SUSAN H. BAGLEY, 9975
ANDREW S. BALDY, 8618
THOMAS A. BALL, 4114
ROBERT E. BANKS, 3581
WILLIAM P. BANKS, JR., 2294
JOHN J. BARANOWSKI, 7287
KENNETH BARNETT, 8779
ROBERT A. BARRETT, 7440
AARON T. BARRIER, 2272
BRIAN B. BARRONTINE, 9890
JAMES D. BARTOLACCI, 7053
JOHN K. BARTOLOTTO, 1804
CHRISTOPHER J. BATES, 4071
DERRICK J. BATISTE, 3151
DIANE M. BATTAGLIA, 1036
MATHEW M. BAUDEK, 1823
ROBERT L. BAUMGARDNER, 3278
DON B. BEARD, 2912
ROBERT D. BENJAMIN, 4488
DONALD A. BENNETT, 6091
MICHAEL J. BENNETT, 9753
MARVIN BENTON, 6400
JOSHUA P. BERISFORD, 1147
GREY D. BERRIER II, 9667
JET G. BIBLER, 7239
BRUCE R. BIDDLE, 0649
PAUL D. BISCHOFF, 4227
CARLOS BLANCHARD, 8525
STEVEN E. BLANTON, 0200
CHARLES F. BLASCHKE III, 2789
DEBRA J. BLAYLOCK, 3698
JOHN H. BOCK, JR., 9674
THOMAS E. BOLAND, 5880
FRED C. BOLTON, 7358
PATRICK L. BOUCHER, 2466
JANSON D. BOYLES, 9869
ROBERT L. BRADSHAW, 7277
WILLIAM S. BRANNAN, JR., 6546
ROY C. BROCK, JR., 1771
DONALD W. BROOKS, 5401
JOHN J. BROSSART, 6285
JEFFERY L. BROTHERTON, 6470
CLIFFORD A. BROWN, 2016
DAVID L. BROWN, 3300
EDWARD L. BROWN, 1429
MATTHEW J. BROWN, 0999
PAUL P. BRYANT, 7059
TONY A. BRYANT, 8235
STEVEN J. BUETHE, 3885
JAMES R. BUGGY, 0788
BRUCE L. BULDHAUPT, 8332
JAMES BULLION, 5321
THOMAS P. BUMP, 0898
JOE L. BURCH, 0672
ROBERT J. BURCH, 0467
WAYNE L. BURD, 7511
EDWARD G. BURLEY, 6510
MALCOLM S. BURR II, 6637
JON M. BYROM, 4513
DENNIS J. CAHILL, 1884
THOMAS B. CAIN, 5671
MARK A. CALABRESE, 9762
DENNIS M. CAMERON, 9597
SCOTT A. CAMPBELL, 9392
MARK K. CARLSON, 8868
PATRICIA A. CARLSON, 4137
KLEMENT J. CARON, 5624
BRIAN R. CARPENTER, 9259
DARREN H. CARPENTER, 2269
SCOTTIE D. CARPENTER, 8183
ROY D. CARRINGTON, 3832
CHARLES A. CARSON, 3386
RANDAL S. CARTER, 1162
JORGE L. CASTRO, 7310
BRIAN J. CATALANO, 7161
THOMAS L. CATHEY, 3621
WAYNE M. CAVENDER, JR., 4150
JOSE E. CEPEDA, 3090
CLIFFORD B. CHICK, 9420
NICHOLAS CHIMIENTI, 2362
CARL L. CHURCHILL, JR., 3993
PHILLIP M. CHURN, 4017
RONALD P. CLAEYS, 5682
MICHAEL H. CLANCY, 1068
ROBERT A. CLARK, 1501
JERRY A. CLINKSCALES, 2329
CYNTHIA M. COATES, 7117
BILLY F. COBB, 9925
DUANE L. COFFEY, JR., 4129
JAMES A. COHN, 8269
PATRICIA D. COLE, 4223
RICHARD D. COLE, 0343
ROBERT S. COLEMAN, 8893
JAMES W. CONAWAY, 4561
DAVID J. CONBOY, 7550
JOHN W. CONLEY, 4338
VICKY J. CONNELL, 0629
JEFFREY A. CONNELLY, 9059
RUSSELL G. CONRAD, 6182
CHRISTINA K. CONSTANT, 2963
CHRISTINE D. COOK, 9686
LOUIS L. COOLEY, 4370
JEFFREY D. COONS, 9488
BENJAMIN J. CORELL, 9761
DONALD S. COTNEY, 4180
BRIAN W. COTTER, 3863
WALTER D. COUNTS III, 4103
JOY L. CRAFT, 4887
PAUL A. CRAFT, 7863
MARK G. CRISCI, 2784
GARY D. CROSS, 7587
PETER L. CROTEAU, 6050
JAMES H. CROUT, JR., 7734
ROBERT E. CROWLEY, 8447
LARRY M. CRUZ, 9825
KURT S. CRYTZER, 5749
STEPHEN K. CURDA, 4575
MARSHA G. CURTIS, 2423
JERRY R. CUSIC, 1021
JONATHAN A. DAHMS, 1925
SAMUEL B. DALMAN, 7956
STEPHEN R. DALZELL, 9126
DENNIS C. DAVENPORT, 1951
RANDALL E. DAVIS, 0417
STEPHANIE E. DAWSON, 7844
AARON R. DEAN II, 6043
TIMOTHY R. DEHAAS, 8169
DARRYL E. DENNIS, 6522
IVAN E. DENTON, 9425
WILLIAM M. DERRICK, 7460
DENNIS W. DEVERY, 8123
MICHAEL DILLARD, 0813
BRYAN M. DION, 7192
MICHAEL P. DITTAMO, 8228
JOHN P. DONOVAN, JR., 1363
OLEN L. DORNEY, 1339
STUART K. DRIESBACH, 5228
RAPHAEL S. DUCKWORTH, 4682
ERNEST L. DUNCAN, 1535
JERRY D. DUNCAN, 7710
DOUGLAS W. DUNKLIN, 7697
DANIEL A. DUPONT, 1026
PATRICK R. DWYER, 1381
MARK G. DYKES, 1672
SAMUEL I. EDGE, 9083
GEORGE L. EDMONDS, 5476
DAVID M. EDWARDS, 4433
DEAN E. EKMAN, 0317
ALLAN W. ELLIOTT, 9225
ANDREA R. ELLIS, 1444
ROBERT E. EMBREY, 6625
HAROLD W. EMICK III, 6617
VERN C. ERICKSON, 1740
MICHAEL ERTMAN, 6786
FRANCISCO A. ESPAILLAT, 9259
MICHAEL R. EVANS, 1434
SCOTT D. EVANS, 3892
JEFFREY J. FAJNOR, 4817
STEPHEN J. FALCONE, 1129
PAUL A. FANNING, 0703
ROBERT M. FELLAND, 8203
MORRISON J. FENNER, 2682
TIMOTHY W. FERGUSON, 4949
MICHAEL P. FERRIS, JR., 3835
DARREL D. FEUCHT, 1875
PATRICIA C. FIGURES, 4205
JOHN D. FINK, 2741
KELLY A. FISHER, 1497
FITZ-JOHN C. FITZPATRICK, 9919
STEVEN J. FORD, 2364
WILLIAM H. FORD, 5213
PATRICK C. FORTENBERRY, 5223
MICHAEL D. FORTUNE, 9206
CHRISTOPHER J. FOWLER, 1871
MIKE FULFORD, 1718
QUINTIN H. FULGHAM, 8963
LARRY L. FULLER, 4393
DARYLL F. FUST, 9218
HUMBERTO E. GALARRAGA, 8047
MICHAEL F. GALLAGHER, 6919
DAVID A. GALLOWAY, 0242
RAYMOND E. GALLUCCI, JR., 7492
EDWARD C. GARDNER, 6773
JULIE K. GARDNER, 6034
DARYL R. GARNER, 3259
LAWRENCE J. GARNER, 6190
HOWARD B. GARTLAND, 2526
KAREN D. GATTIS, 8666
STEVEN M. GEISEN, 6726
FLOYD R. GIFFORD II, 4289
THOMAS M. GILHOOL, 3028
ROBERT J. GINGRAS, 5890
SUSAN GLENNLEE, 4570
TERESA A. GODLASKY, 3373
STEVEN J. GOFF, 2333
PAMELA S. GONCE, 0545
WALTER L. GOODWATER, 3879
SUZANNE GORDY, 2511
STEPHEN K. GOTO, 8979
JANMICHAEL S. GRAINE, 3357
JOHN H. GRASSO, 1062
DARRELL K. GREEN, 6258
JOHN R. GREEN, 2211
MARK R. GREENWOOD, 0345
KEVIN R. GRIESE, 7765
RALPH H. GROOVER III, 1076
FRANK GROSSKREUZ, 2965
ANGELITO L. GUTIERREZ, 2221
KEVIN G. GUTKNECHT, 7748
MARK P. HABERSHAW, 1700
MICHAEL W. HAERR, 6280
BRETT W. HAEUSSLER, 2910
BRETT M. HALE, 8484
JAMES R. HALL, 1534
ROY A. HALL, 9016
WILLIAM A. HALL, 8524
LAWRENCE E. HANNAN, 6052
ALLEN P. HARGIS, 9120
ELLEN L. HARING, 3921
ROBERT A. HARINGTON, 9675
CHARLES K. HARRIS, 3720
HARLAN D. HARRIS, 7339
WILLIAM M. HARRISON, 6567
RAYMOND C. HARTBARGER, 4850
DORI A. HASH, 8827
STEPHEN W. HEARN, 6957
MICHAEL J. HEFTY, 4874
JOHN J. HELLER, 0827
MARK G. HENDRICK, 4115
DARRYL W. HENSLEY, 1278
THOMAS F. HESLIN, JR., 3259
PAUL D. HESTAND, 9319
CORNELIUS K. HETHERINGTON, 0944
DANIEL J. HILL, 1893
RICHARD B. HOCHMAN, 1806
MARK J. HODD, 4172
JOSEPH P. HOFFMAN, 0518
DON R. HOFFMEISTER, 9202
STEPHEN R. HOGAN, 9981
DAVID J. HOGUE, 3895
GUY M. HOLLINGSWORTH, 5897
BRUCE E. HOLLOMAN, 1655
WAYNE L. HONEYCUTT, 8523
ROBIN S. HOOD, 1500
ROY D. HOUSE, 3255
ANTHONY HOWARD, 1284
JAMES T. HRDLICKA, 3194
ALAN C. HUFFINES, 1442
MARCUS K. HUGHES, 4613
FRIEDBERT J. HUMPHREY, 6089
WILLARD J. HUMPHRIES, 0855
ANTHONY J. HUNTER, 4490
PERCY G. HURTADO II, 7968
TIMOTHY A. HYBART, 0619
JOHNNY H. ISAAK, 6992
GEORGE K. ISHIKATA, 8119
BARTLEY J. IVES, 0026
LEE N. JACOBS, 8549
JEFFERY A. JAHNKE, 2421
LORIE T. JAVIER, 5221

JAMES L. JAWORSKI, 3871
JEROME F. JOCHEM, 1097
ERIC JOHNSON, 1593
GORDON R. JOHNSON, JR., 9777
CHRISTOPHER H. JONES, 8011
DOUGLAS JONES, 2945
MICHAEL J. JONES, 3725
RONALD L. JONES, 4905
THOMAS A. JONES, 6400
CATHERINE F. JORGENSEN, 6916
WILLIAM J. KALINOWSKI, 0654
GARY G. K. KAMAUOHA, 5240
KEVIN B. KEENAN, 9612
RICHARD F. KEENE, 9358
CHARLES D. KEITH, JR., 9405
DANIEL A. KENKEL, 8527
JAMES T. KENYON, JR., 4418
CORNELIUS J. KEOHANE, 9142
ERIC D. KERSKA, 2040
JERRY A. KIDRICK, 9614
VAN L. KINCHEN, 8540
ANTHONY L. KING, 9264
JOHN F. KING, 3770
RODERICK A. KING, 7823
ROBERT L. KIRBY, 0313
STEPHEN C. KISER, 5174
BRIAN G. KLEIN, 1531
TERRY L. KLINKER II, 5270
ROBERT D. KNAPP, 0506
DOUGLAS D. KOLSTOE, 8546
JOHN M. KRAEMER, 3373
TERRY G. KRSNAK, 8401
JOHN C. KUTTAS, 6211
CAROL A. LAAGE, 6080
CRAIG E. LAMBERT, 2693
ALAN M. LANE, 8282
RONALD J. LANE, 5876
BARRY M. LARRAIN, 6762
CHRISTOPHER A. LAUCHNER, 0003
JERRY W. LAW, 9986
KEVIN A. LAWRENCE, 3517
JOHN R. LEDDEN, 4062
SEAN K. W. LEE, 0796
DAVID H. LENT, 3469
MICHAEL A. LEONARDO, 7956
WESLEY J. LEWIS, 0192
JOHN R. LIGON, 4931
ROBERT W. LINDEMANN, 9437
DONALD G. LOCKARD, 8599
LYNN E. LOCKLEAR, 7448
JANET M. LOEFSTEDT, 6494
MARK A. LONDON, 8535
JAMES C. LORD, 4104
JAMES M. LOWMAN, 3231
ROBERTA A. LUBA, 8218
TIMOTHY J. LUCHNER, 8701
JAIME LUGO, 0790
MARK A. LUMPKIN, 5182
KATHRYN K. LUNA, 2197
ROBERT S. LYMAN, 4234
ROBERT K. LYTLE, 2852
GARY W. MACHINA, 4911
STERLING D. MACLEOD, 9496
JAMES A. MACMILLAN, 7687
KELLY C. MACNEALY, 0186
DAVID L. MADISON, 3881
MARK G. MALANKA, 0006
DONNA M. MALLET, 0724
DEBORAH L. MALONE, 5378
CHARLES T. MANSFIELD, 0189
ROLAND J. MANUEL, 2597
TIMOTHY G. MARLAR, 5531
MAIRI A. MARQUART, 6734
GREGORY M. MARTIN, 6578
STEVEN C. MARTINKA, 3910
MICHAEL J. MARX, 0533
JEFFREY M. MASCOLL, 3476
MICHAEL E. MASON, 7046
PIERRE E. MASSAR, 7561
ELIZABETH C. MASTERS, 0493
CURTIS A. MATCHETT, 7833
HORACE R. MATTHEWS, JR., 5129
DAREL C. MAXFIELD, 2242
CHARLES T. MAY, 4225
ROSEMARIE D. MCCABE, 5418
BILLY D. MCCARROLL, 0352
PHILLIP L. MCCLUSKEY, 1269
JOHN M. MCCOLLUM, 7129
HARRY S. MCCORKLE, 2123
DENNIS F. MCFADDEN, 6946
CRAIG M. MCGALLIARD, 0088
PHILIP S. MCGRATH, JR., 5297
EDWARD B. MCKEE, 1327
LAURA J. MCKNIGHT, 1598
MARK E. MCLAUGHLIN, 6059
MICHAEL R. MCLAUGHLIN, 9416
MARK F. MCMULLEN, 2304
MICHAEL B. MCNAMARA, 9120
DAVID M. MCVEY, 7612
RICHARD A. MEADOR, 5024
DAVID J. MEDEIROS, 5034
MITCHELL K. MEDIGOVICH, 2069
MICHELE A. MELTON, 2282
JOHN G. MELVILLE, 9009
VINCENT F. MERCADANTE, 7293
WILL G. MERRILL III, 8004
KARL L. MERRITT, 1440
DAVID B. MEYERS, 4045
PAUL R. MEYERS, 1626
STEVEN E. MILES, 3631
DONALD E. MILLER, 8766
GREGORY A. MILLER, 4651
JOHNNY R. MILLER, 0384
MARVIN G. MILLER, 4852
SAMUEL K. MILLETT, 3784
TIMOTHY MITCHELL, JR., 7586
DANIEL MONRREAL, 6917
JUDITH E. MONTOYA, 6995
JAMES M. MOODY, 0398
DONALD J. MOORE, 8644
RICHARD J. MOORE, 2332
TERRY F. MOORER, 1176
ANTONIO L. MORALES, 3046
BETANCOURT S. MORALES, 9087
LOIS MORALES, 9864
LAWRENCE D. MORELAND, 6215
AUSTIN T. MORGAN, 6682
ROBERT C. MOSCATI, 2711
MARK E. MUCCIARONE, 4858
CARL T. MURRAY, 3022
THOMAS T. MURRAY, 6244
RICHARD C. NAGLE, 7912
MICHAEL D. NAVRKAL, 4650
RANDOLPH F. NEAL, 3917
MARK P. NELSON, 5840
PETER S. NELSON, 0021
THRESAJAN NELSON, 0201
TRACY A. NELSON, 8838
CHRISTIE L. NIXON, 8428
JOSEPH F. NOONAN, JR., 2134
NANCY E. NOWOTNY, 7096
JOHN R. OATHOUT, 9037
WILLIAM S. OLIVA, 6887
JULI T. OLSON, 6908
WARREN C. OLSON, 4103
LEROY A. ONTIBEROS, 4630
JAY M. ORBIK, 9763
RUBEN ORDONEZ, 3972
PAUL A. ORECK, 7223
RICHARD L. OTT, 1042
MAURICE A. OTTINGER, 7155
PHILLIP M. OWENS, 8796
STEPHEN B. OWENS, 7999
DAVID E. PAINTER, 9950
KIRK A. PALAN, 3830
RAYMOND W. PALMA, 3533
SCOTT F. PARADIS, 5331
GINA M. PARKER, 2877
RAYMOND D. PARKER, JR., 6770
MITCHELL G. PASSINI, 3271
BOBBY C. PATRICK, 8205
TIMOTHY S. PAUL, 2327
WILLIAM B. PEARRE, 1126
STEVEN R. PEARSON, 3304
DANIEL J. PERROTTA, 1890
BRIAN D. PERRY, 1629
WALESKA PIZARRO, 7374
DAVID T. POLLARD, 2378
JOHNNIE H. POPE, JR., 1076
JOHN B. POSEY, 9939
PAUL T. POST, 4936
DANIEL J. POWERS, 6860
VON C. PRESNELL, 7120
JOSEPH A. PRICE, 1322
JOHN M. PRINE, 9224
CHRISTOPHER J. PROSSER, 9258
THOMAS J. PURPLE, JR., 6635
MICHAEL R. RADCLIFF, 0193
JORGE RANGEL, 0357
JAY M. RASMUSSEN, 4675
CLAIR J. READ, 4246
BOBBY K. REDMAN, 5982
BRIAN C. REDMON, 1415
MEREDITH S. REED, JR., 6606
STEPHEN J. REEDBERRY, 4908
JERRY L. REES, 3858
DAVID M. REINERT, 5833
WAYNE M. REISETTER, 3198
SCOTT A. REVAL, 7539
DENNIS E. RICE, 1996
JOSEPH R. RICE, 0256
ROBERT A. RIGSBY, 8766
GREGORY D. RILEY, 6068
KENNETH E. RING, JR., 1149
LARRY ROBINSON, 9743
STEPHEN A. ROBINSON, 2358
HOMER C. ROGERS, JR., 6527
WILLIAM ROLLERSON, JR., 8986
MARCELO ROLON, 8526
A. C. ROPER, JR., 1979
CHAD M. ROTZIEN, 5830
ELIZABETH RUCKWIED, 5623
LANNIE D. RUNCK, 1779
GARY D. RUSSELL, 3491
DONALD G. RUTHERFORD, 1446
EDWARD M. RYAN, JR., 6245
PATRICIA E. RYAN, 8742
SEAN A. RYAN, 9575
TIMOTHY A. RYAN, 8315
ALISON I. RYSCAVAGE, 2590
ALDEN F. SADDLEMIRE, 6367
DANIEL T. SAILER, 6562
WALTER M. SALMON, 7148
STEVEN A. SANCHEZ, 6816
STEPHEN G. SANDERS, 5212
DANIEL L. SAUCIER, 8502
ROBERT A. D. SAUERS, 0656
MICHAEL J. SAUTER, 1408
JAMES B. SAYERS, 1428
RALPH G. SCHEFFERT, 6243
WILLIAM P. SCHERER, 0545
JOHN W. SCHROEDER, 3602
HARRY J. SCHUTE, JR., 7266
WILLIAM J. SCHUTZ, JR., 1908
JONATHAN G. SCOTT, 9644
KENNETH A. SCOTT, 0844
MARTIN D. SEIFER, 7423
TRACY L. SETTLE, 0243
ARTHUR F. SHAFFERMAN, 7112
KEITH A. SHARPLES, 4243
RICHARD D. SHATTO, 4780
TIMOTHY A. SHEARER, 3859
TIMOTHY J. SHERIFF, 4670
BRIAN S. SIECK, 9522
LESTER SIMPSON, 9850
LARRY R. SIMS, 8744
BENNETT E. SINGER, 8042
RICHARD B. SINGER IV, 6547
WAYNE P. SINIBALDI, 2956
GLENN M. SKAWSKI, 6758
DEBORAH S. SKILLMAN, 7448
RONALD A. SLAATHAUG, 0580
PAUL H. SLINKERD III, 8076
EDWARD R. SMALLWOOD, 0018
CHARLES E. SMITH, 6987
GREGORY B. SMITH, 8412
DOUGLAS SNYDER, 7946
CAROL R. SOLESBEE, 5845
CATHERINE D. SOPHER, 8673
NANCY A. SOUZA, 0652
ROBERT A. SPANO, 4566
THOMAS G. SPRAGUE, 6152
GARY L. SPRY, 6749
RICHARD C. STAATS, 8881
THOMAS H. STATON, 3999
DANIEL R. STEFANOWICH, 6919
LISA D. STEWART, 6804
MARK A. STOCKSTELL, 0633
JAMES E. STOKES, 9160
WILLIAM L. STOPPEL, 6997
JOHN P. STOREY, 7011
DARLETTE P. STOWERS, 6469
WILLIAM L. STROUD, 1528
MICHAEL C. SUDIA, 9675
CLARK H. SUMMERS, 6671
LEAH R. SUNDQUIST, 5468
BRYAN E. SUNTHEIMER, 3907
LESLIE N. SWARTZ, 9847
SCOTT A. SYME, 1324
STEPHEN D. TABLEMAN, 6711
BARRY K. TAYLOR, 9035
CHRISTOPHER D. TAYLOR, 5827
JOHN H. TAYLOR, 3286
JULIA S. TAYLOR, 6281
KEITH H. TAYLOR, 1387
PETER J. TETRICK, 0887
PAUL G. THIBODEAU, 6440
LINDA A. THOMAS, 9556
GARY A. THOMPSON, 1071
ROBERT A. THOMPSON, 8154
VINCENT E. THOMPSON, 7339
STEPHEN L. THORSTED, 8759
RICHARD J. TORRES, 9396
FRANCK T. G. TRAINOR, 2261
MICHAEL P. TRUELOVE, 1559
LORA L. TUCKER, 9800
MICHAEL D. TURELLO, 4288
BRADLEY TURNER, 4644
HAROLD W. TURNER, 6590
ARTHUR F. TURNIER, 7892
BRYAN A. TUTKO, 7195
ROCKY J. TYLER, 9772
LUIS E. UMANAWILLIAMS, 0255
SUZANNE VALENTINGUZMAN, 5573
LORENZO J. VALENZUELA, 5607
JOHN W. VANDELOOP, 9165
BENNIE R. VAUGHAN, 9644
EDWARD G. VAUGHN, 1110
KENNETH R. VAUGHN, 7193
CHARLES R. VEIT, 2497
PETER J. VERSTEEG, 8431
RODOLFO VILLARREAL, JR., 0695
JOHN E. VITZTHUM, 6905
RICHARD L. VONSTEUBEN, JR., 9430
JEFFREY G. VORCE, 8213
STANLEY D. WAGSTAFF, 4648
ROBERTA B. WALKER, 3124
WILLIAM J. WALKER, 2734
MICHELE E. WALLACE, 3760
TERRENCE M. WALSH, 3547
SEAN D. WARD, 6333
THOMAS U. WASHINGTON, 9045
ALIKA G. WATTS, 1148
JAMES J. WEAVER, 7330
ROBERT D. WEBER, 0573
MARK A. WEEKS, 7565
THOMAS J. WEISS, 6429
SHAWN A. WELCH, 9839
KENNETH R. WELLONS, 0573
MICHAEL P. WHETSTON, 1548
ANITA A. WHITE, 2045
LARRY A. WILCOX, 9846
GREGORY L. WILCOXON, 1907
BILL WILLIAMS III, 0113
CARL WILLIAMS, JR., 9021
JEFFREY S. WILLIAMS, 7631
JOAN M. WILLIAMS, 8418
DONALD M. WINDHAM, 7733
SCOTT M. WINEGAR, 3987
LAURA B. WISCH, 0844
PHILIP W. WOJTALEWICZ, 2839
DAVID C. WOOD, 3886
JERRY L. WOOD, 2586
BRUCE D. WOOLPERT, 2187
KEVIN D. WRIGHT, 1240
JONATHAN W. WUNG, 2663

STACEY T. YAMADA, 1588
GARY S. YAPLE, 5191
ROGER D. YEARWOOD, 8146
DAVID A. YOUNGBERG, JR., 0103
STEPHEN J. ZEMPOLICH, 5170
MICHAEL R. ZERBONIA, 6894
RICHARD D. ZIERATH, 1698
JEFFREY J. ZIOL, 5371
CHARLES R. ZIPPERER, 3803
MARC L. ZUFFA, 6996

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ROBIN B. ALLEN, 5109
SCOTT A. ANGER, 8735
JOEL J. BERNER, 5857
GEORGE P. BLACK, 5719
KURT J. BOHN, 8382
ANTHONY G. BROWN, 2300
JOSEPH D. CERRETO, 8141
MITCHELL R. CHITWOOD, 6471
MICHAEL J. COUGHLIN, 4690
JAMES E. HARDIN, JR., 8896
JULIE K. HASDORFF, 2981
WILLIAM G. HASKIN, 7743
OLIVER F. JOHNSON, 7288
GARY A. LOXLEY, 7154
STEVEN G. MAHON, 0668
THOMAS C. MCLURKIN, 4506
BRUCE A. PAGEL, 0894
STEPHEN J. PRICE, 8189
DANIEL A. RICE, 9860
ROBERT R. RIGSBY, 5907
RONALD B. ROBINSON, 7340
SCOTT F. ROMANS, 2001
STEVEN A. ROSSO, 4856
JAMES M. SAWYERS, 7619
WILLIAM E. SCULLY, JR., 3127
JOHN J. SIEMIETKOWSKI, 5060
ROBERT C. SLAUGHTER II, 1722
GREGORY J. SUROVIC, 8720
ALEXANDER TAYLOR, 4390
CRAIG T. TREBILCOCK, 5858
ARTHUR D. WELLMAN, 1374

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

JOHN G. ALVAREZ, 0631
DAVID A. BITTERMAN, 2685
MARILYN D. BREW, 2954
MITCHELL E. BREW, 5436
DENNIS C. BROWN, 5102
MARC L. CAOUETTE, 6231
VINCENT C. CARNAZZA, JR., 8685
CHRISTOPHER M. CASTLE, 8403
CARL A. CASTRO, 4894
DANIEL V. CHAPA, JR., 1846
LAWRENCE B. CONNELL, 0739
MARCUS W. CRONK, 4944
MUSTAPHA DEBBOUN, 8654
GREGORY D. EVANS, 2364
JOHN M. GAAL, 8237
MARY E. GARR, 3936
KAREN M. KELLEY, 8773
BERTHONY LADOUCEUR, 9711
TERRY J. LANTZ, 5726
SAMUEL G. MACK, JR., 5546
GREGORY A. MALVIN, 6459
RODGER K. MARTIN, 4039
CLEM D. MCDUFFIE, 4317
THERESA L. MOSER, 5709
MURIEL A. MOSLEY, 6979
DAVETTE L. MURRAY, 4473
DANIEL P. ORRICO, 2375
CHRISTOPHER V. ROAN, 9618
GORDON R. ROBERTS, 4872
JUDITH D. ROBINSON, 9953
LINDA C. ROSS, 3266
DEBRA M. STEWART, 7896
ALAN K. STONE, 2617
JACK K. TROWBRIDGE, 6321
JAMES T. WALSH, 8589
DONNA S. WHITTAKER, 4706
TRACY O. WYATT, 4318

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

JEFFREY S. ASHLEY, 8828
JUDITH A. BOCK, 3163
JENNIFER M. ECTOR, 9871
SHERI L. FERGUSON, 6204
ANNA R. IUNGERICH, 4173
CAROLYN M. JOLITZ, 8263
LISA M. LATENDRESSE, 7387
PATRICIA M. LEROUX, 1909
RITZA REESE, 4207
YOLANDA RUIZISALES, 5770
BRUCE A. SCHONEBOOM, 2025
KIMBERLY K. SMITH, 5782
DEBRA A. SPENCER, 2307
SHARON L. STERLING, 2065
DELLA W. STEWART, 4969
COLLEEN A. TAKAHASHI, 3217
HEIDI A. WARRINGTON, 8803
THOMAS G. WINTHROP, 8625

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

HARRY T. WHELAN, 8596

To be commander

WILLIAM K. BOTT, 8143
ERIC L. STALLWORTH, 5177

To be lieutenant commander

MICHAEL C. DEWALT, 7622
ROMIRO MUNOZ, 1855
WILLIAM G. RHEA III, 4173

BROADCASTING BOARD OF GOVERNORS

KENNETH Y. TOMLINSON, OF VIRGINIA, TO BE CHAIRMAN OF THE BROADCASTING BOARD OF GOVERNORS. (REAPPOINTMENT).

KENNETH Y. TOMLINSON, OF VIRGINIA, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2007. (REAPPOINTMENT).

NATIONAL MEDIATION BOARD

ELIZABETH DOUGHERTY, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2007, VICE EDWARD J. FITZMAURICE, JR., TERM EXPIRED.

ELIZABETH DOUGHERTY, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2010. (REAPPOINTMENT).

PETER W. TREDICK, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2009, VICE READ VAN DE WATER, TERM EXPIRED.

DEPARTMENT OF LABOR

PAUL DE CAMP, OF VIRGINIA, TO BE ADMINISTRATOR OF THE WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR, VICE TAMMY DEE MCCUTCHEN, RESIGNED.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

ARLENE HOLEN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM OF SIX YEARS EXPIRING AUGUST 30, 2010, VICE ROBERT H. BEATTY, JR., TERM EXPIRED.

DEPARTMENT OF LABOR

RICHARD STICKLER, OF WEST VIRGINIA, TO BE ASSISTANT SECRETARY OF LABOR FOR MINE SAFETY AND HEALTH, VICE DAVID D. LAURISKI, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF JUSTICE

STEVEN G. BRADBURY, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE JACK LANDMAN GOLDSMITH III, RESIGNED.

WITHDRAWALS

Executive message transmitted by the President to the Senate on November 14, 2006, withdrawing from further Senate consideration the following nominations:

PETER W. TREDICK, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2007, VICE EDWARD J. FITZMAURICE, JR., TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON MARCH 27, 2006.

ELIZABETH DOUGHERTY, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2009, VICE READ VAN DE WATER, TERM EXPIRING, WHICH WAS SENT TO THE SENATE ON MAY 25, 2006.

PETER W. TREDICK, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2010, (REAPPOINTMENT), WHICH WAS SENT TO THE SENATE ON JULY 18, 2006.

EXTENSIONS OF REMARKS

IN MEMORY OF DR. JAMES DAVID THOMAS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Mr. BURGESS. Mr. Speaker, I rise today to give tribute to Dr. James David Thomas, from the 26th Congressional District of Texas, for his lifelong contributions to his community and to his fellow citizens. Dr. Thomas will be remembered as a loving and caring husband, father and physician. He died at the age of 87.

Dr. Thomas served his community and nation in WWII as a physician for the United States Army. After his tour of duty, Dr. Thomas returned to the City of Denton where he was actively involved in the medical community. His dedication led him to be one of the founding members of the Medical Surgical Clinic in Denton. As a member of the American Medical Association, the Texas Medical Association and a Charter member of the American Academy of Family Physicians, Dr. Thomas ensured that families in the Denton community had a qualified and committed physician to care for their general health.

Dr. Thomas was involved with several organizations throughout the Denton community including serving the Denton ISD school board as well as the Denton Parks and Recreation Board. He was also a longtime member of the St. Andrews Presbyterian Church, where he served as a deacon and elder.

It was an honor to have worked with Dr. James David Thomas as a doctor and a privilege to represent him in Congress. I extend my sympathies to his family and friends. He will be deeply missed and his service and dedication will always be appreciated.

TRIBUTE TO AWILDA CORDERO

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Mr. CROWLEY. Mr. Speaker, I rise today to recognize and honor one of my constituents, Ms. Awilda Cordero of Bronx, NY, for her goodwill and assistance to the Hurricane Katrina disaster relief efforts.

Ms. Cordero is president of the Bronx-based community service organization Emergency Rights, Inc. She took it upon herself to organize a group of eight volunteers amidst the dangerous and tragic conditions created by Katrina and inspired her urban Bronx neighborhood to open its heart and give to those more needy. Leaving for Louisiana in a tractor-trailer stocked with donations, Ms. Cordero and her fellow heroes were left to secure their own room and board upon arrival and protect themselves against the impending disaster. They hosted a distribution of all essential goods from a small church with the help of locally enlisted prison inmates prior to their hurried and final evacuation.

Ms. Cordero is an exemplary spirit whose story touches those far outside her native New York City. She merits our acknowledgment and gratitude and inspires faith that all of our citizens will one day be able to lend help and hope to each other in their most dire times of need.

Mr. Speaker, it is with great pride and respect that I join to praise and thank Ms. Cordero for her benevolent efforts.

IN REMEMBRANCE OF MARGARET MARY LEE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in memory and recognition of my good friend Margaret Mary Lee. Her service for the community of Cleveland and the Democratic Party represents the very best of the hardworking values that are the backbone of America's working class.

Family, worker's rights, education, and community were central to her life. A mother of 11, grandmother of 22, and great-grandmother of 11, Margaret was committed to the concept of family and community. Longtime supporters and friends of mine, Margaret and her family stood staunchly behind the Democratic Party and my candidacy from the beginning. Her late husband Eddie was the Secretary General of the Teamster Local 407. The Lee family was a pillar of the union movement in Cleveland. Both Eddie and Margaret stood up for workers through the Local 407 where they graciously gave countless hours of their lives to organizing and bringing together members of the community to empower workers. Her endless energy and sharp mind were an indestructible asset to the labor community. Margaret had a unique ability to inspire others.

In addition to the labor movement and worker's rights, Margaret was also very concerned with the issue of education. Her volunteer efforts for Montessori schools helped perpetuate positive programs for urban students. Margaret believed very strongly in her community and investing her time and helping not only her children but also those of the community by dedicating herself to promoting education. This commitment continues even after her death as memorial contributions are suggested to be donated to the Ruffing Montessori. Her presence as a matriarch of the community will be greatly missed.

Mr. Speaker and colleagues, please join me in honoring the memory and recognizing the accomplishments of Margaret Mary Lee as a woman who stood for true American values and may her legacy live on in the recognition of the good work that she did.

TRIBUTE TO TIMOTHY BATES AS HE RECEIVES THE WILLIAM CRAWFORD DISTINGUISHED SERVICE AWARD

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Ms. DELAURO. Mr. Speaker, it gives me great pleasure to rise today to join the Eastern Connecticut Chamber of Commerce as they honor a special member of our community and my friend of many years, Timothy Bates. Tonight, Tim will be honored with the prestigious William Crawford Distinguished Service Award in recognition of his contributions, which have not only improved the quality of life in the region, but have also enriched the lives of his neighbors.

William Crawford, the former president and general manager of the Southeastern Connecticut Broadcasting Company, was not only a dedicated member of the Chamber, he was well known for his philanthropic efforts on behalf of his community. It is in this spirit that the William Crawford Distinguished Service Award is bestowed. Tim, an attorney with the esteemed law firm of Robinson & Cole, has made a difference in his community through both his professional and volunteer efforts—exemplifying the very best of what we believe a community member should be.

In a career that has spanned more than three decades, Tim has focused his career on land use, real estate, and municipal law—an area of critical importance to small communities like those found in Connecticut. He is a member and past chairman of the Planning and Zoning Section of the Connecticut Bar Association as well as the state chair of the International Municipal Lawyers Association. Tim's expertise is often sought our by fellow bar members as well as by local planning and zoning officials. He has also made presentations to the American Planning Association on right to farm, nonconforming uses, and review of recent Supreme Court cases regarding land use law, Communities struggle to balance the competing interests of expansion and growth with maintaining the unique character of the region. Tim's work and expertise in these areas have proven invaluable to cities and towns throughout eastern Connecticut.

Beyond his professional commitments, Tim has also devoted countless hours to local service organizations. He has been a member and continues to serve on the Board of Directors for such organizations as Connecticut Legal Services, the Garde Arts Center, the

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mystic Community Center, the Community Foundation of Southeastern Connecticut and Family Services of Southeastern Connecticut. Tim and his wife, Deborah, also volunteer every summer as counselors in Pioneer Camp at Camp Wightman in North Stonington, Connecticut. Through his efforts on behalf of these and many other organizations, Tim has quietly touched the lives of thousands. I have often said that our communities would not be the same without the efforts of volunteers and this is certainly true of the generosity, compassion, and philanthropy Tim has demonstrated over a lifetime of good work.

Tim does all this together with Debbie and their children, strengthening his family and community. These are special, warm people with an infectious spirit that cannot help but do good wherever they live. That is why I still cherish our work together.

I cannot think of an individual who better exemplifies the spirit of the William Crawford Distinguished Service Award. I am proud to stand today to join Deborah, his children, Nathaniel, David, and Catherine, as well as the Eastern Connecticut Chamber of Commerce, family, friends and colleagues in extending my heart-felt congratulations to my good friend Timothy Bates on this very special occasion. His many contributions, both professional and volunteer, have left an indelible mark on the communities and families of eastern Connecticut and a legacy that will inspire many for generations to come.

TRIBUTE TO BAILEY DOUBERLEY OF DADE CITY, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I stand here today to honor a gifted student and boundless volunteer who has proven that anyone can be an asset to their community, no matter their age.

A fourth generation Floridian, Bailey Lesten Douberley is the 8-year-old son of Chad Douberley and his wife, Susan Larkin-Douberley, of Dade City. Although a third grade student at Centennial elementary school, Bailey takes math and language classes at the fourth grade level. In addition to being a talented student, he is also an active member of First Baptist Church in Dade City.

With the President's push for increased charitable involvement, Bailey is a prime example of establishing your course at a young age. By channeling much of his energy into efforts to help others, Bailey serves as a shining example of service for his entire community.

At the recent Welcome Home Troops event held for Battery B, 2nd Battalion, 116th Field Artillery, Bailey was on hand to move tables, hang signs, arrange chairs and assist in any way needed. Bailey is a frequent helper at the monthly car shows in Dade City and annually volunteers with his mother at both the Sparklebration and Kumquat festivals. Bailey is particularly active at local benefit functions such as the Patrick Cooper benefit dinner and the Josh Cooley benefit dinner and is always on hand to assist at the annual fundraiser, Academy at the Farm weekend rodeo event.

The holiday season is especially busy for this tireless volunteer. During the Thanksgiving holiday, Bailey helps pack baskets for needy families and during the Christmas holiday, he lends a hand to the Toys for Tots program and the Shoebox program, sending care packages to U.S. troops.

Aside from his busy schedule, Bailey finds time to play little league baseball and is a member of the Recreation and Travel "Bulls" ice hockey team, the progressive 4–H Club and Pack 301 Boy Scouts.

On behalf of Dade City and its residents, I applaud Bailey for his efforts and I encourage others, young and old, to follow his lead and answer the call to volunteer. I am proud to represent this young man and many more like him who give back so much to the community

CASTLE ROCK YOUNG MARINES

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Mr. TANCREDO. Mr. Speaker, I would like to take this time to honor the Castle Rock Young Marines for their support of our World War II veterans.

The Young Marines is open to all youth ages 8 through completion of high school. The only membership requirement is that the youth must be in good standing at school. Since the Young Marines' humble beginnings, in 1958, with one unit and a handful of boys, the organization has grown to over 240 units with 10,000 youth and 3,000 adult volunteers in 46 States, the District of Columbia, Germany, Japan and affiliates in a host of other countries.

On Veteran's Day, the Nation's Marine Corps Museum held their grand opening celebration. The Castle Rock Marines from Colorado had heard that the Navajo Code Talkers of World War II would not be attending due to financial reasons. These young marines organized various fundraisers in order to pay for the Navajo Talkers to attend not only the opening ceremony of the Nation's Marine Corps Museum but other important events in the Capital area.

Mr. Speaker, it is my distinct pleasure to honor the Castle Rock Young Marines for their support of this unique set of World War II veterans.

PERSONAL EXPLANATION

HON. CHARLIE NORWOOD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Mr. NORWOOD. Mr. Speaker, on rollcall No. 519, H.R. 5602, To Authorize the Extension of Nondiscrimatory Treatment (Normal Trade Relations Treatment) to the Products of Vietnam. Had I been present, I would have voted "no."

HONORING THE SERVICE OF CHIEF WARRANT OFFICER 3 TIMOTHY RAY BRENEMAN TO OUR COUNTRY

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Mr. MICA. Mr. Speaker, I rise today to honor and pay tribute to Chief Warrant Officer 3 Timothy Ray Breneman, 36, who died while serving our Nation in Germany.

Prior to joining the Army, Timothy spent his childhood living in Ormond Beach, Florida where he was active at Christ Presbyterian Church. Timothy graduated from Mainland High School and attended Daytona Beach Community College where he studied art and photography.

In 1994, Timothy enlisted to become an Army Ranger. He was later assigned to the 1st Armored Division's 12th Combat Aviation Brigade at Illesheim Army Field in Germany where he became a senior instructor pilot. His colleagues remember him for his skill and professional demeanor. His family recalls his wonderful sense of humor and one who took pride in his service.

We should all remember Timothy's courage and his ultimate sacrifice for our Nation. The freedom we enjoy and the liberty in the world for which he fought are part of the great legacy that Chief Warrant Officer Timothy Ray Breneman leaves behind. He is buried at Arlington National Cemetery.

We must recognize that Timothy's widow, Teresa, is also a distinguished member of our U.S. military where she serves as a Judge Advocate General officer in Germany.

To Timothy's wife, Teresa; his parents, Ray and Flo; and his entire family, we extend our deepest sympathy.

Mr. Speaker, because of Chief Warrant Officer 3 Timothy Ray Breneman's sacrifice for our country, I ask all Members of the U.S. House of Representatives to join me in recognizing his service in our Nation's Armed Forces and remembering both his life and his dedication to the United States of America.

IN HONOR OF THE DEFENSE LANGUAGE INSTITUTE

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Mr. FARR. Mr. Speaker, I am honored to rise today to commemorate the Defense Language Institute's 65th anniversary, and to honor its generations of distinguished faculty and students, without whom the freedom and security we enjoy would not be possible.

On November 1, 1941 the DLI (then, nameless and clandestine) commenced its first class in San Francisco, not in a classroom or, much less, at a university. Rather, the crown-jewel of American language instruction and our greatest asset to national security was born in an abandoned airplane hangar.

Sixty students, most of whom were second-generation Japanese-Americans, along with four instructors, undertook an unprecedented exercise: to formally train in the language and customs of our enemies for the purposes of translation and intelligence gathering. Their resulting successes in the Pacific theater paved the way for the modern DLI—an academically accredited foreign language training institution—the largest in the world—which enjoys the prestige and renown of a world-class university.

Prominent DLI alumni include Air Force Colonel William Fife, a graduate of the Institute's Russian basic course who pioneered airborne reconnaissance during the Cold War. Glenn Nordin, also a graduate of the Russian basic course as well as the Vietnamese advisor course, served as a translator for the Washington-Moscow hotline, as a deputy chief at the National Security Agency and as Executive Secretary of the Director of Central Intelligence Language Committee. And, more recently, Air Force Lieutenant Colonel Rick Francona, who served as personal interpreter and advisor to General Norman Schwarzkopf during Operation Desert Storm.

The DLI's Foreign Language Center is well situated at the Presidio of Monterey Presidio. Its proximity to the San Francisco Bay Area and the Central Coast make the Institute a natural destination for native-speaking language instructors of the highest caliber. In turn, DLI has greatly enriched our community by creating a locus of culture and learning.

The foreign language training the Defense Language Institute has imparted to "the best and brightest" of our U.S. Armed Forces has proven to be one of our Nation's best national security weapons. On March 5, 2005, General John P. Abizaid, the commander of U.S. Central Command (CENTCOM), said, "This ability to cross the cultural divide is not an Army issue. It is a national issue. We have to be able to deal with the people in the rest of the world as the globe shrinks in terms of communication and problem solving and sharing. So this notion of . . . training and educating people here in the U.S., of having the institutions that do it . . . is just so essential."

"What will win the global war on terrorism will be people that can cross the cultural divide, reach out to those who want our help, and figure out how to make it happen so [those people] can help themselves. That is how we will win this thing," continued Gen. Abizaid. "So we ignore the DLIs and other institutions of military education at our own peril. I very much ask [this] committee to continue to keep those places functioning, because they are national treasures."

General Abizaid's sentiments resonate to the very foundations of the Institute and fill its halls with purpose and resolve. Cross cultural understanding coupled with the ability to communicate with our friends and enemies in their own languages will promote U.S. national security, economic and foreign policy interests, making the U.S. the leader of the global community.

I am very pleased to join the Secretary of the Army, Francis H. Harvey, the Commandant of DLI, Colonel Tucker B. Mansager, and other distinguished guests to celebrate the 65th anniversary of the Defense Language Institute. Monterey is proud of its rich association with DLI and we all look forward to its future success and continued growth.

IN RECOGNITION OF ANMOL S. MAHAL, M.D., PRESIDENT OF THE CALIFORNIA MEDICAL ASSOCIATION

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Mr. STARK. Mr. Speaker, I rise today to pay tribute to Dr. Anmol Singh Mahal, who has been named president of the California Medical Association (CMA). He is the first person of Indian origin to head the 35,000-member organization.

Dr. Mahal is a board-certified internist in solo practice in gastroenterology and internal medicine in Fremont, California. He came to the United States 33 years ago after receiving his medical degree from the All India Institute of Medical Sciences in New Delhi, India. He completed his internship in internal medicine at the College of Medicine and Dentistry of New Jersey in Newark, New Jersey and completed a fellowship in gastroenterology at the Stanford University Medical Center.

He is a founding member and past president of the American Association of Physicians of Indian Origin of Northern California. Prior to being named President of the California Medical Association, Dr. Mahal served one term as the Chair of the CMA Board of Trustees and two terms as Vice Chair. He has been a member of the CMA Board since 1997 and is a commissioner for the state Emergency Medical Services Commission.

Dr. Mahal has served CMA on multiple committees including Chair of the Technical Advisory Committee on Culturally and Linguistically Competent Physicians, and as a member of the Technical Advisory Committee on Minority Physician Issues. He is currently a member of CMA's Committee on the Medical Board of California, and the Ethnic Medical Organization Section Executive Board.

In addition to his activities at the state and local levels, Dr. Mahal has served as Chief of Staff of the Washington Hospital Healthcare System in Fremont, California and a member of the Board of Directors of the Washington Outpatient Surgery Center in Fremont. He is a Diplomat of the American Board of Internal Medicine.

I join Dr. Mahal's colleagues, friends and admirers in wishing him every success as he takes the helm of leadership as President of the California Medical Association.

IN MEMORY OF ARMY 2ND LIEUTENANT JOHNNY CRAVER

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Mr. BURGESS. Mr. Speaker, I rise in memory of Army 2nd Lieutenant Johnny Craver from the 26th Congressional District of Texas, for serving our country during Iraqi Freedom. Second Lt. Craver died Friday 13, 2006 with two other soldiers south of Baghdad when a roadside bomb detonated next to the Bradley Fighting Vehicle he was commanding.

I would like to recognize and celebrate Army 2nd Lieutenant Johnny Craver's life today. After a miraculous recovery from an automobile accident during his teenage years, 2nd Lt. Craver told his mother at the young age of 17 that he was going to join the armed forces. While serving as a Ranger and later, a Ranger instructor, 2nd Lt. Craver was stationed in Hawaii, Alaska, and Washington, DC, before being deployed to Iraq. He was 37 years old.

In 2005, 2nd Lt. Carver trained for and participated in the 2005 Best Ranger Competition on TV. When his partner twisted an ankle climbing a steep hill, Craver never faltered, and carried his partner's 80-pound backpack, in addition to his own, to reach the top of the hill.

A natural leader, 2nd Lt. Craver was near completion of his Master's degree in business administration. He leaves behind a loving wife, Natalie, and their three children, Savannah, Caelen, and Emma. When told he was a hero, 2nd Lt. Craver would always reply, "I'm not a hero, I'm just doing my job."

It was my honor to represent Army 2nd Lieutenant Johnny Craver, and I extend my deepest sympathies to his family and friends. He will be deeply missed and his honorable service was greatly appreciated.

TRIBUTE TO HAN BEOL JANG

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Mr. CROWLEY. Mr. Speaker, I rise today to pay tribute to the accomplishments of one of my constituents, Han Beol Jang of Woodside, New York. I wish to recognize Han Beol for his Poetry, Gold Award win in the Scholastic Art and Writing Awards of 2006 contest, sponsored by the Alliance for Young Artists and Writers. The Alliance was established to promote artistic development and expression in middle and high school students throughout the nation in cooperation with schools. This year's competition recognized the work of over 1,400 students and invited award recipients to a workshop hosted in New York designed to introduce students to the professional world of art.

Mr. Speaker, I join to wish Han Beol best wishes and good fortune in his future projects.

IN HONOR OF ARCHBISHOP FOUAD TWAL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Archbishop Fouad Twal and his accomplishments in working toward peace and ecumenical acceptance of all people. Archbishop Twal has served the Catholic Church for over 40 years in Tunisia, Honduras, Germany, Peru, Jordan, Palestine, the Vatican, and Jerusalem. His recent assignment in Jerusalem has led him to the distinguished positions as the Coadjutor Archbishop for the Latin

Patriarchate of Jerusalem and the President of the Bethlehem University.

Archbishop Twal's distinguished career as a vessel of peace through the Roman Catholic Church began in 1966 when he was ordained. Rising through the ranks with remarkable swiftness, he received his Licentiate in Canon Law from the renowned Ecclesiastical Pontifical Academy. With a rich history of public service in peace efforts in the Middle East, he has served the Latin Patriarchate Parishes in Palestine and Jordan, as Archbishop of Tunisia, and in the Council of Political Affairs for the State Secretariat of the Vatican. This outstanding background was merely preparation for his appointment as Coadjutor Archbishop for the Latin Patriarchate of Jerusalem by His Holiness Pope Benedict XVI in 2005. There, he represents the Church's peace efforts in the war-torn region.

In addressing efforts for peace in the Holy Land, Archbishop Twal steadfastly advocates a necessity for justice. In a land inundated by strife, conflict, and bloodshed, he envisions the Church as a "voice of peace and forgiveness." It is this voice of reason, faith, and compassion that Archbishop Twal uses in building bridges instead of burning them. Instead of seeing the world in terms of Christians, Jews, and Muslims, Archbishop Twal has proclaimed, "the Holy City is the mother of all the faithful children of Abraham." By giving respect to all groups involved in the struggle, he has commanded vast admiration from a variety of organizations representing differing viewpoints that are all interested in peace through justice.

Much like his intellectual predecessors, Archbishop Twal has found that a nonviolent, faith-based approach to addressing even the most embittered situations of political strife is the most effective means by which to ensure a lasting, sustainable peace. As the President of Bethlehem University, he has continued to champion the peaceful Christian message through higher education, despite repeated military threats to shut the facility down by force. It is with this unwavering dedication to peaceful Christian values, combined with keen political insight, that Archbishop Twal continues to forge a reputation as a man of hope, peace, and understanding.

Mr. Speaker and Colleagues, please join me in honoring Archbishop Twal's continued and unrelenting commitment and resounding efforts to promoting peace through understanding, acceptance, and justice. His work for peace through justice stands as a beacon of guidance for the global peace movement as a whole.

TRIBUTE TO GEORGE "DOC" GUNTHER AS HE RETIRES FROM THE CONNECTICUT GENERAL ASSEMBLY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Ms. DELAURO. Mr. Speaker, I rise today to pay tribute to the career of the Honorable George "Doc" Gunther, State Senator from Connecticut's 21st Senate Assembly District—an elected office which he has held for a stunning twenty terms—forty years! During his remarkable tenure, "Doc" has represented his constituents and the State of Connecticut with both integrity and dignity. Currently the longest serving member of the General Assembly, I have no doubt that his passionate, vocal advocacy will be missed by his colleagues as well as the staff—the General Assembly will not be the same without him.

Throughout his legislative career, "Doc" has been an active advocate in many areas. He has served on the Public Health Committee since he was first elected and has spent more than thirty years as a member of the Regulation Review Committee. Growing up on the Long Island Sound, the environmental health of this natural jewel has always been a priority for "Doc." He has authored several pieces of landmark legislation aimed at protecting the Sound and was instrumental in the establishment of the Bi-State Long Island Sound Marine Resources Committee of which he currently serves as State Chair. "Doc" also served for eleven years as the State Chair of the American Legislative Exchange Council, the largest bipartisan membership association of state legislators, and has spent more than twenty-six years as an active member and Connecticut's Legislative Commissioner for the Atlantic States Marine Fisheries Commission. His knowledge of the Long Island Sound, as an economic resource and fishery habitat, has been an invaluable tool in the fight to protect the Sound from industrialization and pollution.

There are few in the Stratford community or in Hartford's Legislative Office Building that do not know "Doc." He is unafraid to voice his opinion and has always fought hard for those issues which are important to him and his constituents. Stratford, Connecticut, the community which "Doc" has represented for the last four decades, is home to the American Shakespeare Festival Theater which, unfortunately, fell into disrepair in recent years. Knowing what this cultural and historic landmark meant to the Town of Stratford and its residents, "Doc" spearheaded the effort by the Stratford delegation to secure half a million dollars towards the efforts to restore the Theater to its original glory.

"Doc" has also been a leader in the effort to create the Connecticut Air and Space Museum which is located at the former site of the Stratford Army Engine Plant. The museum is a tribute to the rich history of the Connecticut aviation industry—especially the contributions of the Vought F4U Corsair used during World War II. These are just two examples of the tenacity and leadership "Doc" has shown throughout his tenure in the General Assembly.

Though we come from differing political backgrounds, I have been proud to work with "Doc" for so many years. He is a force to be reckoned with and has been an outstanding public servant. It is an honor for me to extend my deepest thanks and appreciation to George "Doc" Gunther, not only for his decades of dedicated service to public life, but for the many invaluable contributions he has made to the Town of Stratford and the State of Connecticut. His good work has left an indelible mark on our community and will benefit our state for generations to come. I wish him, his wife, Priscilla, his three children, three grandchildren, and two great-grandchildren the very best for many more years of health and happiness.

RECOGNIZING WWII VETERAN AND POW STEVE RAYMOND OF LECANTO, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise to honor a Prisoner of War from World War II, Steve Raymond of Lecanto, Florida. While serving as a volunteer in the Army Air Corps in the Philippines, Mr. Raymond was among 78,000 American and Filipino soldiers captured by the enemy and forced to participate in what became known as the Bataan Death March.

Mr. Raymond has written a book, "Too Dead to Die: A Memoir of Bataan and Beyond," about his experience as a POW. This first-hand account recreates his experiences from daily journals that he kept while imprisoned by the Japanese. It also details his memories of the sixty mile force-march along the Bataan Peninsula to a prison camp known as Camp O'Donnell.

During the Bataan Death March, many of the prisoners were beaten, beheaded, tortured and left to die along the side of the path. For those not executed along the way, the entire group went without food, and many contracted malaria and dysentery.

Once at Camp O'Donnell, the 9,000 remaining prisoners were forced to drink from one water fountain, tortured and beaten, and were kept from learning anything about the outside world or how the war was progressing.

Mr. Raymond was kept prisoner in the Philippines for a year and a half, and then moved to Japan. While a prisoner in Japan, he was forced to work in a steel mill. Other POWs took were put to work as stevedores, coal and copper and bauxite miners, and in aircraft manufacturing plants and shipyards.

Following the surrender of the Japanese in 1945, Mr. Raymond was hospitalized for nearly a year to recover from his malnutrition and disease. After his recovery, Mr. Raymond enrolled at the University of Missouri and graduated with Bachelor of Journalism and Master of Arts degrees. He then entered into a long and successful career as a newspaperman, eventually retiring from the Tampa Tribune in 1978.

Mr. Speaker, veterans of the Bataan Death March like Steve Raymond should be recognized for their service to our nation and for their commitment and sacrifices in battle. With fewer than a hundred or so of these brave prisoners of war still alive, it is incumbent on all Americans to hear their stories and preserve their memories. Steve Raymond should know that we truly consider him one of America's heroes.

PAYING TRIBUTE TO BEACON COUNTRY DAY SCHOOL

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Mr. TANCREDO. Mr. Speaker, I would like to take this time to honor a school in my district for their excellence in physical fitness. The President's Council on Physical Fitness and Sports recognized Beacon Country Day School as a state champion in physical fitness far Category I schools.

The winner of this award is the school with the highest percentage of students performing above the 85th percentile in various physical assessments. The test included various endurance challenges to measure the overall physical fitness of the individuals.

Mr. Speaker, it is my distinct pleasure to honor the students of Beacon Country Day School as repeat winners of the President's physical fitness award.

PERSONAL EXPLANATION

HON. CHARLIE NORWOOD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Mr. NORWOOD. Mr. Speaker, on rollcall No. 518, S. 819, The Pactola Reservoir Reallocation Authorization Act, had I been present, I would have voted "yes".

HONORING THE SERVICE OF PRIVATE FIRST CLASS NICHOLAS ROGERS TO OUR COUNTRY

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Mr. MICA. Mr. Speaker, I rise today to honor and pay tribute to PFC Nicholas Rogers, 27, who died while serving our Nation in Iraq.

Prior to joining the Army, Nicholas spent his childhood living in Deltona, Florida where he was a Boy Scout. Nicholas graduated from Deltona High School where he played the drums and had a special appreciation of all things Star Wars.

After earning an emergency medical technician certificate from Daytona Beach Community College, Nicholas followed his father's footsteps into public service. Nicholas enlisted in the military to gain experience to pursue his dream of becoming an emergency room nurse. He was assigned to the Headquarters and Headquarters Company, 4th Battalion, 31st Infantry Regiment, 10th Mountain Division unit out of Fort Drum, NY which was deployed to Baghdad. His colleagues remember a compassionate individual who cared deeply for others while his family recalls his uncanny ability to make people laugh.

We should all remember Nicholas's courage and his ultimate sacrifice for our Nation. The freedom we enjoy and the liberty in the world for which he fought are part of the great legacy that PFC Nicholas Rogers leaves behind. He is buried in Deltona, FL.

To Nicholas's wife, Kelly; their daughter, Jocelyn; their unborn daughter; his parents, Robert and Penny; and his entire family, we extend our deepest sympathy.

Mr. Speaker, because of PFC Nicholas Rogers's sacrifice for our country, I ask all Members of the U.S. House of Representatives to join me in recognizing his service in our Nation's Armed Forces and remembering both his life and his dedication to the United States of America.

IN HONOR OF ANNA CABALLERO

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Mr. FARR. Mr. Speaker, I rise today to honor the achievements of Anna Caballero. Anna first moved to Salinas in 1982 and started a law office specifically to provide excellent legal representation for working people. She promptly became active in town, and due to her immense enthusiasm she was quickly recognized as a community leader. She served on the city council for 7 years, including 4 years as Vice Mayor. In 1998 Anna was elected as the first female Mayor in the 126-year history of the city of Salinas, and has hence served 4 terms.

During her tenure as city Mayor, Anna was a driving force in improving life for the people of Salinas. Some of her most successful projects were the diversification of Salinas's economic base, improving the affordability of local housing, the redevelopment of historic downtown Salinas, and ensuring the permanent funding of the Salinas library. The key to her success was her innate ability to sit people down, get straight to the issue and have them reach a consensus. Furthermore, Anna used her talents to streamline the Mayor's office and develop partnerships with neighborhoods, parent groups, labor groups, school districts, local businesses and the greater Salinas community.

Anna's accomplishments in the community have not gone unnoticed. In 1996, Anna was honored with the "Athena" award for "entrepreneurial excellence" by the Salinas Area Chamber of Commerce, the most prestigious honor the Chamber can bestow upon a fellow businessperson. In 2000, the Monterey Country Lawyers Association granted Anna the Justice Ribbon Award, the Association's highest award for members who bring distinction to the legal profession through commitment to public service.

Anna has continued to reach out to the community. She is an avid volunteer coach for local baseball and soccer teams. She works with the Mexican-American Women's National Association, "MANA", to raise scholarship money for young women continuing to higher education. Anna is also an Executive Director of the non-profit Partners for Peace, dedicated to developing multi-disciplinary partnerships, which share community resources to bring about community change.

Mr. Speaker, I rise once more to applaud Anna Caballero's many accomplishments. On behalf of the United States Congress, I would like to congratulate her on her successful career, and express my sincere gratitude for her commitment to the community.

IN RECOGNITION OF TONY DAYSOG

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Mr. STARK. Mr. Speaker, I rise today to pay tribute to Tony Daysog for his 10 years of faithful service to the city of Alameda, California as Councilmember and Vice Mayor.

Mr. Daysog was first elected to the Alameda City Council on November 5, 1996 and served as a Councilmember from December 17, 1996 until December 1998. He served as Vice Mayor from December 2002 until December 2005.

During his tenure, Tony Daysog served on numerous agencies, including the League of California Cities, the Airport Noise Operations Committee, the Alameda County Private Industry Council, the Alameda County Waste Management Authority, and the Associated Community Action Program Government Board. He also has served as a member of the Economic Development Commission and was a member of the Alameda Reuse and Redevelopment Authority overseeing the redevelopment of the Alameda Naval Air Station.

Mr. Daysog has been active in the preservation of the City of Alameda's neighborhoods and a strong advocate for the planning and safety of Alameda's communities. He aggressively championed traffic planning and is a strong advocate of mass transit. He brought forward the issue of bus zones, red curbs and access to transportation.

He introduced the idea of domestic partners' eligibility for property transfer tax exemptions and the requirement for a competitive bid process for all bonds and debt issued by the city of Alameda.

During his 10 years as a member of the Alameda City Council, Mr. Daysog never missed a regularly scheduled Council meeting. On December 19, 2006, the City will express its appreciation for Tony Daysog's exemplary commitment for the benefit of the City of Alameda.

I join the City in thanking Mr. Daysog for his years of service and wish him every success in his future endeavors.

IN CELEBRATION OF FIRST BAPTIST CHURCH OF LEWISVILLE'S 125TH ANNIVERSARY

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Mr. BURGESS. Mr. Speaker, I rise today to celebrate the First Baptist Church of Lewisville's 125th anniversary in the 26th district of Texas. The Church has been a pillar of leadership and worship in the Lewisville community.

The rich history of First Baptist Church of Lewisville began with just 13 members in 1869, and has continued to thrive and grow into the prominent worship community that it is today. Under the dedicated leadership of Senior Pastor Dr. Stephen Hatfield, it serves the needs of its members by offering both traditional and more informal worship services, student ministries, and Bible Study classes for all ages.

The First Baptist Church of Lewisville plans to commemorate this momentous occasion with a celebration worship service, followed by a Gospel Gathering Music Celebration.

I am honored to have the First Baptist Church of Lewisville in my district. I am confident that the First Baptist Church of Lewisville will continue to foster stewardship and faith among the citizens of our community for another 125 years.

TRIBUTE TO TAINA VASQUEZ

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Mr. CROWLEY. Mr. Speaker, I rise today to pay tribute to the accomplishments of one of my constituents, Taina Vasquez of the Bronx, New York. I wish to recognize Taina for her Personal Essay Memoir, Silver Award win in the Scholastic Art & Writing Awards of 2006 contest, sponsored by the Alliance for Young Artists & Writers. The Alliance was established to promote artistic development and expression in middle and high school students throughout the Nation in cooperation with schools. This year's competition recognized the work of over 1,400 students and invited award recipients to a workshop hosted in New York designed to introduce students to the professional world of art.

Mr. Speaker, I join to wish Taina best wishes and good fortune in her future projects.

IN HONOR OF THE 50TH ANNIVERSARY OF THE HUNGARIAN REVOLUTION

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the 50th anniversary of the 1956 Hungarian Revolution and the valiant contribution of the Hungarian people to those efforts. A true expression of democracy, public dissidence, and the spirit of the voice of the people, the nationwide revolt stands today, a half a century later, as a strong, albeit bitter reminder of both the oppression of the former Soviet Union and more importantly the strength and resolve of the Hungarian people in their desire for freedom.

On October 23, 1956, brave students demanding their intellectual freedoms stormed the Radio Building in the Budapest Parliament. Immediately, they were suppressed when the Soviet State Security Police began firing upon these unarmed civilians. News of the attack spread quickly and led to a public uproar in Budapest, where outraged citizens organized immediately to take up arms and defend their natural rights of justice, liberty, and sovereignty. At the forefront of the 12-day struggle for control of the capital and the rest of the country was Gen. Pàl Malèter. As the leader of the infantry in Budapest, he courageously went against his orders and, upon meeting with the insurgents, lent his support to their fight for freedom. With the strategic support of Malèter, the outlook of the revolutionary freedom fighters was optimistic. A cease-fire was reached between revolutionary and Soviet forces, and provisional government councils were set up to usher in the new era of peaceful democracy.

The Soviet forces, however, under pressure from the international community to assert its control by uprooting any possible seed of democracy, moved quickly to crush the movement through deadly means. They violated the cease fire by opening fire on crowds of civilians and bombarding the city with artillery tanks. What started as a peaceful democratic independence movement ended in bloodshed with the murder of thousands of civilians through an illegitimate surprise invasion. On November 3, during more cease-fire negotiations, the Soviet military kidnapped Pàl Malèter and the Hungarian delegation, charged them with treason and promptly ordered their execution. With the leadership of the revolution arrested, the Soviet military simply invaded again, and took over the city.

The hope for independence, self-rule, and democracy is one that can never be extinguished in any society. The Hungarian people, in the democratic spirit, banded together to fight like many before them for the basic human right of peaceful self-governance. They did not fail. Today, we see Hungary as a regional success story for democracy, the free market, and civil society. This eventual, if delayed, victory shows us though the road to democracy is not always an easy one, the spirit of people will ultimately prevail in the inexorable march toward democracy.

Mr. Speaker and colleagues, please join me in honoring the values of freedom, independence, and democracy that the Hungarian people demanded 50 years ago. The Hungarian Revolution of 1956 stands as a reminder of the undying desire of any society to be free from forces of hegemony.

TRIBUTE TO LATICRETE INTERNATIONAL, INC. AS THEY CELEBRATE THEIR 50TH ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Ms. DELAURO. Mr. Speaker, I am proud to rise today to join the Bethany community and the Rothberg family in celebrating the 50th anniversary of Laticrete International, Inc., a worldwide manufacturer and marketer of material and methods for the installation of ceramic tile and stone. Throughout their 50-year history, Laticrete has been the leader in innovative technologies for such installation systems. Their impressive history of vision and leadership, coupled with their dedication to quality products, has made them one of the most successful businesses in our community.

Founded in 1956 by Henry M. Rothberg, a chemical engineer by trade, Latricrete came into being when he brought the improvements of chemistry to the normal Portland cement based installation systems for tile and stone. It was while managing a family tile, terrazzo and marble installation company that the problems inherent to installing these materials with the traditional "full mortar bed" became more and more evident to Henry. He decided to dedicate himself to research into alternate methods of installing ceramic tile and stone. While consulting with the Chemical Division of the U.S. Rubber Company, he developed a unique compound that had all the properties of natural rubber—elasticity, water resistance and durability, plus the properties necessary to make it viable to the construction industry—resistance to frost and heat damage, the ability to mix with Portland cement and remain plastic for adequate working time and the ability to be stored in full or partial containers for extended periods of time without deterioration or spoilage. The new latex was introduced to the market as "LATICRETE." It has been upon these pioneering efforts that all modern adhesives utilizing the Adhesive Mortar Method have been built.

The innovative products of Laticrete have been used in some of the most recognizable national treasures in the world. Here in the United States, Laticrete products were used in the construction of such monuments as the St. Louis Arch, the Detroit Renaissance Center, the Sears Tower, and Washington, DC's Metro System. Laticrete products can also be found in the Basilica of Our Lady Peace of the Ivory Coast in Africa, the Petronas Twin Tower of Kuala Lumpur, Tele Diffusion de France in Paris, and the National Mosque of Kota Kinabalu in Malaysia. What began as one man's vision of improving a product has become an international leader in the industry—that is what Yankee ingenuity is all about.

Perhaps what is most special about Laticrete is that it has become a family business that has been passed on to the next generation. In 2003 David Rothberg was named chairman and CEO, replacing his father as head of the company. I have had the pleasure of meeting David and have had the opportunity to tour the Laticrete facility in Bethany. Their tireless commitment to quality and vision is not only impressive, it is inspiring.

I am honored to take this moment and recognize the innovative and entrepreneurial spirit of Henry Rothberg as well as David Rothberg and the entire Laticrete family for their many invaluable contributions to the industry.

My heartfelt congratulations to them as they celebrate this very special anniversary. I have no doubt that Laticrete will continue in its success for many years to come.

RECOGNIZING WWII PURPLE HEART RECIPIENT LEO HANSON OF ZEPHYRHILLS, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise to honor Leo C. Hanson, a native of the Buffalo, NY, area who served with honor and distinction during World War II. Drafted into the United States Army on January 6, 1940, Mr. Hanson earned the Purple Heart for wounds received in battle.

Discharged on June 16, 1945, Mr. Hanson completed his military service holding the rank of staff sergeant. Since then he has continued to support his fellow soldiers by working with veterans' service organizations. Mr. Hanson is a lifetime member of the Military Order of the Purple Heart, Disabled American Veterans, American Legion and Veterans of Foreign Wars.

His unit served under Gen. George Patton, one of the most famous American generals of all time. A tank commander, Mr. Hanson served in the Algeria and French Morocco campaigns in Northern Africa. He also served in Normandy, Sicily, Northern France and Rhineland. His Purple Heart was bestowed for wounds to his arm received at Omaha Beach, and to his leg while in Normandy. Despite these injuries, Mr. Hanson continued to engage the enemy in battle and fight for the cause of freedom.

Mr. Speaker, soldiers like Leo C. Hanson should be recognized for their service to our Nation and for their commitment and sacrifices in battle. I am honored to have presented Mr. Hanson with his long overdue Purple Heart. He should know that we truly consider him one of America's heroes.

PAYING TRIBUTE TO ST. THOMAS MORE PARISH SCHOOL

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Mr. TANCREDO. Mr. Speaker, I would like to take this time to honor a school in my district for their academic excellence in being named a Blue Ribbon School.

The schools are selected based on one of two criteria: schools with at least 40 percent of their students from disadvantaged backgrounds that dramatically improve student performance to high levels on state tests; or schools whose students regardless of background, achieve in the top 10 percent of their state on state tests or in the top 10 percent of the nation on nationally-normed tests.

St. Thomas More Parish School met the criteria for this award because it ranks in the top 10 percent of the nation in ITBS scores. This is the first time this Catholic school has received this honor.

Mr. Speaker, it is my distinct pleasure to honor the students of St. Thomas More Parish School as recipients of the No Child Left Behind—Blue Ribbon Schools Award.

PERSONAL EXPLANATION

HON. CHARLIE NORWOOD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Mr. NORWOOD. Mr. Speaker, on roll call No. 517, H.R. 3085, To amend the National Trails System Act to update the feasibility and suitability study originally prepared for the Trail of Tears National Historic Trail and provide for the inclusion of new trail segments, land components, and campgrounds associated with that trail, and for other purposes. Had I been present, I would have voted "yes."

HONORING THE SERVICE OF CORPORAL ANGELO VACCARO TO OUR COUNTRY

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Mr. MICA. Mr. Speaker, I rise today to honor and pay tribute to Corporal Angelo Vaccaro, 23, who died in a heroic effort to aid his fellow comrades while serving our Nation in Afghanistan.

Prior to joining the Army, Angelo was born in the Bronx, NY, and spent his childhood living in Deltona, Florida, attending Timbercrest Elementary, Galaxy Middle and Deltona High schools. His dream was to become a physician's assistant. His mother remembers him affectionately as someone who liked to make people smile and laugh.

Angelo enlisted in the Army in March 2004 and was assigned and deployed to Afghanistan with Company A, 1st Battalion, 32nd Infantry Regiment, 3rd Brigade Combat Team, 10th Mountain Division, out of Fort Drum, NY. He was the head medic for his unit and took pride in serving our country.

We should all remember Angelo's heroic courage and his ultimate sacrifice for our Nation. The freedom we enjoy and the liberty in the world for which he fought are part of the great legacy that Corporal Angelo Vaccaro leaves behind. He is buried in Deltona, Florida.

To Angelo's wife, Dana; his parents, Ray and Linda; and his entire family, we extend our deepest sympathy.

Mr. Speaker, because of Corporal Angelo Vaccaro's sacrifice for our country, I ask all Members of the U.S. House of Representatives to join me in recognizing his service in our Nation's Armed Forces and remembering both his life and his dedication to the United States of America.

IN RECOGNITION OF CHARLES CLARK AS "FRIEND OF YOUTH" HONOR

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Mr. BURGESS. Mr. Speaker, I rise today to recognize Mr. Charles Clark for his commitment to the students, faculty, and alumni of Trinity High School of Euless, Texas, where he has served as Lead Custodian for over 14 years. I also congratulate Mr. Clark on being recognized as a true "Friend of Youth" by the Mid-Cities Optimist Club in the 26th District of Texas.

Mr. Clark began working for the Hurst-Euless-Bedford School District as a night custodian, and began his own custodial business to provide for his son's college education. After his son graduated from college, Mr. Clark closed his business and took a position as Lead Custodian to make a difference in other students' lives.

A caring and honorable man, Mr. Clark serves as a role model and mentor for all those who pass through Trinity High School. He supports the school by attending students' athletic and fine arts events. When students visit years after graduation, they continue to seek out "Uncle Charles."

Mr. Clark has been honored with the H–E–B School District's "Extra Mile Award," given to school district support personnel who go above and beyond what their job requires of them.

After Hurricane Katrina devastated his boyhood home in Mississippi, Mr. Clark organized a collection drive at the school for water and cleaning supplies, and delivered them personally to Mississippi. Mr. Clark and his wife Ellen of 37 years have raised a deeply spiritual, loving family in Fort Worth, Texas since 1967.

Mr. Speaker, it is an honor to represent a man so selfless and dedicated to serving youth as Mr. Charles Clark. Congratulations to Mr. Clark for being recognized as a "Friend of Youth" by the Mid-Cities Optimist Club.

TRIBUTE TO STEPHEN PICCARELLA

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Mr. CROWLEY. Mr. Speaker, I rise today to pay tribute to the accomplishments of one of my constituents, Stephen Piccarella of Jackson Heights, New York. I wish to recognize Stephen for his Short Story, Silver Award win in the Scholastic Art & Writing Awards of 2006 contest, sponsored by the Alliance for Young Artists & Writers. The Alliance was established to promote artistic development and expression in middle and high school students throughout the Nation in cooperation with schools. This year's competition recognized the work of over 1,400 students and invited award recipients to a workshop hosted in New York designed to introduce students to the professional world of art.

Mr. Speaker, I join to wish Stephen best wishes and good fortune in his future projects.

IN HONOR OF THE COMMISSION ON CATHOLIC COMMUNITY ACTION

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the Commission on Catholic Community Action's 25th Anniversary of the Peace and Justice Awards Dinner.

Established in 1969, the Commission on Catholic Community Action continuously pursues their mission to protect and promote human dignity, with a special focus on poor and disenfranchised groups. Seeking to empower the voiceless, CCCA achieves their goals through education, consciousness-raising, organization, mobilization, and advocating for change.

CCCA also promotes peace and justice through the Annual Peace and Justice Awards Dinner. For a quarter of a century, the dinner has been an opportunity to reward the people of the Cleveland community who have dedicated their lives to the causes of peace and justice for all. These men, women, and organizations play a pivotal role in the rebirth of Cleveland. I would like to join CCCA in recognizing this year's recipients: Duane Drotar, Lida Roman (posthumously), the Christ Child Society, Sr. Mary Louise Trivson, S.N.D., and the Women's Re-Entry Network.

In addition, keynote speakers at these events have educated the public on issues such as racial discrimination and interfaith understanding. Generating community awareness throughout Cleveland, the CCCA has provided participants with a new appreciation for celebrating multicultural diversity within the city. Speaking at the Awards Dinner this year is Sr. Mary Sujita Kallupurakkathu, S.N.D., sharing her experiences of working with the poor.

Congratulations to the CCCA on their constant pursuit of peace and justice. We can conceive of peace as not simply the absence of violence but the presence of the capacity for a higher evolution of human awareness, of respect, trust, and integrity. We can conceive of peace as a tool to tap the infinite capabilities of humanity to transform consciousness and conditions that impel or compel violence at a personal, group, or national level, toward creating understanding, compassion, and love.

My fellow colleagues, join me in honoring the Commission on Catholic Community Action, as they celebrate the 25th anniversary of their Annual Peace and Justice Awards Dinner.

TRIBUTE TO MICHAEL MELE AS HE CELEBRATES HIS 100TH BIRTHDAY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to join family and friends in wishing Michael Mele the very best as he celebrates a remarkable milestone—his 100th birthday! Marking a century of hard work and dedication, today's celebration will give Michael, or Ozi Mike as he is affectionately known by family and close friends, and his loved ones the opportunity to reflect on the many accomplishments he has achieved throughout his life as well as how he has touched all of their lives,

A gifted vocalist, dedicated husband and father, devoted parishioner, army veteran, and professional technician, Michael is a man of many talents that he has shared with hundreds over the course of his life. Born and raised in New Haven, Connecticut, Michael has led a fascinating life. Upon graduating from high school, he studied voice for ten years during which time he became an accomplished tenor. Michael sang in productions of such classics as The Barber of Seville and Pagliacci and, though the relocation of the production to California prevented him from taking the part, he even won a lead role opposite Betty Grable in the movie musical Down Argentine Way, During his time with the theater, Michael also won roles in several New York productions, including An American Comedy and The Family Portrait.

After marrying his wife, Carmel, in 1942, the couple raised two children, sons Michael and Robert. He served in the United States Army during World War II where he received training as a dental technician, a profession in which he was employed until he was hired by Winchester/Olin as a lab technician, retiring in 1971. Throughout his life, Michael has held a unique devotion to his faith and his church. Michael shared his gift for singing with a variety of Catholic churches throughout New Haven. He directed glee clubs, choirs, and sang as a soloist at St. Ann's, St. Rose's, St. Brendan's, St. Donato's, and Our Lady of Mount Carmel in Hamden. In fact, his lifetime of dedicated efforts were recognized by the Church when Archbishop Daniel Cronin awarded him the prestigious Saint Joseph Award—the archdiocesan medal of appreciation for outstanding parishioners,

An active and inspiring retiree, Michael has continued to dedicate his time to his church as well as a new found passion for horse-riding. What began—at age seventy-seven—with a gift certificate for riding lessons and later—at age eighty—a saddle, has blossomed into a beloved hobby. In fact, for a decade after he began riding, he spent his summers at the Bitter Root ranch in the mountains of northwest Wyoming. At 100 years old, Michael is a living treasure—he still rides, drives a car, maintains his own home, attends daily Mass, serves on the altar, and is finishing his twenty-sixth year as a fourth grade religious education teacher. He is even working on his autobiography which I have no doubt will be a real page-turner!

Today, as Michael celebrates his 100th birthday, I have no doubt that he will look back in wonder at the fascinating events that have brought him to this moment. In the last century he has witnessed some of the most important moments in world history and, through his own efforts, has left an indelible mark on the lives of all those who have known him. It is my privilege to rise today to join his sons Michael and Robert, as well as the many family and friends who have gathered in extending my heartfelt congratulations to Michael Mele on his 100th birthday. This is a very special day for all of those fortunate enough to know Michael. My very best wishes for many more years of health and happiness. HAPPY BIRTHDAY!

RECOGNIZING WWII VETERAN AND POW RAY KNISLEY, JR. OF CHIEFLAND, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise to honor a Prisoner of War from World War II, Ray Knisley, Jr. Born in Massachusetts, Mr. Knisley served in the U.S. Army and was captured by the Nazi Army.

Mr. Knisley served as a medical aid man with the 117th Cavalry Reconnaissance Squadron. While encamped near the German border of Alsace Lorraine on New Year's Eve, 1944, his entire unit was overrun and he was taken prisoner. For the next several months, Mr. Knisley was transferred between several prisoner camps, finally being rescued by the Russian Army on April 28, 1945.

Following World War II, Mr. Knisley raised his family in Massachusetts. He and his wife have five children, nine grand children and six great grand children. In 1985 Mr. Knisley moved to West Palm Beach, where he worked as a volunteer at the local Veterans Affairs Hospital for twenty years. He specialized in working with fellow prisoners of war; eventually assisting more than two hundred former POWs receive a one hundred percent disability rating. He recently moved to Chiefland about a year ago.

Mr. Speaker, prisoners of war like Ray Knisley, Jr. should be recognized for their service to our nation and for their commitment and sacrifices in battle. With thousands of World War II veterans passing a way each year, it is incumbent on all Americans to hear their stories and preserve their memories. Ray Knisley, Jr. should know that we truly consider him one of America's heroes.

PAYING TRIBUTE TO WILLOW CREEK ELEMENTARY SCHOOL

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Mr. TANCREDO. Mr. Speaker, I would like to take this time to honor a school in my district for their academic excellence in being named a Blue Ribbon School.

The schools are selected based on one of two criteria: schools with at least 40 percent of their students from disadvantaged backgrounds that dramatically improve student performance to high levels on state tests; or schools whose students regardless of background, achieve in the top 10 percent of their state on state tests or in the top 10 percent of the Nation on nationally-normed tests.

To receive this recognition, Willow Creek Elementary School has had in each of the past three years over 90 percent of its' students perform at "Proficient" or "Advanced" levels in math and reading. Willow Creek also received this prestigious honor in 1999.

Mr. Speaker, it is my distinct pleasure to honor the students of Willow Creek Elementary School as recipients of the No Child Left Behind—Blue Ribbon Schools Award.

IN MEMORY OF ROBERT GRAY

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Mr. BURGESS. Mr. Speaker, I rise today to remember Robert Allen Gray who passed away after 90 glorious years on Friday, September 22, 2006.

Mr. Gray will forever be remembered by family and friends as a man of integrity and strong values. In his lifetime, he experienced many of the major events in the last century, including the Great Depression and as a soldier in the United States Army during World War II.

In his civilian life, Mr. Gray was an engineer. He was interested in working on cars as well as watching the Indianapolis 500. Mr. Gray's enthusiasm for engineering was closely followed by a passion for gardening. His love of nature was given to him by his father, a florist. Mr. Gray has passed this passion on to his children and grandchildren.

As a family man, Mr. Gray will always be remembered as affectionate and caring. He was the caregiver for many of his elderly aunts and helped his wife as she struggled with Alzheimer's disease. As a father, Mr. Gray was committed to teaching his children and grandchildren the importance of respecting and caring for others.

I extend my sympathies to his family and friends. May this man, whose displays of compassion and love touched the hearts of so many, be an inspiration to us all.

TRIBUTE TO KIMBERLY LEICH

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Mr. CROWLEY. Mr. Speaker, I rise today to pay tribute to the accomplishments of one of my constituents, Kimberly Leich of the Bronx, New York. I wish to recognize Kimberly for her Science Fiction/Fantasy, Gold Award win in the Scholastic Art & Writing Awards of 2006 contest, sponsored by the Alliance for Young Artists & Writers. The Alliance was established to promote artistic development and expression in middle and high school students throughout the Nation in cooperation with schools. This year's competition recognized the work of over 1,400 students and invited award recipients to a workshop hosted in New York designed to introduce students to the professional world of art.

Mr. Speaker, I join to wish Kimberly best wishes and good fortune in her future projects.

IN HONOR OF THE LADIES AUXILIARY OF THE POLISH LEGION OF AMERICAN VETERANS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Mr. KUCINICH. Mr. Speaker, I rise today to honor the 75th anniversary of the Polish Legion of American Veterans Ladies Auxiliary, Abraham Lincoln Post Thirteen, and to celebrate the commitment of this dedicated group of patriotic women to charity for our veterans and Nation.

The Abraham Lincoln Post Thirteen is the oldest chapter in the State of Ohio, and has maintained their dedication to honoring and supporting veterans throughout the years. The group ensures that American veterans receive the benefits and support they deserve for representing our great Nation. The women welcome new veterans from current wars, as well as bring much needed light into the lives of senior veterans. These women make regular visits to veteran's wards of a local hospital to take the Nation's former defenders to breakfast and religious services. In recent years, the Ladies Auxiliary's great work has raised enough money to dedicate a stone in the Western Reserve National Cemetery. This stone is a noble commemorative monument to the deceased veterans of the Polish Legion of American Veterans, as well as the women of the Ladies' Auxiliary who have loyally supported all the servicemen and women of the United States Armed Services.

My fellow colleagues, please join me in recognizing the wonderful work and dedication of the Ladies Auxiliary of the Polish Legion of American Veterans on this momentous anniversary. The chapter members are proud of their Polish heritage, culture, and we share in their 75 years of accomplishments. I am confident that the Polish Legion of American Veterans Ladies Auxiliary will continue their commitment to work for the veterans and country well in to the years to come.

IN RECOGNITION OF NIKA MAPLES THE 2007 TEXAS SECONDARY TEACHER OF THE YEAR

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Mr. BURGESS. Mr. Speaker, I rise today to congratulate Nika Maples for being recognized as the 2007 Texas Secondary Teacher of the Year. She is an English teacher at Fossil Ridge High School in the Keller Independent School District in Fort Worth, Texas.

After suffering a stroke at the young age of 20, Nika has dedicated her life to making a difference in the lives of others. She began by teaching illiterate adults how to read and write. Nika has volunteered abroad in Japan, Thailand, and Germany to teach English as a Second Language.

As a 10th grade English teacher, Nika gives her students the confidence to reach their fullest potential. Her unique life experiences have encouraged an enthusiasm for teaching, and reaffirmed her commitment to make learning come alive in the classroom. Nika demonstrates how students should embrace life and live a life of abundance every day. She was also honored as the Keller I.S.D. Secondary Teacher of the Year for the 2005–2006 school year.

Mr. Speaker, it is an honor to represent such a dedicated and passionate teacher in the 26th District of Texas. Nika Maples serves as a role model not only for her students, but for all teachers around the Nation who share her devotion to helping others.

HONORING MR. JERRY TIDWELL OF GRANBURY, TEXAS FOR HIS ELECTION AS PRESIDENT OF THE NATIONAL NEWSPAPER ASSOCIATION

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Mr. EDWARDS. Mr. Speaker, I rise today to congratulate and honor Mr. Jerry Tidwell of Granbury, Texas for his recent election as president of the National Newspaper Association (NNA).

Whether it is serving as the publisher of the Hood County News or president of NNA, Mr. Tidwell's 36 years of dedicated service to the newspaper business and the local community are proof of the positive impact one person can have on others.

As a humble man whose actions speak louder than words, Jerry Tidwell is the kind of person that sets an inspiring example for us all to follow. He doesn't enjoy the attention much, but let me add my voice to the chorus of those who respect his steady leadership. Put simply, Jerry Tidwell is the very best Texas has to offer and it is an honor to represent him in Congress.

Mr. Speaker, we need more leaders like Jerry Tidwell in our midst that truly make a difference in their community, state, and country. At this time, I ask Members to join me in offering our heartfelt appreciation and best wishes for continued success to a great newspaperman and friend—Mr. Jerry Tidwell of Granbury, Texas.

We wish him well and hope that he can enjoy this time with fellow colleagues, family, and friends.

He has earned it.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Ms. CARSON. Mr. Speaker, due to a flight delay, I was unable to record my rollcall votes

517 through 519. Had I been present, I would have voted "yes" on 517 and 518 and "no" on 519.

IN RECOGNITION OF THE 5TH ANNIVERSARY OF HONDA MANUFACTURING OF ALABAMA IN LINCOLN, ALABAMA

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Mr. ROGERS of Alabama. Mr. Speaker, I respectfully ask the attention of the House today to pay recognition to the hard working people of Honda Manufacturing of Alabama in Lincoln, Alabama, who are celebrating the fifth anniversary of the opening of their Lincoln plant on November 14, 2006.

In 2001, the Honda Motor Company chose Lincoln as the site of their new plant. Over the past five years Honda Manufacturing of Alabama has grown from an original capital investment of $400 million and employment of 2,000 associates to the current 4,500 associates and over $1.2 billion in capital investment today.

Honda has helped transform Talladega County's economy, as well bring a positive impact on local school and community philanthropic activities.

As further testament to the hard working Alabamians employed at Honda, on November 3rd the plant produced its millionth vehicle. The celebration of that milestone included a small ceremony at the plant involving associates to mark the special occasion.

I salute the people of Honda Manufacturing of Alabama for reaching these important milestones, and congratulate the entire company on their plant's fifth anniversary.

CONGRATULATIONS TO THE NEW CITY OF MILTON, GEORGIA

HON. TOM PRICE

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Mr. PRICE of Georgia. Mr. Speaker, I'm pleased to take this opportunity to congratulate the mayor, city council and citizens of the newly created city of Milton in Georgia. In accordance with a bill passed by the Georgia General Assembly and signed by Governor Sonny Perdue, the community of Milton will be officially incorporated as a city in December 2006.

What a wonderful and gratifying time this is for the people of Milton. They worked tirelessly to make this day a reality and have chosen to honor Mr. Joe Lockwood as the first mayor of their new city.

Milton is a pastoral, involved and respectful community. They have seized the opportunity to have a direct impact on their future. This achievement also comes with many new responsibilities. I am confident that the citizens will successfully embrace these new challenges. It is my honor to represent this new Georgia municipality.

Mr. Speaker, thank you for the privilege of bringing the recognition of this House of Representatives as we congratulate the people of Milton, Georgia and wish them the very best during this exciting transition.

THE AMISH SCHOOL SHOOTING OF THE LITTLE GIRLS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Mr. POE. Mr. Speaker, in the 16th Century, during the period of religious reformation in Europe, the Mennonite faith was formed. Due to problems within the religion, a man named Jacob Amman separated himself, and a group of followers, from the Mennonite faith and established the Amish. Facing religious persecution for their beliefs, the Amish fled Europe in the 18th Century. They came to settle in America, primarily in the rich farmlands of Pennsylvania, Ohio, and Indiana.

During the last 300 years, the Amish have maintained a peaceful existence among these farmlands, holding steadfast onto their beliefs of old, and not conforming to modern-day society. They live a simplistic life without the everyday modern conveniences we have all become accustom to. They do not use electricity, telephones, computers, or television, and they do not own automobiles. The Amish are governed by a set of unwritten rules known as the "Ordnung." These rules establish the protocol and acceptable behavior for an Amish community and vary in each community. For example, the Ordnung in a particular community may forbid ever deviating from conservative, dark, heavy forms of clothes, even during the summer months, whereas other communities Ordnungs may relax the dress code during the summer heat. In general, the Amish avoid anything that would be considered "hochmut," meaning proud or arrogant, and choose to live their lives in "demut," humility, and "gelassenheit," submission.

The most important part of an Amish community is the family. Each family has an average of seven children. While it is considered "God's Will" to how many children one family will have, it is also vital that there be enough children to help run the family farm. Amish children attend school, usually in a one-room school house run by the Amish community. Most Amish children do not receive anything higher than an 8th grade education. The belief is that the education level is sufficient enough to adapt the children into their future adult Amish life.

Amish communities, although surrounded by modern society, are generally untouched by violence plaguing today's world. They do not read newspapers, which depict the crimes of modern society. They do not own televisions, which run continual news coverage of random acts of violence occurring throughout modern society. Their lives could be deemed innocent and idealistic, sheltered to the evils of society.

All that changed on Monday, October 2, 2006. On this warm, sunny, fall Pennsylvania day, Charles Carl Roberts IV came home from his night shift as a milk delivery man, walked his children to school, and kissed them goodbye. He went home and wrote four notes: one to his wife and one to each of his three children. Arming himself with a handgun, a shotgun, a rifle, and more than 600 rounds of ammunition, Roberts drove to the quiet Amish community of Nickel Mines.

Mr. Speaker, Roberts, with malice aforethought, and a heart fatally bent on mischief, calmly walked into that one room Amish schoolhouse and took it, and the children, hostage. Roberts ordered all of the Amish boys and the adults from the room. He then tied up 10 little girls, as they stood against the chalkboard. For the next hour, these little girls were trapped with this sadistic monster, who had vile intentions for their innocence.

It is unclear what triggered Roberts to start shooting after the initial hour. Perhaps it was the police presence, perhaps he was haunted by past sins, or perhaps he was just evil. Regardless of his reason, Roberts opened fire on these 10 little girls, at point blank range, before turning the gun on himself. When the smoke had cleared, Anna Mae Stoltzfus, Marian Fisher, Naomi Rose Ebersol, and sisters, Mary Liz and Lena Miller, had not survived Roberts' violent rampage. Young girls—young victims.

Anna Mae, Marian, Naomi Rose, Mary Liz, and Lena had their whole lives ahead of them. Lives full of love, family, and new beginnings as they matured into adulthood. Lives that were brutally, viciously, and tragically cut short by Charles Carl Roberts IV, a man too coward to take just his own life, so he took 5 little girls with him. The Good Book says that it is better for a person to be thrown into the sea than to harm a child.

In the days that followed Roberts' violent rampage, questions immediately arose to why a hard working husband and father would commit such a crime against the innocent. In a note written to his wife moments before he entered the school, Roberts stated several reasons for the school siege: his anger at God for the death of his infant daughter in 1997, his haunted memories of molesting two child female relatives 20 years previously, and his thoughts of molesting children again. So to quell that anger and the demons within, he took his life. Too bad he took the lives of little girls as well.

The devastation which befell the Amish community of Nickel Mines, Pennsylvania could have destroyed a community unaccustomed to such violence. Yet, the Amish were determined to overcome this unimaginable tragedy. In acts of tremendous kindness, generosity, and forgiveness, the Amish community not only tended to the families of the slain little girls, but to the killer's family as well. Within hours of the attack, members of the Amish community spoke out about the killings, stating that in the midst of this tragedy, they forgave Roberts. They also visited his wife and children to offer comfort and aid. Perhaps, in an even greater act of mercy, the Amish asked that a portion of the funds collected for the families of these girls, be donated to the Roberts family. Mr. Speaker, it is true generosity and mercy to comfort and care for the family of the evil who brutally murdered five children in your community.

Sadly, the tragedy which occurred in a little Amish schoolhouse in Nickel Mines, Pennsylvania is not isolated. Barely a week before, in September, an armed gunman took six female students hostage in Platte Canyon High School in Bailey, Colorado. During those horrific hours held prisoner inside a classroom, Duane Morrison subjected the girls to brutal sexual assaults. As police proceeded to enter the classroom, Morrison executed a 16 year old student and then the criminal took his own life. The Nickel Mines tragedy 5 days later was eerily reminiscent of the devastation which took place at Platte Canyon High School. The Platte Canyon tragedy was reminiscent of the Columbine Massacre, which had taken place in Colorado 7 years earlier.

As a father of 4, 3 of whom are girls, and a grandfather of 5, 3 of whom are girls as well, the death of a child is a parent's worst fear. No parent should experience such a heartbreaking loss. The worse thing that can happen to a parent is to lose a child before their time. It is the worse thing that can happen to a community; and it is the worse thing that can happen to a nation.

These school tragedies reinforce the need for adequate school safety and security throughout this country. A school no longer exists as a safe haven for children, but rather has become a violent battleground that demands our intercession. A school is an environment of learning and enrichment, not fear and brutality. We must strive to do everything within our ability to ensure the safety and well-being of our most precious commodity—our children. We need to strive to protect schools from outside intruders and inside rampages. School safety must be a priority—without it, children have very little places left to feel safe.

That's Just the Way It Is.

TRIBUTE TO ESSEX NATIONAL HERITAGE AREA 10TH ANNIVERSARY

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Mr. MEEHAN. Mr. Speaker, I would like to recognize the 10th anniversary of the Essex National Heritage Area and to congratulate the Essex National Heritage Commission on their outstanding work.

I can still remember when Tom Leonard came down to Congress in September of 1995 to testify in support of legislation that Senator KENNEDY and I had filed to create the Essex National Heritage Area.

One of the most poignant moments in Tom's testimony was when he laid out his vision for a true public private partnership to preserve the rich history of Essex County.

During his testimony Tom said, "Let me stress this point about cooperation. The legislation that is before you today anticipates a true partnership between the private and public sectors. We are not seeking federal handouts and controls."

During the last 10 years that vision has ensured that the historical treasures in Essex County will survive for future generations.

As you all know, over two-thirds of the money used for the Essex National Heritage Commission's work is from private sources.

The Congress also plays a significant role in the important work of the ENHC, providing over $8.6 million in funding to date.

Over the last 7 years, ENHC has provided over $1.3 million for 195 projects in 33 communities in Essex County.

In my district, the ENHC has made a number of grants to Lawrence, Haverhill, Andover, and Methuen to preserve and educate residents about our rich history.

ENHC also organizes and funds a number of other programs including their groundbreaking History in the Making program and Essex Heritage Explorers.

Today, as we celebrate the accomplishments of the ENHC, we must also plan for the future.

In Congress, we have filed legislation to extend the authorization and increase the cap on the amount of federal money the Essex National Heritage Area can receive.

This legislation is crucial for ENHC to be able to continue the important preservation and educational work they do.

I would like to congratulate the staff and volunteers of the Essex National Heritage Commission on 10 years of outstanding work and thank them for preserving our national heritage.

TRIBUTE TO MRS. MAGGIE KATIE BROWN KIDD

HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Mr. SCOTT of Georgia. Mr. Speaker, I rise today to recognize an important milestone in the life of my constituent Mrs. Maggie Katie Brown Kidd. On December 8, 2006, Mrs. Kidd will celebrate her 102nd birthday. Many family members and friends will recognize this momentous occasion with a party on November 24, 2006.

Maggie Brown was the eleventh and youngest child born to William (Doc) and Lucy Brown. At an early age, Maggie learned the values of hard work and success as a laborer on her parents' farm, and continued in that tradition as an adult. She married Willie (Dock) Kidd, III on November 30, 1940, and raised two children, John and Rosalyn. Mrs. Brown is also a grandmother to four, and a great-grandmother to three children.

Mrs. Kidd believes her faith in God has contributed to her good health and longevity. Her family describes her as a loving and selfless member of the community. When she had little to offer, Mrs. Kidd shared anyway. She is a principled and honorable woman, and I am proud to represent her in the 13th Congressional District of Georgia.

In closing, Mr. Speaker, I ask my colleagues to join me in recognizing the life of Mrs. Maggie Katie Brown Kidd, by wishing her a very happy 102nd birthday.

CARROLL A. CAMPBELL, JR. FEDERAL COURTHOUSE

HON. BOB INGLIS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Mr. INGLIS of South Carolina. Mr. Speaker, I rise to commemorate the life of Carroll Campbell, a great statesman, a passionate voice for economic development in South Carolina, and a good friend. He served the 4th District of South Carolina as a Representative in this body from 1979–1986, and I am honored to serve in the same seat. He also served the state of South Carolina in the State House and Senate, and as Governor from 1987–1995, I am honored to have the opportunity to introduce this bill to name the courthouse to be constructed in Greenville, South Carolina as the "Carroll A. Campbell, Jr. United States Courthouse."

As a Representative for the 4th District of South Carolina, Campbell was a rising star from the start, gaining early seats on the Appropriations and Ways & Means Committees in the 95th to 99th Congresses. He also participated with Lee Atwater in South Carolina's first presidential primary, helping California Governor Ronald Reagan ultimately win the nomination.

As two-term governor, Campbell demonstrated his leadership in difficult and uncertain times for the State of South Carolina. He was a trusted voice in the evacuation preceding Hurricane Hugo, and a self-giving leader in the recovery and rebuilding in its aftermath. He is also responsible for attracting prestigious international firms to South Carolina, including BMW, which is in the 4th District.

In 2001, Campbell announced in an open letter that he had been diagnosed with Alzheimer's disease and said his wife Iris and his two sons had joined in the battle. The people of South Carolina were saddened, and joined in prayer for his health and perseverance. The disease claimed his life December 7, 2005.

Mr. Speaker, please join me in honoring the life of Carroll A. Campbell, Jr. by naming the courthouse to be constructed in Greenville, South Carolina as the "Carroll A. Campbell, Jr. United States Courthouse."

INTRODUCTION OF RESOLUTION URGING BANGLADESHI GOVERNMENT TO DROP JOURNALIST'S SEDITION CHARGES

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Mr. KIRK. Mr. Speaker, today I am introducing a resolution with Congresswoman NITA LOWEY (D–NY) calling "on the Government of Bangladesh to drop sedition charges pending against Bangladeshi journalist Salah Uddin Shoaib Choudhury. We introduce this resolution today to coincide with beginning of Mr. Choudhury's sedition trial. Mr. Choudhury faces these charges because of his belief in an interfaith dialogue between Jews and Muslims and articles he published critical of Islamic extremism. Under Bangladeshi law, sedition is a crime punishable by death.

Mr. Choudhury is a journalist in Bangladesh known for his views on expanding dialogue between Muslims and Jews, developing ties with Israel, and criticizing the rise of Islamist parties in Bangladesh. Mr. Choudhury was detained in November 2003 at Zia International Airport in Dhaka, Bangladesh, on his way to board a flight bound for Tel Aviv, Israel, to participate in the annual Hebrew Writers Conference. Mr. Choudhury's passport was seized, along with considerable sums of money and several personal items. On that same day, police raided his home and newspaper, seizing files, computers, and other valuables.

Since Bangladeshi law prohibits travel to Israel, Mr. Choudhury was first cited for a minor passport violation. He subsequently was charged with sedition, accused of espionage as an Israeli spy, and incarcerated for 17 months. He was subjected to harsh interrogation techniques, and received no treatment for a debilitating case of glaucoma.

Despite public pledges from senior Bangladeshi government officials that all pending legal action against Mr. Choudhury would be dropped, the government pressed forward on its prosecution of Choudhury for sedition. Mr. Choudhury won PEN USA's "Freedom to Write Award," and was presented with the American Jewish Committee's prestigious "Moral Courage Award" in absentia in Washington DC. Mr. Choudhury's newspaper offices were bombed by Islamic extremists in July, and he was attacked by a mob in his office on October 5. Then a judge with alleged ties to an Islamic extremist group ruled that Mr. Choudhury must stand trial for sedition.

For his message of moderation and interfaith dialogue, Shoaib Choudhury is facing unjust criminal charges in an effort to silence him. Congress must send a clear message: we cannot allow moderate voices in the Muslim world to be silenced.

The resolution I introduce today calls on the Government of Bangladesh to drop all charges against Shoaib Choudhury, return his passport and possessions, and end his harassment I want to thank Congresswoman NITA LOWEY for being the lead co-sponsor of this legislation. I look forward to working with her and my other colleagues on this important human rights initiative.

A TRIBUTE TO ED BONNETTE

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Mr. ANDREWS. Mr. Speaker, I rise today to honor Ed Bonnette, a man who was "instrumental in lowering the national voting age to 18.

Ed served as the New Jersey Chair for the Let US Vote 18 (LUV 18) Committee at the age of 20. His efforts, combined with the efforts of LUV 18 members in 10 other states, made it possible for the 26th Amendment to the Constitution to be ratified in 1971.

The Let US Vote 18 Committee had placed referendums on New Jersey ballots throughout the 1960s, without success. In 1970, members of this group took their case before the Supreme Court. The Court agreed that the voting age must be lowered for Federal elections to comply with the Voting Rights Act of 1965. States soon realized it would be impractical to have separate voting systems for Federal and State elections, and subsequently moved to change the law. The 26th Amendment was the fastest yet to be certified, with Ohio's ratification making it official. In July of 1971, less than 100 days after the process began, President Richard M. Nixon officially signed the 26th Amendment into law, officially lowering the voting age to 18.

Mr. Speaker, I commend Ed Bonnette today for all that he has done for the First Congressional District of New Jersey and our country. Ed's service is worthy of admiration, and I applaud him for his efforts.

HONORING SOFIA GUZMAN GARCIA

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Mr. REYES. Mr. Speaker, I rise today to honor Sofia Guzman Garcia of my hometown of Canutillo, TX, who passed away July 29, 2006, on her 74th birthday.

Sofia Guzman Garcia was born on July 29, 1932, and was a 1950 graduate of El Paso High School. Later, she worked for the Borderland Farmers Cooperative Association for two decades. She was also a dedicated volunteer for numerous community causes and a tireless campaigner for her husband and sons as they sought elected office.

Mrs. Garcia worked on behalf of the people of Canutillo throughout her life, playing a pivotal role in strengthening the Canutillo Independent School District, local churches, and other community institutions.

Mr. Speaker, I ask all of my colleagues to join me in celebrating the life of a great woman, Sofia Guzman Garcia.

TRIBUTE TO THE ENERGY AND MINERALS FIELD INSTITUTE

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Mr. UDALL of Colorado. Mr. Speaker, I rise today to pay tribute to the Energy and Minerals Field Institute (EMFI), an organization affiliated with the Colorado School of Mines that provides policy makers, elected officials and their staff with direct and in-depth information about energy resources and production in the western United States.

A number of staff in my office have had the opportunity to participate in the informative field tours the EMFI provides. Through the EMFI, they and the many other participants from state and federal agencies, Congressional committees, Native American Tribes, and other offices have had the chance to travel to locations where energy, resources, and minerals are developed, extracted and produced. On such trips, participants have descended into active molybdenum, gold and coal mines, watched oil and gas drill rigs in action, explored wind turbine technological development at the National Renewable Energy Laboratory, and witnessed new water projects under construction. The information acquired through direct contact with these activities has greatly enhanced my staff's knowledge of resource development, as well as their understanding of the positive and negative impacts these resources can have on local communities and the nation as a whole.

The professional and knowledgeable staff, including Director Gary Baughman, Tom Sladek, Jim Proud, and other consultants and support personnel, put together outstanding programs and tours year after year. As an added plus, participants are also provided extensive roadside geologic tutorials by Mr. John Rold, former Colorado State Geologist and Director of the Colorado Geologic Survey; educating program participants on everything from rockslides and fractures to the energy industry and anecdotes about life in general.

The Energy and Minerals Field Institute was established in 1978 as the "Energy Field Institute" to create a forum for exploring interactions between regional energy development in the West and federal policies. "Western Energy: Opportunities, Problems, and Policy Issues" was the first field program, cosponsored by the Colorado School of Mines and Resources for the Future. Participants consisted of federal officials from Colorado.

In 1980, a new July program was added, directed toward representatives of the regional and national media. With the inclusion of nonfuel minerals in 1981, the EMFI was renamed to its present title. In 1985, participation in the July program was expanded to include secondary level teachers, business leaders, government personnel, and staff and students from the Colorado School of Mines. This diversity of disciplines and professions created an exciting educational atmosphere in which many perspectives on the various issues were represented.

With the continued success of the traditional "Government Program" in August and the growth of the "Interdisciplinary Program" in July, it was decided in 1985 to make the itineraries of both trips identical. This approach provided similar educational opportunities for all participants and made logistical planning more efficient.

In addition to the summer field sessions, the EMFI also conducted an annual Washington Workshop. This conference was designed to familiarize EMFI alumni and invited guests with topical issues related to Western resource development. The EMFI also published a newsletter entitled "Field Notes" twice each year to keep its alumni and supporters informed of recent events.

However, due to funding difficulties in 1996, the EMFI was forced to discontinue its major summer field programs, the Washington Workshop, and "Field Notes." It continued to conduct customized field programs for corporate clients, specific government organizations, and delegations from other countries.

In 2003, the Colorado Office of Energy Management and Conservation (OEMC) provided funding to reactivate the Colorado Energy Research Institute (CERI), which is administered by the Colorado School of Mines. With funding from CERI, and with in-kind contributions from the Colorado School of Mines, sufficient funding was provided to reestablish the EMFI Field Program.

The small but steady source of grant dollars from CERI and the Colorado School of Mines, as well as additional financial support from federal agencies, have allowed the EMFI to conduct a single Field Program each summer. It is hoped that the successful conduct of these field programs, coupled with the creation of additional EMFI alumni, will generate sufficient interest and financial support to enable the EMFI to recreate all of its previous outreach programs and become financially independent.

Mr. Speaker, I urge my colleagues to support the work of the Energy and Minerals Field Institute. The practical knowledge and invaluable experiences gained by program participants will undoubtedly help shape important energy, natural resource, and environmental policy for years to come.

HONORING THE H. LEE MOFFITT CANCER AND RESEARCH INSTITUTE

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Mr. YOUNG of Florida. Mr. Speaker, I rise to salute the H. Lee Moffitt Cancer Center and Research Institute as it marks its 20th anniversary of work to treat patients with cancer and to conduct cutting edge research into the causes and cures of this terrible disease.

The Center was established through the vision and tireless work of H. Lee Moffitt, then a member of the Florida House of Representatives. As a cancer survivor himself, he recognized the unmet need for cancer treatment and research in the Tampa Bay area and the entire state of Florida. Five years of hard work by Lee Moffitt to secure the funding for the center led to its groundbreaking in 1983 and the first patient walked through its doors three-and-a-half years later. That patient, David Sheppard, is alive today as a result of the care he received at Moffitt in October 1986.

Today, a staff of more than 3,400 people continues to save lives every day and supports research that one day will unlock the mystery of this disease. They are led by Dr. William S. Dalton, the CEO and Center Director, and Dr. W. Jack Pledger, the Deputy Center Director, who oversee a world class team that collaborates on research projects with facilities all across the world. They receive invaluable support from the Board of Directors and its Chairman Senator CONNIE MACK and the Board of Advisors and its Chairman Sam Donaldson.

Moffitt's stated mission is "To be the leader in scientific discovery and translation into compassionate care, cures, and prevention of cancer for our community and the world." The center does that by offering 14 patient care programs in a facility designated a prestigious Comprehensive Cancer Center by the National Cancer Institute.

The center, now almost five times the size of the original facility, also houses state-of-the-art labs that allow researchers to delve into the science of cancer, right down to the genomic level. As a result, the doctors and staff are learning to treat cancer on a patient-by-patient basis by determining the best course of treatment for each patient based on their genetic makeup.

The H. Lee Moffitt Cancer Center and Research Institute is not only a superb medical resource for the community I represent, but it is truly a national and international asset in our ongoing war on cancer. Following my remarks, I would like to include for the benefit of my colleagues, a recent column by Ernest Hooper of The St. Petersburg Times which talks about the early days at Moffitt and the life-changing experience of its first patient David Sheppard.

Mr. Speaker, The Moffitt Cancer Center is an outstanding example of a public and private partnership that serves all of mankind. Its staff battles cancer and saves lives every day and for that thousands of cancer survivors are eternally grateful. Thousands if not millions more will one day also benefit from the ongoing research activities there as they identify new cures and one day preventative medicine that will fight the scourge of cancer.

[From the St. Petersburg Times, Oct. 30, 2006]

20 GOOD YEARS OF MOFFITT

(By Ernest Hooper)

The restless night is still fresh in David Sheppard's mind.

The difficulties of his rare bone marrow blood disease grew more intense. His doctors had scheduled him for admission to the hospital that afternoon, but because he became more ill overnight, they told him to rush over that morning.

They didn't send him to just any hospital, however. They sent him to a bright, new treatment facility. It seemed more like a mall, Sheppard said. It didn't have any antiseptic, medicinal odors.

"It was this big, beautiful place," Sheppard recalled Friday. "It was nice to have this nice, new facility."

That's how Sheppard, husband, father and Wharton High assistant principal, became the H. Lee Moffitt Cancer Center & Research Institute's first patient on Oct. 27, 1986.

Sheppard and Julie Y. Djeu, Moffitt's first researcher, were scheduled to join employees in a 20th anniversary celebration Saturday night at Saddlebrook Resort. The center's first physician, Dr. Richard Karl, was not able to attend, but recognizing some of the center's firsts was a neat way to commemorate the anniversary.

For Sheppard, it was an opportunity to show his appreciation. He raves about the helpful and kind Moffitt staff.

"I'm very grateful that they were there 20 years, ago," he said. "A lot of people have received good treatment there. I was just the first one to walk through the door." Sheppard, who graduated from King High, told Moffitt officials he "wouldn't be here today without the lifesaving care I got that very first day." He actually continued to get treatment from a Moffitt oncologist and hematologist after that first visit.

In a sense, he gives back as a 13-year school district veteran.

Sheppard is pleased to help shepherd the lives of our young people. Over the years, he's even dealt with some students who were facing their own battles with cancer. Sheppard said he doesn't necessarily offer any specific counsel or share his story, but he certainly listens with a sympathetic ear.

"I had done some tutoring and I just decided to stick with it," Sheppard said. "I also was looking at options for careers that I might be able to handle because of my disease. I couldn't consider being a Navy pilot or a firefighter."

Maybe he didn't turn into a Top Gun fighter, but Sheppard still is flying high. After all, if it wasn't for Moffitt, he might not be celebrating turning 37 today.

Happy Birthday, David Sheppard. Happy Birthday, Moffitt.

That's all I'm saying.

IN MEMORY OF MAYOR J. PALMER GAILLARD, JR.

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Mr. WILSON of South Carolina. Mr. Speaker, former mayor of Charleston, J. Palmer Gaillard, Jr., died July 28, 2006, leaving a legacy of public service that will always be cherished. He served as mayor of South Carolina's most historic city from 1959 to 1975.

He was married to the former Lucy Foster Gaillard of Charleston for 57 years, who preceded him in death on October 6, 2001. Surviving are three sons, J Palmer Gaillard III and his wife Henrietta Freedman Gaillard, W. Foster Gaillard and his wife Susan Street Gaillard, and Thomas H. Gaillard, all of Charleston, SC; 5 grandchildren, John P. Gaillard IV, M.D. and his wife Lori, Emmie Gaillard Hershey and her husband Clay, Mary Loize Gaillard, Susan Huguenin Gaillard and W. Foster Gaillard, Jr.; and 3 great grandchildren, Clay W. Hershey, Jr., Thomas Gaillard Hershey, and Alston M. Gaillard.

The following op-ed was published in tribute in The Post and Courier, August 3, 2006. The author is prominent Charleston attorney and author, Robert N. Rosen. We share the same experience in that Mayor Gaillard's race was my first participation in politics at the behest of my mother, Wray G. Wilson, who had me deliver precinct voter call lists on election day for the mayor when I was 12 years old.

"WE NEED A CHANGE": J. PALMER GAILLARD'S LEGACY FOR CHARLESTON

(By Robert Rosen)

My earliest recollection of participating in politics is the Gaillard-Morrison race for mayor of Charleston. I was 12 years old. At the behest of my father, Morris D. Rosen, I handed out a piece of paper (it would be an exaggeration to call it "campaign literature") called a "ticket" with a big headline that read "We Need a Change" and a picture of the ballot led by the young, dynamic reform candidate, J. Palmer Gaillard, Jr. It was 1959. Gaillard campaigned, like all opponents of incumbents, for "change."

After his election, Gaillard, as mayor, was a blend of hard-headed, no-nonsense conservatism (he was a notorious penny-pincher when it came to the city budget) and flexible pragmatism. He realized in the early 1960s that the old peninsula city of Charleston which ended at Mount Pleasant Street and the edges of the Ashley and Cooper rivers could not remain economically viable, and he aggressively pursued annexation of the West Ashley district to the city.

Mayor Gaillard made many other important contributions to the city of Charleston, but none compare to his leadership in the transition from an era of segregation and Jim Crow to integration and racial equality.

When he became mayor, Charleston was a segregated city with all that implies—segregated restaurants, schools, buses and public restrooms. Gaillard's views on the issues were conventional. Segregation was then the Southern way of life. He reflected the opinions and beliefs of his friends, neighbors and supporters.

But when the Civil Rights movement came to Charleston in the 1960s—the sit-down movement at King Street lunch counters, Civil Rights marches, demonstrations (peaceful and not so peaceful), and the Medical University Hospital strike—Palmer Gaillard guided the city through various crises over 15 years with a steady and fair hand.

He believed, first and foremost, in the rule of law. He did not wink at violence or intimidation. When told that the federal courts would order the integration of city facilities—the first municipal facilities in South Carolina—the only question he asked his lawyers (among them, my father) was, "What is the law?" He immediately instructed his lawyers to obey the law, which meant acquiescence in integration, something the majority of white Charlestonians adamantly opposed.

"The Charleston hospital strike of 1969 made national headlines. Black hospital workers marched and agitated to protest racial discrimination and poor working conditions at the Medical University. Coretta Scott King, Andrew Young and Ralph Abernathy all came to Charleston. The National Guard was called out to maintain the peace. "The strike of hospital workers in Charleston, S.C., has become the country's tensest civil rights struggle," The New York Times editorialized in the first of three editorials on the subject. Ralph Abernathy later wrote of his stay in the Charleston jails, "I remembered the Birmingham jail and considered myself fortunate."

Palmer Gaillard and his Police Chief John Conroy (dubbed "Mr. Cool" by the local press) kept the peace and allowed the protestors to protest, which was their right. The crisis passed. The strike was resolved. The peace was preserved. No one was killed. No Southern demagogues stood in doorways or made fools of themselves on national television like George Wallace in Alabama or Lester Maddox in Georgia.

Gaillaird was the quintessential Charleston conservative. But he was a leader. He appointed Richard E. Fields the first black judge in South Carolina since Reconstruction to the Charleston Municipal Court. On Palmer Gaillard's watch, segregation peacefully gave way to integration in the most Southern of cities, where both secession and the Civil War began.

When Palmer Gaillard campaigned on the theme "We Need a Change," he certainly did not mean a revolution in Southern racial mores, laws and customs. But those who correctly demanded change found in him the right man to preside over that historic change: an honest, forthright, law abiding, hard-headed Huguenot, and one of the great mayors of the city of Charleston.

SECTION 1036(C) OF THE NATIONAL DEFENSE AUTHORIZATION ACT, H.R. 5122

HON. VIC SNYDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Mr. SNYDER. Mr. Speaker, press statements by the chairman imply that section 1036(C) accomplishes something for veterans with disabilities, but this one-sentence provision says nothing about veterans. Even though the Paralyzed Veterans of America did a visit to the island and concluded Santa Rosa Island is not appropriate for hunting for people with disabilities, the provision stayed in the defense bill. No language in section 1036(C) does anything to offset the high fees associated with individuals hunting this privately owned herd. No language in section 1036(C) affects the responsibilities of the owner of the deer and elk to have them removed by the timelines set forth in the court settlements.

This provision should not have been inserted in this bill, but it is clear from the plain language of this one sentence that it only impacts one alternative method for removal of the herds, not the 2011 deadline for removal of all the deer and elk.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this Chamber yesterday, November 13, 2006. I would like the RECORD to show that, had I been present, I would have voted "yea" on rollcall votes 517 and 518 and "no" on rollcall vote 519.

PERSONAL EXPLANATION

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Mr. NEUGEBAUER. Mr. Speaker, I am recorded as "not voting" on rollcall vote 519 on November 13, 2006. However, I intended to vote "aye" and believed I had done so during the rollcall vote. I support H.R. 5602 and the extension of Normal Trade Relations Treatment to the products of Vietnam.

A TRIBUTE TO T. JEFFREY BANGSBERG

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Mr. RAMSTAD. Mr. Speaker, I rise today to honor a dear friend and a true Minnesota hero, Jeffrey Bangsberg.

Jeff will be retiring from full-time work this month, and it is fitting that we recognize the accomplishments this great Minnesotan has achieved and the perseverance and courage he has shown in the face of extraordinary challenges.

Jeff suffered a spinal cord injury 30 years ago. While this injury left him in a wheelchair, he never gave up and became a tremendous advocate for expanding access to health care and other critical services for people with disabilities and the elderly.

Since 1991, Jeff has brought his insight, passion and experience to a variety of important issues, including improving Social Security and the Medicare and Medicaid programs, especially for people living with disabilities.

I have worked closely with Jeff for 26 years on a wide range of legislative initiatives in both the Minnesota State Senate and U.S. House of Representatives. Jeff was instrumental in the creation and implementation of groundbreaking legislation, including the first personal care attendant program in Minnesota, Metro Mobility, Medicaid for Employed Persons with Disabilities, and the Ticket to Work and Work Incentives Improvement Act.

All of these monumental achievements are the result of Jeff's great heart and his passion for helping others. Over the years, Minnesota governors have appointed Jeff to several councils and commissions, including the Minnesota State Council on Disability, the Minnesota State Rehabilitation Council, the Minnesota Health Care Commission and countless advisory committees for the Minnesota Department of Human Services and the Minnesota Department of Health. He was also a presidential appointee to the U.S. Commission on Civil Rights.

And in addition to all of these important commitments, Jeff also found time to serve as Government Relations Director for the Minnesota HomeCare Association. In this capacity, Jeff has effectively promoted home care services for seniors and people with disabilities at the local, state and federal levels. Because of his work, countless people are living independently and with dignity.

Jeff is truly an extraordinary person, not only for his ability to overcome obstacles, but also in his dedication to knocking down barriers for others. Jeff understands that we all win when all Americans are empowered to live up to their full potential.

As Co-Chair of the Bipartisan Disabilities Caucus, I have been grateful for Jeff's invaluable counsel, expertise and friendship over the years. While I could spend hours listing the many accomplishments of this tremendous individual, I can sum it all up by saying Jeff Bangsberg truly represents the best and the brightest, and I am honored to call him my friend.

Congratulations, Jeff, on your well-deserved retirement, and best wishes to you and your wonderful wife, Anita.

IN RECOGNITION OF DR. WILLIAM M. KELSO

HON. JO ANN DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I rise today to honor and recognize Dr. William M. Kelso for his distinguished career in historical archaeology and for his contributions to the historical record of the United States of America.

From his early professional beginnings as Assistant Field Archaeologist, Colonial Williamsburg Foundation in 1964 to his current position as Director of Archaeology, Association for the Preservation of Virginia Antiquities (APVA), Jamestown Rediscovery Archaeology Project, he has consistently demonstrated his earnest desire to further advance the research and support of archaeology in the Commonwealth of Virginia and the United States of America. During the 1970s Dr. Kelso served as Virginia's first state archaeologist and established programs and innovative methods and techniques that are currently in use. The broad range of his achievements include his role as Resident Archaeologist, Monticello home of Thomas Jefferson located in Albemarle County, Virginia, and later Director of Archaeology, Monticello, Thomas Jefferson Memorial Foundation, Inc. Further credentials include his role as Lecturer at the University of Virginia and later Adjunct Professor of the College of William and Mary.

Perhaps his most notable contribution was when he served, as Director of Archaeology for the APVA Jamestown Rediscovery project, where his leadership was instrumental in discovering the remains of the English 1607 James Fort. This historic site is the first permanent English settlement in British North America and led to the establishment of English Common law and the first form of representative government in the New World. The archaeological evidence includes structural remains as well as accompanying artifacts representing seventeenth century material culture that documented the location of the fort.

Additionally, he served as Historical Archaeologist for the Virginia Historic Landmarks Commission and has extensive scholarly publications to his credit as well, that are widely circulated in academia both nationally and internationally.

Dr. Kelso has promoted the knowledge and awareness of history and archaeology among the general public. He deserves national recognition for his monumental contributions to our nation's history as the 400th anniversary of the founding of Jamestown approaches in 2007.

Thanks to Dr. Kelso, a more accurate story can now be told regarding the arrival and ultimate survival of the first English settlers to land on the soil of Jamestown, Virginia, including the roles of Native Americans and the later arrival of African Americans. This extraordinary effort is largely a gift from Dr. William M. Kelso, who through his dedication, diligence, skill and grit, has illuminated the truth.

IN MEMORY OF DON PRUNER

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Mr. GALLEGLY. Mr. Speaker, I rise in memory of my friend, Don Pruner, who died suddenly last week.

Don Pruner is remembered by many for being a shrewd businessman who brought professional emergency medical services to eastern Ventura County, California, my home for more than 40 years, and paramedics to all of Ventura County. I remember as well his love of fishing, his hearty laugh, and our shared love of antique autos.

I met Don and his wife, Jackie, at a Christmas party in 1969. We've been friends ever since. Don was an eternal teenager who loved life to its fullest while exuding the maturity of a loving husband and father who knew the pulse of the community and how he could fulfill its needs.

Don bought Conejo Ambulance Service in 1963. He expanded the business by working 24 hours, 7 days a week, and driving a 1958 Pontiac Ambulance, hiring off-duty firefighters and sheriff's deputies to make the runs with him. Eventually, the business evolved under Don and Jackie's guidance into Pruner Health Services.

Don's success as a businessman was matched by his success as a human being. Don Pruner has countless friends and a wonderful, loving family. A native Southern Californian, he never strayed from his roots.

Mr. Speaker, I know my colleagues will join me in remembering Don Pruner as a health care pioneer in Ventura County, California, as a good friend, a loving family man, and a lover of life. In addition, I know they join me in extending our condolences to Jackie and their three children and all who called Don a friend.

Godspeed, Don.

IN RECOGNITION OF CORPORAL BRADFORD HOWARD PAYNE

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Mr. ROGERS of Alabama. Mr. Speaker, Corporal Bradford Howard Payne, 24, of Montgomery, Alabama, died on October 6, 2006 in Iraq. Corporal Payne was assigned to the 2nd Battalion, 8th Marine Regiment, 2nd Marine Division, 2nd Marine Expeditionary Force, Camp Lejeune, North Carolina, and according to initial reports was killed in combat operations against enemy forces. His survivors include his wife Erin; and his mother and father Carol and W.H. Payne of Pike Road, Alabama.

Corporal Payne was a loving husband and was on his third deployment remaining patriotic and wanting to serve his country. Like all soldiers, he dutifully left behind his family and loved ones to serve our country overseas.

Words cannot express the sense of sadness we have for his family, and for the gratitude our country feels for his service. Corporal Payne died serving not just the United States, but the entire cause of liberty, on a noble mission to help spread the cause of freedom in Iraq and liberate an oppressed people from tyrannical rule. He was a true American.

We will forever hold him closely in our hearts, and remember his sacrifice and that of his family as a remembrance of his bravery and willingness to serve. Thank you, Mr. Speaker, for the House's remembrance on this mournful day.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Mr. GALLEGLY. Mr. Speaker, I was unable to make the following rollcall votes on November 13, 2006:

H.R. 3085, To amend the National Trails System Act to update the feasibility and suitability study originally prepared for the Trail of Tears National Historic Trail and provide for the inclusion of new trail segments, land components, and campgrounds associated with that trail, and for other purposes (Rollcall Vote 517). On the motion to suspend the Rules and Agree to Senate Amendment, had I been present, I would have voted "aye."

S. 819, Pactola Reservoir Reallocation Authorization Act (Rollcall Vote 518). On the motion to suspend the Rules and Pass, had I been present, I would have voted "aye."

H.R. 5602, To Authorize the Extension of Nondiscriminatory Treatment (Normal Trade Relations Treatment) to the Products of Vietnam (Rollcall Vote 519). On the motion to suspend the Rules and Pass, as Amended, had I been present, I would have voted "aye."

RECOGNIZING THE LOVARC ORGANIZATION

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Mrs. CAPPS. Mr. Speaker, today I rise to recognize LOVARC, an organization dedicated to helping Americans with disabilities find employment and live fulfilling lives. LOVARC was established in 1964 as a non-profit organization with the goal of helping those with disability. Its dedication to helping those in need is laudable and should be recognized by the United States Congress.

In 1995, LOVARC was awarded a contract for two dining facilities, the Breakers and the Beachcomber, at Vandenberg Air Force Base. Since that time, LOVARC has won the Hennessey Award for the best dining facility in Space Command seven times. This is an outstanding accomplishment, and I am proud that they have served the people of the 23rd District through their work at Vandenberg Air Force Base.

I am pleased to recognize the administrators, volunteers, and employees of this organization. Their efforts have resulted in the creation of jobs for many in my district, and for that I am grateful. Many Americans with disabilities now enjoy better lives due to this organization's service. I am proud of their work with the military and wish them a wonderful future in service to our community.

THE AMBASSADORS REVIEW OF THE COUNCIL OF AMERICAN AMBASSADORS

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Mr. SHAYS. Mr. Speaker, I wish to insert in the CONGRESSIONAL RECORD the following statement by Joseph Verner Reed, Under-Secretary-General of the United Nations

REMARKS ON UNITED NATIONS DAY'S 61ST ANNIVERSARY CELEBRATION

(Tuesday October 24, 2006)

Today October 24, 2006 the United Nations celebrates its 61st birthday.

BORN OF WAR

The United Nations was created in large part by the efforts of the United States. President Franklin D. Roosevelt's vision and dedication laid the framework. The President even coined its name.

Former United States Secretary of State Cordell Hull won the Nobel Peace Prize, mainly for his efforts in building the institution. President Harry S Truman supported President Roosevelt's vision with equal devotion, and in 1945, the vision became a reality.

The United Nations has succeeded most obviously in preventing the horror of a third world war, encouraging multinational dialogues and the development of international law, and providing a forum for governmental and non-governmental entities.

It is active in peacekeeping, disarmament, economic development, environmental preservation, education and disease prevention. United Nations groups like UNICEF, the World Bank, the World Health Organization and the International Atomic Energy Agency have produced a long list of achievements; along with the inevitable stumble now and then.

It is less commonly known that the United Nations also handles international labor standards, international aviation safety provisions, international mail flow issues and international copyright laws, all of which significantly benefit Americans.

In the words of former United States Ambassador to the United Nations and former Secretary of State Madeleine Albright, "If you have ever traveled on an international airline or shipping line, or placed a phone call overseas, or received mail from outside the country, or been thankful for an accurate weather report—then you have been served directly or indirectly by one part or another of the United Nations system."

MORE HELPFUL TO UNITED STATES

Many within America view the United Nations with great suspicion, primarily because they see a significant threat to U.S. sovereignty.

They would do well to heed the words of former United States Senator Arthur Vandenberg, a Republican who supported the formation of the world body: "Though we cooperate wholeheartedly with the United Nations for peace and security, we remain the captains of our own souls."

The veto power of the United States in the Security Council alone ensures that the United Nations does not act arbitrarily to harm U.S. interests. And when looked at historically, the United Nations has served interests of the United States far more than it has harmed them.

Among other examples, the United Nations supported the dispatch of forces to Korea in 1950 and the incursion into Kuwait to expel Iraqi forces in 1991.

After September 11, 2001, it also moved swiftly to join the battle against terrorism, supporting the attack on Afghanistan and passing Resolution 1373, which "required nations to interdict arms flows and financial transfers to suspected terrorist groups, report on terrorists' movements and update national legislation to fight them."

When the United Nations speaks in a clear voice, it represents the greatest source of international legitimacy possible.

When the Security Council passes a Resolution it is not only legally binding, but it is widely respected. To solve global challenges requires a close partnership between the United States and the United Nations.

As President Dwight D. Eisenhower said, "With all the defects . . . the United Nations still represents man's best organized hope to substitute the conference table for the battlefield."

Indeed, to attack the United Nations is to criticize the conference table. The United Nations is only as effective as the countries around that table. If we hope to strengthen the World Organization's effectiveness, the United States must play a leading role in reform efforts.

It is an honor and privilege to present the message of Secretary-General Kofi A. Annan to the People of Connecticut.

TRIBUTE TO E. RONALD DURAND, JR.

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Mr. KING of New York. Mr. Speaker, I rise today to pay my respects to E. Ronald Durand, Jr., a longtime friend and true patriot who passed away on September 20, 2006.

I first met Ron Durand in the late 1960s when we were both students at the University of Notre Dame Law School. Ron had entered law school after serving 6 years in the United States Marine Corps. Rising to the rank of captain, Ron's service included a tour of duty as a helicopter pilot in Vietnam, where he was highly decorated and flew many rescue missions.

During our time together in law school Ron was a true leader—soft-spoken but strong. He and his wife Liz were close friends to me and my wife Rosemary and we remained in contact in the years that followed. During his professional career, Ron achieved much as an entrepreneur and as an airport executive. He was a true renaissance man.

With all his varied accomplishments, Ron Durand was first and foremost a true American patriot, exemplified by his heroic service in Vietnam. Ron's love of country, however, went beyond his military duty. He truly cared about our country and always maintained an acute and detailed knowledge, awareness and interest in national and international matters.

Ron Durand was admired, respected and loved by all who had the privilege of knowing him. It is fitting and appropriate that he will be interred at Arlington National Cemetery with military honors on November 22. No one is more deserving.

May he rest in peace. Go Irish.

TRIBUTE TO COLONEL JAMES D. ROGERS

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Mr. CUELLAR. Mr. Speaker, I rise today to honor COL James D. Rogers for his outstanding service in the United States Army during the Vietnam war.

COL James D. Rogers went above the call of duty in his service as senior advisor to the 11th Vietnamese Ranger Battalion on Operation "Harvest Moon" in the Thang Binh District. On December 8, 1965, the entire battalion came under attack with heavy casualties on the Ranger side.

The Battalion's executive officer was killed, the command group radio operator was wounded, and CPT Dzu Thua Nguyen, the commander of the 11th Vietnamese Ranger Battalion, was wounded in both legs. During this battle is when Colonel Rogers displayed extreme bravery in fighting off the enemy, tending to the wounded during the withdrawal, and safeguarding their lives while air support was being called in.

He remained behind, and carried Captain Dzu on his back to safety over dangerous, cane-filled terrain in which he wounded his foot by stepping on a punji stake. Despite this injury, he kept on going, and carried Captain Dzu to the safety of the reserve company where he and his assistant senior advisor, LT Jan Senecal, worked with the battalion in repelling further attacks. Six months after that heroic display in the face of absolute danger, Colonel Rogers was awarded the Distinguished Service Cross for his valor on May 18, 1966.

Mr. Speaker, I am truly honored to have had this time to recognize the bravery and dedication of COL James D. Rogers to his fellow soldiers and to the United States of America.

TRIBUTE TO PAUL DE LA GARZA

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Mr. DAVIS of Florida. Mr. Speaker, I rise in honor of Paul de la Garza, a passionate, dedicated journalist whose stories have sparked critical changes at Tampa's James A. Haley VA Medical Center and elsewhere. Paul's passing last month is a tremendous loss to his colleagues at the St. Petersburg Times and the entire Tampa Bay community.

Paul's inspiring work ethic developed at an early age. From humble beginnings in Port Isabel, TX, Paul worked his way through elementary school, high school and college and fought his way into the newsroom. Paul cultivated his love for journalism at the University of Texas at Austin where he served as reporter and editor of the student newspaper, earning a job offer in the Associated Press's Chicago bureau.

Paul first came to the Tampa Bay area in 1992 to work for the St. Petersburg Times, writing police news stories, a column and helping to edit the Tampa section. He went on to work at the Chicago Tribune as a metro reporter, then a foreign correspondent and Mexico City bureau chief.

The St. Petersburg Times welcomed Paul's return in 2000, and since then, his breaking news stories have helped to expose problems in veterans health care services at Haley, as well as shedding light onto operations at Tampa's MacDill Air Force Base.

Paul's relentless pursuit of sources, his ability to befriend people from all walks of life, and his passion for revealing the truth, made him a superb journalist. But Paul will also be remembered for his compassion for others, his brave battle against Hodgkin's disease, and his intense love of family.

On behalf of the entire Tampa Bay community, I would like to extend my deepest sympathies to Paul's family. May his wife and children find comfort in the many people that Paul inspired and the legacy he leaves behind.

HONORING DR. HARVEY FEIGENBAUM

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2006

Mr. BURTON of Indiana. Mr. Speaker, I rise today to pay tribute to one of Indiana's leading scientist and scholars, Dr. Harvey Feigenbaum, the recipient of the 2006 Builders of Israel award, which was presented to him at the annual Indiana-Israel Dinner of State on November 4, 2006.

The Builders of Israel award is given each year to a worthy recipient or recipients who demonstrate exceptional support of the Israel Bonds investment program, which helps strengthen Israel's economy, as well as for the recipient's personal contributions to the enrichment of American and Jewish life in Indiana and abroad. Since 1951, The State of Israel Bonds/Development Corporation for Israel has issued securities in the name of the government of Israel for the development of every aspect of Israel's economy, including agriculture, commerce and industry. Over the years Israel Bonds has secured more than $26 million in investment capital, and throughout its history, the State of Israel has maintained a perfect record of payment of the principal and interest on the securities it has issued. From humble beginnings, Israel Bonds have gone from a fledgling idea, to a powerful legacy of achievement; in the process becoming the financial bedrock upon which the modern State of Israel is built.

This simple concept of investment in people and communities is also the bedrock upon which Dr. Harvey Feigenbaum built his life. Born and raised in Indiana, Dr. Feigenbaum received his Bachelor of Science and Doctorate of Medicine degrees from Indiana University where he continued his academic career as a distinguished professor of medicine at Indiana University's School of Medicine. In addition to authoring or co-authoring over two-hundred fifty scientific articles during his career, Dr. Feigenbaum's pioneering work in cardiac ultrasound, or echocardiography, resulted in the development of ultrasound as a critical diagnostic tool in the battle against heart disease. Dr. Feigenbaum continues to push the boundaries of research into echocardiography, and I understand his most recent research has greatly aided in the refinement of echocardiogram imaging techniques and the creation of a hand-held ultrasound system. Dr. Feigenbaum's work with ultrasound is so well respected by his peers in the scientific community that if you look at the qualifications of many, if not most, of the world leaders in echocardiography, you should not be surprised to see that they were trained directly or indirectly by Dr. Feigenbaum. Yet even with all the demands of his teaching schedule and his research, Dr. Feigenbaum has always found time to give back to his community and his profession, including founding the American Society of Echocardiography in 1975—which now has more than 6,000 members—and serving as the organization's first president. Last year, Dr. Feigenbaum's achievement earned him the American Heart Association's highest honor, the Distinguished Scientist Award, an award Dr. Feigenbaum so richly deserved.

Mr. Speaker, Dr. Feigenbaum's conscientious good works as a citizen, scientist, and scholar represent the best tradition of selfless public service, civic stewardship and commitment to others and are deserving of our highest commendation. His service to the people of the United States, to the people of Israel and to my Hoosier friends and neighbors has truly helped to make our world a better place, and I ask all of my colleagues to take a moment and join me now to congratulate and commend Dr. Harvey Feigenbaum, for receiving the 2006 Builders of Israel award.

HOUSE OF REPRESENTATIVES—*Wednesday, November 15, 2006*

The House met at 10 a.m.

Chaplain Scott Crosley, 101st Airborne Division, Fort Campbell, Kentucky, offered the following prayer:

Dear Lord, today we pray for productivity, for purpose and for passion. We ask, Lord, for Your encouragement for those who need it, for Your direction for those who need it, and for Your discernment for those who need it.

Your word promises that "he who stands firm to the end will be saved." Today, I pray for the leaders in this room, that You, Lord, would help them to stand firm in You. Help their dependence to be upon You and their persuasion to reflect You.

As it reads in Ephesians, chapter 3: "I pray that out of His glorious riches He may strengthen you with power through His spirit in your inner being."

It is in His name that I pray Rakkasan and Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. POE) come forward and lead the House in the Pledge of Allegiance.

Mr. POE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING CHAPLAIN SCOTT CROSLEY

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute.

Mrs. BLACKBURN. Mr. Speaker, please join me in thanking Chaplain Scott Crosley of the 101st Airborne Division (Air Assault) for delivering today's opening prayer. Chaplain Crosley serves as the battalion chaplain for the First Battalion 187th Infantry Regiment, the "Leader Rakkasans."

These soldiers only recently returned to Fort Campbell from Iraq. While they were deployed in Iraq, I had the opportunity to visit them at forward-operating base Summerall. The Leader Rakkasans engaged in close combat with insurgent and terrorist enemies. They worked to train Iraqi army and police units, and they continued the work of building Iraqi civil society to offer a better future to the next generation of Iraqis.

Chaplain Crosley came to the Army late in life, moving his family from his native California and heeding a call to tend to the spiritual and emotional needs of soldiers at war.

In this time of deployment, his efforts helped soldiers deal with the stress of combat, separation from their loved ones and, above all, the loss of nine brother warriors in action.

Mr. Speaker, we thank Chaplain Crosley and the soldiers of the 101st Airborne for their great service to our great Nation.

END THE WAR IN IRAQ

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, one week ago, the American people sent a message to this Congress; that message had to do with Iraq. Were the American people asking us to send more troops? No, they want the troops to come home. Were they looking to expand the war? No, they want to end the war.

There is only one way to end this war: cut off funds. The White House doesn't believe Congress will exercise this power. That is why the President is determined to stay in Iraq through the end of his term. He may have let go of Rumsfeld, but he is not going to let go of the war. The President is trapped, trapped by lies, fabricated intelligence, pretensions to empire, desire for oil and prophetic illusions.

The truth shall set the President and the Congress free: the truth that it was wrong to go into Iraq. It is wrong to stay there. It is time to bring our troops home. It is time to get the world community involved in a transition to help secure the Iraqi people. The truth is we broke Iraq, but we can't fix it by staying. We can fix it only by admitting we were wrong and paying for reconstruction financially but not with the lives of our brave troops.

It is time to cut off the funds; time to end the war against Iraq; time to bring our troops home; time for a new energy policy; time to reconnect with the world; time for hope, not fear.

WHY THANKSGIVING DAY?

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, in 1621, the Pilgrims held a 3-day festival giving thanks to the Lord for a bountiful harvest. They celebrated with the Indians, who had also suffered through a previously hard winter. This feast would become the birth of our national holiday of Thanksgiving.

President Franklin Delano Roosevelt made the fourth Thursday of November the official Thanksgiving day, which we celebrate Thursday next. For the first 150 years, Thanksgiving was celebrated whenever the Colonists believed it was necessary to do so. President George Washington stated in the first Thanksgiving proclamation authorized by Congress in 1789: "It is the duty of all nations to acknowledge the providence of Almighty God, to be grateful for His benefits and to request His protection and favor. I recommend to the people of the United States a day of public Thanksgiving and prayer to show the many favors of the Almighty and especially the opportunity for this form of government."

So as this Nation, Mr. Speaker, seems to move toward a secular country, we would do well to remember the purpose of Thanksgiving and the words of the Good Book, which says: "Unless the Lord watches over the city, those that guard the walls do so in vain."

And that's just the way it is.

DEMOCRATS DESIRE TO BETTER SECURE THE HOMELAND

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute.)

Mr. MORAN of Virginia. Mr. Speaker, no issue that Congress deals with is more important than our national security. As Democrats prepare to take control of the Congress this January, we are ready to move forward with an agenda that I believe will better secure our homeland and help us finally to restore our credibility abroad.

Today our Nation is actually less safe than it was before the 9/11 terrorist attacks. According to our most professional experienced intelligence analysts, the number of terrorists attacks and recruits are up worldwide. Many of our enemies are stronger. Their reach is greater. Their weapons of mass destruction are more developed, plentiful and available.

Democrats have an agenda for real security at home and overseas. It is

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

time that we require the Iraqis to take responsibility for their country, and to begin the phased redeployment of U.S. forces out of Iraq. At the same time, we Democrats believe that we need to double the size of Special Forces to destroy Osama bin Laden and terrorists networks like al-Qaeda, we need to rebuild a state-of-the-art military capable of projecting power wherever necessary. That is an agenda that will better protect our Nation and is worthy of strong bipartisan support.

THE THREAT OF IRAN

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, I rise to address a growing threat to the United States and global security: Iran's nuclear ambitions pose a grave threat, not only to world stability but also to our close ally, Israel, the only stable democracy in the Middle East, and American interests of peace and prosperity throughout the region.

Just yesterday the Associated Press confirmed that Iran has continued its experiments to enrich uranium in defiance of the U.N. Security Council.

Led by a tyrannical dictator who denies the existence of the Holocaust and vows to wipe Israel off the map, the President of Iran is out of touch with reality and poses an immediate security threat to its neighbors and the progress of democracy in the Middle East.

We must stand firm and united in our resolve to prevent Iran from becoming a nuclear state. President Ahmadinejad seems bent on the destruction of Western civilization. He says Iran will never give up its right to enrich uranium and produce nuclear fuel. The consequences of a nuclear Iran would be catastrophic and must be addressed.

Mr. Speaker, our commitment to our allies and for peace in the Middle East must not be shaken by Iran's nuclear weapons ambitions. I urge my colleagues to work together to stand in unity against this gathering threat.

RAISE THE MINIMUM WAGE

(Ms. SOLIS asked and was given permission to address the House for 1 minute.)

Ms. SOLIS. Mr. Speaker, the minimum wage, as you know, has not been raised in the last 9 years and is currently at its lowest level in the last 50 years when adjusted for inflation. Yet Republicans have continually refused to raise the pay of these full-time workers who struggle to make ends meet.

During the last 6 years, by the way, 5 million people now live in poverty. Last week the American people spoke out for the Democratic majority in Congress, because they agreed that no one in the Nation who works hard should be denied a livable wage. In fact, over 70 percent of Latinos work at minimum wage to support their children.

These are hardworking Americans, and they deserve better treatment and fairness. Now the American people have spoken and call for immediate action to raise the minimum wage. Within the first 100 hours of the Congress, Democrats will pass a pay increase for those workers who need it the most. It is only fair. How can we as a Nation justify giving millionaires tens of thousands of dollars in tax breaks while we continue to force more than 6 million Americans to live with just $5.15 an hour?

Mr. Speaker, thanks to the election results, we will see a much-needed raise in the minimum wage for all Americans.

A LITTLE SCHOOL WITH A BIG HEART

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, last Friday in Saluda, South Carolina, 400 elementary school students gathered at a football field while a military helicopter landed in the middle.

Why such a big treat for such a small school, you may wonder? Hollywood Elementary teacher Anna Frye learned of the Flags For Soldiers Project, headed by Alpha Troop Commander Captain Jason D. Hennigan, and wanted to involve her students.

The project is to raise money to purchase 500 American flags, one for each soldier serving in a Cavalry Squadron of the 82nd Airborne Division. During the past several weeks, these students donated their snack money and paid a fee to participate in dress-up days so they could contribute to this cause.

Captain Hennigan's father, Daniel Hennigan, a retired Army officer, was so touched by the school's gesture that he arranged a special celebration on Veterans Day. As American solders continue to fight for our freedoms around the world, we can all learn a lesson from the students at Hollywood Elementary.

In conclusion, God bless our troops, and we will never forget September 11.

AMERICAN PEOPLE SUPPORT DEMOCRATIC AGENDA

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, last week the American people voted for change here in Washington. They were not happy with the party controlling both Capitol Hill and the White House. They want checks and balances, but more than anything, they want us to work together to address the concerns they face every day.

The agenda that Democrats laid out over the last year is an agenda that all of us here in Washington should be able to support. If you want to help millions of hardworking Americans who have not received a pay raise in 9 years, you will join us in increasing the minimum raise in January. If you want to help more teenagers get a college education, you will join us in making it more affordable by cutting interest rates in half on college loans.

This is the agenda that the American people supported last week when they went to the polls. In January, we will begin to implement this agenda, and I hope that our Republican colleagues will join us in this effort.

COLLEGE LOAN INTEREST RATE CUTS

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, last Tuesday, Americans voted for a new direction in America. Among those voting were 10 million young Americans between the ages of 18 and 29 who were no doubt upset by the soaring costs of college tuition and the rise in student loan interest rates put into effect by Republicans in this body.

This year alone Republicans raised student loan interest rates by 7 percent and cut $12 billion out of the higher education budget to pay for the massive tax cuts for the wealthy. These 10 million young voters, along with their parents and grandparents who share the growing financial burden of higher education, elected a Democratic majority in Congress because they know our party has continually stood for making a college education an affordable goal for all American students.

Mr. Speaker, these families will soon see results. Within the first 100 hours of taking office next January, Democrats will broaden college opportunities for all students.

☐ 1015

AMERICANS WANT A CHANGE IN STRATEGY IN IRAQ

(Mr. PAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE. Mr. Speaker, last week the American people voiced their strong opposition to the handling of the war in Iraq. On the day after the election, it appeared that President Bush had finally gotten the message when he removed Secretary Rumsfeld, the man who bears a great deal of responsibility for the failed Iraq policy.

However, there is now some doubt whether the President fully comprehended the magnitude of the quagmire his administration created and continues to defend.

The situation in Iraq is getting worse, not better. October was the deadliest month for American troops in over 2 years, and they continue to play referee in a civil war between the Sunnis and the Shiites.

It is clear after last week's election that the American people want a change in strategy. It is time for the Iraqi people to take control of their country and to stop the sectarian violence that has made it impossible to bring stability to that nation. American troops cannot do it for them. They have got to do it for themselves.

Therefore, it is time to begin redeploying our troops out of Iraq so that we can better protect our Nation. The President's own intelligence agencies say the war in Iraq is making us less safe.

When Democrats take control of Congress next year, we will advocate for a phased redeployment so we can better protect the homeland from terrorist attacks.

DEMOCRATS WILL HIT THE ROAD RUNNING WITH AN AGENDA FOR ALL AMERICANS

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, when Democrats take over the House in January, we are going to hit the road running, moving forward on an agenda that every American should be able to embrace.

Within the first 100 hours, Democrats pledge to bring legislation to the House floor that would increase the minimum wage from $5.15 an hour to $7.25 an hour to more than 6 million American workers.

We will also give the Secretary of Health and Human Services the ability to negotiate lower drug prices, something that the Republican drug law specifically prohibited.

We will also repeal billions in tax breaks for big oil companies, companies that experienced record profits this summer while they were gouging the American consumer.

Democrats also plan to help college students with skyrocketing college costs by cutting their student loan interest payments in half, something that could save future graduates about $5,000 over the lifetime of the loan.

All of this, plus fully implementing the 9/11 Commission's recommendations, and we will do that all in the first 100 hours.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

FRANNIE, WYOMING, LAND CONVEYANCE

Mrs. DRAKE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 101) to convey to the town of Frannie, Wyoming, certain land withdrawn by the Commissioner of Reclamation.

The Clerk read as follows:

S. 101

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF LAND TO THE TOWN OF FRANNIE, WYOMING.

(a) CONVEYANCE.—Subject to valid existing rights, the Secretary of the Interior shall convey by quitclaim deed, without consideration, all right, title, and interest of the United States in and to the parcel of land described in subsection (b) to the town of Frannie, Wyoming.

(b) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (a) is the parcel of land withdrawn by the Commissioner of Reclamation—

(1) consisting of approximately 37,500 square feet;

(2) located in the town of Frannie, Wyoming; and

(3) more particularly described in the approved Plat of Survey of Frannie Townsite, Wyoming, as the North ½ of Block 26, T. 58 N, R. 97 W.

(c) RESERVATION OF MINERAL RIGHTS.—The conveyance under subsection (a) shall be subject to the reservation by the United States of any oil and gas rights.

(d) REVOCATIONS.—

(1) SPECIAL USE PERMIT.—The special use permit issued by the Commissioner of Reclamation, numbered O-LM-60-L1413, and dated April 20, 1990, is revoked with respect to the land described in subsection (b).

(2) SECRETARIAL ORDERS.—The following Secretarial Orders issued by the Commissioner of Reclamation are revoked with respect to the land described in subsection (b):

(A) The Secretarial Order for the withdrawal of land for the Shoshone Reclamation Project dated October 21, 1913, as amended.

(B) The Secretarial Order for the withdrawal of land for the Frannie Townsite Reservation dated April 19, 1920.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. DRAKE) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia.

Mrs. DRAKE. Mr. Speaker, I yield myself such time as I may consume.

S. 101, introduced by Senator MIKE ENZI, and supported by our Wyoming colleague, BARBARA CUBIN, authorizes the Secretary of the Interior to convey a parcel of land to the town of Frannie, Wyoming. The land in question is less than 1 acre and equates to approximately half a city block.

The Bureau of Reclamation has not used this land for many years, and the town has actually managed it for the last 15 years. As the land is no longer needed for reclamation projects, the town would like to use this land to build a community center.

The Department of the Interior has testified in support of this legislation, and I urge my colleagues to support this noncontroversial bill.

Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

(Mr. RAHALL asked and was given permission to revise and extend his remarks.)

Mr. RAHALL. Mr. Speaker, the purpose of S. 101 is to convey a small parcel of Federal land to the town of Frannie, Wyoming.

While we do not object to passage of S. 101, we do want to ensure that we address concerns raised at the December 7, 2005, hearing of the Subcommittee on Water and Power regarding the intent of Congress with respect to the ownership of this parcel and the purpose for which it will be used.

Mr. Speaker, I will include in the RECORD at this point two letters received from the town of Frannie by Water and Power Subcommittee Ranking Member GRACE NAPOLITANO.

TOWN OF FRANNIE,
Frannie, WY, December 15, 2005.

Hon. GRACE NAPOLITANO,
Longworth House Office Building,
Washington, DC.

DEAR REPRESENTATIVE NAPOLITANO: It has come to our attention that there were concerns expressed over the Town of Frannie gaining ownership of federal lands in Frannie Wyoming and then immediately disposing of them. As a smaller governmental entity, we fully understand the concerns on this issue.

One of the unique features in the Town of Frannie is on the NE¼ of Block 26. The Town of Frannie holds a Bureau of Reclamation 99-year Special Use Permit for our Centennial (Lasting Legacy) Park. In 1990, as a project to commemorate a "Lasting Legacy" of Wyoming's centennial year, the Frannie Elementary students, with community support and help, built this park. The park is a topographical representation of Wyoming with rocks depicting mountain ranges and the pathways are the two main thoroughfares across the state. This children's park holds a special place in the hearts of many of our community members.

Past and present Town Council members have been discussing the use for the NW¼ of Block 26. The need for a large group picnic shelter, a community hall, and a maintenance shop are a few ideas that the councils were considering. Before we can commit to developing these lots for public use, we will first need to gain ownership.

It is our desire to have this land remain open for public use since it is adjacent to our town hall, basketball court, and library. We feel that we would be better managers and protectors of these lots if they were under our care. On July 19, 2000, the Wyoming State Director of the Bureau of Land Management, stated in a letter to the Bureau of

Reclamation, "Since BLM feels the parcel is not suitable for return to the public domain and management under the public land and mining laws, and the land is no longer needed for BR purposes, it is recommended a means of disposal of this parcel be sought whereby the Town of Frannie can protect its investment."

We understand the concern with the Town of Frannie turning around and selling the North½ of Block 26. Although we cannot guarantee what future council members' goals and values will be, you can rest assured that the present council and many of our community members desire that this entire block remain intact for the public's use.

We sincerely hope that you will give us your support of S. 101.

Sincerely,

JERRY DART,
Mayor.

TOWN OF FRANNIE,
Frannie, WY, July 14, 2006.

Hon. GRACE NAPOLITANO,
Ranking Member, Subcommittee on Water and Power, House Committee on Resources, Washington, DC.

DEAR RANKING MEMBER NAPOLITANO: Thank you for your interest in S. 101, a bill to convey land to the Town of Frannie, and for your continued interest in good government. As a local government official, I have a great respect for your desire to see lands conveyed to our town used in a manner that is in the public interest.

I write you today to make clear that the Town of Frannie has no intention of selling the land that the federal government would convey to us if S. 101 is signed into law. It is my understanding that a letter sent by our previous mayor did not clarify what our intention is for that land, and so I hope to ease your concerns that the town may attempt to sell this land in the future. That is not our goal, and we have no desire to sell the land to private individuals.

Half of the land owned by the Bureau of Reclamation holds a portion of the town's Centennial Park. It is our intention to keep that park in place. The Other half of the land contains an American Legion building that is condemned. It is our intention to tear that building down, and it is our dream to build a community center on that land.

We expect the community center to be a place where townspeople can meet for dinners, meetings and other community events because our community does not have such a gathering facility. Although it is our dream to make this happen, we do not yet want to begin the process of raising the funds if we do not own the land. Although we enjoy our relationship with Bureau of Reclamation, we do not feel comfortable investing what we believe to be substantial dollars if we do not own the land.

Because the federal government no longer uses the land and because the cost of selling the land is more than the value of the land, we believe S. 101 is a win-win situation for our community and for the taxpayers. It is my hope that you will support passage of S. 101 so that we can begin moving forward with our dream to build It community center that will undoubtedly make Frannie a better place for all its citizens.

Sincerely,

MIRIAM ROBERTS,
Mayor.

The letters clearly state that it is the intent of the town government that this parcel permanently remain in public ownership and that the land continue to be used as it is presently, that is, for public purposes. We appreciate these assurances by the town of Frannie.

In addition to these assurances, Mr. Speaker, the Secretary of the Interior, in executing the transfer of real property authorized by this act, shall include in the deed or deeds a restriction requiring that the lands remain in public ownership by the town of Frannie and used solely and in perpetuity for public purposes.

Mr. Speaker, I yield back the balance of my time.

Mrs. DRAKE. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. DRAKE) that the House suspend the rules and pass the Senate bill, S. 101.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

NEW ENGLAND WILDERNESS ACT OF 2006

Mrs. DRAKE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 4001) to designate certain land in New England as wilderness for inclusion in the National Wilderness Preservation System and certain land as a National Recreation Area, and for other purposes.

The Clerk read as follows:

S. 4001

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "New England Wilderness Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Section 1. Short title; table of contents
Sec. 2. Definition of Secretary
TITLE I—NEW HAMPSHIRE
Sec. 101. Definition of State
Sec. 102. Designation of wilderness areas
Sec. 103. Map and description
Sec. 104. Administration
TITLE II—VERMONT
Sec. 201. Definitions
Subtitle A—Designation of Wilderness Areas
Sec. 211. Designation
Sec. 212. Map and description
Sec. 213. Administration
Subtitle B—Moosalamoo National Recreation Area
Sec. 221. Designation
Sec. 222. Map and description
Sec. 223. Administration of National Recreation Area

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term "Secretary" means the Secretary of Agriculture, acting through the Chief of the Forest Service.

TITLE I—NEW HAMPSHIRE

SEC. 101. DEFINITION OF STATE.

In this title, the term "State" means the State of New Hampshire.

SEC. 102. DESIGNATION OF WILDERNESS AREAS.

In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following Federal land in the State is designated as wilderness and as components of the National Wilderness Preservation System:

(1) Certain Federal land managed by the Forest Service, comprising approximately 23,700 acres, as generally depicted on the map entitled "Proposed Wild River Wilderness—White Mountain National Forest", dated February 6, 2006, which shall be known as the "Wild River Wilderness".

(2) Certain Federal land managed by the Forest Service, comprising approximately 10,800 acres, as generally depicted on the map entitled "Proposed Sandwich Range Wilderness Additions—White Mountain National Forest", dated February 6, 2006, and which are incorporated in the Sandwich Range Wilderness, as designated by the New Hampshire Wilderness Act of 1984 (Public Law 98-323; 98 Stat. 259).

SEC. 103. MAP AND DESCRIPTION.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of each wilderness area designated by section 102 with the committees of appropriate jurisdiction in the Senate and the House of Representatives.

(b) FORCE AND EFFECT.—A map and legal description filed under subsection (a) shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the map and legal description.

(c) PUBLIC AVAILABILITY.—Each map and legal description filed under subsection (a) shall be filed and made available for public inspection in the Office of the Chief of the Forest Service.

SEC. 104. ADMINISTRATION.

(a) ADMINISTRATION.—Subject to valid existing rights, each wilderness area designated under this title shall be administered by the Secretary in accordance with—

(1) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(2) the Wilderness Act (16 U.S.C. 1131 et seq.).

(b) EFFECTIVE DATE OF WILDERNESS ACT.—With respect to any wilderness area designated by this title, any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

(c) FISH AND WILDLIFE.—As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this title affects any jurisdiction or responsibility of the State with respect to wildlife and fish in the State.

(d) WITHDRAWAL.—Subject to valid existing rights, all Federal land in the wilderness areas designated by section 102 are withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under the mineral leasing laws (including geothermal leasing laws).

TITLE II—VERMONT

SEC. 201. DEFINITIONS.

In this title:

(1) MANAGEMENT PLAN.—The term "Management Plan" means the Green Mountain National Forest Land and Resource Management Plan.

(2) STATE.—The term "State" means the State of Vermont.

Subtitle A—Designation of Wilderness Areas

SEC. 211. DESIGNATION.

In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Certain Federal land managed by the United States Forest Service, comprising approximately 22,425 acres, as generally depicted on the map entitled "Glastenbury Wilderness—Proposed", dated September 2006, which shall be known as the "Glastenbury Wilderness".

(2) Certain Federal land managed by the United States Forest Service, comprising approximately 12,333 acres, as generally depicted on the map entitled "Joseph Battell Wilderness—Proposed", dated September 2006, which shall be known as the "Joseph Battell Wilderness".

(3) Certain Federal land managed by the United States Forest Service, comprising approximately 3,757 acres, as generally depicted on the map entitled "Breadloaf Wilderness Additions—Proposed", dated September 2006, which shall be known as the "Breadloaf Wilderness".

(4) Certain Federal land managed by the United States Forest Service, comprising approximately 2,338 acres, as generally depicted on the map entitled "Lye Brook Wilderness Additions—Proposed", dated September 2006, which shall be known as the "Lye Brook Wilderness".

(5) Certain Federal land managed by the United States Forest Service, comprising approximately 752 acres, as generally depicted on the map entitled "Peru Peak Wilderness Additions—Proposed", dated September 2006, which shall be known as the "Peru Peak Wilderness".

(6) Certain Federal land managed by the United States Forest Service, comprising approximately 47 acres, as generally depicted on the map entitled "Big Branch Wilderness Additions—Proposed", dated September 2006, which shall be known as the "Big Branch Wilderness".

SEC. 212. MAP AND DESCRIPTION.

(a) In General.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of each wilderness area designated by section 211 with—

(1) the Committee on Resources of the House of Representatives;

(2) the Committee on Agriculture of the House of Representatives; and

(3) the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(b) Force of Law.—A map and legal description filed under subsection (a) shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the map and legal description.

(c) Public Availability.—Each map and legal description filed under subsection (a) shall be filed and made available for public inspection in the Office of the Chief of the Forest Service.

SEC. 213. ADMINISTRATION.

(a) Administration.—Subject to valid rights in existence on the date of enactment of this Act, each wilderness area designated under this subtitle and in the Green Mountain National Forest (as of the date of enactment of this Act) shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

(b) Fish and Wildlife.—Nothing in this subtitle affects the jurisdiction of the State with respect to wildlife and fish on the public land located in the State, including the stocking of fish in rivers and streams in the State to support the Connecticut River Atlantic Salmon Restoration Program.

(c) Trails.—The Forest Service shall allow the continuance of—

(1) the Appalachian National Scenic Trail;

(2) the Long Trail;

(3) the Catamount Trail; and

(4) the marking and maintenance of associated trails and trail structures of the Trails referred to in this subsection, consistent with the management direction (including objectives, standards, guidelines, and agreements with partners) established for the Appalachian National Scenic Trail, Long Trail, and Catamount Trail under the Management Plan.

Subtitle B—Moosalamoo National Recreation Area

SEC. 221. DESIGNATION.

Certain Federal land managed by the United States Forest Service, comprising approximately 15,857 acres, as generally depicted on the map entitled "Moosalamoo National Recreation Area—Proposed", dated September 2006, is designated as the "Moosalamoo National Recreation Area".

SEC. 222. MAP AND DESCRIPTION.

(a) In General.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the national recreation area designated by section 221 with—

(1) the Committee on Resources of the House of Representatives;

(2) the Committee on Agriculture of the House of Representatives; and

(3) the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(b) Force of Law.—A map and legal description filed under subsection (a) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct clerical and typographical errors in the map and legal description.

(c) Public Availability.—Each map and legal description filed under subsection (a) shall be filed and made available for public inspection in the Office of the Chief of the Forest Service.

SEC. 223. ADMINISTRATION OF NATIONAL RECREATION AREA.

(a) In General.—Subject to valid rights existing on the date of enactment of this Act, the Secretary shall administer the Moosalamoo National Recreation Area in accordance with—

(1) laws (including rules and regulations) applicable to units of the National Forest System; and

(2) the management direction (including objectives, standards, and guidelines) established for the Moosalamoo Recreation and Education Management Area under the Management Plan.

(b) Fish and Wildlife.—Nothing in this subtitle affects the jurisdiction of the State with respect to wildlife and fish on the public land located in the State.

(c) Escarpment and Ecological Areas.—Nothing in this subtitle prevents the Secretary from managing the Green Mountain Escarpment Management Area and the Ecological Special Areas, as described in the Management Plan.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. Drake) and the gentleman from West Virginia (Mr. Rahall) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia.

GENERAL LEAVE

Mrs. DRAKE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. DRAKE. Mr. Speaker, I yield myself such time as I may consume.

S. 4001 would designate 34,500 acres of wilderness in the White Mountain National Forest in New Hampshire and 41,652 acres of wilderness in the Green Mountain National Forest in Vermont.

The Resources Committee supports the wilderness designation in the White Mountain National Forest. This designation was developed with the Forest Service through its forest planning process and with substantial input and involvement from the public and local interest groups. It boasts the strong support of New Hampshire's citizens, environmental groups, the forest products industry, elected officials, the Forest Service and the administration.

With that said, the committee is somewhat troubled with the Vermont wilderness designation within S. 4001. The Forest Service's publicly vetted and collaborative forest plan recommends only 27,000 acres of wilderness. However, considering the few days remaining in this Congress and the support of this bill by the entire Vermont delegation, the Resources Committee will defer to Vermont's elected officials and pass the bill today.

Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would simply note that this legislation, which would designate Federal wilderness areas on national forest system lands within the States of New Hampshire and Vermont, is before us in part due to the efforts of our colleague, Bernie Sanders, and for that, I commend the gentleman from Vermont for his dedication, persistence and willingness to work with us on this legislation. He will soon become a member of the other body, but we shall still maintain our friendship. I salute him for his tenacity in ensuring that his State's interests are included in this measure.

I would also observe that the wilderness designations made by the pending measure are clean, and by that, I refer to the fact that they are not coupled with other matters which have nothing to do with wilderness.

Wilderness standing on its own here, the benefits of wilderness designation to the local economy, to hunters and fishermen, and to our heritage and future generations of Americans, is on display for all to see.

It is not being coupled or being debased with other matters such as the disposal of public lands as the price of obtaining some wilderness designation as we have seen with a number of other bills considered by this body in recent months.

So I am pleased to support the measure.

Mr. Speaker, I reserve the balance of my time.

Mrs. DRAKE. Mr. Speaker, I yield as much time as he may consume to the gentleman from New Hampshire (Mr. BRADLEY).

Mr. BRADLEY of New Hampshire. Mr. Speaker, I would like to thank the leadership of the Resources Committee on both sides of the aisle, as well as the leadership on both sides of the aisle in the House, for allowing myself, Congressman BASS and Congressman SANDERS to have another opportunity to debate this bill today.

What we have before us is a compromise in true New England fashion, with both States' delegations and Governors of both States having worked together to bring before the House a consensus package that represents the best interests of my colleague's State of Vermont and the best interests of my State of New Hampshire.

As someone who is an avid hiker and someone who will have a little bit more time now to hike, I can attest to all Members of the House, this wilderness designation makes sense for New Hampshire. I have hiked in both regions of the proposed wilderness designation. They are worthy of this additional protection of wilderness designation.

In the case of New Hampshire, myself and Congressman BASS, Senator GREGG and Senator SUNUNU, the sponsors of this measure, have worked extensively with all sides that were interested in this legislation, both environmental groups, logging interests, snowmobiling groups to make sure that we had a plan that mirrored the interests of Tom Wagner, who is the administrator of the White Mountain National Forest, and his very capable group of people that proposed the White Mountain National Forest plan and the wilderness designation.

As a side note, the White Mountain National Forest plan, despite all the comments that came in after the plan was published, in particular comments about wilderness designation, was not challenged in court by any of the various interests, which is a tribute to how hard New Hampshire interests worked on the compromise that you see before you today.

So, as somebody who has spent extensive time hiking in the White Mountain National Forest, including in these two proposed wilderness designations, the Sandwich designation, as well as the Wild River designation, I thank again my colleagues on both sides of the aisle for allowing this bill to come forward. I thank the leadership on both sides for allowing this bill to come forward. It is truly going to protect both the Green Mountain National Forest and the White Mountain National Forest, and I would welcome all of you to come join me in hiking in these two wilderness designations once they have been signed into law.

Mr. RAHALL. Mr. Speaker, I now yield such time as he may consume to our distinguished colleague from Vermont (Mr. SANDERS) and again congratulate him on his ascension into the other body.

Mr. SANDERS. Mr. Speaker, I thank my friend from West Virginia.

This has been a somewhat long and unusual path to get here to where we are today, and I want to thank the gentlewoman and I want to thank the committee for their support and I want to thank my colleagues, Mr. BRADLEY and Mr. BASS from New Hampshire, for their very hard work on this, and the New Hampshire delegation in the Senate and Senator LEAHY and Senator JEFFORDS for where we are today.

□ 1030

I rise, obviously, in very strong support of this legislation which would designate wilderness areas in both Vermont and New Hampshire. This legislation passed the Senate unanimously in September, and I hope this body will pass it today in similar fashion.

I should point out that the New England Wilderness Act not only has the unanimous support of the New Hampshire delegation and the Vermont delegation but the Governor of the State of Vermont and the Governor of the State of New Hampshire as well.

Mr. Speaker, the Green Mountain National Forest is integral to the State of Vermont. Established in 1932, the forest includes almost 400,000 acres stretching across two-thirds the length of the State. As you might imagine, the forest looms large on the minds of Vermonters. My constituents have high expectations about the stewardship of the resources within the forest, and the wilderness created in this bill is something almost all Vermonters eagerly await.

In fact, passage of the New England Wilderness Act would mark a successful culmination of on-the-ground efforts in both Vermont and New Hampshire. In Vermont, this has involved roughly 5 years of discussions as well as cooperation with the U.S. Forest Service as they worked to update the forest management plan which included a significant public process.

For example, five local planning groups met monthly during the planning process, and over 70 public meetings occurred during this same period. Additionally, four educational forums on the future management of the forest and four open houses on the forest plan also took place. Mr. Speaker, I can tell you, throughout the whole undertaking, one message was very clear: Designating wilderness areas in the State of Vermont has the overwhelming support of the vast majority of the people in my State.

In closing, Mr. Speaker, I ask for the support of all of my colleagues to pass this important legislation. Enacting this legislation into law will provide lasting benefits to current and future generations of citizens in Vermont and New Hampshire and throughout the entire United States, and I look forward to celebrating this important milestone.

Once again, I want to thank the committee and my colleagues from New Hampshire for their very hard work on this.

Mrs. DRAKE. Mr. Speaker, I yield such time as he may consume to the gentleman from New Hampshire (Mr. BASS).

Mr. BASS. I thank the gentlewoman.

Mr. Speaker, I appreciate the opportunity to stand here before you in support of S. 4001. As my good friend and colleague from Vermont mentioned a minute or two ago, this is the culmination of a very tortuous negotiation process that has taken place over a period of years. I am very pleased to be able to culminate this process in this fashion as the last bill that I, as the Representative of the Second Congressional District, will be speaking in favor of and supporting on the floor of the House, and probably his last bill as he heads over to represent his great State of Vermont in the U.S. Senate, and I offer him my congratulations.

This is a very significant piece of legislation for New Hampshire and the White Mountain National Forest. It will set aside 34,000 acres in wilderness designated lands, as we said before, in the Sandwich Range and Wild River areas of northern New Hampshire. It is, as was said, the culmination of 5 years of planning on the part of the U.S. Department of Agriculture, the USDA staff that are on the ground in the area, the stakeholders in the region, including the towns, environmental groups, State reps and State legislators. It is the culmination of an open process in which many, many different points of view were brought into consideration, and this plan was developed. This is the legislative initiative that implements that plan, and I fully support it.

The White Mountain National Forest was established in 1911 through the Weeks Act. It is the most visited national forest in the country. I believe, although I don't recall the exact number right now, but over 5 million people frequent this national forest. We have two ski areas that exist in it. It is a great source of recreation, but it is also a very diverse ecosystem, and I think that the plan that we have here before us today represents a reasonable compromise between the need to preserve key wilderness areas for future generations and the need to recognize that a national forest is also an economic engine and is part of the economy for the region and a critical part of that economy.

So by including the designations in the State of Vermont, New Hampshire and Vermont are working together, because indeed their forests and our forests are very close to one another. In a bipartisan fashion, with the support of both Governors and the whole delegation to implement this plan, the impact of this designation will not be felt just this year and next year but forever.

So I just want to say that, as my last bill on the floor of the House, I think it is as important a bill as I have ever had because its impact will last long after I am gone and everybody else that is here today. So I want to thank, in closing, all of those who have helped on the House side and on the Senate side to bring this wonderful jewel to New Hampshire and preserving 34,000 acres of the White Mountain National Forest for eternity.

Mr. RAHALL. Mr. Speaker, I yield back the balance of my time.

Mrs. DRAKE. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. DRAKE) that the House suspend the rules and pass the Senate bill, S. 4001.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

PROVIDING NEW EFFECTIVE DATE FOR APPLICABILITY OF CERTAIN PROVISIONS OF LAW TO PUBLIC LAW 105-331

Mr. BAKER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6325) to provide a new effective date for the applicability of certain provisions of law to Public Law 105-331.

The Clerk read as follows:

H.R. 6325

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law, for the purposes of Public Law 105-331, the end of the 2-year period specified in subparagraph (B) of section 5134(f)(1) of title 31, United States Code, shall be July 1, 2007.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. BAKER) and the gentleman from Massachusetts (Mr. FRANK) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana.

GENERAL LEAVE

Mr. BAKER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BAKER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge today that the House do pass H.R. 6325, introduced by the gentleman from New Jersey (Mr. PALLONE). It is a relatively simple bill in purpose, to accommodate one single intention, and that is to correct an honest misinterpretation of the law governing the distribution of surcharges on the sales of a commemorative coin that honored America's great inventor, Thomas Edison.

Legislation to authorize the coin was approved in 1998, and the coin issued subsequently in 2004. But owing to slightly contradictory information guiding recipients of the surcharges, the recipients did not understand requirements to raise matching funds from private sources, which meant that such funds must be entirely from nongovernmental sources. That misunderstanding now has been resolved, and I would like to introduce into the RECORD at this time a letter to that effect, and all agree that a short 6-month extension would then be sufficient to cure any pending problem.

Mr. Speaker, it was a misunderstanding, clearly not at the fault of any one party, but I believe that this remedy being posed by Mr. PALLONE in a bipartisan fashion will cure the defect that we currently face, and I would urge the House to consider the bill and immediately adopt the underlying text.

EDISON MEMORIAL TOWER CORPORATION,
Edison, NJ, November 14, 2006.
CHAIRMAN MICHAEL OXLEY,
Committee on Financial Services,
Washington, DC.

DEAR CHAIRMAN OXLEY, The non-profit Edison Memorial Tower Corporation is requesting a 6-month extension to our deadline to raise $379,000 in private funds in order to secure a $379,000 matching grant from the United States Mint. These funds, available thanks to the sale of a Thomas Alva Edison Commemorative Coin, will greatly assist us with our efforts to restore Thomas Edison's Menlo Park laboratory site where many of his most important inventions were made.

Our Board has made good progress in our fundraising efforts and we are confident that the additional 6 months will allow us the necessary time to raise the full required amount. We understand that if this 6-month extension is approved, this will be the only extension allowed for this grant. We therefore commit that we will not ask you to consider a further extension of time.

Thank you for your consideration.

Sincerely,

NANCY L. ZERBE,
Chairperson.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

It is especially appropriate for us at a time when we are celebrating or trying to give due recognition to the importance of innovation in our economy that we take this action to make sure that we properly memorialize Thomas Edison in whose honor this whole project has been conceived.

I appreciate very much the majority accommodating us in this, and I want to say especially that the staff on the majority side was particularly helpful. We had a little glitch in terms of how this was drafted and whether or not it was a private bill, and everybody worked very hard to make sure we could do this promptly, since, obviously, we don't expect or hope to be here a whole lot longer. So I am glad we are able to go forward.

Mr. Speaker, I now yield such time as he may consume to the author of the bill and the man who represents the area affected, our friend from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, let me thank my colleagues on both sides of the aisle, but particularly the gentleman from Massachusetts for all his help in bringing this to the floor in such a timely fashion. Without his help, we certainly wouldn't be here today. And I also want to say that I look forward to when he is the chairman of the Financial Services Committee in the next congress. I introduced this bill with the gentleman from Massachusetts (Mr. FRANK) and my colleague from New Jersey (Mr. FRELINGHUYSEN) to allow the Edison Memorial Tower Corporation additional time to raise funds to match a Federal grant.

The Edison Memorial Tower, in my district, is a 131-foot tower built in 1937 on the exact spot where Thomas Edison's original Menlo Park laboratory was located in New Jersey. And I think you know this was the place where the electric light bulb and so many inventions were made by Thomas Edison. The Tower was built to commemorate Edison's work and is connected to a museum displaying many of the inventor's creations.

Unfortunately, the Tower has suffered more than $3 million worth of water damage. The Edison Memorial Tower Corporation, which oversees the Tower, was designated as the recipient of Federal funds under the Thomas Alva Edison Commemorative Coin Act, which passed in 1998. That funding became available at the beginning of last year, but required a non-Federal match. After reading a document published by the Mint, the Tower Corporation originally thought they could use State funds to pay for the match. Unfortunately, they were informed recently by the U.S. Mint that they could only use funds raised from private sources.

Once they realized this, the Tower Corporation approached me for help, since they were faced with the need to raise more than $300,000 by December 31 of this year, the statutory deadline. That is why I introduced this bill, which simply extends the deadline by 6 months to give them adequate time to raise private funds. The Board of the Tower Corporation has assured me, as well as Chairman OXLEY and Ranking Member FRANK, that they will be able to raise the necessary funds in 6 months and they would not request another extension.

Mr. Speaker, Thomas Edison's contributions to our society are too numerous to count, but by developing the modern light bulb, he is one of America's most recognized thinkers and inventors. The Memorial Tower helps celebrate his achievements and salutes the spirit of innovation that he fostered. This bill is critical to making sure that the Memorial Tower can be repaired and serve not only as memorial to a great man but also as a symbol of America's potential for technological innovation and achievement.

I want to again express my thanks to Chairman OXLEY and Ranking Member FRANK for their willingness to move this bill, and for the leadership on both sides of the aisle for putting it on the suspension calendar.

I also want to particularly thank Jamie Lizarraga, on the minority staff of the Financial Services Committee, for his diligence and very hard work to move this bill forward. Joe Pinder and Tom Duncan of Chairman OXLEY's staff were also quite helpful, and of course, Eric Gordon of my own staff, here on the left. I want to thank them all.

Mr. Speaker, this bill will go a long way towards ensuring that we can preserve an important landmark saluting a great American.

□ 1045

Mr. FRANK of Massachusetts. Mr. Speaker, I just want to reiterate what he said, particularly about the staff members he named who really took care of this for us and made it very easy.

Mr. Speaker, I yield back the balance of my time.

Mr. BAKER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. BAKER) that the House suspend the rules and pass the bill, H.R. 6325.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

FINANCIAL NETTING IMPROVEMENTS ACT OF 2006

Mr. MCHENRY. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 5585) to improve the netting process for financial contracts, and for other purposes.

The Clerk read as follows:

Senate amendments:

Strike section 7 (relating to compensation of chapter 7 trustees; chapter 7 filing fees).

In section 8 (relating to scope of application), strike the section heading and all that follows through "the amendments made" and insert the following:

"SEC. 7. SCOPE OF APPLICATION.

"The amendments made".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. MCHENRY) and the gentleman from Massachusetts (Mr. FRANK) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

Mr. MCHENRY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks in this legislation and insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. MCHENRY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am grateful to be on the floor today to have the opportunity to pass this important financial services legislation that Congresswoman DEBBIE WASSERMAN SCHULTZ and I were able to work together on on a bipartisan basis.

Now, I must confess this new era of bipartisanship I have somewhat questioned with the recent election results. I am not overly optimistic about the coming bipartisanship. I think it must be and most likely will be more rhetoric than reality. But I am grateful to be on a committee where we have had some level of bipartisanship and cooperation, although imperfect; but on this legislation, Congresswoman WASSERMAN SCHULTZ and I, as freshmen, were described in the U.S. Today as the ying and yang of the freshman class, the most liberal and the most conservative members of the 109th Congress, the new Members for it. And DEBBIE and I set out then to work on some legislation together, and I am grateful that we were able to get that done here in the waning days of the 109th Congress.

The legislation that we have before us today is the Financial Netting Improvement Act, which makes a number of technical changes to the financial contract safe harbor provisions for the Federal Deposit Insurance Act and other Federal insolvency laws. The netting provisions reflect years of work within the President's Working Group on Financial Markets, Treasury, Federal Reserve Board, the Securities and Exchange Commission, the Commodity Futures Trading Commission and the FDIC. This is the result and the fruits of that long labor. The amendment on this legislation from the Senate is very minor, and we are able to accept it in the House.

Mr. Speaker, with that, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I concur with the substantive discussion of this bill from the gentleman from North Carolina. His comments on bipartisanship seem to me rather odd, and I will not dwell further on them. It does seem to me if you were trying to promote bipartisanship, as we all are, beginning by attacking the sincerity of those who will be in charge of it is not a good idea. But the gentleman is free to speculate as he wishes.

The bill itself is, as he described it, a good idea. We originally passed it with an amendment from the Judiciary Committee. Frankly, I was not in favor of that amendment. I think what the Senate has done has improved the bill; and that is not a sentence I always get to say, but I do want to say in this case. I think it is now a good bill and more consumer friendly.

The gentlewoman from Florida was very much interested in this, and quite right to push for it. Our colleague from North Carolina (Mr. WATT) had some concerns about some potential negative effects on consumers. It has all been worked out, so it is now a bill that improves the administration of the system, and I generally support it.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. MCHENRY. Mr. Speaker, I yield such time as he may consume to the chairman of the Capital Markets Subcommittee on Financial Services, the gentleman from Louisiana (Mr. BAKER) who has been a wonderful friend and ally on the committee.

Mr. BAKER. Mr. Speaker, I thank the gentleman for yielding, and wish to express appreciation to my friends on the other side for their work in this arena.

It flows from the problems that erupted during the fall of 1998 when the then largest hedge fund in the world, LTCM, pursuant to a Russian currency crisis, found itself unable to meet its financial obligations. When the New York Fed arrived at the meeting location to determine how to best resolve this uncertainty, they were surprised to find the scope and complexity of the financial relationships that LTCM had with significant and large financial institutions, both U.S. and abroad. There was not in place at that time a mechanism where counter-party obligations could be unwound without wreaking havoc and some sort of domino effect, potentially bringing significant adverse financial consequences to large numbers of individuals who had no knowledge of their exposure to the LTCM instability.

Further, at the time of LTCM's demise at the end of 1998, they had approximately $1.5 trillion in notional amounts of derivative positions held worldwide. And their leverage ratio exceeded 28 to 1. In other words, this was not a good thing. They were significantly larger in scope than any of the largest commercial banks. And although others enjoyed higher leverage ratios, few had the sophisticated relationships with counter parties that were engaged by LTCM.

The provisions of the bill now suggested by the gentleman from North Carolina is the ability to close out what are called netting relationships to prevent the failure of one entity from causing a domino effect of more serious disruption, known as systemic risk. Absent the adoption of these provisions with the growth in size of hedge funds and in number of hedge funds, there is considerable market uncertainty as to how a bankruptcy proceeding would affect market liquidity. The unwinding of these obligations, and let me quickly add that it is in scope much larger than impact just in hedge funds; it does go to the broader financial marketplace, all of which have in common that these transactions are put in place through intermediaries such as stock brokers, smaller financial institutions, securities clearing agencies that often hedge their risk on transactions through securities collateral received pursuant to these obligations.

As a result, this will provide a safe and secure mechanism to unwind complex financial relationships, minimizing market instability, providing market liquidity and ensuring that our economic system is not adversely impacted by the demise of a hedge fund. In essence, that is a good thing, and I commend the gentleman for his work product.

Mr. McHENRY. Mr. Speaker, I want to thank the gentleman from Louisiana for his kind words. And with that I would like to close by again thanking the Congresswoman from Florida for her work and assistance on this legislation. As I understand it, she was detained with an important meeting, an event today, from being here on the floor. But I want to thank her for working with me in a bipartisan way, and I am hopeful that this is a new direction for the coming Congress of bipartisanship.

As I said in the beginning, I am not overly optimistic about the opportunities, but I think this may begin that new direction.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. McHENRY. I would be delighted to yield.

Mr. FRANK of Massachusetts. When the gentleman from North Carolina says he hopes this is a new direction that will lead to bipartisanship, does that not mean that he believes that under his party's rule there was none?

Mr. McHENRY. No.

Mr. FRANK of Massachusetts. That the old direction was partisanship?

Mr. McHENRY. I believe the gentleman is well versed in the knowledge of what sarcasm means, and perhaps I was a bit sarcastic in my quoting the new direction. I look forward to action in the coming Congress on a bipartisan basis.

Mr. FRANK of Massachusetts. Will the gentleman yield further?

Mr. McHENRY. Absolutely. I would be happy to yield.

Mr. FRANK of Massachusetts. I will confess to sometimes starting slow, and I am getting old. It would probably be helpful in the future if the gentleman would find some way to signal when he was being sarcastic. That would help my understanding.

Mr. McHENRY. Thank you. I certainly appreciate the gentleman's guidance on signals. I will make sure, going forward, I smile or wave when I am being sarcastic. Or the gentleman, who will be the chairman of my committee in the next Congress, I will simply just speak when I am being sarcastic on your committee in the next Congress, if that would be all right.

Actually, before I close, I want to give one final story. Before I got on the Financial Services Committee, a senior Member told me that with the ranking Democrat from Massachusetts (Mr. FRANK) that if he ever asks you to yield in a committee debate, say "no." And I said, why; isn't that rude? He says, well, you have never been in a debate with BARNEY FRANK, have you?

Well, sure enough, 6 months in, I say something and the ranking member asks me to yield. And as a new Member, I mistakenly said "yes."

I will not make that mistake going forward. The gentleman is quite able with his arguments, a Harvard educated attorney. I respect his ability to make an argument and to make the opposition look silly.

And with that, as the opposition, I would sit down and say, Mr. Speaker, I have no further requests for time.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. McHENRY) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 5585.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those voting have responded in the affirmative.

Mr. McHENRY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

CONGRATULATING THE ST. LOUIS CARDINALS ON WINNING THE 2006 WORLD SERIES

Ms. FOXX. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1078) congratulating the St. Louis Cardinals on winning the 2006 World Series.

The Clerk read as follows:

H. RES. 1078

Whereas the St. Louis Cardinals won the 102nd World Series on October 27, 2006;

Whereas this is the 10th World Series title won by the St. Louis Cardinals;

Whereas Manager Tony La Russa is one of only 2 managers in the history of baseball to win the World Series in both the National League and the American League;

Whereas the manager and coaching staff have done a remarkable job guiding this team to victory;

Whereas General Manager Walt Jocketty and owner Fred Hanser have assembled and led a great organization;

Whereas all 25 players on the playoff squad contributed to the victory, including World Series Most Valuable Player David Eckstein, Gold Glove winners Albert Pujols and Scott Rolen, as well as Chris Carpenter, Randy Flores, Josh Hancock, Tyler Johnson, Josh Kinney, Braden Looper, Anthony Reyes, Jeff Suppan, Brad Thompson, Adam Wainwright, Jeff Weaver, Gary Bennett, Yadier Molina, Ronnie Belliard, Aaron Miles, Chris Duncan, Jim Edmonds, Juan Encarnacion, John Rodriguez, Scott Spiezio, So Taguchi, and Preston Wilson;

Whereas the sole goal of all 25 players on the playoff squad was winning the World Series, rather than chasing individual glory;

Whereas these players have been awarded a variety of honors, including the Most Valuable Player Award, the Cy Young Award, the Gold Glove Award, the Silver Slugger Award, the Rookie of the Year Award, and the opportunity to appear in All-Star games;

Whereas the St. Louis Cardinals have a history of great players, including Bob Gibson, Lou Brock, Ozzie Smith, Curt Flood, Willie McGee, and Stan Musial;

Whereas St. Louis has a wonderful baseball tradition because Cardinals fans have faithfully supported their team; and

Whereas the San Diego Padres, the New York Mets, and the Detroit Tigers proved worthy and honorable opponents during the post-season: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the St. Louis Cardinals on winning the 2006 World Series; and

(2) commends the players, coaches, management, and all other personnel of the St. Louis Cardinals, as well as the fans, on this great victory.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from North Carolina (Ms. FOXX) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentlewoman from North Carolina.

GENERAL LEAVE

Ms. FOXX. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

Ms. FOXX. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, the St. Louis Cardinals brought home their 10th World Series title on October 27 of this year, and I would like to congratulate the team, coaches, managers and fans on this exciting victory.

With a history of outstanding players and sportsmanship, Cardinal team members have received numerous awards over the years, including Rookie of the Year, Most Valuable Player and Silver Slugger award. I would also like to mention that Tony LaRussa is one of just two managers in baseball history to win the World Series in both the National and American Leagues.

I urge all Members to join me in congratulating the St. Louis Cardinals on their success in the 102nd World Series and for keeping America's pastime a thrilling sport to watch.

Mr. Speaker, I reserve the balance of my time.

□ 1100

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to congratulate my hometown St. Louis Cardinals on winning the 2006 World Series. Rather than chase individual glory, the sole goal of all 25 players on the playoff squad was winning the World Series.

While many of these players have been awarded a variety of honors, including the Most Valuable Player Award, the Cy Young Award, the Gold Glove Award, the Silver Slugger Award and the Rookie of the Year Award, and the opportunity to appear in All-Star games, I congratulate this year's World Series MVP, David Eckstein, along with two Gold Glove winners, Albert Pujols and Scott Rolen.

St. Louis has a wonderful baseball tradition, because Cardinal fans have always faithfully supported their team. The St. Louis Cardinals have a history of great players, including Bob Gibson, Lou Brock, Ozzie Smith, Curt Flood, Willie McGee and Stan Musial. Against all odds, the extraordinary win marks the 10th World Series title for the Cardinals.

I commend General Manager Walt Jocketty and owner Fred Hanser for assembling and leading a great organization. In addition, Manager Tony LaRussa and the coaching staff have done a remarkable job of guiding this team to victory. I would also like to commend the San Diego Padres, the New York Mets and the Detroit Tigers for proving worthy and honorable opponents during the post-season.

Mr. Speaker, it is with great privilege that I pay tribute to the players, coaches, management and all other personnel of the St. Louis Cardinals, as well as the fans, who, I may note, have never had a riot after the celebration starts for a World Series title. On this great victory today, before Congress, I ask for approval of this resolution.

Mr. Speaker, I yield back the balance of my time.

Ms. FOXX. Mr. Speaker, my husband, who is one of the biggest sports fans in the world, and a huge, huge baseball fan, always finds it amusing when I handle these bills on the floor. Because while I do my best to try to keep up with what is going on in all the sports, I can't always keep up with everything that is going on.

As a family that supports the Dodgers, we want to particularly make this a significant congratulations to the St. Louis Cardinals for carrying on such a fine tradition in winning the World Series.

Mr. JOHNSON of Illinois. Mr. Speaker, I rise today to honor the 2006 World Series Champion St. Louis Cardinals. Join me in congratulating the front office, the coaches and the players in bringing home the 10th World Series Title in franchise history and the first since 1982.

After struggling for much of the regular season's final four months, the redbirds overcame numerous injuries and ended the regular season with an 83–78 mark to take the National League Central Division Pennant over the Houston Astros by a game and a half.

St. Louis was an underdog going into the playoffs and upon victory became only the second franchise in Major League history to win the World Series without having home field advantage in any of their postseason series. Cardinal Manager Tony LaRussa, who also won a World Series in 1989 with the Oakland Athletics, joined Sparky Anderson as the only manager to win a World Series title in both the American and National Leagues. Many analysts of the game have said that this was Tony LaRussa's finest season of management after a long and historic career.

After barely holding on to their playoff spot, the St. Louis Cardinals found new life and energy from their reinvented pitching staff. The Starting rotation of 2005 Cy Young Award winner Chris Carpenter, Jeff Weaver, Jeff Suppan, and Anthony Reyes pitched brilliantly and were backed up by a host of relievers led by closer Adam Wainwright. Wainwright finished his extraordinary postseason with 1 win along with 4 saves and 15 strikeouts in 9.2 innings of work.

Upon defeating the San Diego Padres in four games and winning a heated seven game series against the New York Mets, the match up between the St. Louis Cardinals and the Detroit Tigers proved to be one for the history books. Some of the series highlights include Chris Carpenter's game 3 performance where he pitched 8 innings of shutout baseball, tallying 6 strikeouts, no walks, and allowing only three hits. Also, during the series Scott Rolen came through in the clutch with a .421 batting average and a .476 on base percentage with 5 runs scored.

In Game 5, Starter Jeff Weaver crafted an amazing 2 run, 8 inning performance; He finished the postseason with a 2.43 earned run average, which paced all Cardinal starters. David Eckstein, World Series Most Valuable Player, drove in the first run and scored the Cardinals' final run in the Cards' 4–2 win over the Tigers. His hard nosed, strong willed series performance that totaled 8 hits and 5 RBIs in the final 3 games acted as the catalyst for Cardinal victory.

Once again I want to congratulate the 2006 World Series Champions for bringing the city of St. Louis and the Cardinal Nation its 10th World Series title.

Mr. CARNAHAN. Mr. Speaker, I rise today in strong support of H. Res. 1078, a resolution congratulating the St. Louis Cardinals on winning the 2006 World Series on October 27, 2006.

This Resolution commends the players, coaches, management, and other personnel of the St. Louis Cardinals on this victory.

This achievement is heightened by the fact that this is the 10th time the St. Louis Cardinals have won the World Series, which is a truly remarkable feat as it is the 2nd most World Championships in the history of baseball.

Manager Tony LaRussa is one of only two managers to win the World Series in both the National and the American League.

St. Louis has a storied baseball tradition. We have the best fans in the Nation, who have faithfully and unwaveringly supported the team.

In the recent past, some of the Cardinals players have been awarded a variety of honors, including the Most Valuable Player Award, the Cy Young Award, the Gold Glove Award, the Silver Slugger Award, and the Rookie of the Year Award.

These honors place the players alongside some of the Cardinals most respected legends, including Bob Gibson, Lou Brock, Ozzie Smith, Curt Flood, Willie McGee, and Stan Musial.

The 2006 World Series Championship has added to this remarkable tradition of St. Louis Cardinals' Baseball. Again, Mr. Speaker, I rise in support of this Resolution to honor the World Champion St. Louis Cardinals.

Mr. COSTELLO. Mr. Speaker, I rise today to offer my heartfelt support for H. Res. 1078, congratulating the St. Louis Cardinals on winning the 2006 World Series. I was born and raised in East St. Louis, Illinois, and have been a lifelong Cardinals fan. The district I represent, directly across the Mississippi River from St. Louis—the Metro East, extending to Cairo at the southernmost tip of Illinois, is in the heart of Cardinal country, and is still reveling in this victory.

The feeling for Cardinals fans has been especially strong for this great accomplishment because even though it is the Cardinals 10th World Series Championship, and even though the Cardinals have regularly been in the playoffs in recent years, they had not won the Series since 1982. And there has been heartbreak inbetween these wins. Cardinals nation thought they had another title in 1985, only to be victim of the worst call in baseball history, when umpire Don Denkinger missed a routine put out by the Cards at first base in the ninth inning of game six, giving the Royals new life, and a Series win when they came back to win games six and seven.

In 1987, the Cardinals lost the Series in seven games to the Minnesota Twins, winning the three games played in St. Louis but losing all four games in Minnesota's Metrodome. Just two years ago, the Cardinals were swept in four games by the long-waiting Boston Red Sox.

The feeling is also strong because this Cardinals team, by the end of the season, was not expected to go far in the playoffs. Winning 83 regular season games after a late season slide, the fewest of any World Series champion ever, the Cardinals got hot in the playoffs, dismantling the San Diego Padres and winning a tough series against the favored New York Mets. In the Series, the Cardinals were again underdogs as they faced the red-hot Detroit Tigers, a team that beat the mighty Yankees and the Oakland A's, dropping only one game in the process.

But the Cardinals were undaunted, and guided by veteran manager Tony LaRussa, and relying on a bullpen full of rookies, resurgent starting pitching and timely hitting—and benefiting from numerous Tiger errors—the Cardinals cruised to the title in five games.

The entire roster is worthy of mention, as this was a total team effort, but several players stood out, including rookie closer Adam Wainwright, who was thrust into the role because of a late season injury, David Eckstein, the Series MVP, late season pick-up Jeff Weaver, who had a 2.77 ERA in two starts despite a sub-par regular season, mostly with the Angels, and Yadier Molina, the catcher known more for his great defense but who hit .412 in the Series.

Mr. Speaker, Cardinals fans pride themselves on their love of this team and the respect they show for the opposition and the game of baseball, and winning the Series was a great way to open the brand new Busch Stadium. We are also proud of the great history of this team, and what it means to our region, and I am glad we have the opportunity to honor the entire organization today. I urge my colleagues to support the resolution.

Mrs. MILLER of Michigan. Mr. Speaker, I would like to congratulate the St. Louis Cardinals on a tremendous season that culminated in their 10th World Championship.

The Cardinals were a great team led by a great manager in Tony LaRussa and by arguably the game's greatest player in Albert Pujols.

Cardinal fans everywhere should be rightfully proud of this great championship because they beat a true team that shocked the baseball world in their run to the World Series.

You see, I am a fan of the American League Champion Detroit Tigers.

At the start of the season nobody gave the Tigers a chance, but they underestimated the grit and determination of our team.

Much credit needs to go to owner Mike Illitch for putting together a strong leadership team.

Team President Dave Dombrowski rebuilt our player development system which has produced so many new stars and when combined with his deft trades produced an incredible team.

Then he hired a great leader in Manager Jim Leyland who insisted upon teamwork and a commitment to fundamentals that brought out the best in a group of talented players.

And talented they are.

A future Hall of Famer in Pudge Rodriguez behind the plate.

A veteran leader at first in Sean Casey.

ALCS MVP Placido Polanco at second base.

Tiger of the Year Carlos Guillen at shortstop.

Brandon Inge at third who hit 27 homers from the bottom of the lineup.

Craig Monroe in left who delivered 28 homers during the season and five more in the post season.

Twenty-five-year-old Curtis Granderson in center who was the guy who got it started at the top of the lineup.

And Maggio Ordoneż in right who will always be remembered in Detroit for his dramatic walk off homer that sent this team to the World Series.

But the best part of the Tigers is our incredible pitching staff.

Kenny Rogers was signed in the offseason and many questioned why a team would invest so much in a 41-year-old left hander. Well because he went on to win 17 games, mentored a young pitching staff and won three post season games without allowing a single run!

Twenty-four-year-old Jeremy Bonderman won 14 games and finished second in the American League in strike outs.

Twenty-three-year-old Justin Verlander won 17 games on the way to becoming American League Rookie of the Year.

Twenty-nine-year-old left hander Nate Robertson was a bulldog starter who delivered 13 wins.

Thirty-eight-year-old Todd Jones didn't blow people away but did deliver 37 critical saves.

While 21-year-old Joel Zumaya and his 103-mile-per-hour fastball provided the foundation for our tremendous bullpen depth.

What a team!

This group lifted the city of Detroit and the State of Michigan on their backs for a tremendous ride through a beautiful spring, summer and fall.

They are built upon a strong foundation and with a commitment to team work that bodes well for the future.

And the Tigers are not resting on the laurels of an incredible season.

They have already added slugger Gary Sheffield to their already impressive lineup which should send shivers through the rest of the American League.

And while the Cardinals may have gotten revenge this year for the Tigers victory in the 1968 World Series, we are already working on getting revenge for 2006.

Again congratulations to the 2006 World Champion St. Louis Cardinals.

And congratulations and thank you to the American League Champion Detroit Tigers on a magical season.

Bless you boys and go get 'em Tigers!

Mr. FOXX. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from North Carolina (Ms. FOXX) that the House suspend the rules and agree to the resolution, H. Res. 1078.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those voting have responded in the affirmative.

Ms. FOXX. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2007

Mr. LEWIS of California. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 100) making further continuing appropriations for the fiscal year 2007, and for other purposes.

The Clerk read as follows:

H.J. RES. 100

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Continuing Appropriations Resolution, 2007 (Public Law 109-289, division B) is amended by striking the date specified in section 106(3) and inserting "December 8, 2006".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. LEWIS) and the gentleman from Wisconsin (Mr. OBEY) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. LEWIS of California. I appreciate the recognition, Mr. Speaker. I don't anticipate I will use the entire 20 minutes, but we will see how we proceed here.

Mr. Speaker, I bring before the House a continuing resolution for fiscal year 2007. This CR runs through December 8. It is clean without exception. This CR will fund the agencies and the nine remaining bills awaiting conference at the lower rate of the House-passed, Senate-passed or current fiscal year 2006 level.

When we passed the last CR, my hope was that it would provide a strong motivation for Congress to complete its work in regular order. I remain hopeful that our colleagues in the Senate will complete their work on the floor so that we can move the remaining individual conference reports before the end of our legislative session.

I want the body to know that the Committee on Appropriations has been strongly committed to bringing to this floor individual conference reports for each and every bill.

This committee does not support an omnibus in any form and has done everything in its power to ensure that

that does not happen. The Appropriations Committee passed each bill of the 11 subcommittee bills out of the full committee by June 30, and with the exception of the Labor-HHS bill, all of those bills were off the floor by the Fourth of July break.

The Appropriations Committee has remained committed to moving these bills individually and within the framework of the budget resolution. My colleagues, the Appropriations Committee has kept its word. I am convinced that moving bills individually is the only way for us to get back to regular order.

Lacking regular order, there is a tendency for the remaining bills to become Christmas trees and for spending to grow out of control. In my view, that is simply not acceptable.

I urge my colleagues to support this CR, and would like to close my remarks by wishing all of my friends, as we go out of town, a happy Thanksgiving.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I think it is important for us to understand where we stand at this point. At this point, we have completed the Defense bill and the Homeland Security bill, but we still at this point have not seen the Congress complete action on a single domestic appropriation bill.

So what we are facing is the need within the next 2 weeks, in my view, to try to finish our work, and I think we have a responsibility to do so. The Congress left town for almost 6 weeks for the election. Now because of that long period of time, we face the fact that we still have a huge amount of appropriations work to do.

The House produced final action on every single one of the appropriation bills except the Labor-HHS, and the Senate is in the process, I hope, of moving those bills forward. The Senate passed the Military Construction bill yesterday. It is my understanding that they are taking up the Agriculture bill this week and will also perhaps take up the Energy and Water bill. I hope that is the case. I agree with the gentleman that I would much prefer to see these bills handled in regular order, one by one, on a separate basis.

Having said that, my primary purpose is to see to it that they move, and I care less about how they move than whether they move, and I think most American citizens feel the same way. I think we have a duty to finish action on all of these bills, and I think it would be sad, indeed, if we were to adjourn this Congress with local units of government, local school boards, local program managers and State program managers not having any idea what the final resolution of these bills will be.

So while I certainly agree with the gentleman that it is preferable to move individual bills, I am open to any suggestion procedurally in order to finish that work. We have cooperated on the minority side of the aisle.

We have cooperated procedurally with the majority on every single appropriation bill, even though we have not agreed with the contents on some of those bills. I am willing to entertain procedural compromises. I am willing to entertain substantive compromises. But we need to try to move all of these bills by whatever method makes it possible to do so.

I would simply note, there is one bill that remains in the House for us to act on, and I am perfectly willing to try to work out additional compromises on that bill if that will help the bill to move. I don't like the idea that the Senate might wind up moving first on that bill, but even then, I think our primary obligation is to get this work done.

So I would urge the leadership and I would urge the gentleman and anyone else interested to please recognize that it would be irresponsible for this Congress not to finish its work. I would like to see a more productive closing to this session of Congress than has often been the case, and I am perfectly willing to work with anybody on any day in any way in order to get that done.

Mr. Speaker, I yield back the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. LEWIS) that the House suspend the rules and pass the joint resolution, H.J. Res. 100.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

Concurring in the Senate amendments to H.R. 5585, by the yeas and nays;

H. Res. 1078, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic vote will be conducted as a 5-minute vote.

FINANCIAL NETTING IMPROVEMENTS ACT OF 2006

The SPEAKER pro tempore. The pending business is the question of suspending the rules and concurring in the Senate amendments to the bill, H.R. 5585.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. MCHENRY) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 5585, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 395, nays 0, not voting 37, as follows:

[Roll No. 522]

YEAS—395

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Lungren, Daniel E.
Lynch
Maloney

Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris Rodgers
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sekula Gibbs
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shuster
Simpson
Sires
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Sweeney
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—37

Bono
Boozman
Chandler
Cubin
Engel
Evans
Ford
Fossella
Gallegly
Gibbons
Gillmor
Gohmert
Hefley
Higgins
Hyde
Jindal
Johnson (CT)
Kilpatrick (MI)
Kuhl (NY)
Lewis (KY)
Lofgren, Zoe
Mack
Markey
Murtha
Norwood
Pelosi
Rahall
Sabo
Shimkus
Simmons
Slaughter
Strickland
Tancredo
Tanner
Udall (NM)
Wexler
Whitfield

☐ 1139

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate amendments were concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FOSSELLA. Mr. Speaker, on rollcall No. 522 I was unavoidably detained. Had I been present, I would have voted "yea."

CONGRATULATING THE ST. LOUIS CARDINALS ON WINNING THE 2006 WORLD SERIES

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 1078.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Ms. FOXX) that the House suspend the rules and agree to the resolution, H. Res. 1078, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 395, nays 0, not voting 37, as follows:

[Roll No. 523]

YEAS—395

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris Rodgers
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sekula Gibbs
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shuster
Simpson
Sires
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Sweeney
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—37

Bono
Boozman
Buyer
Chandler
Cubin
Duncan
Engel
Evans
Ford
Gallegly
Gibbons
Gillmor
Gohmert
Hefley
Higgins
Hyde
Jindal
Johnson (CT)
Kuhl (NY)
Lewis (CA)
Lewis (KY)
Lofgren, Zoe
Mack
Murtha
Norwood
Pelosi
Sabo
Saxton
Shays
Shimkus
Simmons
Slaughter
Strickland
Tancredo
Tanner
Udall (NM)
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1147

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ELECTION OF MEMBER TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. BOEHNER. Mr. Speaker, I offer a resolution (H. Res. 1083) and I ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1083

Resolved, That the following Member be and is hereby elected to the following standing committees of the House of Representatives:

Committee on Education and the Workforce: Ms. Sekula Gibbs.

Committee on Transportation and Infrastructure: Ms. Sekula Gibbs.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid upon the table.

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. BOEHNER. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 496) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 496

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Wednesday, November 15, 2006, Thursday, November 16, 2006, or Friday, November 17, 2006, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 10 a.m. on Tuesday, December 5, 2006, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Thursday, November 16, 2006, or Friday, November 17, 2006, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, December 4, 2006, or Tuesday, December 5, 2006, as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTING DAY FOR THE CONVENING OF THE FIRST SESSION OF THE 110TH CONGRESS

Mr. BOEHNER. Mr. Speaker, I offer a joint resolution (H.J. Res. 101) and ask unanimous consent for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 101

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the first regular session of the One Hundred Tenth Congress shall begin at noon on Thursday, January 4, 2007.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONDITIONAL ADJOURNMENT TO FRIDAY, NOVEMBER 17, 2006

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that when the House adjourns today pursuant to this order, it adjourn to meet at 1:30 p.m. on Friday, November 17, 2006, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 496, in which case the House shall stand adjourned pursuant to that concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, DECEMBER 6, 2006

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, December 6, 2006.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

AUTHORIZING PRINTING OF "A HISTORY, COMMITTEE ON THE JUDICIARY, UNITED STATES HOUSE OF REPRESENTATIVES, 1813-2006"

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the concurrent resolution (H. Con. Res. 423) authorizing the printing as a House document of "A History, Committee on the Judiciary, United States House of Representatives, 1813-2006," and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 423

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. PRINTING OF DOCUMENT.

(a) IN GENERAL.—The document entitled "A History, Committee on the Judiciary, United States House of Representatives, 1813–2006" (or the document of the history of the Committee on the Judiciary which is prepared during the One Hundred Ninth Congress with such similar title as may be provided by the Committee), prepared under the direction of the Committee on the Judiciary of the House of Representatives, shall be printed as a House document, with illustrations and suitable binding, in a style and manner determined by the Joint Committee on Printing.

(b) ADDITIONAL COPIES.—With respect to the document described in subsection (a), in addition to the usual number there shall be printed the lesser of—

(1) 900 copies, of which 60 shall be casebound for the use of Members of the Committee on the Judiciary; or

(2) the maximum number of copies for which the total production and printing cost does not exceed $80,000, with production and distribution to be allocated in the same proportion as described in paragraph (1).

AMENDMENT OFFERED BY MR. EHLERS

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. EHLERS:

Strike out all after the resolving clause and insert the following:

SECTION 1. PRINTING OF DOCUMENT.

(a) IN GENERAL.—The document entitled "A History, Committee on the Judiciary, United States House of Representatives, 1813—2006" (or the document of the history of the Committee on the Judiciary which is prepared during the One Hundred Ninth Congress with such similar title as may be provided by the Committee), prepared under the direction of the Committee on the Judiciary of the House of Representatives, shall be printed as a House document, with illustrations and suitable binding, in a style and manner determined by the Joint Committee on Printing.

(b) ADDITIONAL COPIES.—With respect to the document described in subsection (a), in addition to the usual number there shall be printed the lesser of—

(1) 200 copies, of which 60 shall be casebound for the use of Members of the Committee on the Judiciary; or

(2) the maximum number of copies for which the total production and printing cost does not exceed $7,000, with production and distribution to be allocated in the same proportion as described in paragraph (1).

Mr. EHLERS (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The amendment was agreed to.

The concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

TO CLARIFY THE PROVISION OF NUTRITION SERVICES TO OLDER AMERICANS

Mr. TIBERI. Mr. Speaker, I ask unanimous consent that the Committee on Education and the Workforce be discharged from further consideration of the bill (H.R. 6326) to clarify the provision of nutrition services to older Americans, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the bill, as follows:

H.R. 6328

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NUTRITION ASSISTANCE.

Notwithstanding section 311 of the Older Americans Act of 1965 (42 U.S.C. 3030a), as amended by Public Law 109-365, the Secretary of Agriculture shall fulfill, and accept reimbursement from the Secretary of Health and Human Services for, commodity procurement requests for fiscal year 2007 submitted by the States (as defined in section 102 of the Older Americans Act of 1965) and tribal organizations (as defined in section 102 of such Act) before November 14, 2006, in support of the operation of the nutrition services incentive program authorized by section 311 of such Act as in effect on October 16, 2006.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

APPOINTMENT OF HON. FRANK R. WOLF AND HON. TOM DAVIS TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH DECEMBER 5, 2006

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 15, 2006.

I hereby appoint the Honorable FRANK R. WOLF and the Honorable TOM DAVIS to act as Speaker pro tempore to sign enrolled bills and joint resolutions through December 5, 2006.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON TODAY

The SPEAKER pro tempore. Without objection, the business in order under the Calendar Wednesday rule is dispensed with today.

There was no objection.

PERSONAL EXPLANATION

Mr. PEARCE. Mr. Speaker, I regret that, due to a doctor's appointment yesterday, I was unable to vote on H.R. 6314, a bill extending certain authorities to the Secretary of Veterans Affairs to carry out important services that assist America's veterans, and H.R. 864, the Sober Truth on Preventing Underage Drinking Act.

Had I been present, I would have voted "yes" on the motion to suspend the rules and agree to both H.R. 6314 and H.R. 864. Veterans who have fought to preserve the freedom and liberty enjoyed in this country deserve our relentless support and commitment. I will continue to show this commitment and pursue legislation such as my bill, The Healthy Vets Act, which would require the VA Secretary to contract with local doctors and hospitals on a case-by-case basis to provide medical services including primary care for those veterans who live far away from VA facilities.

Mr. Speaker, I appreciate the opportunity to clarify my position regarding H.R. 6314 and look forward to fostering efforts to improve the lives of veterans and their families.

☐ 1200

BUSH INITIATES IRAQ POLICY REVIEW

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Mr. Speaker, headline today, Bush initiates Iraq policy review separate from Baker's group. Now, this might be good; it might be bad. Remember, the Bush administration ignored the advice of the State Department Middle East experts about postwar Iraq. He actually ignored the intelligence agencies, the real experts, as opposed to the phony group DICK CHENEY put together. Is he now again going to end-run real experts who are going to give us real choices on how to extricate the United States from Iraq, get our troops out of the middle of a civil war and begin to have those people take care of their own problems?

Only time will tell, but this does cause tremendous concern that suddenly he is going to appoint yet another group in his own administration. It seems like he may want to counterbalance or pick and choose among the real recommendations. Hopefully, they are not going to give us another vacuous document like they did a year ago, the so-called national strategy for victory in Iraq, which has been an abysmal failure.

NATIONAL ADOPTION DAY

(Mr. CARDOZA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARDOZA. Mr. Speaker, I rise today to recognize Saturday, November 18, as National Adoption Day and to celebrate all adoptive families.

On the Saturday before Thanksgiving, courtrooms across this country will come together to dedicate the resources of our judicial system to finalize adoptions of kids currently in the foster care system.

In the 5 years since National Adoption Day was established, it has truly grown into a national celebration. Last year, 3,300 adoptions were finalized as part of 227 nationwide events. These finalized adoptions are cause for celebration. This is a time to commemorate those families that have decided to make a difference in the life of a child.

I commend these families and hope that the children across the Nation will find a place to call home this Saturday as part of National Adoption Day.

Mr. Speaker, I rise today to recognize Saturday, November 18th as National Adoption Day and to celebrate all adoptive families.

On the Saturday before Thanksgiving, courtrooms across the country will come together to dedicate the resources of our judicial system to finalize adoptions of kids currently in the foster care system.

In the 5 years since National Adoption Day was established, it has truly grown into a national celebration. Last year, 3,300 adoptions were finalized as part of 227 nationwide events.

Unfortunately, despite the declining number of children waiting in foster care, there are still 118,000 children seeking adoption.

This is simply unacceptable. It is our duty as a prosperous Nation to unite and ensure these children find safe, loving homes.

Six years ago, my wife and I decided to expand our family and open our home to two foster care children.

Like many adoptive families, we faced many challenges during this process. But these experiences have only made our family stronger.

The adoption process is often complicated and riddled with paperwork, meetings, and home studies—important factors when accessing the ability of a family to care for a new child—but they can also discourage qualified parents from embarking on the adoption process.

The foster care community has been working with Congress and State governments across the country to streamline the adoption process and focus on limited resources, such as requiring frequent home visits and experienced caseworkers.

As Members of Congress, it is our job to be the voice for foster children and make sure their dreams are recognized. We owe it to them to streamline the adoption process to ensure positive outcomes for these kids.

It is important that we continue to make this process more accessible to families so that these children can be welcomed into loving homes.

Despite the obstacles that we still need to overcome, this is a time to celebrate those families that have decided to make a difference in the life of a child.

I commend these families and hope that children across the Nation will find a place to call home this Saturday as part of National Adoption Day.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE AMERICAN WARRIOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, Saturday we celebrated Veterans Day. Veterans Day is a holiday, but it is more of a memorial. It is a day we honor those who served. It started because of the end of the war to end all wars, World War I, and on the 11th hour of the 11th day of the 11th month of 1918, the First World War stopped, and because of that, since then we honor all veterans who have served.

Memorial Day is the day we honor those who served and died. Veterans Day is the day we honor those who served and lived.

In this House of Representatives today, in the 109th Congress, about 25 percent of Congress has served in the military. In 1950, in the fifties, about 65 percent were veterans; 111 Members of Congress served during the Vietnam era, 78 of whom served in the Vietnam era, and 20 of those saw combat. We have our own SAM JOHNSON, who was a Navy pilot during Vietnam, was shot down and spent 7 years in the Hanoi Hilton prisoner-of-war camp.

We have in this House of Representatives at least eight Members who have sons or daughters serving in Iraq or Afghanistan. We have Senator INOUYE of Hawaii who was a Medal of Honor winner. All of these people served and served with honor.

War for independence costs the lives of Americans. Freedom has always cost, and it always will, and I think it is worth noting the time frame of the wars that this country has fought in and those who died.

In the War of Independence, 5,000 Americans died. In the Mexican-American War, there were 13,000 Americans. In the War Between the States, there were 250,000 Confederates and 350,000 troops of the Union army, but they were all Americans; 600,000 died for this country. In World War I, there was 116,000. In the great World War II, 408,000 died for this country.

My dad was one of those who served in the great World War II, and he, like many veterans of that war, never talked of that engagement until many, many years after that war was over with.

In Korea, it is sometimes said of the Korea war it is the forgotten war, 55,000 Americans died. In Vietnam, 58,000 died. In the first gulf war, 300 troopers died, and in our latest fight in the war in Iraq and Afghanistan, 3,000 have died.

The point being, in these few wars that I have mentioned, not all of the wars, this country has always called upon the American warrior to be the one to protect us from the forces of all evil.

I have had the honor to be in Iraq with many of our troops, as many of our House Members have been, and I find them to be, in my opinion, the greatest military ever assembled, with their morale extremely high.

Over Labor Day weekend, I had the honor to go and see some of our troops in military hospitals overseas and to see and visit with them, and before I went, I asked my staff in Texas to see if we could arrange to have some of the local school kids write and make some homemade cards. In 2 days' notice, they were able to produce about 5,000 handmade cards that I took to our troops overseas, who were very grateful.

The point being, I think now in this time in our history our country is grateful to the American warrior for putting their life on the line for the rest of us. So we can do no better than to honor those who have served, the American warrior. And though it was said in the Vietnam era that some gave all and all gave some, that is true of the American veteran. So we thank them on this day and every day, those that served and lived and those that served and did die for this country.

And that's just the way it is.

SMART SECURITY

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Without objection, the gentlewoman from California is recognized for 5 minutes.

There was no objection.

Ms. WOOLSEY. Mr. Speaker, last week the American people voted for a new direction in the Nation's Iraq policy. If anything, with the mandate this Democratic majority received, we can be more unapologetic than ever about demanding an end to the Iraq occupation and insisting that we bring our troops home.

But I believe Iraq is a symptom of an even larger problem, that is, a foreign policy that chooses saber rattling over diplomacy and negotiation.

We need an entirely new national security paradigm. For too long, we have equated national security with war and with conquest. It is time we used less brawn and more brains to protect our people and our interests.

Iraq is exhibit A in the case that hawkishness does not necessarily make America safer.

That is where a SMART security plan comes. SMART stands for sensible, multilateral, American response to terrorism.

At its core is a belief that war is a very last resort, that peacekeeping and diplomacy, not invasion and occupation, must be the guiding lights of our foreign policy.

SMART also focuses on stopping the spread of weapons of mass destruction. Not by deposing regimes that do not have them, but with diplomacy, with vigorous inspection regimes and regional security arrangements.

SMART calls for a renewed commitment to the cooperative threat reduction program and calls on the United States to set an example for the world by living up to our own commitments to draw down our nuclear arsenal.

Because, Mr. Speaker, what moral authority do we have to pressure Iran or North Korea about their nuclear ambitions when our government consistently undermines the nuclear and ignores our multilateral obligations in this very area?

Being smart about national security means dramatically rearranging our budget priorities, which in turn means fewer obsolete Cold War weapons systems and more investment in strategies that actually address the security challenges of a new era.

Any smart approach to national security must include an ambitious international development program for impoverished nations, debt relief, democracy building, schooling for women and girls, human rights education, environmental programs, infrastructure development and more.

Think about this, Mr. Speaker. With the money spent on the invasion and occupation of Iraq, we could have fully funded global antihunger efforts for 14 years or provided basic immunization to children around the world for 113 years or fully funded worldwide AIDS programs for 34 years. We could have spent hundreds of billions of dollars to save lives, instead of destroying them.

For the sake of the next generation, the only future that we have got, before we have destroyed civilization itself, we should strive for nothing less than the end of all wars.

Because of the insanity of war and its disproportionate impact on children, I am pledging never again to cast a vote in Congress in favor of any military action, barring an attack on the United States or protecting against genocide and/or ethnic cleansing, and then only with multilateral humanitarian intervention.

Nor will I pick sides in violent global conflicts, except to condemn all acts of war and terror regardless of ideology, regardless of national interests or religion that motivates them. I refuse to decide who is less wrong.

If I could be persuaded that taking up arms actually builds enduring stability, I would reconsider my position, but this notion that war begets peace is as illogical as it sounds. Our preemptive strike on Iraq has, in fact, been a catalyst for increased violence and higher rates of terrorism. Our continued occupation is emboldening the insurgents rather than defeating them. Instead of liberating a nation, the Bush doctrine has ripped it apart, ripped it apart at the seams, and instead of protecting America, it has dealt a blow to our very security.

"War," said Martin Luther King, Junior, "is a poor chisel to carve out tomorrow." Tomorrow belongs to our children. So for their sake, Mr. Speaker, let us protect America by relying not on our basest impulses, but on the most honorable and humane of American values, and let us bring our troops home now from Iraq.

HONORING DR. ROBERT LIPSON

Mr. GINGREY. Mr. Speaker, I ask unanimous consent to speak out of turn for 5 minutes.

The SPEAKER pro tempore. Without objection, the gentleman from Georgia is recognized for 5 minutes.

There was no objection.

Mr. GINGREY. Mr. Speaker, today I rise to honor a great man who led a purpose-driven life that touched many in my State of Georgia and around the country. Unfortunately, he lost his life Friday afternoon in Marietta, Georgia, riding home from work at Kennestone Hospital on his motorcycle, just a mile and a half from his home.

Dr. Robert Lipson, the chief executive officer and president of Wellstar Health System, was a man of honor and genuine character. For 5 years, he has boldly led Wellstar, a renowned health system of five hospitals in northwest Georgia. Under his leadership, the Wellstar Kennestone Hospital recently gained an open heart surgery program and an expanded 84-bed patient care tower. Moreover, he has worked to attract world-class physicians to the entire five-hospital system.

Before moving to Atlanta, Dr. Lipson obtained his medical degree from Tulane University, and then he served his country for 2 years in the United States Army. When he moved to Cobb County, he began his 25 years of practicing internal medicine at Kennestone Hospital, and it was my good fortune to meet him then, and we became close friends and colleagues, often caring for each other's patients.

When Dr. Lipson saw the great need for primary care physicians in his community, he decided to leave his lucrative practice and put together the Wellstar team. There, he helped build the Wellstar Physicians Group, which currently is comprised of 250 physicians who are responsible for nearly a million annual patient visits in Northwest Georgia.

Mr. Speaker, Dr. Lipson will also be remembered as a prolific philanthropist. He was known for his generous spirit, always willing to support charities that needed his help. And due to the financial success of the system he led, he was able to give back compassionately to the community.

Dr. Lipson was also an esteemed amateur photographer, with his art being most recently displayed at Kennesaw State University in Cobb County. And admirers of his work describe the photographs as, and I quote, "awe inspiring," and him as a remarkable talent.

Mr. Speaker, I cannot say enough about this fine man, a man who did more in his too-short 60 years than many can aspire to in a much longer lifetime. Dr. Lipson is survived by his gracious wife, Livvy; his daughter, Dr. Rachel Lipson, who is a practicing neonatologist in Boston; and his son, Aaron, who specializes in health care law. His family meant so much to him, and I want to offer my sincere condolences to them during this time of their profound loss of a loving husband, a devoted father and devoted grandfather.

□ 1215

ELECTION DAY PRIORITIES

Mr. OWENS. Mr. Speaker, I ask unanimous consent to take Mrs. MCCARTHY's time.

The SPEAKER pro tempore. Without objection, the gentleman from New York is recognized for 5 minutes.

There was no objection.

Mr. OWENS. On election day, Mr. Speaker, there was one message that was sent that seems to be ignored, one very positive message. Six States had on their agenda referendums on the minimum wage. They wanted to raise the minimum wage at the State level. In all six States those provisions passed. The voters have sent us a message. I think they spoke in those six States for the sentiment right across the entire Nation.

People are a little upset about our refusal to govern here, our refusal to raise the Federal minimum wage above the present level of $5.25 an hour. They want to see action. They are taking action at the State level. And I think one of the things that we should do here, one of the first things we should do when we return in December, is vote to raise the minimum wage. We ought to send that positive message.

While there are debates and speculations on a number of other things that the voters said to us, while there is a great deal of debate about redeployment, about a pull-out of troops in Iraq, while there are still people who want to accuse us of cutting and running; all those things will be happening for a while, but it is a simple matter that we have not raised the minimum wage in 9 years. It is a very simple matter. The Members of Congress have enjoyed increases which amount to more than $30,000 over that same period.

We have heard again and again what the consequences are about not raising the minimum wage. We know that a family on minimum wage is earning $10,200 a year. If they work every day, 40 hours a week, 52 weeks a year, they come out with a little more than $10,000 a year on the minimum wage. They say there are not many people still on the minimum wage, but the statistics show differently. The statistics show that families also depend on young people, who also go into the work force and are earning a minimum wage. They need to earn more also.

We made a lot out of boasting about the fact that America has now reached the point of our population being 300 million. We have pointed out that we are the third largest nation in the world, and that is something to be proud of. I think it is. But let us take a look at that 300 million in terms of people who are able to be productive, people able to contribute something to society, people able to take care of themselves. That is the way I define the middle class.

The middle class consists of people who can take care of themselves because they have the capacity to earn income to take care of themselves, and they also have the capacity to make some contributions to the larger society. We need a middle class. We need more middle class folks.

It is said that the whole nation of Japan is middle class. They do not have a poverty class. I do not know whether it is true or not, but there is a whole lot to it in terms of income levels in Japan. All other nations still have problems with different stratifications in society. In the case of America, 300 million we are, but stop and think about the fact that, in China, with 1.2 billion people, in 2 or 3 years, they expect one-fourth of the Chinese to enter the middle class. They have a rapidly growing middle class. That means, in 2 or 3 years, China will have a middle class which is 300 million, as large as the entire population of the

United States. And India has a similar population, and the dynamics of the economy at work in India are similar to those in China. They will have a middle class of 300 million people.

Three hundred million people is about the number of the European common market also. Three hundred million people is the number of people of African descent across the world who speak English. So 300 million people, let us look at it in the perspective of, if we are going to maintain our leadership in the world in a competitive global environment, then we will need all 300 million of our Americans to become productive citizens. That means they ought to be brought into the middle class.

The minimum wage is just a small step forward. You have to also improve education. You have to also take away the burden of having to pay for health care. All those things have to happen. But the simplest thing we can do, the thing we should do when we come back in December, is send a message to the American people that we are going to raise the minimum wage. We are going to move in that one small way toward the creation and the sustenance of a middle class, people who will be able to send their children to college and people who will be able to make a contribution to the global competition that we are going to find ourselves in.

Unfortunately, recent reports by the Associated Press show that certain minorities are lagging behind. Latinos and blacks are lagging behind whites, and Asians are also lagging behind whites in terms of the income gap. The income gap is growing instead of shrinking. So we have work to do, and step one is let's pass the minimum wage as fast as possible. Let's move it up to $7.25 an hour. That is the least we can do before the end of the session.

CONGRESSIONAL DISTRICT 22 REMAINS FAITHFUL TO CONSERVATIVE PRINCIPLES

Ms. SEKULA GIBBS. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore. Without objection, the gentlewoman from Texas is recognized for 5 minutes.

There was no objection.

Ms. SEKULA GIBBS. Mr. Speaker, Congressional District 22 in Texas remains faithful to conservative principles.

I am Dr. SHELLEY SEKULA GIBBS, and I am the newly elected Member of Congress from Congressional District 22. The people in my district are hardworking individuals who believe in conservative principles, such as the sanctity of life; traditional marriage between one man and one woman; the right to bear arms; smaller, more efficient government; making tax cuts permanent; winning the war on terror; and opposing a cut-and-run strategy; and stopping illegal immigration while streamlining legal immigration.

The families in Congressional District 22 of Texas want better transportation options, a solid energy policy with energy independence, affordable health insurance, and lower health care costs through the free market. They want affordable, quality education for their children from pre-K to college that is under local control, and strong homeland security to prevent terrorist attacks on our home soil.

One of my district's primary ways in which to prevent a terrorist attack is to be a hard target. The Houston area has all major assets that are attractive to terrorists to attack, as identified by the FBI, including petrochemical facilities that produce 50 percent of the petrochemicals in our Nation and 25 percent of our country's gasoline. The Port of Houston is close to our area and in the city. It is close to our district and in the city, and it is the largest foreign tonnage port in the Nation.

We have NASA's Johnson Space Center there, which is the home of manned space flight. We rely on the 147th Texas Air National Guard with its squadrons of F–16s at Ellington Field to maintain our air defense and make us a hard target. Passing a military appropriations bill today helps us secure our defense, but the fate of the 147th Texas Air National Guard remains uncertain but of critical importance to the people in my district.

Terrorists must not be given an opportunity to bring our great country down, and we must maintain our vigilance. In the BRAC process, some communities were awarded more military infrastructure while others were reduced. Some have turned down those military assets. Florida recently was unwilling to accept naval facilities from Virginia Beach, Virginia. But we in Houston, we hope that our F–16s will be replaced by newer, more technologically advanced jets, and that our squadron will not be relocated. We are eager to maintain the Texas Air National Guard and look for support on this issue.

In other words, Mr. Speaker, the people in my district want our country to be faithful to the principles that you and the leadership of the Republican party have promoted through your years as the Speaker of the House of this auspicious body.

Mr. Speaker, I want to thank you for your guidance, your patience and your rock-solid commitment to conservative values on behalf of our great country. And I want to thank you and my colleagues for an appointment to the Transportation and Infrastructure Committee and to the Workforce and Education Committee. I commit to working very hard and rolling up my sleeves for our great district and our great country.

May God continue to bless the United States of America, and our men and women in uniform.

□ 1230

TRIBUTE TO MAJOR GENERAL JOSEPH WEBB, JR., DEPUTY SURGEON GENERAL, UNITED STATES ARMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BUYER) is recognized for 5 minutes.

Mr. BUYER. Mr. Speaker, I come to the floor with a heavy heart to honor a great man, particularly because this comes on the eve of his retirement from the United States Army. I have had the privilege of working with this distinguished gentleman in the service of our country for the last 14 years. His name is Major General Joe Webb, Jr. He has distinguished himself by his exceptional service to the United States of America while in positions of increasing responsibility within the Army Medical Department, a career that was launched in June of 1961 when he was commissioned as a Second Lieutenant.

From January 1 of 1996 through 31 December of 2006, he served in successive positions of increasing responsibility as the Senior Dental Corps Staff Officer, with the Office of the Surgeon General; Commander of the United States Army Dental Command; the Assistant Surgeon General for Force Sustainment; Commanding General of Tripler Army Medical Center and DOD Lead Agent for TRICARE in the Pacific region; and culminating his illustrious career in the position of United States Army Deputy Surgeon General.

Major General Webb was an officer and leader who approached each of his assignments with great tenacity. In a career spanning more than 35 years, this soldier, clinician and commander displayed throughout his distinguished military service the highest levels of leadership, professional competence, integrity and moral courage.

Much is spoken and written about Major General Joe Webb. The consensus and the prose consistently agree that this man is the genuine article. Because of my extensive contact with general officers, I know what attributes are necessary for success at the strategic level. You see, I work with generals that do generals' work, I also have worked with generals that do colonels' work. The most refreshing encounters that I have experienced are with colonels that do generals' work. This was the epitome of Joe Webb.

In 1996, the Dental Corps was confronted with significant recruiting and retention compromises that would have had a detrimental impact on the dental health of soldiers, sailors and airmen if it was not remedied.

I served on the Personnel Committee of the House Armed Services and later chaired that committee, with responsibility for the oversight of the military health delivery system.

My brother, John, is now a Colonel and dentist in the Army Medical Corps; at the time, I went to my brother to say, John, what is the problem? We are not able to retain these dentists. There are so many open slots. We are having an exodus. At the time President Clinton was doing a drawdown. I know a lot of the warriors are leaving the service, but we have to stop the leak.

My brother explained the situation to me and the order of the consequences. He proposed a strategy for success, but more importantly, my brother identified the major players, even mapped out a strategy of success on the back of a napkin and said, I must put you with Joe Webb. Joe Webb was a Colonel at the time, and was a key element of ensuring a successful remedy to this looming problem.

The following day Congressman NORWOOD, Joe Webb, my brother, John, and I initiated a dialogue that focused on a strategy for implementation. The impact of the continuation pay package reached all three services and preserved the human capital necessary to deliver world-class dentistry. This is a living legacy that continues to have far-reaching implications. Many call it propay, but those who receive that check know exactly what it means.

I called upon the combined and extensive expertise of Joe Webb and my brother, John Buyer, as critical resources to make the legislation a reality from its introduction, through conference, and into law. Without their dedicated focus on this issue, it is likely that the continuation pay bill would never have met with the success it had. The Air Force, the Navy and Marine Corps programs rested their future upon the shoulders of then Colonel Joe Webb. But this was common through this man's career.

Having been excited by this success, the team of Joe Webb and John Buyer then elevated the health expectations throughout the dental enterprise. They devised the concept of dental wellness to replace the only adequate dental health standard of dental readiness with an optimal dental health standard of wellness. Dental wellness is now the standard in all three services. Legislation to assist the services in achieving higher levels of dental wellness will continue to have a profound and lasting impact upon future forces.

The team of Joe and John then broke down parochial barriers to successfully make the UHQ MEDIVAC training program at Fort Rucker a reality in time to have a successful impact on the Second Gulf War. So now when a dust-off helicopter comes in, and these litters need to be reconfigured, even at night or under trying circumstances, they have been trained under the difficult standards and are prepared to save lives. This project would never have occurred had it not been for their insights and their strategies.

As a Colonel, Joe Webb also served as the Commander of the largest dental command in the Department of Defense. The United States Army Dental Command, called DENTCOM, is comprised of more than 3,800 personnel and 172 clinics worldwide, and had an operating budget of over $200 million.

A strategic visionary, Major General Webb impacted the implementation of the dental care reengineering initiative, which revolutionized the provisions of the dental care to soldiers to improve the quality of practice for dental care officers.

This gifted leader then was assigned as the Assistant Surgeon General for Force Development and Sustainment. He moved from a colonel at DENTCOM to this new job as a brigadier general. In this capacity, he was responsible for the Army Medical Department's contracting logistics facilities and information management across the Medical Corps.

This proven and tested leader was then selected for promotion to major general and assigned to command the Pacific Region Medical Command and Tripler Army Medical Center. In this capacity, he was responsible for providing primary, specialty and tertiary care to over 500,000 in the Pacific Command, and over 100,000 VA beneficiaries. He led and managed the day-to-day operations for a 229-bed medical center which is the primary referral medical center in the Pacific. A strategic leader, he played a lead role in the Army's theater security cooperation program, working closely to establish professional medical relationships with other countries. He also reached out to the underserved Pacific Islanders and used all means available to increase access to care for those in need.

In July of 2004, he was selected to serve as the Army Deputy Surgeon General and Chief of Staff of the United States Army Medical Command. He masterfully guided the activities of an organization which executes an $8 billion annual operating budget, encompassing over $6 billion in facilities assets through 12 major subordinate commands, comprised of more than 48,000 military and civilian personnel, eight medical centers, 47 hospitals, 73 separate clinics, 172 dental clinics, 14 biomedical research facilities worldwide. While serving as the Deputy Surgeon General, Major General Webb also placed a renewed emphasis on issues related to the physical and mental well-being of the United States Army Reserve and Army National Guard Members. Under his management and direction, training opportunities for the Reserve AMEDD components were synchronized and improved to meet current and future needs.

Major General Webb's imprint on military medicine extends beyond the Army throughout the Department of Defense and into the national and international communities. His extraordinary achievements are characterized by profound dedication, compassion, intellect and professionalism. Major General Webb's distinguished performance of duty is in keeping with the most proud and cherished traditions of military service and reflects great credit upon himself, the United States Army Medical Command, the United States Army and the United States of America.

I have first- and secondhand knowledge of Joe Webb that few have. That is why I have come to the floor. This is a man that has internal anchors. He has a backbone of steel. When it comes to his passion and his commitment, no one can match him. He requests the noblest of things from the noble, and he achieves great results. This is a great man who served our country for over 39 years and I thank him for his service. This is my friend, Joe Webb.

STATUS REPORT ON CURRENT SPENDING LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FY 2007 AND THE 5-YEAR PERIOD FY 2007 THROUGH FY 2011

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. NUSSLE) is recognized for 5 minutes.

Mr. NUSSLE. Mr. Speaker, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 2007 and for the 5-year period of fiscal years 2007 through 2011. This report is necessary to facilitate the application of sections 302 and 311 of the Congressional Budget Act and sections 401 and 501 of H. Con. Res. 376, which is currently in effect as a concurrent resolution on the budget in the House under H. Res. 818. This status report is current through November 8, 2006.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set by H. Con. Res. 376. This comparison is needed to enforce section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 2007 because appropriations for those years have not yet been considered.

The second table compares the current levels of budget authority and outlays for discretionary action by each authorizing committee with the "section 302(a)" allocations made under H. Con. Res. 376 for fiscal year 2007 and fiscal years 2007 through 2011. "Discretionary action" refers to legislation enacted after the adoption of the budget resolution. This comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) discretionary action allocation of new budget authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 2007 with the "section 302(b)" suballocations of discretionary budget authority and outlays among Appropriations subcommittees. The comparison is also needed to enforce section 302(f) of the Budget Act because the point of order under that section equally applies to measures that would breach the applicable section 302(b) suballocation.

The fourth table gives the current level for 2008 of accounts identified for advance appropriations under section 401 of H. Con. Res. 376. This list is needed to enforce section 401 of the budget resolution, which creates a point of order against appropriation bills that contain advance appropriations that are: (i) not identified in the statement of managers or (ii) would cause the aggregate amount of such appropriations to exceed the level specified in the resolution.

The fifth table provides the current level of the nondefense reserve fund for emergencies established by section 501 of H. Con. Res 376. The table is required by section 505 of the budget resolution, and is needed to determine whether an increase in the reserve fund, allocations and aggregates will be necessary for any pending legislation that contains emergency-designated discretionary budget authority.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 2007 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 376 REFLECTING ACTION COMPLETED AS OF NOVEMBER 8, 2006

(On-budget amounts, in millions of dollars)

	Fiscal year 2007	Fiscal years 2007–2011
Appropriate Level:		
Budget Authority	2,283,029	([1])
Outlays	2,325,998	([1])
Revenues	1,780,666	10,039,909
Current Level:		
Budget Authority	2,267,144	([1])
Outlays	2,275,060	([1])
Revenues	1,787,453	10,182,016
Current Level over (+) / under (−) Appropriate Level:		
Budget Authority	−15,885	([1])
Outlays	−50,938	([1])
Revenues	6,787	142,107

[1] Not applicable because annual appropriations Acts for fiscal years 2008 through 2011 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of measures providing new budget authority for FY 2007 in excess of $15,885,000,000 (if not already included in the current level estimate) would cause FY 2007 budget authority to exceed the appropriate level set by H. Con. Res. 376.

OUTLAYS

Enactment of measures providing new outlays for FY 2007 in excess of $50,938,000,000 (if not already included in the current level estimate) would cause FY 2007 outlays to exceed the appropriate level set by H. Con. Res. 376.

REVENUES

Enactment of measures that would reduce revenue for FY 2007 in excess of $6,787,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate level set by H. Con. Res. 376.

Enactment of measures resulting in revenue reduction for the period of fiscal years 2007 through 2011 in excess of $142,107,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate levels set by H. Con. Res. 376.

DIRECT SPENDING LEGISLATION COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(A) ALLOCATIONS FOR DISCRETIONARY ACTION REFLECTING ACTION COMPLETED AS OF NOVEMBER 8, 2006

[Fiscal years, in millions of dollars]

House committee	2007		2007–2011 Total	
	BA	Outlays	BA	Outlays
Agriculture:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Armed Services:				
Allocation	45	45	45	45
Current Level	−35	150	34	213
Difference	−80	105	−11	168
Education and the Workforce:				
Allocation	0	1	0	30
Current Level	16	119	178	−1,733
Difference	16	118	178	−1,763
Energy and Commerce:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Financial Services:				
Allocation	0	0	2	2
Current Level	0	0	−5	−5
Difference	0	0	−7	−7
Government Reform:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
House Administration:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Homeland Security:				
Allocation	0	0	0	0
Current Level	106	7	0	0
Difference	106	7	0	0
International Relations:				
Allocation	1	1	5	5
Current Level	0	−5	0	−12
Difference	−1	−6	−5	−17

DIRECT SPENDING LEGISLATION COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(A) ALLOCATIONS FOR DISCRETIONARY ACTION REFLECTING ACTION COMPLETED AS OF NOVEMBER 8, 2006

[Fiscal years, in millions of dollars]

House committee	2007		2007–2011 Total	
	BA	Outlays	BA	Outlays
Judiciary:				
Allocation	19	16	116	113
Current Level	0	0	0	0
Difference	−19	−16	−116	−113
Resources:				
Allocation	0	0	6	6
Current Level	15	15	27	27
Difference	15	15	21	21

DIRECT SPENDING LEGISLATION COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(A) ALLOCATIONS FOR DISCRETIONARY ACTION REFLECTING ACTION COMPLETED AS OF NOVEMBER 8, 2006—Continued

[Fiscal years, in millions of dollars]

House committee	2007		2007–2011 Total	
	BA	Outlays	BA	Outlays
Science:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Small Business:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Transportation and Infrastructure:				
Allocation	13	13	22	22
Current Level	0	-3	-4	-19
Difference	-13	-16	-26	-41
Veterans' Affairs:				
Allocation	0	0	0	0
Current Level	-3	-3	0	0
Difference	-3	-3	0	0
Ways and Means:				
Allocation	0	0	0	0
Current Level	1	-8	1	2
Difference	1	-8	1	2

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2007 COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(b) SUBALLOCATIONS

[In millions of dollars]

Appropriations subcommittee	302(b) Suballocations as of June 6, 2006 (H. Rpt. 109–488)		Current level reflecting action completed as of November 8, 2006		Current level minus suballocations	
	BA	OT	BA	OT	BA	OT
Agriculture, Rural Development, FDA	17,812	19,497	17,771	19,402	-41	-95
Defense	377,357	393,165	377,357	394,244	0	1,079
Energy & Water Development	30,017	31,411	28,924	30,749	-1,093	-662
Foreign Operations	21,300	23,441	19,609	23,144	-1,691	-297
Homeland Security	32,080	38,711	31,905	38,714	-175	3
Interior-Environment	25,889	26,902	25,437	26,536	-452	-366
Labor, HHS & Education	141,930	145,631	150,375	147,565	8,445	1,934
Legislative Branch	4,030	4,013	3,749	3,791	-281	-222
Military Quality of Life-Veterans Affairs	94,705	88,728	86,302	84,498	-8,403	-4,230
Science-State-Justice-Commerce	59,839	62,143	57,422	60,351	-2,417	-1,792
Transportation-Treasury-HUD-Judiciary-DC	67,819	130,069	66,959	128,628	-860	-1,441
Unassigned	0	0	0	0	0	0
Total (Section 302(a) Allocation)	872,778	963,711	865,810	957,622	-6,968	-6,089

STATEMENT OF FY2008 ADVANCE APPROPRIATIONS UNDER SECTION 401 OF H. CON. RES. 376 REFLECTING ACTION COMPLETED AS OF NOVEMBER 8, 2006

[IN MILLIONS OF DOLLARS]

BUDGET AUTHORITY

Appropriate Level	23,565
Current Level:	
Elk Hills	0
Corporation for Public Broadcasting	0
Employment and Training Administration	0
Education for the Disadvantaged	0
School Improvement	0
Children and Family Services (Head Start)	0
Special Education	0
Vocational and Adult Education	0
Transportation (highways, transit, Farley Building)	0
Payment to Postal Service	0
Section 8 Renewals	0
Total	0
Current Level over (+) / under (–) Appropriate Level	–23,565

STATEMENT OF NONDEFENSE RESERVE FUND FOR EMERGENCIES UNDER SECTION 501 OF H. CON. RES. 376 DISCRETIONARY BUDGET AUTHORITY FOR FY2007 REFLECTING ACTION COMPLETED AS OF NOVEMBER 8, 2006

[IN MILLIONS OF DOLLARS]

BUDGET AUTHORITY

Appropriate Level	6,450
Current Level	0
Current Level over (+) / under (–) Appropriate Level	–6,450

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 15, 2006.

Hon. JIM NUSSLE,
Chairman, Committee on the Budget,
House of Representatives, Washington, DC

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2007 budget and is current through November 8, 2006. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 376, the Concurrent Resolution on the Budget for Fiscal Year 2007, as approved by the House of Representatives. Although the House and the Senate have not reached agreement on a concurrent budget resolution for 2007, pursuant to House Resolution 818, H. Con. Res. 376 has the force and effect in the House for all purposes of the Congressional Budget Act of 1974 as though adopted by the Congress.

Pursuant to section 402 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, and section 402 of H. Con. Res. 376, the Concurrent Resolution on the Budget for Fiscal Year 2007, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes certain amounts that affect 2007 spending (see footnote 2 of the report).

Since my last letter, dated September 7, the Congress has cleared and the President has signed the following acts that affect budget authority, outlays, or revenues for fiscal year 2007:

the United States-Oman Free Trade Agreement Implementation Act (Public Law 109-283);

the Pueblo de San Ildefonso Claims Settlement Act of 2005 (public Law 109-286);

the Child and Family Services Improvement Act of 2006 (Public Law 109-288);

the Defense Appropriations Act, 2007 (which includes the Continuing Appropriations Resolution, 2007) (Public Law 109-289);

the Homeland Security Appropriations Act, 2007 (Public Law 109-295);

the National Law Enforcement Officers Memorial Maintenance Fund Act of 2005 (Public Law 109-314);

the National Heritage Areas Act of 2006 (Public Law 109-338);

the Security and Accountability for Every Port Act of 2006 (Public Law 109-347); and the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364).

In addition, the Congress has cleared for the President's signature the Fort McDowell Indian Community Water Rights Settlement Revision Act of 2006 (S. 2464).

Sincerely,

DONALD B. MARRON,
Acting Director.

FISCAL YEAR 2007 HOUSE CURRENT LEVEL REPORT AS OF NOVEMBER 8, 2006

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in previous sessions:[1]			
Revenues	n.a.	n.a.	1,819,599
Permanents and other spending legislation	1,400,673	1,333,068	n.a.
Appropriation legislation	0	409,185	n.a.
Offsetting receipts	−549,710	−549,710	n.a.
Total, enacted in previous sessions	850,963	1,192,543	1,819,599
Enacted this session:			
Authorizing Legislation:			
An act to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006 (P.L. 109–204)	−1,000	−520	0
Native American Technical Corrections Act of 2006 (P.L. 109–221)	11	11	11
Tax Increase Prevention and Reconciliation Act of 2005 (P.L 109–222)	0	0	−32,674
Heroes Earned Retirement Opportunities Act (P.L. 109–227)	0	0	−4
Veterans' Housing Opportunity and Benefits Improvement Act of 2006 (P.L. 109–233)	−3	−3	0
Broadcast Decency Enforcement Act of 2005 (P.L. 109–235)	0	0	1
Mine Improvement and New Emergency Response Act of 2006 (P.L. 109–236)	1	0	5
Coast Guard and Maritime Transportation Act of 2006 (P.L. 109–241)	0	−3	0
Returned Americans Protection Act of 2006 (P.L. 109–250)	0	1	0
An act approving the renewal of import restrictions contained in the Burmese Freedom Democracy Act of 2003 (P.L. 109–251)	0	0	−1
An act to provide funding authority to facilitate the evacuation of persons from Lebanon (P.L. 109–268)	0	−5	0
Pension Protection Act of 2006 (P.L. 109–280)	15	119	363
United States-Oman Free Trade Agreement Implementation Act (P.L. 109–283)	1	1	−15
Pueblo de San Ildefonso Claims Settlement Act of 2005 (PL. 109–286)	7	7	0
Child and Family Services Improvement Act of 2006 (P.L. 109–288)	0	−10	0
National Law Enforcement Officers Memorial Maintenance Fund Act of 2005 (P.L. 109–314)	1	1	0
National Heritage Areas Act of 2006 (P.L. 109–338)	3	3	0
Security and Accountability for Every Port Act of 2006, (P.L. 109–347)	106	7	0
John Warner National Defense Authorization Act for Fiscal Year 2007 (P.L. 109–364)	−35	150	0
Appropriations Acts			
Emergency Supplemental Appropriations Act for Defense. the Global War on Terror, and Hurricane Recovery, 2006 (P.L. 109–234)[2]	0	−14	168
Defense Appropriations Act, 2007 (P. L. 109–289)[2]	377,571	252,047	0
Homeland Security Appropriations Act, 2007 (P.L 109–295)[2]	32,968	20,406	0
Total, enacted this session	406,646	272,198	−32,146
Passed, pending signature:			
Fort McDowell Indian Community Water Rights Settlement Revision Act of 2006 (S. 2464)	4	4	0
Continuing Resolution Authority:			
Continuing Resolution, 2007	435,429	262,044	0
Entitlements and mandatories:			
Budget resolution estimates of appropriated entitlements and other mandatory programs not yet enacted	571,102	548,271	n.a.
Total Current Level[2, 3]	2,267,144	2,275,060	1,787,453
Total Budget Resolution	2,283,029	2,325,998	1,780,666
Current Level Over Budget Resolution	n.a.	n.a.	6,787
Current Level Under Budget Resolution	15,885	50,938	n.a.
Memorandum:			
Revenues, 2007–2011:			
House Current Level	n.a.	n.a.	10,182,016
House Budget Resolution	n.a.	n.a.	10,039,909
Current Level Over Budget Resolution	n.a.	n.a.	142,107
Current Level Under Budget Resolution	n.a.	n.a.	n.a.

[1] The effects of the Deficit Reduction Act of 2005 (P.L. 109–171) and the Federal Deposit Insurance Reform Conforming Amendments Act of 2005 (P.L. 109–173) are included in this section of the table, consistent with the budget resolution assumptions. In addition, the scoring for the Deficit Reduction Act of 2005 includes savings from corrections to two provisions (in sections 8006 and 10002) not yet enacted, consistent with the budget resolution assumptions.

[2] Pursuant to section 402 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, and section 402 of H. Con. Res. 376, the Concurrent Resolution on the Budget for Fiscal Year 2007, as approved by the House of Representatives, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. The amounts so designated are as follows:

[3] Excludes administrative expenses of the Social Security Administration, which are off-budget.

Source: Congressional Budget Office.

Notes: n.a. = not applicable; P.L. = Public Law.

Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (P.L. 109–234)	48	39,863	0
Defense Appropriations Act, 2007 (P.L. 109–289)	70,000	40,473	0
Homeland Security Appropriations Act, 2007 (P.L. 109–295)	1,829	943	0
Total, enacted emergency requirements	71,877	81,279	0

Note: These amounts are generally excluded from the current level. However, section 402 of the 2007 budget resolution specifies that upon enactment of funding for the global war on terrorism, amounts included in the budget resolution for such purpose shall be considered current law when preparing the current level. Therefore, the current level includes $50,000 million in budget-authority and $33,500 million in outlays assumed in the budget resolution.

PROSECUTION OF TWO U.S. BORDER PATROL AGENTS: CALLING FOR PRESIDENTIAL ACTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I am on the floor today to bring to the attention of the House a situation involving two U.S. border agents. These agents were found guilty in a Federal court for wounding a drug smuggler who brought 743 pounds of marijuana across our southern border into Texas. These agents never should have been prosecuted for their actions last year, yet they have been sentenced to 11 and 12 years in Federal prison respectively.

Agent Ramos served the Border Patrol for 9 years and was a former nominee for Border Patrol Agent of the Year. Agent Compean had 5 years of experience as a border agent. By attempting to apprehend a Mexican drug smuggler, these agents were simply doing their job to protect the American people.

Mr. Speaker, today I have written the President of the United States to express my outrage over his indifference toward the plight of these two agents. Despite my repeated requests for an investigation of this case, and a request by a dozen Members of Congress for the President to pardon these agents, this administration has ignored the concerns of countless citizens who have decried the unjust prosecution of these two heroes.

Press Secretary Tony Snow conveyed the administration's collective dismissal of these concerns when he labeled the question of a Presidential pardon for these agents as "nonsensical."

With an approval rating hovering near 30 percent, it is obvious and evident that the citizens of our Nation have been disappointed with this administration.

Mr. Speaker, I am calling on the President to listen to the concerns of the American people and to make it a top priority to pardon these two agents. These agents should have been commended for their actions, but instead the U.S. Attorney's Office prosecuted the agents and granted full immunity to the drug smuggler for his testimony against our agents.

The drug smuggler received full medical care in El Paso, Texas, was permitted to return to Mexico and is now suing the Border Patrol for $5 million for violating his civil rights.

Mr. Speaker, he is not an American citizen. He is a criminal. And yet, Mr. Speaker, it is our two brave border agents who have been sentenced to serve time behind bars.

In closing, Mr. Speaker, I would like to share the last paragraph of my letter to the President. I have mailed this letter today to the White House, and this is the last paragraph of the letter:

"Mr. President, you have an opportunity to reverse a great injustice committed against two agents who have given years of their lives in service to this Nation and who have been unjustly punished for doing their job to protect our homeland.

"On January 17 of 2007, both Agents Ramos and Compean must surrender themselves to Federal authorities unless action is taken to overturn their sentences. I strongly encourage you to listen to the concerns of the American people and use the power of your office to pardon these two agents."

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 15, 2006.

Hon. GEORGE W. BUSH,
President of the United States,
Washington, DC.

DEAR PRESIDENT BUSH: I am writing to express my deep disappointment with your Administration's demonstrated indifference toward the case of United States Border Patrol Agents Ignacio Ramos and Jose Alonso Compean. On October 19th, the agents were convicted and sentenced to 11 and 12 years in federal prison respectively for firing shots at a Mexican drug smuggler who brought 743 pounds of marijuana across the U.S. border last year. The two agents were prosecuted by the U.S. Attorney's office and the smuggler was granted full immunity to testify against the agents.

In a letter to Press Secretary Tony Snow, I conveyed my extreme disappointment with his responses to questions regarding the agents' case. At press briefings, Mr. Snow labeled a question concerning a presidential pardon for agents Ramos and Compean "nonsensical," and later announced the White House's intention to "wait and see" what a congressional hearing on their case produces.

Despite my repeated requests for an investigation of this case and a request by a dozen members of Congress for you to pardon the agents, your Administration has collectively dismissed these requests and the petitions of countless citizens throughout the country who have decried the unjust prosecution of these two heroes. With an approval rating hovering near thirty percent, it is obvious and evident that the citizens of our nation have been disappointed with your Administration—and I believe your inaction on this issue is a key reason why.

Mr. President, you have an opportunity to reverse a great injustice committed against two agents who have given years of their life in service to this nation, and who have been unjustly punished for doing their job to protect our homeland. On January 17th, 2007, both agents Ramos and Compean must surrender themselves to federal authorities unless action is taken to overturn their sentences. I strongly encourage you to listen to the concerns of the American people and use the power of your office to pardon these two agents.

Sincerely,

WALTER B. JONES,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 31, 2006.

Press Secretary TONY SNOW,
The White House,
Washington, DC.

DEAR MR. SNOW: I am extremely disappointed by your responses last week to questions regarding the possibility of a presidential pardon for United States Border Patrol Agents Ignacio Ramos and Jose Alonso Compean. On October 19th, the agents were convicted and sentenced to 11 and 12 years in federal prison respectively for firing shots at a Mexican drug smuggler who brought 743 pounds of marijuana across the U.S. border last year. The two agents were prosecuted by the U.S. Attorney's office and the smuggler was granted full immunity to testify against the agents.

At press briefings, you labeled a question concerning a presidential pardon for the two agents "nonsensical," and later announced the White House's intention to "wait and see" what a November 13th congressional hearing on their case produces.

Unfortunately, your comments reinforced the perception that the Administration is indifferent toward the agents' case. Despite my repeated requests for an investigation of this case and, most recently, a request by a dozen members of Congress for the President to pardon the agents, the Administration has collectively dismissed the concerns of elected members of Congress and countless citizens throughout the country. Your comments, unfortunately, came across as a continuation of that collective dismissal.

While our Border Patrol is tasked with the difficult and dangerous mission of securing America against illegal immigrants, drugs, counterfeit goods, and even terrorists—it is troubling that the Administration has persistently ignored opportunities to pursue justice for two agents who have been sentenced to prison for doing their job to protect our homeland. It is unconscionable that the Administration would not want justice to prevail for two heroes who have dutifully served this nation on the front lines in the fight against terrorist infiltration and narcotics trafficking on our southern border.

I strongly encourage you to do everything in your power to convince the Administration to investigate the Justice Department's overzealous and unjust prosecution of this case, and to pardon these two agents.

Sincerely,

WALTER B. JONES,
Member of Congress.

Mr. Speaker, in closing, I would hope that the American people would join behind a number of us in this Congress, both Republican and Democrat, and contact the White House and say to the President, for goodness sakes, pardon these two border agents who have done nothing more than try to protect this country.

God bless these two agents and their families, and may God continue to bless America.

☐ 1245

RECENT VISIT TO ISRAEL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 60 minutes as the designee of the majority leader.

Mr. OSBORNE. Mr. Speaker, 2 weeks ago I visited Israel, spent about 12 days there, and traveled the whole country. We started in the northern part, up around Caesaria Phillipi, went down to Elat on the Red Sea, went to Jerusalem, went to Tel Aviv, talked to the people, and had a very good feel for what actually is going on there.

So often on CODELs we are in a country for 24 hours, 36 hours, and we move on. And this was a little different. And so at the present time, obviously, people know that Israel is in a very difficult spot. Recently they had a war involving Hezbollah on their northern border. And the Hezbollah was located in Lebanon, southern part of it, and fired hundreds, if not thousands, of Katyusha missiles into Israel, particularly the northern part of Israel. And yet, as we visited that part of the country, it was almost untouched, it seemed. They had repaired, they had restored, and life was going on as usual only a couple, 3 weeks after the conflict had ended.

As many people know, Hamas is very powerful in Gaza and in the West Bank and has tremendous influence in the Palestinian areas. At the present time, there are rockets being fired by the Hamas people down in Gaza, into Israel.

So as we watch this and as we watch the continual conflict with the Palestinians and the desire for the Palestinians to have a unified state, unifying the West Bank, on the west bank of the Jordan and in the Gaza Strip down in the southwestern part of the country, you can see that Israel is under tremendous pressure.

Yet, the thing that was rather impressive was the staying power, the resolve, the willingness of the Israelis to try to see this through. I guess the lessons that I took away from this, and the concerns, were that, obviously, it is important that the United States have that same staying power, that same will to pull together, that same willingness to survive in the face of adversity.

Because even though we are protected by two great oceans, the world has shrunk. Today we are not as secure as we once were. We face a true global conflict over the horizon. Many of the things that we observed in Israel, I think, apply to us, even though sometimes we are not aware of it.

Tony Blair made an interesting observation here recently. He stated that peace in the Middle East will be hard to come by unless Israel and the Palestinians and Hamas and Hezbollah can somehow resolve their differences. I believe that is very true.

Our focus is on Iraq here in the United States, sometimes on Afghanistan. But at the heart of much of the conflict and much of the turmoil in the Middle East is the conflict that involves terrorist organizations and Israel. I am not here to be partisan and take Israel's side versus another nation's side. I am simply pointing these issues out that I think are very important.

The things that I mentioned that particularly impressed me about the Israelis were, number one, a willingness to persevere in the face of great adversity, and people realize what the terrorists are attempting to do. But also not far away is Iran, and the Iranian president has basically said that he would like to destroy Israel, and everyone knows that at the present time it does appear that Iran is trying to build nuclear capabilities. This is a very tenuous situation as far as Israel is concerned. Despite these threats, as I mentioned, Israel seems to be staying the course, seems to have great resolve, and I would hope that we would have the same resolve in our country in terms of persevering in the face of adversity.

The second thing that I took away from that trip to Israel that I think is important, that may have some applicability to our situation here in the United States, is a sense on the part of the Israelis of having great unity of purpose, a willingness to pull together, a willingness to avoid all fragmentation. I guess when your back is to the wall and you are not very big, you realize that unity of purpose is critical. So we certainly detected that.

I guess I can relate a little bit to my previous experience in the athletic arena in regard to the importance of unity of purpose. A team of great athletes which was polarized and which was divided was not able to accomplish a great deal; and yet a team with less talent which had unity of purpose would usually prevail over a superior team physically that was divided almost every time.

So the analogy that I would like to draw at this present time are some things that I have observed, as I leave this body, and this has to do really with the recent election. We certainly experienced a very contentious election. We saw a great deal of partisanship; accusations were numerous and sometimes very destructive. There were deep divisions that were very apparent between the two parties.

The general public, at least the public that I dealt with in rural and central parts of America, watched the acrimony and the name-calling with a great deal of dismay and sometimes disgust. And to a significant degree, I believe, the political process and Congress in particular is viewed with a great deal of mistrust and skepticism at the present time. At the root of that, I think, was some of the dialogue that they saw occur in the last several months.

It seems to me, as I talked to my constituents, and people around the country, that the public is counting on us to lead, to unite, to serve the best interests of the country, rather than to point fingers and to seek to destroy the opposition. I think that from this election some lessons can be drawn. Which way this Congress goes, I am not certain, but I at least have some wishes, I have some desires, which I will try to convey.

I guess the majority in the House and the Senate now has changed. It definitely has. This presents two opportunities: number one, an opportunity for the new majority to pay back those who were in the majority for either real or perceived slights and offenses. But the second approach can be something that I think would be more constructive, is a chance to change the political climate, to foster a more cooperative governing style and certainly something that would restore a good deal of confidence on the part of the American people.

I think there are three major factors that people continually point to in regard to the last election, and the two, the first two, have been given preeminence.

First of all, Iraq, the conflict over there, the fact that many Americans have grown weary of it; many Americans have decided that we are on the wrong course. To be honest about it, I don't think that the Congress has a tremendous amount of control over what is happening in Iraq. We have some. We can control funding, and we can make comments here, but we really aren't the generals on the ground. So that really may be a little bit out of our element to some degree.

The second area is the area of ethics, and the fact that many people were very upset with corrupt practices that had occurred on the part of a small number of people but still a number of our Members, and that this is something that Congress definitely does have directly in its purview. We did some reforms, but not enough, I don't believe, in the last few months. And I believe that Congress, Members of Congress, members of the Senate, have to be above reproach. As Joe Paterno one time said, we cannot only be fair; we have to appear to be fair. We cannot have the perception even of wrongdoing.

As I sat in meeting after meeting after meeting over 6 years, I can't really remember anyone getting up and really addressing the issue of ethics and how important this is in preserving the trust of the American people. It is something that this body obviously has to do a better job with, and I hope that it will become a major priority here.

Then the third thing, which many of the pundits have not referred to very often, has simply been the issue of partisan bickering, which I think would serve us very well to get over to some degree, and it will be interesting to see how that develops as time goes on.

The most hopeful time that I had during my 6 years in Congress was also maybe the worst time, and that was the 3 or 4 months right after 9/11, and almost everyone here can remember those times. We can remember the horror that we felt as we saw the Pentagon destroyed, the Twin Towers go down, the plane crash over Pennsylvania, and the fact that we realized all of a sudden that as a Nation we were vulnerable. That was a terrible time, and there was a lot of rebuilding to do.

At the same time, it was a very hopeful time, because, for 3 months, maybe 4 months, here in this Chamber and over in the Senate, we saw Congress work together, pull together to display a unity of purpose that I had not seen before or since. It showed what we were capable of doing as a body, as a unified organization.

So, as time goes by and as that memory of 9/11 begins to fade, it is easy to begin to become complacent again and decide that the most important thing is party supremacy.

So I would hope that people would realize that even though we have not been attacked for the last 5 years, that attack is still on the horizon; that this is still a world that is very, very combustible at the present time. We really do need to pull together in a way that we have not done for the last 5 years.

Cervantes once said something that was rather important to me in my outlook on life. He said, "The journey is more important than the end." A very brief statement. He said, "The journey is more important than the end."

What he was saying is that the process that we go through, the way we do things, how we do things, why we do things, is really more important than the end result. Sometimes that is easy to say, but it is really hard to live with, because losing an election is very difficult. I have experienced that. Losing a football game is very difficult. Losing a business is very difficult.

But what he was saying is, you know, the process is more important than all of that. The process is more important than whether you win or whether you lose. You do things in a certain way, and you do them every time, and in the long run, that will be the most important thing.

That is why I point to the fact that doing things the right way here and unity of purpose is going to be very important. This week there will be a big football game: Ohio State is going to play Michigan. One team will prevail. They are both undefeated. I don't know which team is going to win.

But I do know this: The deciding factor will probably be something that was overlooked in the preparation, something that has been laying there for the last 9 or 10 weeks unaddressed.

It may be a fumble. The back doesn't carry the ball high and tight. He flags the ball, something that should have been addressed. It may be an extra point where a guy isn't stepping with his right foot. And all of a sudden, he gets blown off the ball, and somebody blocks an extra point or somebody blocks a punt. It may be fatigue in the fourth quarter; conditioning that wasn't undertaken that should have been done.

Often, that which is ignored which does not seem to be very important or very apparent all of a sudden, in a crisis, becomes critical. That is the way it is with our country at the present time. I feel that there is something that we really are not paying adequate attention to. It is like how you carry the football. It is like blocking. It is like punt protection. Those kinds of things that are little don't seem to make a lot of difference, but all of sudden it jumps up and bites you.

The greatest threat facing the United States as I see it at the present time is something that we need to pay attention to, and that is our young people, because young people are the future.

There was a study that was released today by America's Promise, the organization that was headed up for many years by Colin Powell, still very active, and his wife. They did a research report which released some information that I thought was very revealing. It said, there are really five things that a young person needs to have to grow up and be productive and to be healthy and to help make this country work.

They said, these five promises are: number one, caring adults in that young person's life, and 40 percent of our young people indicated at the present time that they either don't have any or don't have enough. One out of five young people indicate that they do not have a single caring adult in their life, somebody that really cares for them as they are.

Number two, a safe place and a constructive use of time. And a tremendous number of our kids go home to homes that are not safe because of abuse. They live in neighborhoods that, because of gangs or violence or whatever, are not safe. Again, that is a major problem: a healthy start and healthy development. Many of our young people grow up without adequate medical care, medical attention, and as a result, they don't in the first 3 or 4 or 5 years of life have an even start, and this, again, is a tremendous handicap.

Effective education; 25 percent of our young people don't complete high school. Many of them who do complete high school are not adequately prepared for the world of work, and we are falling behind in many areas internationally in terms of our education.

Then, opportunity to serve other people, to give something of themselves. So the interesting thrust of this whole research study, it was interesting, indicated that 31 percent of our children have either four or five of these essential ingredients, and the conclusion of the study is that these 31 percent will be pretty well prepared.

These 31 percent will do pretty well with the rest of their lives. But then they said, you know, 48 percent have only two or three of these factors, and they have a chance, but they are kind of on the bubble.

□ 1300

If you only have two or three of those five ingredients going in your life, you are somewhat crippled, and you may be fortunate and you may make it, but you may be less than fortunate and you may not make it.

Then the critical thing was, they said 21 percent have only one of those factors, or they have zero, so 21 percent, one out of every five, of our children is at tremendous risk of not being a productive adult, of having a life that is certainly not what it could be. So it is important that we focus on this and understand how important this is. One in 12 of our young people today attempts suicide. So there is a certain desperation out there.

I would like to now turn to something that Prime Minister Tony Blair of Britain said on this floor about 3 years ago, which I think is somewhat germane, that relates to what I have been talking about with our young people, with our divisions in Congress and so on. He said, "As Britain knows, all predominant power seems for a time invincible, but in fact it is transient." So what he was saying is that every great nation for a period of time has assumed that it was going to live forever, that things were not going to change, that it would be preeminent forever, and then eventually realized that this power that they had, this aura of invincibility, all of a sudden was not there anymore. So I think that there is no question as we look at history that what he said is very true.

I would like to just take a quick cursory look at three nations that certainly would have fit that category he was talking about, nations that were invincible at the time. Certainly Rome 2,000 years ago ruled the entire civilized world, appeared to be invincible, but eventually fell from preeminence. The reasons historians have given that they fell were, number one, a general decline in morality; an increase in corruption and instability in leadership; an increasing public addiction to ever-more-violent public spectacles; an increase in crime and prostitution; and above all, a population that became more self-absorbed, apathetic and unwilling to sacrifice for the common good.

Does that fit any of our parameters here? I don't know, but it certainly is something we need to be aware of and we need to think about to some degree.

Great Britain 150 years ago dominated the world, had a colonial empire that dominated the world from the late 1600s through much of the 1800s, yet this British Empire eventually slowly crumbled. The reasons given by historians are as follows: Number one, they lost the national resolve to maintain their territory. It takes a lot of energy and commitment to maintain far-flung colonies around the world. Next, values that led to ascendency were eroded. The integrity, the character of the people, somehow was no longer what it once had been. Spiritual underpinnings began to shift. Some the spiritual values were no longer there.

Russia, 20 years ago one of the great nations of the world, one of the two superpowers at that time, in a matter of months disintegrated before our eyes. Alexander Solzhenitzen reflected on this fall when he observed this. He said, "Over a half century ago while I was still a child, I recall a number of older people offered the following explanation for the great disasters that had befallen Russia." Then he quotes, "Men have forgotten God. That is why all of this has happened." That is what he found many people in Russia saying. Marx and Lenin had dismantled Russia's religious heritage, values had fallen, Russia's foundation was broken, and eventually it collapsed like a house of cards with nothing to sustain it.

So if you look at these three nations, which I just picked out randomly, there are really some common themes of historical collapse. Number one, citizens are less willing to sacrifice for other people and for their country; number two, citizens become more self-absorbed, they have a greater desire for the state to take care of them; number three, a weakening of commonly held values; and number four, the decline of spiritual commitment.

I think there are some warnings here, some things we might think about, some things that may be applicable to our country and to this body here.

We currently have the most powerful military, the strongest economy, the most stable government of any nation in the world, and so it is easy at times to think that we are invincible, that this will go on forever. But as Tony Blair stated, "As Britain knows, all predominant power for a time seems invincible, but in fact it is transient."

I think it is our job here in this body and in this country to see to it that it doesn't become transient, at least not real soon; that we are able to preserve the integrity and identity of our country that has been so important.

In over 36 years of coaching, I witnessed firsthand some trends that were concerning to me. I noticed over that 36 years that the young men who came into the program became, over time, more troubled. They were people who showed more stress. They had less moral clarity as time passed.

When I started coaching in 1962, I think most of the players I dealt with knew that it was wrong to tell a lie. They knew that stealing something was wrong; it was just something that was a given. And yet, as time goes on, we ran into something called postmodernism, the idea that everything is relative, there are no moral absolutes. As a result, if you can get away with something, it may be okay.

That has become a rather pervasive theme in our country and particularly in our institutions of higher education, the idea of postmodernism. As a result, I saw young men who were a little more troubled, a little less stable, and I think there are really two major factors behind this.

First of all, family stability has certainly eroded. I saw that because when I first recruited players and went into their homes in the 1960s and the early 1970s, it was rather rare to see a young person who did not have both parents, and if you saw somebody with only one parent, it was usually because one parent or the other was deceased. But as time went on and as I wrapped up my coaching career in the late 1990s, roughly one-half of the young people that we were dealing with had grown up without both biological parents. One parent or other had simply taken off, a divorce or something had occurred; so that certainly left some tremendous scars.

In 1960, the out-of-wedlock birthrate was 5 percent. Today, it is around 36 percent. About one out of every three children is born outside of marriage. Less than a quarter of families with children under the age of 6 have a parent staying home with them full-time. One-third of all school-age children come home to an empty house for at least part of the week, and the hours between 3 and 6 p.m., of course, are the greatest hours of risk for young children.

Then, the last thing I will mention here, 24 million children in the United States live without their real father. So being fatherless is a huge problem in our country today, and those young people who are fatherless are two to three more times likely to be abused, have emotional behavior problems, abuse drugs and alcohol, commit a crime and so on.

There is a greeting card company that went to a prison on Mother's Day and offered to give free greeting cards to every inmate who would want one to send to his mother. They had almost 100 percent participation. Almost every inmate of that prison decided that they wanted to send a Mother's Day card to their mother.

They had so much success, the greeting card company came back on Father's Day and they made the same offer. They had practically zero participation.

You say, well, what in the world happened here? The thing was that the great majority, almost all of the men in that prison, did not have a father. Their father had simply abandoned them, probably early in life, and as a result they were not interested at all in sending them a card.

Certainly the family structure has changed in our country, and I think we have to pay attention to that. We have to buttress it as much as we can. We can't legislate a lot of these things, but we can certainly attempt to do something about it.

The second thing that I will address, and this will be the last thing I will talk about, is the fact that the environment that our young people are now growing up in has certainly changed as well. The family, the launching pad, has changed, has become less stable, and the environment into which we are thrusting our young people has certainly become more difficult, has become more challenging, has become more dangerous, and, as a result, we have seen some major changes.

One thing that I was very proud to see this House address yesterday was the matter of underage drinking. This has become a huge problem in our Nation, and we did pass the STOP bill yesterday. I don't know if we will get if done in the Senate or not. I hope we will. It simply made an attempt to do something about the ravages of underage drinking. I will just present a few interesting details regarding underage drinking.

A recent National Academy of Sciences study showed that alcohol kills six-and-a-half times more children than all other drugs combined. So if you look at cocaine, if you look at heroin, marijuana and on and on, and you combine all of those, alcohol kills six-and-a-half times more children, more than 4,000 a year, which is a huge number. It costs the United States $53 billion annually. There are currently 3 million teenage alcoholics. So it is by far the biggest drug problem we have.

The average age for the first drink of a young person who decides to use alcohol before age 21 is 12.8 years of age. When you start using alcohol that young, that early in your life, it makes a huge difference because of your psychological and your physiological immaturity. A young person who starts drinking before age 15 is five times more likely to become an alcoholic than one who waits until they are 21 years of age.

Anyway, this body has done something about this, not probably enough, but at least it is a good start, and I was proud to see that happen yesterday.

Another drug that is particularly pernicious and is spreading like wildfire across the country is methamphetamine. Many places will find that the rates of use of heroin and cocaine are going down rather dramatically, and the reason for that is methamphetamine is moving in.

Methamphetamine is cheaper and methamphetamine is much more addictive, so it is sweeping across the country. It started in California and has slowly moved across, and now there is a pocket up in the northeastern part of the country where we don't see much of it, but through the Midwest, through the South, through most of the rest of the country, it has become pretty much a tidal wave. So we have been very concerned about this.

We find that in Nebraska roughly 22,000 people, according to a recent report, are addicted in a State of only 1.7 million. The average meth addict will cost society about $50,000 a year, so in Nebraska it is about a $1 billion a year problem, and nationally it is huge. It is eating up a huge amount of our money at the present time.

So we did again make some attempt to address that here, the Combat Meth Act was important, and I think maybe the most important part of that bill was that we did something to try to regulate sudafedrine, which absolutely is necessary in order to produce methamphetamine.

There are only about six or seven countries in the world that produce sudafedrine, and so what we did in that bill was, we said those countries that produce sudafedrine and ship it to other countries will need to give the United States invoices of where those shipments of sudafedrine are going, which enables us then to track the sudafedrine to the "superlabs," which are mostly in Mexico; and we think that is the most helpful way we have of getting at some of those superlabs that are shipping about 80 to 90 percent of the methamphetamine into the United States.

These are some things that have been done.

Of course, we realize that we have a huge problem with pornography and some of video games that are affecting our young people and so on. I will not try to outline all of these, but I just want to mention the fact that I believe that it is important that we, as a body, as a Congress, pay attention to what is going on with our young people, because if we don't, if we fail to address those issues, it is a little bit like a football team ignoring something that eventually will catch up with you.

As Tony Blair mentioned, "The long-term well-being of a nation is served well only when you pay attention to the next generation."

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And we have a lot of warning signs out there that we are beginning to slip, that we have not paid adequate attention, that the next generation coming up may not be able to carry the ball, so to speak. So I hope that that will be a major concern and a major thrust in this body as we move forward.

It has been a pleasure for me to be here for the last 6 years. A lot of great friends, both sides of the aisle. It has been very challenging at times, and I see great potential. I do hope that we will pull together and hope that we will serve the Nation as best we can as time moves forward.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CHANDLER (at the request of Ms. PELOSI) for today on account of official business.

Mr. TANNER (at the request of Ms. PELOSI) for today on account of official business.

Mr. KUHL of New York (at the request of Mr. BOEHNER) for today on account of personal business.

Mr. HEFLEY (at the request of Mr. BOEHNER) for the week of November 13 on account of attending the NATO Parliamentary Assembly in Quebec.

Mr. GILLMOR (at the request of Mr. BOEHNER) for the week of November 13 on account of attending the NATO Parliamentary Assembly in Quebec.

Mr. BOOZMAN (at the request of Mr. BOEHNER) for the week of November 13 on account of attending the NATO Parliamentary Assembly in Quebec.

Mr. TANCREDO (at the request of Mr. BOEHNER) for the week of November 13 on account of attending the NATO Parliamentary Assembly in Quebec.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.
Ms. MCCARTHY, for 5 minutes, today.
Mr. EMANUEL, for 5 minutes, today.
Ms. KAPTUR, for 5 minutes, today.
Ms. WOOLSEY, for 5 minutes, today.
Mr. SCHIFF, for 5 minutes, today.
Mr. CARDOZA, for 5 minutes, today.
Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, today.

Ms. SEKULA GIBBS, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, today.

Mr. BUYER, for 5 minutes, today.

Mr. NUSSLE, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. OWENS, for 5 minutes, today.

ENROLLED BILLS SIGNED

Mrs. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 409. An act to provide for the exchange of land within the Sierra National Forest, California, and for other purposes.

H.R. 860. An act to provide for the conveyance of the reversionary interest of the United States in certain lands to the Clint Independent School District, El Paso County, Texas.

H.R. 1129. An act to authorize the exchange of certain land in the State of Colorado.

H.R. 3085. An act to amend the National Trails System Act to update the feasibility and suitability study originally prepared for the Trail of Tears National Historic Trail and provide for the inclusion of new trail segments, land components, and campgrounds associated with that trail, and for other purposes.

H.R. 5842. An act to compromise and settle all claims in the case of Pueblo of Isleta v. United States, to restore, improve, and develop the valuable on-reservation land and natural resources of the Pueblo, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 435. An act to amend the Wild and Scenic Rivers Act to designate a segment of the Farmington River and Salmon Brook in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes.

S. 819. An act to authorize the Secretary of the Interior to reallocate costs of the Pactola Dam and Reservoir, South Dakota, to reflect increased demands for municipal, industrial, and fish and wildlife purposes.

S. 1131. An act to authorize the exchange of certain Federal land within the State of Idaho, and for other purposes.

S. 1140. An act to designate the State Route 1 Bridge in the State of Delaware as the "Senator William V. Roth, Jr. Bridge".

S. 3880. An act to provide the Department of Justice the necessary authority to apprehend, prosecute, and convict individuals committing animal enterprise terror.

ADJOURNMENT

Mr. OSBORNE. Mr. Speaker, pursuant to the order of the House of today, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Accordingly, pursuant to the previous order of the House of today, the House stands adjourned until 1:30 p.m. on Friday, November 17, 2006, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 496, in which case the House shall stand adjourned pursuant to that concurrent resolution.

Thereupon (at 1 o'clock and 16 minutes p.m.), pursuant to the previous order of the House of today, the House adjourned until 1:30 p.m. on Friday, November 17, 2006, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 496, in which case the House shall stand adjourned pursuant to that concurrent resolution.

[The Foreign Travel Report will be printed in a future edition of House proceedings.]

OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Neil Abercrombie, Gary L. Ackerman, Robert B. Aderholt, W. Todd Akin, Rodney Alexander, Thomas H. Allen, Robert E. Andrews, Joe Baca, Spencer Bachus, Brian Baird, Richard H. Baker, Tammy Baldwin, J. Gresham Barrett, John Barrow, Roscoe G. Bartlett, Joe Barton, Charles F. Bass, Melissa L. Bean, Bob Beauprez, Xavier Becerra, Shelley Berkley, Howard L. Berman, Marion Berry, Judy Biggert, Brian P. Bilbray, Michael Bilirakis, Rob Bishop, Sanford D. Bishop, Jr., Timothy H. Bishop, Marsha Blackburn, Earl Blumenauer, Roy Blunt, Sherwood Boehlert, John A. Boehner, Henry Bonilla, Jo Bonner, Mary Bono, John Boozman, Madeleine Z. Bordallo, Dan Boren, Leonard L. Boswell, Rick Boucher, Charles W. Boustany, Jr., Allen Boyd, Jeb Bradley, Kevin Brady, Robert A. Brady, Corrine Brown, Sherrod Brown, Henry E. Brown, Jr., Ginny Brown-Waite, Michael C. Burgess, Dan Burton, G.K. Butterfield, Steve Buyer, Ken Calvert, Dave Camp, John Campbell, Chris Cannon, Eric Cantor, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Benjamin L. Cardin, Dennis A. Cardoza, Russ Carnahan, Julia Carson, John R. Carter, Ed Case, Michael N. Castle, Steve Chabot, Ben Chandler, Chris Chocola, Donna M. Christensen, Wm. Lacy Clay, Emanuel Cleaver, James E. Clyburn, Howard Coble, Tom Cole, K. Michael Conaway, John Conyers, Jr., Jim Cooper, Jim Costa, Jerry F. Costello, Christopher Cox, Robert E. (Bud) Cramer, Jr., Ander Crenshaw, Joseph Crowley, Barbara Cubin, Henry Cuellar, John Abney Culberson, Elijah E. Cummings, Randy "Duke" Cunningham, Artur Davis, Geoff Davis, Jim Davis, Jo Ann Davis, Lincoln Davis, Tom Davis, Susan A. Davis, Danny K. Davis, Nathan Deal, Peter A. DeFazio, Diana DeGette, William D. Delahunt, Rosa L. DeLauro, Tom DeLay, Charles W. Dent, Lincoln Diaz-Balart, Mario Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, John T. Doolittle, Michael F. Doyle, Thelma D. Drake, David Dreier, John J. Duncan, Jr., Chet Edwards, Vernon J. Ehlers, Rahm Emanuel, Jo Ann Emerson, Eliot L. Engel, Phil English, Anna G. Eshoo, Bob Etheridge, Lane Evans, Terry Everett, Eni F. H. Faleomavaega, Sam Farr, Chaka Fattah, Tom Feeney, Mike Ferguson, Bob Filner, Michael G. Fitzpatrick, Jeff

Flake, Mark Foley, J. Randy Forbes, Harold E. Ford, Jr., Jeff Fortenberry, Luis G. Fortuno, Vito Fossella, Virginia Foxx, Barney Frank, Trent Franks, Rodney P. Frelinghuysen, Elton Gallegly, Scott Garrett, Jim Gerlach, Jim Gibbons, Wayne T. Gilchrest, Paul E. Gillmor, Phil Gingrey, Louie Gohmert, Charles A. Gonzalez, Virgil H. Goode, Jr., Bob Goodlatte, Bart Gordon, Kay Granger, Sam Graves, Al Green, Gene Green, Mark Green, Raul M. Grijalva, Luis V. Gutierrez, Gil Gutknecht, Ralph M. Hall, Jane Harman, Katherine Harris, Melissa A. Hart, J. Dennis Hastert, Doc Hastings, Alcee L. Hastings, Robin Hayes, J. D. Hayworth, Joel Hefley, Jeb Hensarling, Wally Herger, Stephanie Herseth, Brian Higgins, Maurice D. Hinchey, Ruben Hinojosa, David L. Hobson, Peter Hoekstra, Tim Holden, Rush D. Holt, Michael M. Honda, Darlene Hooley, John N. Hostettler, Steny H. Hoyer, Kenny C. Hulshof, Duncan Hunter, Henry J. Hyde, Bob Inglis, Jay Inslee, Steve Israel, Darrell E. Issa, Ernest J. Istook, Jr., Jesse L. Jackson, Jr., Sheila Jackson-Lee, William J. Jefferson, William L. Jenkins, Bobby Jindal, Sam Johnson, Eddie Bernice Johnson, Nancy L. Johnson, Timothy V. Johnson, Walter B. Jones, Stephanie Tubbs Jones, Paul E. Kanjorski, Marcy Kaptur, Ric Keller, Sue W. Kelly, Patrick J. Kennedy, Mark R. Kennedy, Dale E. Kildee, Carolyn C. Kilpatrick, Ron Kind, Steve King, Peter T. King, Jack Kingston, Mark Steven Kirk, John Kline, Joe Knollenberg, Jim Kolbe, John R. "Randy" Kuhl, Jr., Ray LaHood, James R. Langevin, Tom Lantos, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, James A. Leach, Barbara Lee, Sander M. Levin, Jerry Lewis, John Lewis, Ron Lewis, John Linder, Daniel Lipinski, Frank A. LoBiondo, Zoe Lofgren, Nita M. Lowey, Frank D. Lucas, Daniel E. Lungren, Stephen F. Lynch, Connie Mack, Carolyn B. Maloney, Donald A. Manzullo, Kenny Marchant, Edward J. Markey, Jim Marshall, Jim Matheson, Doris O. Matsui, Carolyn McCarthy, Michael T. McCaul, Betty McCollum, Thaddeus G. McCotter, Jim McCrery, James P. McGovern, Patrick T. McHenry, John M. McHugh, Mike McIntyre, Howard P. "Buck" McKeon, Cynthia McKinney, Cathy McMorris, Michael R. McNulty, Martin T. Meehan, Kendrick B. Meek, Gregory W. Meeks, Charlie Melancon, Robert Mehendez, John L. Mica, Michael H. Michaud, Juanita Millender-McDonald, Brad Miller, Jeff Miller, Gary G. Miller, Candice S. Miller, Alan B. Mollohan, Dennis Moore, Gwen Moore, Jerry Moran, James P. Moran, Tim Murphy, John P. Murtha, Marilyn N. Musgrave, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, Randy Neugebauer, Robert W. Ney, Anne M. Northup, Eleanor Holmes Norton, Charlie Norwood, Devin Nunes, Jim Nussle, James L. Oberstar, David R. Obey, John W. Olver, Solomon P. Ortiz, Tom Osborne, C. L. "Butch" Otter, Major R. Owens, Michael G. Oxley, Frank Pallone, Jr., Bill Pascrell, Jr., Ed Pastor, Ron Paul, Donald M. Payne, Stevan Pearce, Nancy Pelosi, Mike Pence, Collin C. Peterson, John E. Peterson, Thomas E. Petri, Charles W. "Chip" Pickering, Joseph R. Pitts, Todd Russell Platts, Ted Poe, Richard W. Pombo, Earl Pomeroy, Jon C. Porter, Rob Portman, Tom Price, David E. Price, Deborah Pryce, Adam H. Putnam, George Radanovich, Nick J. Rahall, II, Jim Ramstad, Charles B. Rangel, Ralph Regula, Dennis R. Rehberg, David G. Reichert, Rick Renzi, Silvestre Reyes, Thomas M. Reynolds, Harold Rogers, Mike Rogers, Mike Rogers, Dana Rohrabacher, Ileana Ros-Lehtinen, Mike Ross, Steven R. Rothman, Lucille Roybal-Allard, Edward R. Royce, C. A. Dutch Ruppersberger, Bobby L. Rush, Paul Ryan, Tim Ryan, Jim Ryun, Martin Olav Sabo, John T. Salazar, Loretta Sanchez, Linda T. Sanchez, Bernard Sanders, Jim Saxton, Janice D. Schakowsky, Adam B. Schiff, Jean Schmidt, Allyson Y. Schwartz, John J. H. "Joe" Schwarz, David Scott, Robert C. Scott, Shelley Sekula Gibbs, F. James Sensenbrenner, Jr., Jose E. Serrano, Pete Sessions, John B. Shadegg, E. Clay Shaw, Jr., Christopher Shays, Brad Sherman, Don Sherwood, John Shimkus, Bill Shuster, Rob Simmons, Michael K. Simpson, Albio Sires, Ike Skelton, Louise McIntosh Slaughter, Adam Smith, Christopher H. Smith, Lamar S. Smith, Vic Snyder, Michael E. Sodrel, Hilda L. Solis, Mark E. Souder, John M. Spratt, Jr., Cliff Stearns, Ted Strickland, Bart Stupak, John Sullivan, John E. Sweeney, Thomas G. Tancredo, John S. Tanner, Ellen O. Tauscher, Gene Taylor, Charles H. Taylor, Lee Terry, William M. Thomas, Mike Thompson, Bennie G. Thompson, Mac Thornberry, Todd Tiahrt, Patrick J. Tiberi, John F. Tierney, Edolphus Towns, Michael R. Turner, Mark Udall, Tom Udall, Fred Upton, Chris Van Hollen, Nydia M. Velazquez, Peter J. Visclosky, Greg Walden, James T. Walsh, Zach Wamp, Debbie Wasserman Schultz, Maxine Waters, Diane E. Watson, Melvin L. Watt, Henry A. Waxman, Anthony D. Weiner, Curt Weldon, Dave Weldon, Jerry Weller, Lynn A. Westmoreland, Robert Wexler, Ed Whitfield, Roger F. Wicker, Heather Wilson, Joe Wilson, Frank R. Wolf, Lynn C. Woolsey, David Wu, Albert Russell Wynn, Don Young, C. W. Bill Young.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10014. A letter from the Secretary, Department of Energy, transmitting the Department's Annual Report on Federal Government Energy Management and Conservation Programs during Fiscal Year 2005, pursuant to 42 U.S.C. 6361(c); to the Committee on Energy and Commerce.

10015. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's FY 2005 annual financial report to Congress required by the Prescription Drug User Fee Act of 1992 (PDUFA), pursuant to 21 U.S.C. 379g note; to the Committee on Energy and Commerce.

10016. A letter from the Acting Assistant Secretary for Communications and Information, Department of Commerce, transmitting the Department's report on the activites to improve coordination and communication with respect to the implementation of E-911 services, pursuant to Public Law 108-494, section 104; to the Committee on Energy and Commerce.

10017. A letter from the Director, Office of Civilian Radioactive Waste Management, Department of Energy, transmitting a letter concerning the annual report on the activities and expenditures of the Office of Civilian Radioactive Waste Management, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Energy and Commerce.

10018. A letter from the Secretary, Department of Health and Human Services, transmitting the FY 2005 financial report for the Animal Drug User Fee Act (ADUFA), enacted on November 18, 2003 (Pub. L. 108-199); to the Committee on Energy and Commerce.

10019. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report on the Developmental Disabilities Programs for Fiscal Years 2003-2004, pursuant to Public Law 99-319, section 105(a)(7); to the Committee on Energy and Commerce.

10020. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting a copy of the Agency's report entitled, "Environmental Health and Safety in the Arts: A Guide for K-12 Schools, Colleges and Artisans"; to the Committee on Energy and Commerce.

10021. A letter from the Administrator, Environmental Protection Agency, transmitting the FY 2005 Superfund Five-Year Review Report to Congress, in accordance with the requirements in Section 121(c) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended by the Superfund Amendments and Reauthorization Act of 1986; to the Committee on Energy and Commerce.

10022. A letter from the Managing Director, Federal Communications Commission, transmitting a report on Auction Expenditures for FY 2005, pursuant to the Balanced Budget Act of 1997, as codified in Section 309(j)(8)(B) of the Communications Act of 1934, as amended; to the Committee on Energy and Commerce.

10023. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 21-06 informing of an intent to sign the Joint Strike Fighter Production, Sustainment, and Follow-on Development Memorandum of Understanding between Australia, Canada, Denmark, Italy, the Netherlands, Norway, Turkey, the United Kingdom of Great Britain and Northern Ireland, and the United States, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

10024. A letter from the Secretary, Department of the Treasury, transmitting as required by Executive Order 13313 of July 31, 2003, a 6-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979, pursuant to 50 U.S.C. 1703(c); to the Committee on International Relations.

10025. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification for FY 2006 that no United Nations organization or United Nations affiliated agency grants and official status, accreditation, or recognition to any organization which promotes, condones, or seeks the legalization of pedophilia, or which includes as a subsidiary or member any such organization, pursuant to Public Law 103-236, section 565(b) (108 Stat. 845); to the Committee on International Relations.

10026. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting pursuant to Section 62(a) of the Arms Export Control Act (AECA), notification concerning the Department of the Air Force's proposed lease of defense articles to the Government of Greece (Transmittal No. 09-06); to the Committee on International Relations.

10027. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting Notification of the intention to excercise the authority under Section 552(c)(2) of the Foreign Assistance Act of 1961, to authorize the drawdown of Department of Defense services for Indonesia in support of the United Nations peacekeeping operations in Lebanon; to the Committee on International Relations.

10028. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report covering current military, diplomatic, political, and economic measures that are being or have been undertaken to complete out mission in Iraq successfully, pursuant to Public Law 109-163, section 1227; to the Committee on International Relations.

10029. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting Notification of the intention to waive the prohibition on the use of FY 2006 Economic Support Funds provided with respect to Bolivia, Costa Rica, Cyprus, Ecuador, Kenya, Mali, Mexico, Namibia, Niger, Paraguay, Samoa, South Africa, and Tanzania, pursuant to Public Law 109-102, section 574(b); to the Committee on International Relations.

10030. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2006-27, Waiving Prohibition on United States Military Assistance with Respect to Barbados, Bolivia, Brazil, Costa Rica, Croatia, Equador, Kenya, Mali, Malta, Mexico, Namibia, Niger, Paraguay, Peru, Samoa, Serbia, South Africa, St. Vincent & the Grenadines, Tanzania, Trinidad & Tobago, and Uruguay, pursuant to Public Law 107-206, section 2007; to the Committee on International Relations.

10031. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the 2005 Annual Report on the United States Participation in the United Nations, pursuant to Public Law 79-264, section 4(a); to the Committee on International Relations.

10032. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the quarterly report of obligations and outlays of FY 2004, FY 2005 and FY 2006 funds under the Emergency Plan for AIDS Relief through March 31, 2006 pursuant to Division D, Pub. L. 108-199; to the Committee on International Relations.

10033. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Pub. L. 107-243), the Authorization for the Use of Force Against Iraq Resolution (Pub. L. 102-1), and in order to keep the Congress fully informed, a report prepared by the Department of State for the August 15, 2006 — October 15, 2006 reporting period including matters relating to post-liberation Iraq under Section 7 of the Iraq Liberation Act of 1998 (Pub. L. 105-338); to the Committee on International Relations.

10034. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report concerning methods employed by the Government of Cuba to comply with the United States-Cuba September 1994 "Joint Communique" and the treatment by the Government of Cuba of persons returned to Cuba in accordance with the United States-Cuba May 1995 "Joint Statement," together known as the Migration Accords, pursuant to Public Law 105-277, section 2245; to the Committee on International Relations.

10035. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997, as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003; to the Committee on International Relations.

10036. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to significant narcotics traffickers centered in Colombia that was declared in Executive Order 12978 of October 21, 1995; to the Committee on International Relations.

10037. A communication from the President of the United States, transmitting certification that the export to the People's Republic of China of the specified items is not detrimental to the United States space launch industry, and that the material and equipment, including any indirect technical benefit that could be derived from such exports, will not measurably improve the missile or space launch capabilities of the People's Republic of China, pursuant to Public Law 105-261, section 1512; (H. Doc. No. 109-151); to the Committee on International Relations and ordered to be printed.

10038. A communication from the President of the United States, transmitting certification that the export to the People's Republic of China of the specified items is not detrimental to the United States space launch industry, and that the material and equipment, including any indirect technical benefit that could be derived from such exports, will not measurably improve the missile or space launch capabilities of the People's Republic of China, pursuant to Public Law 105-261, section 1512; (H. Doc. No. 109-152); to the Committee on International Relations and ordered to be printed.

10039. A letter from the Secretary, Commission of Fine Arts, transmitting the Commission's Strategic Plan for FY 2006 through 2011; to the Committee on Government Reform.

10040. A letter from the Associate Director for Human Resources, Court Services and Offender Supervision Agency for the District of Columbia, transmitting the D.C. Pretrial Services Agency's report on the use of the Category Rating System for the period October 2004 through September 2005 and October 2005 through September 2006, pursuant to 5 U.S.C. 3319(d); to the Committee on Government Reform.

10041. A letter from the Assistant Secretary for Administration and Management, Competitive Sourcing Official, Department of Labor, transmitting pursuant to the provisions of the Federal Activities Inventory Reform (FAIR) Act of 1998 (Pub. L. 105-270), the Department's Inventory of Inherently Governmental Activities and Inventory of Commercial Activities for 2005; to the Committee on Government Reform.

10042. A letter from the Secretary, Department of Transportation, transmitting the Department's Strategic Plan for Fiscal Years 2006 through 2011; to the Committee on Government Reform.

10043. A letter from the Chair, Equal Employment Opportunity Commission, transmitting the Commission's Strategic Plan for Fiscal Years 2007 through 2012, pursuant to Public Law 103-62; to the Committee on Government Reform.

10044. A letter from the Chairman, Federal Housing Finance Board, transmitting pursuant to the requirements of Sections 3 and 4 of the Government Performance and Results Act of 1993 and Part 6 of Circular A-11 of the United States Office of Management and Budget, the Board's strategic plan for FY 2007 through 2012 and its Annual Performance Budget for fiscal year 2007; to the Committee on Government Reform.

10045. A letter from the Chairman, Holocaust Memorial Museum, transmitting the Museum's FY 2006 Report on Audit and Investigative Activities in accordance with the Inspector General Act of 1978; to the Committee on Government Reform.

10046. A letter from the Chairman, International Trade Commission, transmitting the sixth edition of the United States International Trade Commission's Strategic Plan, which covers the period from fiscal year 2006 through fiscal year 2011, pursuant to Public Law 103-62; to the Committee on Government Reform.

10047. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's report entitled, "Reforming Federal Hiring: Beyond Faster and Cheaper," pursuant to 5 U.S.C. 1204(a)(3); to the Committee on Government Reform.

10048. A letter from the Chairman, National Endowment for the Humanities, transmitting the Endowment's Strategic Plans for Fiscal Years 2007 through 2012, as required by the Government Performance and Results Act of 1993; to the Committee on Government Reform.

10049. A letter from the Director, National Gallery of Art, transmitting an FY 2006 annual report on audit and investigative coverage required by the Inspector General Act of 1978, as amended, and the Federal Managers' Financial Integrity Act, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

10050. A letter from the Inspector General, Nuclear Regulatory Commission, transmitting a copy of the FY 2006 Commercial and Inherently Governmental Activities Inventories for the Commission as required by the Federal Activities Inventory Reform Act of 1998 and guidance issued by the Office of Management and Budget; to the Committee on Government Reform.

10051. A letter from the Director, Office of Management and Budget, transmitting a report entitled "Statistical Programs of the United States Government: Fiscal Year 2007," pursuant to 44 U.S.C. 3504(e)(2); to the Committee on Government Reform.

10052. A letter from the Executive Director, Office of Navajo and Hopi Indian Relocation, transmitting the FY 2006 annual report under the Federal Managers' Fiscal Integrity Act (FMFIA) of 1982, and the Inspector General Act of 1988; to the Committee on Government Reform.

10053. A letter from the Director, Office of Personnel Management, transmitting a legislative proposal entitled, "To make improvements to the Civil Service Retirement System and the Federal Employees' Retirement System, and for other purposes"; to the Committee on Government Reform.

10054. A letter from the Office of the District of Columbia Auditor, transmitting a copy of the report entitled, "Audit of Advisory Neighborhood Commission 4C for Fiscal Years 2004 through 2006, as of March 31, 2006"; to the Committee on Government Reform.

10055. A letter from the Assistant Attorney General, Department of Justice, transmitting the 2005 annual report on the activities and operations of the Public Integrity Section, Criminal Division, pursuant to 28 U.S.C. 529; to the Committee on the Judiciary.

10056. A letter from the Director, Administrative Office of the United States Courts, transmitting the Conference's opposition to H.R. 5219, "the Judicial Transparency and Ethics Enhancement Act of 2006"; to the Committee on the Judiciary.

10057. A letter from the Director, Administrative Office of the United States Courts, transmitting a report on compliance within the time limitations established for deciding habeas corpus death penalty petitions under Title I of the Antiterrorism and Effective Death Penalty Act of 1996, pursuant to 28 U.S.C. 2266(b) and (c); to the Committee on the Judiciary.

10058. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Illinois Advisory Committee; to the Committee on the Judiciary.

10059. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Georgia advisory committee; to the Committee on the Judiciary.

10060. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Utah Advisory Committee; to the Committee on the Judiciary.

10061. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting a copy of drafte legislation to amend the federal crime restitution statutes to allow victims of identity theft to recover for the value of the time they spend attempting to remediate the harm caused by a criminal defendent; to the Committee on the Judiciary.

10062. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting the Department's report describing the organization and resources of the Department with respect to privacy and related information managment functions, pursuant to Public Law 109-162, section 1174; to the Committee on the Judiciary.

10063. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's report to Congress for 2004 on Safe Havens: Supervised Visitation and Safe Exchange Services and Programs, pursuant to 42 U.S.C. 10420(d); to the Committee on the Judiciary.

10064. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting As required by Section 417(b) of the USA Patriot Act of 2001 (Public Law 107-56), the annual report on the status of the implementation of machine-readable passports (MRPs) in countries participating in the Visa Waiver Program (VWP; to the Committee on the Judiciary.

10065. A letter from the Staff Director, United States Sentancing Commission, transmitting a technical correction in Amendment 10 of the document entitled, "Amendments to the Sentancing Guidelines"; to the Committeeon the Judiciary.

10066. A letter from the Assistant Secretary for Civil Works, Department of the Army, transmitting the Department's eighth report of projects, or separable elements of projects, which have been authorized, but for which no funds have been obligated for planning, design or construction during the preceding seven full fiscal years, pursuant to 33 U.S.C. 579a; to the Committee on Transportation and Infrastructure.

10067. A letter from the Acting Secretary, Department of Transportation, transmitting the National Plan of Integrated Airport Systems (NPIAS), 2007-2011, pursuant to 49 U.S.C. app. 2203(b)(1); to the Committee on Transportation and Infrastructure.

10068. A letter from the Acting Secretary, Department of Transportation, transmitting the Department's report on the Tribal-State Road Maintenance Agreements, pursuant to Public Law 109-59, section 1119(k); to the Committee on Transportation and Infrastructure.

10069. A letter from the Secretary, Department of Transportation, transmitting the Department's summary and detailed breakdown of the disability-related complaints that U.S. and foreign passenger carriers operating to and from the U.S. received during the 2005 calendar year, pursuant to section 707 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century; to the Committee on Transportation and Infrastructure.

10070. A letter from the Administrator, FAA, Department of Transportation, transmitting notification of compliance with FAA safety standards and fulfillment of the requirement of Section 7 of the Wright Amendment Reform Act of 2006, pursuant to 49 U.S.C. 40101; to the Committee on Transportation and Infrastructure.

10071. A letter from the Assistant Secretary for Civil Works, Department of the Army, transmitting the Department's report on the Mississippi River Headwaters Reservoirs, pursuant to Public Law 100-676, section 21; to the Committee on Transportation and Infrastructure.

10072. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "Impact of Increased Financial Assistance to Medicare Advantage Plans"; jointly to the Committees on Energy and Commerce and Ways and Means.

10073. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2007-2, pursuant to Section 534(d) of the Foreign Operations, Export Financing and Related Program Appropriations Act of 2006, Pub. L. 109-102; jointly to the Committees on International Relations and Appropriations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. PALLONE (for himself, Mr. FRANK of Massachusetts, and Mr. FRELINGHUYSEN):

H.R. 6325. A bill to provide a new effective date for the applicability of certain provisions of law to Public Law 105-331; to the Committee on Financial Services. considered and passed.

By Mr. TIBERI:

H.R. 6326. A bill to clarify the provision of nutrition services to older Americans; to the Committee on Education and the Workforce. considered and passed.

By Ms. ZOE LOFGREN of California (for herself and Ms. ESHOO):

H.R. 6327. A bill to make certain management reforms to the Free File program of the Internal Revenue Service; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey (for himself and Mr. LEWIS of Georgia):

H.R. 6328. A bill to establish a congressional Commission on the Abolition of Modern-Day Slavery; to the Committee on International Relations, and in addition to the Committees on the Judiciary, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CARSON (for herself, Mr. KENNEDY of Rhode Island, Mr. CONYERS, Mr. RUSH, Mr. NADLER, Mr. CLEAVER, Ms. JACKSON-LEE of Texas, Mr. OWENS, Mr. WYNN, and Mr. JEFFERSON):

H.R. 6329. A bill to ensure prompt access to supplemental security income, Social Security disability, and Medicaid benefits for persons released from certain public institutions; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CUBIN:

H.R. 6330. A bill to designate the facility of the United States Postal Service located at 152 North 5th Street in Laramie, Wyoming, as the "Gale W. McGee Post Office"; to the Committee on Government Reform.

By Mr. EVERETT (for himself, Mr. BONNER, and Mr. ROGERS of Alabama):

H.R. 6331. A bill to amend the environmental quality incentives program of the Department of Agriculture to authorize the Secretary of Agriculture to provide assistance to active agricultural producers for the construction of reservoirs as part of their agricultural operations for the storage of water, and for other purposes; to the Committee on Agriculture.

By Mr. KOLBE (for himself, Ms. ESHOO, and Ms. ZOE LOFGREN of California):

H.R. 6332. A bill to establish the Sandra Day O'Connor Center on Constitutional Law at Stanford Law School and to establish the William H. Rehnquist Center on Constitutional Structures of Government at the University of Arizona James E. Rogers School of Law; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PEARCE:

H.R. 6333. A bill to authorize the presentation of flags at the funerals of civilian Federal employees engaged in the support of military operations who have died in combat zones in the course of their duties; to the Committee on Government Reform.

By Mr. PETRI (for himself and Ms. MATSUI):

H.R. 6334. A bill to amend the Elementary and Secondary Education Act of 1965 to ensure that participants in the Troops to Teachers program may teach at a range of eligible schools; to the Committee on Education and the Workforce, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK:

H.R. 6335. A bill to prohibit the use of Federal funds for official travel after Election Day of members of Congress who will not serve as members during the next Congress; to the Committee on House Administration.

By Mr. STUPAK:

H.R. 6336. A bill to amend title 4, United States Code, with respect to the flying of the

National flag at half-staff pursuant to the order of a Governor of a State, territory, or possession; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska:

H.R. 6337. A bill to provide equitable treatment for the people of the Village Corporation established for the Native Village of Saxman, Alaska, and for other purposes; to the Committee on Resources.

By Mr. BOEHNER:

H.J. Res. 101. A joint resolution appointing the day for the convening of the first session of the One Hundred Tenth Congress; considered and passed.

By Mr. THOMAS:

H. Con. Res. 495. Concurrent resolution authorizing the printing as a House document of "United States House of Representatives, The Committee on Ways and Means: A History, 1789-2006"; to the Committee on House Administration.

By Mr. BOEHNER:

H. Con. Res. 496. Concurrent resolution providing for an adjournment or recess of the two Houses; considered and agreed to.

By Mr. BOEHNER:

H. Res. 1083. A resolution electing a certain Member to a certain standing committee of the House of Representatives; considered and agreed to.

By Mr. BRADY of Pennsylvania (for himself, Ms. BORDALLO, Mr. FATTAH, Mr. MOORE of Kansas, Mr. JACKSON of Illinois, Mr. GRIJALVA, Mr. BUTTERFIELD, Mr. MEEHAN, Mr. McGOVERN, Mr. DOYLE, Mr. THOMPSON of Mississippi, Mrs. MALONEY, Mr. CAPUANO, Mr. PLATTS, Ms. CARSON, Mr. OWENS, Mr. DENT, Mr. HINCHEY, Mr. SERRANO, Ms. LEE, Mr. ROSS, Mr. NADLER, Mr. MEEKS of New York, Mr. SNYDER, Mr. HIGGINS, Mr. DAVIS of Illinois, Mr. PASCRELL, Ms. NORTON, Mr. BROWN of Ohio, Mr. JEFFERSON, Mr. FILNER, Mr. BARROW, Ms. McCOLLUM of Minnesota, Mr. COSTA, Ms. KILPATRICK of Michigan, Mr. WU, Ms. ESHOO, Ms. WATSON, Mr. KANJORSKI, Mrs. JONES of Ohio, Mr. KUCINICH, Mr. SCOTT of Virginia, Ms. MILLENDER-McDONALD, Mr. LANTOS, Mr. McNULTY, Mr. BERRY, Ms. SCHWARTZ of Pennsylvania, Mr. HOLDEN, Mrs. McCARTHY, Mr. STUPAK, and Mr. ANDREWS):

H. Res. 1084. A resolution to honor the contributions and life of Edward R. Bradley; to the Committee on Government Reform.

By Mr. BUYER:

H. Res. 1085. A resolution honoring the service and accomplishments of Major General Joseph G. Webb, Jr., United States Army; to the Committee on Armed Services.

By Ms. MILLENDER-McDONALD (for herself and Mrs. BONO):

H. Res. 1086. A resolution supporting the goals and ideals of "National Teen Dating Violence Awareness and Prevention Week"; to the Committee on Government Reform.

By Mr. PENCE (for himself, Mr. LANTOS, Ms. BERKLEY, Mr. BERMAN, Mr. BOOZMAN, Mr. BURTON of Indiana, Mr. CHABOT, Mr. CROWLEY, Mr. DELAHUNT, Mr. FALEOMAVAEGA, Mr. FLAKE, Mr. FORTENBERRY, Mr. GALLEGLY, Mr. GREEN of Wisconsin, Ms. HARRIS, Mr. ISSA, Mr. KING of New York, Mr. LEACH, Mr. MACK, Mr. McCAUL of Texas, Ms. McCOLLUM of Minnesota, Mr. McCOTTER, Mr. POE, Mr. ROHRABACHER, Ms. ROS-LEHTINEN, Mr. ROYCE, Mr. SMITH of Washington, Mr. SMITH of New Jersey, Mr. TANCREDO, Ms. WATSON, Mr. WILSON of South Carolina, Mr. EVANS, Mr. KIRK, Mr. LIPINSKI, Mr. MANZULLO, Mr. SHAYS, and Ms. WASSERMAN SCHULTZ):

H. Res. 1087. A resolution designating Room H-139 of the Capitol as the "Henry J. Hyde Room"; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Mr. BRADY of Pennsylvania, Mr. CRENSHAW, Mr. YOUNG of Florida, and Mr. ROGERS of Michigan.

H.R. 215: Ms. HERSETH.

H.R. 450: Mr. CUMMINGS.

H.R. 772: Ms. FOXX.

H.R. 808: Mr. SHUSTER and Mr. EVERETT.

H.R. 964: Mr. MEEHAN.

H.R. 1384: Mr. SWEENEY.

H.R. 1632: Mr. DELAHUNT.

H.R. 2014: Mr. RAHALL.

H.R. 2231: Mrs. SCHMIDT, Mr. WAMP, and Mr. TANNER.

H.R. 2895: Mrs. KELLY.

H.R. 3248: Mr. PAYNE.

H.R. 3307: Mr. ANDREWS.

H.R. 3352: Mr. HAYES.

H.R. 3569: Mr. BOUCHER.

H.R. 3854: Mr. MEEKS of New York.

H.R. 4597: Mr. CAMPBELL of California, Mr. LAHOOD, and Mr. PAYNE.

H.R. 4727: Mr. CLEAVER, Mr. MICHAUD, and Mr. ENGEL.

H.R. 4736: Mr. ANDREWS.

H.R. 4904: Mr. TOWNS.

H.R. 5058: Ms. JACKSON-LEE of Texas.

H.R. 5147: Mr. CLAY.

H.R. 5161: Mrs. NAPOLITANO.

H.R. 5198: Mr. MOORE of Kansas.

H.R. 5363: Mr. HINOJOSA, Mrs. KELLY, and Mr. EVANS.

H.R. 5369: Mr. CARTER and Ms. PRYCE of Ohio.

H.R. 5465: Mrs. NAPOLITANO.

H.R. 5704: Mr. BARTLETT of Maryland.

H.R. 5755: Mr. SIMPSON.

H.R. 5790: Ms. JACKSON-LEE of Texas.

H.R. 5791: Mr. GOODE.

H.R. 5795: Mr. WEXLER and Mr. HONDA.

H.R. 5806: Ms. ZOE LOFGREN of California.

H.R. 5834: Ms. LINDA T. SÁNCHEZ of California, Ms. McCOLLUM of Minnesota, and Mr. SCHWARZ of Michigan.

H.R. 5850: Mr. PAYNE and Mr. BISHOP of New York.

H.R. 5858: Mr. CUMMINGS, Mr. SMITH of Washington, Mr. LEACH, Mr. KUCINICH, and Mr. STARK.

H.R. 5866: Ms. SEKULA GIBBS.

H.R. 5896: Mr. GUTIERREZ.

H.R. 5916: Mr. CUMMINGS and Ms. BERKLEY.

H.R. 6038: Ms. NORTON.

H.R. 6044: Mr. GUTIERREZ.

H.R. 6067: Mr. GEORGE MILLER of California.

H.R. 6093: Mr. SENSENBRENNER.

H.R. 6117: Mr. BERRY, Mr. WYNN, Mr. MARSHALL, and Mr. BACHUS.

H.R. 6118: Mr. BISHOP of Georgia and Mr. RAMSTAD.

H.R. 6130: Mr. BONNER.

H.R. 6132: Mr. GARY G. MILLER of California, Mr. GOHMERT, and Mr. CAMPBELL of California.

H.R. 6175: Mr. TOWNS.

H.R. 6216: Ms. BORDALLO, Mr. MEEHAN, and Mr. BISHOP of Georgia.

H.R. 6283: Mr. GOODE and Mr. TANCREDO.

H.R. 6309: Mr. LEWIS of Georgia, Mr. PAYNE, Mr. CONYERS, Mr. MEEKS of New York, Mr. BRADY of Pennsylvania, Mr. STARK, Ms. CORRINE BROWN of Florida, Mr. CUMMINGS, and Mr. AL GREEN of Texas.

H.R. 6318: Mr. FARR and Mr. McGOVERN.

H. Con. Res. 129: Mr. SAXTON.

H. Con. Res. 388: Ms. ESHOO and Ms. WATSON.

H. Con. Res. 457: Mr. BAIRD.

H. Res. 733: Mr. HOLT, Mr. WEXLER, Mr. ISRAËL, Mr. ENGEL, Mr. LIPINSKI, Mr. MOORE of Kansas, and Mr. MEEHAN.

H. Res. 787: Mr. WAXMAN and Ms. SCHAKOWSKY.

H. Res. 962: Ms. WATSON.

H. Res. 1063: Mr. ROTHMAN.

H. Res. 1080: Mr. WEINER, Mr. FRANK of Massachusetts, and Mr. SHAYS.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 14 by Mr. FILNER on House Resolution 917: Walter B. Jones.

Petition 15 by Mr. DOGGETT on House Resolution 987: Ron Paul and Ted Poe.

SENATE—*Wednesday, November 15, 2006*

The Senate met at 2:15 p.m. and was called to order by the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, the fountain of all wisdom, make us Your servants. Teach us to listen to Your guidance and to be faithful in doing Your bidding. Give us a spirit of kindness so we will properly represent You. Bless us with the peace of knowing we are doing Your will.

Use our lawmakers. Help them to fully understand how to make right choices. Protect them from danger and empower them to never do anything that will bring them shame. Make them wise interpreters of the signs of the times and undergird them with Your enabling might.

We pray in Your powerful name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN E. SUNUNU led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 15, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. SUNUNU thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, we are coming in this afternoon rather than this morning, as we did yesterday, following the elections of the Democratic leadership, and today following the Republican leadership elections. Right away I want to congratulate Senators MCCONNELL, LOTT, KYL, HUTCHISON, CORNYN, and ENSIGN, who will represent our Republican Party in our leadership here in this body.

This afternoon the Senate will conduct a period for morning business. As we speak, we are working on an agreement regarding the U.S.-India nuclear agreement and possible progress on appropriations bills. We finished the MILCON bill yesterday and have other bills sequenced and will be able to address those in short order. We hope to be able to schedule votes for later this afternoon. We also need to act on the short-term continuing resolution which has just arrived from the House. When votes are scheduled, Senators will be notified over the course of the afternoon.

Mr. REID. Mr. President, I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST—S. 3709

Mr. FRIST. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader in consultation with the Democratic leader, the Senate proceed to the immediate consideration of Calendar No. 527, S. 3709, the U.S.-India nuclear bill. I further ask that a manager's amendment to be agreed upon by Senators LUGAR, BIDEN, and FRIST be agreed to as original text for the purpose of further amendment, and that the only other amendments in order be: Ensign regarding inspection, to be considered in closed session; Reed, Levin, Obama, two Dorgan amendments, Feingold, Boxer, Feinstein, Harkin, up to seven Bingaman, Kennedy, and Dodd. I further ask that all amendments except Senator FEINGOLD's be subject to relevant second degrees and that all be related to the subject matter of the bill.

I further ask that once the bill as amended has been read a third time, the Senate then proceed to the consideration of H.R. 5682, the House-passed companion, that all after the enacting clause be stricken and the text of S. 3709 as amended be inserted in lieu thereof, and that the Senate then proceed to a vote on passage of H.R. 5682 as amended with no intervening action or debate. I further ask that following passage of the bill, the Senate insist upon its amendment and request a conference with the House, the Chair be authorized to appoint conferees, and S. 3709 be returned to the calendar.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. FRIST. Mr. President, this is the unanimous consent about how we will handle the U.S.-India nuclear cooperation bill. We are currently in discussion with a number of other agreements that we are attempting to reach in order to plan out activity both today and tomorrow and possibly Friday. With that, we expect to complete our business this week and then following that we will be out until December 4, or that week of December 4. As we look ahead, because we have a number of issues to address, we will be keeping our colleagues notified on both sides of the aisle. There are a number of issues the Democratic leader and I have outlined that we would like to do before we leave in December.

RECOGNITION OF THE DEMOCRATIC LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

Mr. REID. Mr. President, there are a number of amendments that need to be debated. I would hope Senators understand, it is as if it is Friday afternoon at 2:30 and there are 18 or so amendments on here and they have to come and start debating them. We are going to finish this bill before we leave. That is what the majority leader said. I will cooperate with him in any way I can. This is legislation we have been waiting on for a long time. I hope Senators who have amendments will start debating them.

Mr. President, I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each. The Senator from Connecticut is recognized.

IRAQ POLICY

Mr. DODD. Mr. President, I thank the Chair. I may request to speak for a few more minutes than 5, and when the time comes, I will so inform the Chair.

Last week the American people went to the polls across our great Nation. They went not simply to choose new political leaders, but to ask those leaders—Democrats and Republicans alike—to work together for a new and long-overdue direction in Iraq.

There is no doubt that the majority of American voters want change in an Iraq policy that has brought such death and chaos and the prospect of failure. There is no doubt that they want us to speak honestly about the current failures and boldly about the way through the present crisis. But it is also very clear that Americans are not defeatists. They want success in Iraq, they want our troops to succeed, and they want them to come home.

I note as I speak here there are hearings occurring in the Armed Services Committee. I commend Senator WARNER and Senator LEVIN for holding such a hearing. They heard this morning from some of our leading military figures. This afternoon there will be additional witnesses appearing before them. So I am very conscious that a lot of people are thinking about this issue now and that we hope to come up with some positive suggestions on how we might come to a successful conclusion of this policy—a policy, I might add, that is in deep jeopardy of failure.

In that respect, the message of the American people was one of hope: that years of strained, painful debate can give way to American pragmatism; that leaders can find in national security not a political cudgel but a political consensus; and that Iraq, even now, is not past salvaging, if we right our course immediately.

I hope the resignation of Secretary Rumsfeld is a sign that the White House has heard that message. But I would add very quickly that it is not enough to change the leadership at the Pentagon when a week ago Sunday the Vice President of the United States proclaimed that we intend to go, and I quote him, "full-speed ahead" in Iraq. The President must fundamentally change our Iraq policies if we are to reverse the downward spiral into chaos that threatens the territorial integrity of that country and our larger regional security interests—as well as the success of our war on al-Qaida and international terrorism.

In the midst of an election season, some of America's best foreign policy minds were working diligently to find that new direction. We are lucky to have two distinguished former public servants to chair the Study Group on Iraq: the former Secretary of State James Baker and the former Chairman of the House International Relations Committee, Lee Hamilton. Their group of experts is striving diligently to find consensus on a set of policy recommendations to put before the President and the Congress of the United States. It is painful work, but it is necessary work. And the tragedy of Iraq—over 30,000 injured troops, hundreds of thousands of innocent Iraqis dead, more than 2,800 of our fellow citizens in uniform killed—the tragedy of Iraq demands nothing less than a new direction and some new thought.

It will take every dram of our honesty and pragmatism to turn around a society that—despite $400 billion of taxpayer money, $250 million every single day and still counting—remains broken, crippled, and fractured. The Iraqi economy is in worse shape today than it was in March of 2003. Electric and water treatment capacity, oil production, access to clean water, are all below prewar levels. America has spent $14 billion training and equipping 300,000 Iraqi police and security forces; yet today as I speak on the floor of this Chamber, some 23 separate sectarian militias alone operate with impunity throughout Baghdad. Sectarian killings continue largely unabated, averaging scores of deaths a day.

These realities mean that none of us should underestimate the difficulties ahead. We need to recognize—every single time we talk about this matter—the remarkable service being performed by our men and women in uniform. Theirs is a very difficult job. Anyone who has been there, regardless of his or her views on policy, has to admire immensely the courage and determination of these people as they go out every single day, facing the kinds of problems that are everywhere in the streets of Baghdad, Fallujah, and other major urban areas. So I do not underestimate the tremendous burden these people bear every single day, as too often they become nothing more than target practice for those who seek to gain the upper hand in Iraq.

Nor do I underestimate the difficult task facing Jim Baker, Lee Hamilton, and their colleagues on this task force that is determined to find some answers to Iraq. They know, as I do, if there were any easy solutions we would have discovered them by now. It may be that members of the Baker-Hamilton commission will not be able to arrive at a consensus. I hope that is not the case. But I have no doubt that their efforts are taking place in a constructive and bipartisan spirit and we here should do everything we can to follow their example in the weeks and months ahead.

I hope to add briefly to that debate by sharing some of my own thoughts this afternoon. Taken individually, none of these proposals that I am going to discuss are groundbreaking or earthshattering in any way. A sound foreign policy rarely is. But after a war sparked by ideology and grand theorizing, maybe we can once more learn the value of quiet virtues. Taken together, I believe these suggestions might help to reverse the ongoing spiral into violence and chaos, permit the phased redeployment of U.S. troops within and from Iraq, and secure America's regional interests to the greatest extent.

Clearly, our interests are in disrepair, and other regions cry out for attention. We are further away from stabilizing Afghanistan and dealing a mortal blow to our al-Qaida and Taliban enemies. In fact, drug traffickers and tribal warfare now threaten to destroy the fragile foundation of Afghanistan's nascent democracy and the Taliban is stronger now than at any point since our invasion.

This summer an emboldened and defiant Iran launched a proxy war against our ally Israel; and the apocalyptic mullahs are undeterred in their pursuit of nuclear weapons.

Last month North Korea claimed to have tested a nuclear weapon of its own, a further example of our country's growing vulnerabilities, a further cost of this administration's fixation on Iraq. While we have been bogged down in that country, North Korea has taken the chance to expand its nuclear arsenal fivefold.

Al-Qaida, Afghanistan, Iran, North Korea—the conclusion is irrefutable: America is less safe today because of our Iraq diversion. That is precisely why so many voices among our civilian and military leadership are calling upon the President to change course in that country.

I believe there are five key ingredients to any course change that we must take: establishment of internal security in that country; phased redeployment of United States forces; continued training of an independent, professional military and security force for Iraq; a strong central government; and regional and international engagement.

Let me first talk briefly about security. I think we must continue to recruit and train forces that reflect Iraq's ethnic diversity, forces that are capable of neutralizing sectarian militias and are able to restore and maintain domestic stability. Without that, nothing is likely to happen. But I believe the hour has arrived when Iraq must assume the responsibility for policing itself. At great cost, the United States has given the Iraqi people the chance for a much brighter future. Now they must seize it. There is not a treasury deep enough nor an army large enough to achieve this goal if the Iraqi people themselves lack the will to achieve it for themselves.

Second, redeployment. "More troops or fewer troops" is a sterile debate. The reality is that in cities such as Baghdad and Falluja, our soldiers are going door to door like a police force on the front lines of religious violence, and they need to be removed from that fruitless exercise. Our troops should be relocated from these larger urban zones to less populated regions and border areas where they can more effectively advance our strategic interests: continued training of Iraqi forces and the protection of Iraq's territorial integrity until Iraqis can do so for themselves.

Remaining United States forces should be repositioned to United States bases in Kuwait and Qatar, where they could be available to protect American interests if they should be called upon, and to Afghanistan, where we must redouble our efforts to capture bin Laden, dismantle al-Qaida and neutralize the Taliban and the drug lords who are funding them.

These movements must begin immediately and continue over the next 12 to 18 months, in concert with our efforts to enhance the stability of the Iraqi Government, engage Iraq's neighbors, and build a better and more secure life for the people of that country.

Third is professional military and security forces. Iraq will never be unified as a sovereign and secure nation until all of its citizens can count on the Iraqi forces to be capable of maintaining internal stability and protecting the nation's territorial integrity. But no Iraqi Army can ever meaningfully stand up when Iraq's political atmosphere remains so poisonous.

Which leads me to my fourth point, unity government. Our commanding generals have rightly concluded there is no military solution to Iraq's unfolding civil conflict. Only a political solution which unifies all Iraqis around a common cause will save Iraq from becoming a failed state.

So, along with the training of Iraqi troops, I believe we must tackle Iraq's political chaos, because only stability will be the cornerstone of a prosperous nation.

Finding common cause must come first and foremost from within Iraq. It must come from Iraq's secular and religious leaders, leaders such as Ayatollah Sistani. We need Iraqis like him at the table and the United States needs to encourage more acts of leadership by him and others.

Our political goals for Iraq are clear. Though Iraq's constitution is federal, with local flexibility for provinces, we must insist on a stable and unified central government, capable of distributing resources to its citizens on a just basis. Iraq's oil must be shared equitably. At the end of the day, Iraq may end up a divided and partitioned state where sectarian influences govern; but that should not be our stated policy. Nor should we allow short-term political expediency to keep us from disbanding sectarian militias. Our failure to confront them head-on forces uncountable Iraqis to live in daily fear for their very lives.

That said, I believe we should not preclude the possibility of integrating ex-militia members into the professional Iraqi military—but only if they be vetted and retrained first.

Fifth and finally, regional and international engagement. Iraq's neighbors have a huge stake in a stable and competent Iraq. If there is one thing that unites all of the nations bordering Iraq, it is the fear that Iraq will splinter into fractured enclaves with dedicated sectarian militias that will not only terrorize each other but threaten the stability of the nations that border them.

It is for that reason that the administration should find willing partners—if it were willing to look. Iraq's neighbors, as well as regional international organizations can help Iraq toward unity and stability—not from the goodness of their hearts but from the fact of their interest. Regional powers such as Turkey, Iran, Syria, and Saudi Arabia could be enormously useful to us as mediators—a "Friends of Iraq" group, committed to ensuring the integrity of its borders, the disbanding of the militias, and the unity of its government.

When it comes to protecting our security, we must be as willing to wage diplomacy as we have been willing to wage war. Robust, muscular, and direct negotiations are not gifts to our enemies. They are the essential tools of avoiding conflict and securing peace and stability.

We are reminded of the eloquence of John Kennedy, who said many years ago, "Let us never negotiate out of fear. But let us never fear to negotiate."

Further, rebuilding Iraq's economy should be a part of any regional and international rescue mission. The Iraqi Government has formally requested help from the United States to develop an International Compact for Iraq. This compact could serve as a blueprint for a new partnership with the international community, one aimed at consolidating peace and pursuing political, social, and economic development over the next five years.

There are no guarantees, of course. Iraq is broken. The policies of the Bush administration, in my view, have sadly failed. But last week's elections have given us the gift of opportunity—to chart a new course in Iraq if we are honest enough, tough enough, and bold enough to find it.

Reducing and withdrawing our troop presence. Restoring security. Supporting the development of a unified Iraqi Government. Enlisting Iraq's neighbors and the international community. Creating economic activity in that shattered country. If we take these steps, or ones like them, we can serve our larger interests in peace and prosperity and security, not only for the Iraqis but, as importantly, for ourselves. We can begin to redeem a great harm.

The American voters have asked this us of us. While they don't have a specific plan in mind, they want us to come together, to chart a new course, to make some sense, to be rational and think about the importance not only of Iraq getting on its feet—but of our nation meriting its vital role in the world. No other nation in the 21st century is going to lead but this great nation of ours. Other nations down the road may assume that responsibility, but as far as I can see, only one nation can lead now—and it is ours. And if we continue on the path we are following today in Iraq, that mission will be far more difficult to fulfill.

So far more is at risk here than just what happens in Iraq. We risk failing the calling of leadership itself.

Anything I suggested here, I know others have raised. But I came here today, above all, to ask a question: Who is thinking about this in a concrete way? I trust that Jim Baker and Lee Hamilton are. I hope that my colleagues are.

You may not like all of my ideas. You may reject all of them. But whatever ideas come to the fore, let us debate the substance in tolerance and good faith, open to new thinking and hungering for new action.

The American people are watching us, wondering if we have heard their call for a new way forward. The Iraqi people are watching us, wondering if their united country can still survive and succeed. Americans and Iraqis both want what it is within our power to give them: hope.

Again, I thank the President for his indulgence in providing a little more time.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida is recognized.

TAX EXTENDERS

Mr. NELSON of Florida. Mr. President, I rise to address two matters that will be taken up by the Senate in this lameduck session. The first will be after we come back from the Thanksgiving holiday. We will be taking up a tax bill that will include a group of what we call tax extenders. These are tax breaks that are in existing law which are running out of time. They are going to cease to exist by the 1st of the year, unless we extend these tax breaks. One of those tax breaks is very important to our State of Florida. In fact, six States in this Union do not have a personal income tax at the State level. Whereas, those 44 States that do have the personal income tax are able to deduct that State income tax in the calculation of their Federal income tax, in those six States that do not have the State income tax, they have no such deduction. But their main revenue stream is a State sales tax.

The deduction of that State sales tax has been a major help to constituents in those six States, including my State of Florida. It has saved, for example, the people of the State of Florida $750 million per year in Federal income taxes by being able to deduct their Florida State sales tax.

It is my understanding that this is all worked out; that, in fact, we are going to be able to extend all of these tax extenders and that it will be done in the week of the lameduck session when we come back after the Thanksgiving holiday. That, of course, is enormously important.

I had a hand, along with Senator HUTCHISON of Texas, in passing that bill to begin with, but that bill was effective for 2 years. That 2 years is about to expire at the end of this calendar year. So we certainly need that extended.

PRESCRIPTION DRUG AMENDMENT

Mr. NELSON of Florida. Mr. President, I also want to speak on a matter that Senator VITTER and I will introduce shortly, for there will be in front of the Senate an appropriations bill that will fund the Food and Drug Administration. Senator VITTER will offer, on behalf of himself and myself, an amendment that we had offered to the Senate on a different appropriations bill several months ago—and passed—that would allow Americans to purchase low-cost prescription drugs from Canada.

Every year, millions of Americans, who cannot otherwise afford their prescriptions at pharmacies, seek those same FDA-approved prescriptions from Canada at significantly lower prices.

Back in July, Senator VITTER and I introduced a separate amendment on this issue to the Department of Homeland Security appropriations bill. Our amendment prohibited Customs from stopping the importation of FDA-approved prescription drugs by American citizens.

The amendment was in response to a new policy implemented by U.S. Customs which resulted in over 38,000 prescription drug shipments being detained by Federal officials. Our amendment received overwhelming bipartisan support when it was added to the Senate bill.

This Senator started receiving complaints as far back as 2½ years ago. They had been ordering prescriptions from Canada for years, and suddenly Customs was confiscating their prescriptions. Customs has admitted that it was to the tune of almost 40,000 prescriptions.

To a senior citizen who is so desperate to make financial ends meet—and, in fact, sadly, in America in the year 2006, some senior citizens are having to make a choice because of their financial condition between buying their groceries or buying their prescription medicines. They are forced to do things such as cutting their medicine tablets in half to try to stretch it out when, in fact, their doctor tells them that is not what they should be doing. Yet it is happening.

Over and over again, seniors have been able to order from Canadian pharmacists at half the cost of their prescription medicine. It is not a question of safety because it is made by the same manufacturer and even with the same packaging.

Back in the summer, Senator VITTER and I saw an opportunity on an appropriations bill to prohibit Customs from using the appropriated moneys for the seizure of those kinds of individual purchases for a small duration of time—no more than a 90-day supply of their prescriptions and only from Canada.

We passed it in the Senate overwhelmingly. It goes down to a House-Senate conference committee, and they watered down that provision to say that it can be done to bring those small, limited, individual supplies of prescription drugs from Canada but only if you bring it personally back from Canada.

That may help my two colleagues who are from the State of North Dakota because they are right next to the Canadian border. But clearly for the States of Senator VITTER and myself and the States in the Southeastern United States, that doesn't help at all, particularly since some of our seniors have been accustomed to ordering these much less expensive drugs by mail or by e-mail or by telephone calls.

When it got to the conference committee, they watered down the provision. That is what we are going to address today. I am waiting on Senator VITTER to come to the floor so we can offer this amendment.

We have a new opportunity on an appropriations bill that includes the Food and Drug Administration appropriations. This does not assure Americans access to lower cost medications from Canada, since the FDA can still hold up the imports if they choose to do so under current law. That is why we are going to add this amendment to prevent the FDA from interfering with the importation of prescription drugs from Canada.

A little bit of good news came out the last time we tried to do this with regard to the Customs Department. In October, Customs threw up its hands and said: We have more important things to do on the huge import of drugs that are counterfeit. That is what we are going after. We are not going to confiscate these individual purchases of a 90-day supply or less which are prescriptions from Canadian pharmacists.

With that as a precedent, it would seem to me that the Senate would certainly go along with us and put this in the law right now with regard to the FDA to make sure that this policy is very clear.

When Congress returns in January, we should look at, additionally, what is introduced by my colleague who is on the floor now, Senator DORGAN, and Senator SNOWE, the Pharmaceutical Market Access and Drug Safety Act.

This bipartisan bill, which I support, is going to set up a comprehensive system for importation of prescription drugs which will further help our senior citizens on lower prescription drug costs.

Ultimately, we will have to debate the very essence of the problem in Medicare prescription drug benefits, Part D benefits. That is going to be a whole new debate that we will have out here on how to fill the doughnut hole which some people say would cost something like $26 billion. But there is a way to do that—by allowing Medicare to do what other parts of the Federal Government have done for years, including the Veterans' Administration and the Department of Defense; that is, use the bulk purchasing power to negotiate lower prices for drugs.

As most people know, that was prohibited in the Medicare prescription drug benefit. But I think we are going to be addressing that because that is a huge stake in the heart of the purchasing power of Medicare for 43 million senior citizens to be able to negotiate those prices down by bulk purchases.

It is clearly time for the Congress to stand up for our constituents and to help lower these prescription drug prices.

I am looking forward to working with Senators in a bipartisan way to embrace this Vitter-Nelson amendment.

Thank you.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. Mr. President, my colleague from Florida was describing the issue of prescription drug pricing in our country—an amendment that would be offered to a subsequent appropriations bill dealing with the FDA and its enforcement of the reimportation of prescription drugs.

Let me point out, as he properly said, that Senator SNOWE and myself and others, a large bipartisan group. Senators McCAIN and KENNEDY, introduced legislation—and have been blocked from having it considered for some many months in the Senate—dealing with the comprehensive approach to reimportation of FDA-approved drugs.

The American consumer is now charged the highest prices for prescription drugs in the entire world. Let me say that again. The American consumer is charged the highest prices for prescription drugs anywhere in the world. It is not fair. That pricing policy has to change. One of the ways to change it will be to put downward pressure on pricing in this country by allowing American consumers to access those identical FDA-approved drugs, some of which are actually made in this country; to reimport them from other countries, FDA-approved, made and manufactured in manufacturing plants approved by the FDA.

My colleague talked about Canada and the United States. That is an obvious issue. My State borders Canada, and we see people coming back and forth going to Canada to purchase prescription drugs, in some cases for one-tenth the price they are charged in this country.

We need to find a way to pass the comprehensive legislation. My colleague from Florida cosponsored that bill and worked with us on it—myself, Senator SNOWE from Maine, Senator McCAIN, Senator GRASSLEY, Senator KENNEDY, a pretty significant bipartisan group in the Senate. We have not had a vote on that only because it has been blocked. We will have a vote on that in the next session of Congress if we are not able to offer it in the coming weeks. In the next session of Congress, we will have a vote on it.

We will have very substantial numbers in the Senate supporting that legislation. When we do, it will be good news for American consumers who now pay the highest prices in the world for prescription drugs. That is unfair. I certainly support the amendment that deals with a funding limitation that would be offered as described by my colleague from Florida. That in itself does not solve the larger problem. He has indicated that. I believe Senator VITTER would indicate that as well. It is a step in the right direction.

I am supportive of it with the understanding that we will have a more comprehensive piece of legislation on this issue which will be introduced, will be offered, and will be voted on with a very large majority in the Senate. The House of Representatives has already demonstrated its support for such a plan. If we can't get it done in the lameduck session, as soon as we turn the calendar and begin a new year, I am convinced we will get this done.

I appreciated the words of my colleague from Florida.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The senior Senator from North Dakota is recognized.

FARMER DISASTER ASSISTANCE

Mr. CONRAD. Mr. President, yesterday I withdrew an amendment to provide disaster assistance to farmers and ranchers for the disasters of 2005 and 2006. I did so on the basis of an assurance by the majority leader that is in the RECORD very clearly: we would go to the Agriculture appropriations bill today, I would have a chance to offer my amendment today, the rights of all Senators were protected, and that they would have their rights. Now I am told there is an objection to going to the Agriculture appropriations bill.

I say to my colleagues, that leaves me with no alternative but to object to other business. I, in good faith, removed my amendment yesterday, took it down, with the assurance—and that is in the RECORD, very clearly in the RECORD—from the majority leader, the assurance that we would go to Agriculture appropriations today. I alert my colleagues I kept my word. I would hope others would keep theirs.

If that is not to be, I will be in a position in which I will be objecting to any other business coming before the Senate. If they want to have a live quorum, we can go through that exercise, but we will go through it repeatedly. This is not fair. It is not right. We have tried repeatedly to get this bill up so we can have a vote. It has previously passed the Senate with 77 votes in favor.

What we are asking for is not unreasonable. We have reduced the cost dramatically. Here, a person's word is their bond. I kept my word. I am expecting others to keep theirs.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. Mr. President, my colleague was on the Senate floor yesterday, as I was, and he was offering an amendment on the Military Construction appropriations bill dealing with agricultural disaster. In exchange for withdrawing that amendment on the Military Construction bill, he was given some assurance that the Agriculture appropriations bill would come next to the Senate and he would be able to offer that amendment on the Agriculture appropriations bill.

Let me, first of all, support my colleague, Senator CONRAD. He knows and I know that the Agriculture appropriations bill includes a disaster piece that I added in the committee many months ago. That amendment I offered in the committee was one we had worked on with Senator CONRAD and many other Senators on a bipartisan basis. It was Senator CONRAD and myself who were recognized in the committee to offer the agricultural disaster plan. That was in the spring of this year.

Subsequent to that, we have now had a very substantial drought that has enveloped a fair part of this country, devastating some additional crops, and we have not been able to get the Agriculture appropriations bill back to the Senate so we can make an adjustment to the disaster plan for farmers, an adjustment to include the 2006 disaster, but we have not been able to get it to the floor of the Senate. That is why my colleague, Senator CONRAD, offered it yesterday as an amendment to the Military Construction bill. We have already passed it twice in the Senate; that is, an agricultural disaster plan.

Two times I added it in the Appropriations Committee. On two occasions—I believe both were with supplemental bills—both occasions we went to a conference with the House of Representatives. I had money in for a farm disaster plan. In both circumstances, we went to the conference; the Senate conferees, at my request, had a vote, insisted on the Senate position which included an agricultural disaster plan for family farmers who got hit with the weather disaster; and on both occasions the President threatened a veto and got the House conferees, at the request of the Speaker, to object. Therefore, twice it got knocked out in a conference.

The third time now, I have added the farm disaster piece to the Agriculture appropriations bill. We did that before this growing season in which we had a very devastating drought, so that needs to be adjusted.

My colleague, Senator CONRAD, is offering the farm disaster piece that would try to reach out to those family farmers who now do not know whether they will be able to continue farming, reach out with a helping hand to say: You are not alone. We cannot make you whole, but we can help you during a tough time.

This Congress has already said to the farmers in the Gulf of Mexico: You will get disaster aid because you got hit with Hurricane Katrina and you lost your crops. You get disaster aid. This Congress has essentially said to other farmers and this President has said to other farmers: You might have lost all of your crops from a drought or a flood, but it didn't have a name named "Katrina." It is not like a hurricane, it is not named; therefore, you are not going to get any disaster help—just those who got hit with Hurricane Katrina and lost their crops. That is not fair. No one in this country would think that is fair.

So what we are trying to do—I in the Committee on Appropriations and my colleague, Senator CONRAD, here in the Senate with this amendment—is to say to farmers who are out there wondering: Will our family be able to continue on the farm next year? Will we be able to do spring planting? Will we have the capability to put a crop in? At this point, the answer for many of them, thousands of them, is: No, we are not going to be able to continue farming because we had a disaster. Where a crop should have existed on our land, there was barren land, no seeds, no crop.

It used to be in our farm bill we had a disaster title. When a disaster occurred, we, with that disaster title, could say to farmers: We want to help you. Now there is no disaster title in the farm bill, and each year when there is a disaster we have to reach out to try to create a disaster bill.

This country goes almost every place in the world to help when there is trouble. What about at home? What about when there is trouble on the family farm? I know that is far from the city lights and far from the cameras, but the fact is, that is real trouble for families whose dream is about to end because they cannot continue farming. Why? Is it because they mismanaged? Is it because they are not good farmers, because they can't grow a crop? No. It is because a drought came around and destroyed everything on their farm or it is because a flood came and washed it away.

In 2005, in parts of our State, there were over a million acres that could not be planted—think of that—could not be planted at all, and nearly another 1 million planted acres and all the seeds were washed away with torrential rain where one-third of a year's worth of rain fell in 24 hours. Think of that. Then you say to those farmers: You know what. Tough luck. You are on your own.

That is not the way this country has dealt with farmers. We have always believed there is value and importance in having farmers on the land farming and creating America's food supply. We have always said: We want to have a bridge across troubled times for you. When price depressions occur, when natural disasters occur, we want to create a safety net for you. We have always done that.

Now what happens with disasters, with no disaster title in the farm bill, we face a situation where, because of two years—2005, with substantial flooding, and in 2006, a protracted drought in some significant areas of the country—we face a prospect of losing a great many family farmers just because this country will have said—if we do not do what Senator CONRAD and I and others want to do, this country will have said: It doesn't matter. The only farmers we will help are in the gulf region, those who were hit by a hurricane. Some of my colleagues have said it is tempting to name a drought. Give it a name, if that is what is required here. Give these natural disasters a name. We do with hurricanes.

My colleague is suggesting the right remedy. We have, apparently, some people saying we need to go to another piece of legislation. Perhaps there is the India nuclear agreement.

My colleague says, properly—and I was in the Senate when this exchange took place—my colleague says: Yesterday, I withdrew my amendment from the Military Construction bill—and he did—and I heard the discussion as a result of his withdrawing that amendment. I believe there is an understanding that the next piece of legislation we go to, which would be this afternoon, is the Agriculture appropriations bill. That will give him the opportunity—and me and others—to both introduce and speak to farm disaster aid that is long overdue, that should have been done long ago.

Senator CONRAD has indicated that he would object to other procedures and other proceedings unless we reach an understanding of going to the Agriculture appropriations bill. I certainly support that and would be in the Senate with him, prepared to object, just as he would.

That is the background. That is the story. My colleague, Senator CONRAD, is perfectly within his rights. He is absolutely accurate in terms of what we understood when we left the Senate yesterday.

I yield the floor.

The PRESIDING OFFICER (Mr. DEMINT). The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank my colleague, Senator DORGAN, and I also point to the RECORD, the RECORD from yesterday, page S. 10900. It says:

> Mr. CONRAD. Mr. President, I notice the majority leader has returned to the floor. I tried to recount for our colleagues the status of our discussion, and the understanding that we had reached, that I would withdraw my amendment from this bill with the understanding that we would go to the Agriculture Appropriations bill tomorrow and have a chance to offer it there. All Senators' rights would be reserved. That is the status of it. I just ask if that is the majority leader's understanding. If it is, I will then be willing to withdraw my amendment for the Military Construction bill and we can conclude that.
>
> Mr. FRIST. Mr. President, in the last hour or so we have had numerous discussions on the floor, as our colleagues have observed, and many participated in the discussion. My understanding and the general agreement we have is to go to the Agriculture Appropriations bill tomorrow. That does facilitate the progress we need to make on the current bill that is on the floor, which I hope and expect to be able to finish tonight. If that is the case, we plan on going to the Agriculture bill tomorrow. All rights would be reserved for all Senators, of course. We don't have an agreement, but that is the intention.
>
> The disaster ag relief bill is very important and has been talked about by Republicans and Democrats and we expect to debate it tomorrow. It is a more appropriate place for this amendment. So I think this is a good understanding.

Mr. President, I withdrew my amendment based on that understanding. I did it in good faith. I did it to accommodate my colleagues. I did it so other legislation could move. But now I am told the agreement is not going to be kept. That is not acceptable. That is just not acceptable. That puts me in the position now of having to object to proceeding to other business. I have no alternative but to do that.

I am here representing thousands of farm families across our State and really right down the heartland of the country. We have 26 cosponsors for this legislation, totally bipartisan, about as many Republicans as Democrats on the bill because we have had the third worst drought in the country's history. That is the reality.

I have a letter on my desk from a man talking about the disaster. And in that letter he said to me—this is from last year when we had terrible flooding—he had 26 inches of rain over a very short period of time. The result was he had no production, and he lost $120,000. Even with the crop insurance, it did not come close to covering his bills, and that he and his wife and his family were going to be forced off the land if there were not some assistance.

Let me just recount the history. Always in our past when anyone suffered from natural disaster in this country, anywhere, Congress responded. Congress responded. We responded when there was Hurricane Katrina. We responded when there was Hurricane Rita. In fact, this gentleman says: I urged our delegation to support the victims of Hurricane Katrina. We suffered the same kind of loss here, a complete economic loss, but there were no news cameras seeing our disaster. We had a slow-motion disaster but every bit as devastating.

The question is, Are those people going to be given any kind of helping hand, the kind of thing we have done repeatedly in the past?

Now, we don't budget for disasters. Some have said it is a budget buster. No, it is not. No. 1, there is no budget. No. 2, to the extent we have agreed on guidelines for spending, it has always been understood, it has always been the case for the 20 years I have been here that natural disasters are treated separate and apart from the budget. It is very hard to budget for natural disasters. Nobody knows the extent or when they will occur. As a result, we have always dealt with disaster spending as an emergency outside the budget.

Now, how much money is being talked about here? Mr. President, $4.5 billion for 2 years of disasters. And this is a national bill. This is not restricted to one region, one location. This will assist anybody who had a loss of at least 35 percent. And if you have a loss of at least 35 percent, only then do you start to get any assistance; and then you only get a percentage of the loss, 50 percent covered. So you get nothing on the first 35 percent of loss, nothing. Only if you have a loss of at least 35 percent do you get anything. If your loss is over 35 percent, you will get assistance on a highly restricted basis.

The bankers of my State have told me if this kind of assistance is not forthcoming, 5 to 10 percent of the farmers and ranchers in our State will go out of business, not because of any fault of theirs, but because of the most incredible swing in weather that we have ever seen.

Last year, we had flooding that prevented a million acres from even being planted. It was not even planted. This year, we have had the third worst drought, according to the scientists, in our Nation's history, a drought that Senator DORGAN and I saw firsthand in a tour with our Governor and agricultural leaders of our State.

I even saw irrigated corn—irrigated corn—in which the ears never filled out because the heat was so unbelievably intense. In one day in my hometown, it was 112 degrees. I am not talking about the heat index. I am talking about the actual temperature, 112 degrees.

In July and August of this last year, we had extreme temperatures day after day after day, and no rain. It was devastating. And it is just not my State. It is right down the heartland of the country: South Dakota, Nebraska, Oklahoma, Texas, over into Minnesota, Montana.

There are 26 cosponsors of this bill. It is fully bipartisan. This legislation has passed overwhelmingly in the Senate with 77 votes.

So I just say to my colleagues, I was given a commitment yesterday that we would go to the Agriculture appropriations bill today, and that I would have a chance to offer my amendment; that Senators could raise any objections they might have. They could raise a rule XVI objection. By the way, we now know that would not lie against our bill. We also know that they could raise a budget point of order. That would require a supermajority vote. We are fully prepared to do that and to accept the will of the body.

But what is not fair is not to have a vote. And what is especially not fair is not to keep the commitment that was made yesterday publicly and privately that we would go to the Agriculture appropriations bill today and have an opportunity for a vote. That was the commitment that was made. This leaves me with no alternative but to object to going to other business. I will make that objection. And if I have to do it repeatedly, I will make it repeatedly.

With that, I yield the floor.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I ask unanimous consent that Senator LAUTENBERG be recognized for 10 minutes and that I be recognized at the end of that period.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Jersey.

HONORING OUR ARMED FORCES

Mr. LAUTENBERG. Mr. President, I thank the Senator from North Dakota for enabling me to make some remarks about the war and where things are as we see them.

It has been more than a month since we were last together in the Senate. While we were out of session, the war in Iraq continued to rage. We in the Congress had the pleasure of going home to our families, our friends, familiar circumstances and surroundings. Our troops in Iraq, however, didn't have that opportunity while we were off, so to speak, for almost 6 weeks. Everyone knows that we did work at home, but we were in familiar, safe territory. The troops were in harm's way, trying to bring order to a country in absolute chaos.

Tragically, many of our people there did not survive since the Senate was last in session. During the recess, America lost 157 brave men and women in combat, 146 in Iraq and 11 in Afghanistan, and 649 were seriously wounded. Most of us have been to Walter Reed and the naval hospital in Bethesda and had opportunities to talk to some of those people who are so seriously wounded, some limbless, some sightless. Their pain goes way beyond that which is directly part of their wound; their pain goes on for the rest of their lives.

Now here we are, almost at Thanksgiving. Americans are looking forward to sharing a holiday with family and friends. But in this season of giving and cheer, we have to find a serious way to give some cheer, some recognition for the sacrifices of our soldiers. Outside my office, I have found a way to express thanks to them. We have established a photographic display of those who have lost their lives. It is called the "Faces of the Fallen." It is visited daily by tourists and others who search the gallery for people they may have known from a hometown or region.

Today I offer another way to honor our courageous men and women. I am going to place the names and hometowns of the 157 troops that we lost since the Senate was last in session in the CONGRESSIONAL RECORD.

Too often when we talk about our fallen troops, they become faceless, if it is not your family, statistics, but we don't want that anymore. We want to recognize, and the American people want to recognize, what is really happening to the fathers, mothers, sisters, and children. They are our children, and many have children of their own.

Among those who perished are PFC Donald S. Brown, 19 years of age, from Succasunna, NJ. I attended his wake 2 weeks ago, met with his family, and LCpl Christopher B. Cosgrove III of Cedar Knolls, NJ. There are many more New Jerseyans who have perished there. The number is almost 80 now. We look around, and they are from States across the country. Almost every State has seen the loss of a former resident, someone with roots in that State:

SGT Bryan Burgess of Garden City, MI;

SGT Courtland A. Kennard of Starkville, MS;

CWO Miles P. Henderson of Amarillo, TX;

CPL Kyle W. Powell of Colorado Springs, CO;

SPC James L. Bridges of Buhl, ID;

LTC Paul J. Finken of Mason City, IA;

LCpl James Brown of Owensville, IN;

SSG Jason D. Whitehouse of Phoenix, AZ;

PFC Jason Franco of Corona, CA;

SGT Luke J. Zimmerman of Luxemburg, WI;

SGT Thomas M. Gilbert of Downers Grove, IL;

SPC Nicholas K. Rogers of Deltona, FL;

MAJ David G. Taylor of Apex, NC;

LCpl Eric W. Herzberg of Severna Park, MD;

CPL Joshua C. Watkins of Jacksonville, FL;

SSG Patrick O. Barlow of Greensboro, NC;

CPL David M. Unger of Leavenworth, KS;

SGT Norman R. Taylor of Blythe, CA;

SSG Garth D. Sizemore of Mount Sterling, KY;

2LT Joshua L. Booth of Fiskdale, MA;

PFC Keith J. Moore of San Francisco, CA; and

1SG Charles M. King of Mobile, AL.

There are too many more to read them all now.

I ask unanimous consent that a full list of the 157 persons be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FALLEN HEROES DURING THE SENATE RECESS

Sergeant Bryan Burgess, of Garden City, Michigan

Sergeant First Class Rudy A. Salcido, of Ontario, California

Sergeant Courtland A. Kennard, of Starkville, Mississippi

Staff Sergeant Gregory W.G. McCoy, of Webberville, Michigan

Staff Sergeant Richwell A. Doria, of San Diego, California

Lance Corporal Ryan T. McCaughn, of Manchester, New Hampshire

Sergeant Lucas T. White, of Moses Lake, Washington

Chief Warrant Officer John R. Priestner, of Pennsylvania

Chief Warrant Officer Miles P. Henderson, of Amarillo, Texas

Specialist Douglas C. Desjardins, of Mesa, Arizona

Corporal Jose A. Galvan, of San Antonio, Texas

Corporal Kyle W. Powell, of Colorado Springs, Colorado

Second Lieutenant Mark C. Gelina, of Moberly, Missouri

Specialist James L. Bridges, of Buhl, Idaho

Lieutenant Colonel Paul J. Finken, of Mason City, Iowa

Lieutenant Colonel Eric J. Kruger, of Garland, Texas

Staff Sergeant Joseph A. Gage, of Modesto, California

Lance Corporal James Brown, of Owensville, Indiana

Staff Sergeant Jason D. Whitehouse, of Phoenix, Arizona

Corporal Michael H. Lasky, of Sterling, Arkansas

Lance Corporal Luke B. Holler, of Bulverde, Texas

Private Michael P. Bridges, of Placentia, California

Lance Corporal Minhee Kim, of Ann Arbor, Michigan

Corporal Gary A. Koehler, of Ypsilanti, Michigan

Private First Class Kevin J. Ellenburg, of Middleburg, Florida

Private First Class Jason Franco, of Corona, California

Sergeant Michael R. Weidemann, of Newport, Rhode Island

Sergeant Kraig D. Foyteck, of Skokie, Illinois

Sergeant Michael T. Seeley, of Fredericton, Canada

Sergeant Kenneth E. Bostic, of Hawthorne, Nevada

Lance Corporal Troy .D. Nealey, Eaton Rapids, Michigan

Sergeant Luke J. Zimmerman, Luxemburg, Wisconsin

First Sergeant Ricky L. McGinnis, Hamilton, Ohio

Private First Class Donald S. Brown, of Succasunna, New Jersey

Sergeant Thomas M. Gilbert, of Downers Grove, Illinois

Private First Class Daniel B. Chaires, of Tallahassee, Florida

Lance Corporal Jonathan B. Thornsberry, of McDowell, Kentucky

Petty Officer Second Class Charles V. Komppa, of Belgrade, Montana

First Lieutenant Amos C.R. Bock, of New Madrid, Missouri

Hospital Corpsman Charles O. Sare, of Hemet, California

Lance Corporal Richard A. Buerstetta, of Franklin, Tennessee

Lance Corporal Tyler R. Overstreet, of Gallatin, Tennessee

Specialist Carl A. Eason, of Lovelady, Texas

Specialist Nicholas K. Rogers, of Deltona, Florida

Sergeant Willsun M. Mock, of Harper, Kansas

Specialist Matthew W. Creed, of Covina, California

Specialist Nathaniel A. Aguirre, of Carrollton, Texas

Major David G. Taylor, of Apex, North Carolina

Lance Corporal Eric W. Herzberg, of Severna Park, Maryland

Sergeant First Class Tony L. Knier, of Sabinsville, Pennsylvania

Corporal Joshua C. Watkins, of Jacksonville, Florida

Lance Corporal Nicholas J. Manoukian, of Lathrup Village, Michigan

Lance Corporal Nathan R. Elrod, of Salisbury, North Carolina

Lance Corporal Clifford R. Collinsworth, of Chelsea, Michigan

Staff Sergeant Kevin M. Witte, of Beardsley, Minnesota

Lance Corporal Edwardo Lopez, Jr., of Aurora, Illinois

Staff Sergeant Patrick O. Barlow, of Greensboro, North Carolina

Sergeant First Class Daniel A. Brozovich, of Greenville, Pennsylvania

Specialist Jose R. Perez, of Ontario, California

Specialist Daniel W. Winegeart, of Kountze, Texas

Staff Sergeant Ronald L. Paulsen, of Vancouver, Washington

Staff Sergeant Jesus M. Montalvo, of Rio Piedras, Puerto Rico

Specialist Joseph C. Dumas, Jr., of New Orleans, Louisiana

Corporal David M. Unger, of Leavenworth, Kansas

Corporal Russell .G. Culbertson III, of Amity, Pennsylvania

Second Lieutenant Christopher E. Loudon, of Brockport, Pennsylvania

Staff Sergeant Ryan E. Haupt, of Phoenix, Arizona

Sergeant Norman R. Taylor III, of Blythe, California

Petty Officer First Class Nathan J. Frigo, of Kokomo, Indiana

Staff Sergeant Garth D. Sizemore, of Mount Sterling, Kentucky

Second Lieutenant Joshua L. Booth, of Fiskdale, Massachusetts

Sergeant Lester Domenico Baroncini, Jr., of Bakersfield, California

Private First Class Stephen Bicknell, of Prattville, Alabama

First Lieutenant Joshua Deese, of Robeson County, North Carolina

Sergeant Jonathan E. Lootens, of Lyons, New York

Captain Mark C. Paine, of Rancho Cucamonga, California

Sergeant Brock A. Babb, of Evansville, Indiana

Lance Corporal Joshua M. Hines, of Olney, Illinois

Private First Class Keith J. Moore, of San Francisco, California

First Sergeant Charles M. King, of Mobile, Alabama

Staff Sergeant Joseph M. Kane, of Darby, Pennsylvania

Specialist Timothy J. Lauer, of Saegertown, Pennsylvania

Sergeant Jonathan J. Simpson, of Rockport, Texas

Airman First Class Leebenard E. Chavis, of Hampton, Virginia

Lieutenant Johnny K. Craver, of McKinney, Texas

Private First Class Kenny F. Stanton, Jr., of Hemet, California

Private First Class Thomas J. Hewett, of Tempe, Texas

Sergeant Gene A. Hawkins, of Orlando, Florida

Sergeant Justin T. Walsh, of Cuyahoga Falls, Ohio

Captain Shane T. Adcock, of Mechanicsville, Virginia

Sergeant Nicholas R. Sowinski, of Tempe, Arizona

Lance Corporal Shelby J. Feniello, of Connellsville, Pennsylvania

Lance Corporal Derek W. Jones, of Salem, Oregon

Lance Corporal Jon Eric Bowman, of Dubach, Louisiana

Private First Class Phillip B. Williams, of Gardnerville, Nevada

Captain Robert M. Secher, of Germantown, Tennessee

Private First Class Shane R. Austin, of Edgerton, Kansas

Lance Corporal Stephen F. Johnson, of Marietta, Georgia

Sergeant Julian M. Arechaga, of Oceanside, New York

Lance Corporal Jeremy Scott Sandvick Monroe, of Chinook, Montana

Specialist Timothy Fulkerson, of Utica, Kentucky

Specialist John Edward Wood, of Humboldt, Kansas

Staff Sergeant Lawrence Parrish, of Lebanon, Missouri

Corporal Carl W. Johnson II, of Philadelphia, Pennsylvania

Sergeant Brandon S. Asbury, of Tazewell, Virginia

Lance Corporal John Edward Hale, of Shreveport, Louisiana

Corporal Bradford H. Payne, of Montgomery, Alabama

Corporal Nicholas A. Arvanitis, of Salem, New Hampshire

Corporal Benjamin S. Rosales, of Honston, Texas

Lance Corporal Edward M. Garvin, of Malden, Massachusetts

Staff Sergeant Christopher O. Moudry, of Baltimore, Maryland

Specialist George R. Obourn Jr., of Creve Coeur, Illinois

Specialist Timothy Burke, of Hollywood, Florida

Private First Class Dean Bright, of Roseburg, Oregon

Staff Sergeant Jonathan Rojas, of Hammond, Indiana

Staff Sergeant Daniel Isshak, of Alta Loma, California

Sergeant Joseph W. Perry, of Alpine, California

Corporal Michael K. Oremus, of Highland, New York

Specialist Justin R. Jarrett, of Jonesboro, Georgia

Staff Sergeant James D. Ellis, of Valdosta, Georgia

Specialist Raymond S. Armijo, of Phoenix, Arizona

Specialist Kristofer C. Walker, of Creve Coeur, Illinois

Private First Class Satieon V. Greenlee, of Pendleton, South Carolina

Staff Sergeant Joe A. Narvaez, of San Antonio, Texas

Sergeant Denise A. Lannaman, of Bayside, New York

Sergeant Mario Nelson, of Brooklyn, New York

Sergeant Chase A. Haag, of Portland, Oregon

Captain Justin D. Peterson, of Davisburg, Michigan

Lance Corporal Christopher B. Cosgrove III, of Cedar Knolls, New Jersey

Corporal Aaron L. Seal, of Elkhart, Indiana

Corporal Luis E. Tejeda, of Huntington Park, California

Sergeant Kampha B. Sourivong, of Iowa City, Iowa

Sergeant First Class Scott E. Nisely, of Marshalltown, Iowa

Corporal Robert Weber, of Cincinnati, Ohio

Petty Officer Second Class Michael A. Monsoor, of Garden Grove, California

Private First Class Christopher T. Blaney, of Winter Park, Florida

Sergeant Charles J. McClain, of Fort Riley, Kansas

Private First Class Alex Oceguera, of San Bernardino, California

Major Douglas E. Sloan, of Charlevoix, Michigan

Specialist Isaiah Calloway, of Jacksonville, Florida

Staff Sergeant Kyu H. Chay, of Fayetteville, North Carolina

Private Michael V. Bailey, of Waldorf, Maryland

Specialist Jason A. Lucas, of Columbus, Ohio

Chief Warrant Officer Scott W. Dyer, of Cocoa Beach, Florida

Specialist Fernando D. Robinson, of Hawthorne, California

Angelo J. Vaccaro, of Deltooa Florida

Mr. LAUTENBERG. I want their families to know that they can find their names in the permanent RECORD. Around many dinner tables across the Nation this Thanksgiving, the conversation will no doubt turn to the Iraq war. By this Thanksgiving, we will have been at war in Iraq as long as we were in World War II. I served in that war for almost 3 years. By reading these names today, my hope is that the dinner table conversations will discuss our foreign policy and the reasons that we are there, the reasons that they think put us there. I would ask them to contact their Senators, Representatives in Washington with views and questions that are on their minds.

Think about it. There are proposals now from outstanding leaders in this body suggesting that we need more troops than we have there, when it is the desire of most of us to get out of there. We can argue about timetables and should we have timetables, but we know this: we want our people home. It is shocking to hear suggestions that maybe we ought to be—not maybe, that we ought to be sending more troops. Where were those suggestions when General Shinseki, a very high ranking chief of the Army, said to the Pentagon, to the President, to the American people that we ought to have at least 300,000 people on the ground there? Why, then, if this war was planned properly, didn't we respect the opinions of so many senior officers in the military who said we needed more and were denied?

When we hear pleas that say put more troops there, I, for one—I am sure colleagues of mine feel the same way—don't know where they are going to get them. We are stretched thin now. So I think it is a fairly arbitrary suggestion, unless there is a plan accompanying it that says whatever we do, this is what we intend to do. I don't want to get into that argument about timetables, and cut and run. No, stay and die. Is that the alternative that we are talking about? No.

I don't want us to leave in a fashion that negates some of the sacrifices that have been made, but we are now being left alone as other countries pull out the few people who were there as part of a coalition which never really materialized. We want a plan. We want some idea as to what the President, the administration thinks about when we can start to look ahead, think more about it from this side, from the American side, and not have some false hopes, dismal hopes that we are going to be able to stay there and correct this situation without telling the American people, without telling the Congress that some program has to be presented that says we will not stay there forever. The price is far too costly.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

DISASTER RELIEF FOR FARMERS

Mr. CONRAD. Mr. President, I want to say to my colleagues, I hope very much we are able to find some accommodation to work out the situation. I stand ready to try to resolve this matter. I did it yesterday. I withdrew an amendment with the assurance that we would go to the Agriculture appropriations bill today. I really expected that commitment would be kept. I don't know how else this place can run but on the good faith of Members. I did my best to accommodate colleagues yesterday and did so on the assurance, both public and private, that we would go to the Agriculture appropriations bill so we could have a vote—we could have a series of votes, if necessary—on the question of whether we are going to provide disaster assistance to farmers who have been hit by drought, flooding, and other natural disasters, something we have done routinely in the past, frankly, at far greater cost.

One of my colleagues asked me yesterday: How does this compare to disaster bills of the past? We looked it up. One year we had a disaster bill of $16 billion, natural disaster. Another bill, another year it was $14 billion.

This is $4 billion for 2 years. This is not some outsized disaster assistance legislation; it is barebones. We recall that the bill that passed earlier was in the $6 billion range, when I had earlier offered $6.7 billion. We are down to $4.5 billion, as we have taken out things the White House said they would object to. We took out the energy provisions, for a savings of $1.8 billion. We stripped out some of the support for small businesses, for a savings of $215 million. We did add steps to reduce the cost in response to complaints from the administration. We now have it stripped down to the barebones, $4.5 billion for 2 years.

Mr. President, I thank very much those who have tried to work things out. I look forward to further discussions.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, in line with the agreement we had reached yesterday, I now ask unanimous consent that we proceed to the Agriculture appropriations bill.

The PRESIDING OFFICER. In my capacity as a Senator, I object.

Mr. CONRAD. Mr. President, I know this is not necessarily the position of the occupant of the chair. He is being asked to do that on behalf of the other side. I regret that very much because we had what was to me a very clear understanding yesterday. It was very clear. We were going to go to the Agriculture appropriations bill today. I was to be given the right to offer my amendment. All other Senators would have their rights respected with respect to that bill. That meant they could call for a supermajority vote. They could try to invoke rule XVI. We were prepared to deal with any of those contingencies.

I must say that this action leaves us with very little choice but to now object to proceeding to other matters. If good faith means something in this Chamber, that means commitments are kept. I regret very much that we find ourselves in this circumstance. The commitment made to me yesterday was very clear, both public and private. We were going to go to the Agriculture appropriations bill today. We were going to have a chance to vote. It is not exactly a novel idea here that we vote. People have a chance to win or lose. That is what I am asking for. That is what I was assured yesterday would happen today.

So, again, I ask unanimous consent to proceed to the Agriculture appropriations bill.

The PRESIDING OFFICER. In my capacity as a Senator, I object.

Mr. CONRAD. Objection is clearly heard. Again, I regret that very much.

The PRESIDING OFFICER. The Senator from North Dakota, Mr. DORGAN, is recognized.

Mr. DORGAN. Mr. President, my colleague has sought unanimous consent to bring up the Agriculture appropriations bill. I recognize, and I know he recognizes, that we don't have the power of scheduling in the Senate. That is the basis of that request. Those who observe the process of legislating might wonder sometimes, if you are not doing anything, why are you not doing something?

Clearly we are not doing anything at the moment. We have no business pending. We are attempting to do a piece of legislation dealing with the agricultural disaster for family farmers who suffered weather-related disasters. That is on the basis of the discussion yesterday, where the leader of the Senate wanted to finish the Military Construction bill, and my colleague, Senator CONRAD, withdrew his amendment dealing with farm disaster help in order to allow that bill to be completed yesterday. So the assumption was, with the back-and-forth my colleague read from the RECORD, that we would have the opportunity today for my colleague to offer an amendment to the Agriculture appropriations bill because the assumption and intent was to bring up the Agriculture appropriations bill first thing today. That has not been the case.

We came into session at 2:15, I believe, and we essentially are doing nothing. So someone watching these proceedings might want to ask the question: If you are not doing anything, why aren't you doing something? Are you not doing anything because there is nothing to do?

That is not the case. We are not doing anything, despite the fact that there are things to be done, because people object to doing things. That is a strange situation. What should be done? The Agriculture appropriations bill should be brought to the floor. That was the intention yesterday.

That bill is one I worked on last spring. I am a member of that agriculture appropriations subcommittee. I offered an amendment that my colleague Senator CONRAD and many others worked on on a bipartisan basis. That amendment, dealing with farm disaster aid to farmers, was agreed to. It went through the entire process. But the bill has not been brought to the floor. It needs to be modified now because we have had a devastating drought in the middle of 2006. My colleague would modify, with his amendment, the original amendment and provide the disaster aid we want to provide to family farmers.

This is not some notion out of left field. It is what this country has always done. If you have a devastating drought—and tens of thousands of farmers have seen their crops dry up in the field, and they have lost everything—the Congress has always said: We want to help you.

It is interesting to me that we go all over the world helping. I am proud that our country is there to say we want to help. But what about here at home, in the middle of our country, in the northern Great Plains in North Dakota, where farmers and ranchers had to sell their entire herds because there was nothing to eat? You cannot run a farm and you cannot keep a cow if you don't have feed. What about those folks who lost everything? Do we want to help them? I think so. It is what we have always done. But we have been blocked from bringing it to the floor of the Senate. We have things to do right now, and yet we are doing nothing because we have people blocking the attempt to bring up legislation we should be working on.

So my colleague, Senator CONRAD, asked unanimous consent to go to the Agriculture appropriations bill, which we thought we were going to as of yesterday, and we believed that was the intent. If we cannot reach an agreement on that, let me ask consent of a different nature. My understanding today was they could not go to the Agriculture appropriations bill, or would not, or whatever, and they wanted to go to the India nuclear agreement.

Let me ask this: I ask unanimous consent that the Senate immediately proceed to the Agriculture appropriations bill pending the disposition of the Indian nuclear agreement.

The PRESIDING OFFICER. In my capacity as a Senator, I object.

Mr. DORGAN. Mr. President, the point is to say the following: We are not doing anything at this moment. There is much work to be done, some of it very important. We have a lot of farm families wondering: Will we be able to have money to run our farms, for spring planting, or are we going to be told by our bankers and lenders that we cannot continue?

There is an urgency to this. If it cannot be the case that we move to that this afternoon, then OK. If it is the case that there are objections to moving to the Agriculture appropriations bill today and someone says let's bring up the India nuclear deal, the question I raise is, Can we get an agreement following that, so that we have certainty? We are not asking for the Moon here. All we are asking for is certainty to be able to bring to the floor of the Senate and to have a vote on a disaster relief package that is supported by almost three-fourths of the Senate.

My hope is that the majority leader and others will agree with us that we need to find a time. Perhaps the time cannot be today. Can it be at a future date? As my colleague indicated, the Presiding Officer is constrained to object on behalf of the majority leader. I understand that. That may not even be his position. I know he has farmers and agricultural folks in his State as well. My hope is that, with the cooperation of the majority leader, we can lock in a determination of when we have business on the floor of the Senate that will allow Senator CONRAD and I and others to offer the amendment to provide disaster aid. That is what we are asking.

This is not a puzzle for which there is no solution. This is very simple. We just need to understand, will there be an attempt to continue to block this or will there be an obvious opportunity for us to offer the amendment? If there is an opportunity, at that point I think we can lock in a time. My colleague, Senator CONRAD, and I and others would be satisfied with that and we would know we will get to the point to pass this for the farmers in the Senate. That would be an enormous and beneficial thing to do on behalf of thousands of families who work very hard in this country. They get up in the morning and do chores. We don't use the term "do chores" around here. Nobody does chores in the Senate; that is, getting up in the morning, feeding cattle, dealing with the hogs, chickens, and the horses—doing chores. These are people who work very hard. I think it is important for us to recognize that this devastating drought hurt a lot of families very badly. We helped those families as a result of the loss of crops in the Gulf of Mexico as a result of Hurricane Katrina. I am pleased we did that. We should not limit help in the form of disaster aid to just those folks who lost crops due to a disaster named "Hurricane Katrina." That is the point we are making.

I regret that we have not been able to get consent. My colleague has indicated—and I join him—that he would be constrained to object to moving on other issues until we get an agreement. When we get an agreement on when we are going to be able to vote on this amendment, at that point, then we can move on.

I yield the floor.

Mr. CONRAD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COBURN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEMINT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NUTRITION SERVICES TO OLDER AMERICANS

Mr. DEMINT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6326, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6326) to clarify the provision of nutrition services to older Americans.

There being no objection, the Senate proceeded to consider the bill.

Mr. DEMINT. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6326) was ordered to a third reading, was read the third time, and passed.

AGRICULTURE APPROPRIATIONS

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I have agreed to have these matters resolved because they are urgent matters, and I certainly didn't want to in any way impede action on those items that are absolutely essential.

I would very much like to resolve this matter so that the commitments that were made to me yesterday, both privately and publicly, be kept and we can move on. But I was assured yesterday that if I would take down my amendment, we would then go to the Agriculture appropriations bill today so that the amendment could be offered on that bill, with all Senators' rights reserved.

That was fair. I did it in good faith. But it is not to me good faith to have commitments made and then not kept. So I find myself in the situation where I have no alternative but to object to other business being done until and unless the commitment that was made to me is kept. That is why we are in this situation. I regret it. I wish we weren't in this situation. But I have been here 20 years, and I have complete respect for other Senators having the right to raise their objections. They can raise rule XVI. We believe our amendment has been drafted in a way that rule XVI will not apply. They can raise a budget point of order. That is completely fair. That is within any Senator's right. I certainly respect that. That would face then a supermajority vote. But we have been trying for months just to get a vote, and I think we have come to the point now where I was assured publicly and privately that it would happen today. That is why I am insisting on that commitment being kept.

I want to say once again, the issue is how we deal with natural disasters. I have proposed that we budget for natural disasters. At least we could look back historically. We know that on average we spend about $8 billion a year on natural disasters. Perhaps that is what we should do, budget that amount. The problem is, none of us can predict very well what natural disasters are going to occur. Obviously, no one knows when a hurricane is going to hit or a flood or a drought. So historically the approach has been not to budget for natural disasters but to consider them outside of the budget on an emergency basis, and that has been done the entire time I have been in the Senate. I don't necessarily think it is the best way or the only way, but it has been the way. There was no disaster assistance last year. There is no disaster assistance this year for those outside the gulf region. We certainly appreciate that they suffered by far the worst calamity, and I supported generous help to them. But there were others hit by natural disaster as well.

In my State last year, there were 1 million acres prevented from even being planted. Another 600,000 acres were subsequently drowned out, even though they were planted, by the worst flooding we have ever seen. I flew over southeastern North Dakota and it looked like Lake Agassi, which used to exist thousands of years ago, was reforming. I was on a plane and as far as the eye could see, there was water. I earlier referenced this letter from a young farm family telling me how devastating it was to them that they lost $120,000 and now this year, the irony of ironies, suffering the worst drought since the 1930s. In fact, the drought monitor, which is the scientific analysis of drought, said the drought that has been suffered in the heartland of the country is the third worst in our Nation's history.

I was on farm after farm that looked like moonscapes. There was nothing growing. Nothing. It was the 4th of July. Corn is supposed to be knee high by the 4th of July. Well, the corn wasn't as high as your shoelaces. I was even on irrigated ground and I saw irrigated corn and the ears hadn't filled out because of the extreme heat. One day in my hometown of Bismarck, ND, it was 112 degrees. I am not talking about the heat index; I am talking about the actual temperature. This isn't restricted to my home State of North Dakota. South Dakota was even harder hit. The two Senators from that State, a Republican and Democrat, are cosponsors of this legislation. The Senators from Minnesota, a Republican and a Democrat, are cosponsors of this legislation. The Senators from Montana, a Republican and a Democrat, are cosponsors of this legislation. The Senators from Nebraska, a Republican and a Democrat, are cosponsors of this legislation. The Senator from Kansas, Senator ROBERTS from Kansas, the former chairman of the House Agriculture Committee, is a cosponsor of this legislation. Senator HUTCHISON of Texas is a cosponsor of this legislation. All of them have been hit by devastating drought this year.

What does this bill do? It provides bare-bones assistance to these farmers. The cost is $4.5 billion over 2 years—over 2 years. So it averages about $2 billion a year. I will just put that in an historic context. In 2000 and 2001, we had disaster assistance bills that cost 1 year over $11 billion and in another year over $14 billion. This is a fraction of those. The White House objected to my earlier provisions that included something my southern colleagues asked for—I didn't ask for it, my southern colleagues asked for it—and it passed in the appropriations bill. It was in the previous supplemental that passed the Senate overwhelmingly. But the administration said: No, take that out, because you could be helping somebody not affected by a natural disaster. So we took it out and saved $1.8 billion. We took out $250 million of the assistance for small businesses that have been affected. I have spray pilots who have been completely wiped out. They had no business this year. They can't have business when there is no crop to spray. We took that out. We have made adjustment after adjustment to answer the legitimate complaints of colleagues and the administration.

But now we are in a situation where we need to have a vote and have the will of the Chamber expressed. Do they support this or do they not? These farmers deserve at least that. They at least deserve to know: Are they going to have a fair fighting chance for next year?

I would say to those who might be listening: Earlier this year I had 12 independent bankers in my office when the President's chief economic adviser came to see me on another issue. I asked him to step in the conference room to listen for a few moments to these independent bankers from all across every corner of the State of North Dakota, and they told Mr. Hubbard, unless there is assistance forthcoming, there will be a loss of 5 to 10 percent of their clients. They told him that 5 to 10 percent of the farmers and ranchers in North Dakota will be forced off the land and out of business. They will be done.

That is why Senator DORGAN and I are here with such tenacity, because we are representing the economic lives of tens of thousands of farm families—thousands in North Dakota, but also thousands more in Minnesota, in Montana, in South Dakota, in Nebraska. Our colleagues from those States have come repeatedly to the floor with us to make this point. We have 26 cosponsors of this bill—26—lots of Republicans, lots of Democrats, whose constituents have been similarly devastated by natural disaster. Always in the past there has been a response and, frankly, generally far more generous than this assistance. But these people have not gotten the media attention. It is not like the kind of disaster where the national media focuses, such as a Katrina or Hurricane Rita, or some other devastation. But, in many ways, this is a slow-motion disaster. This is a disaster that unfolded over many days and many weeks and even months no less devastating, but it didn't get the media attention.

I implore my colleagues to give us a chance to vote. That is all we are asking for. We absolutely understand that Senators have a right to vote against it. They have a right to bring a budget point of order. They have a right to raise rule XVI. I don't think it applies here, but they certainly have the right to do it, and to give us a vote. That is what was promised us yesterday. That is why I withdrew the amendment yesterday to let business proceed. But I only did it on the basis that we would be given that opportunity today.

Mr. President, I thank the Chair for listening and I yield the floor.

Mr. DORGAN. Mr. President, first, thanks to my colleague who states well the reasons we are on the floor. I think we have said most of what needs to be said in support of those farm families who have struggled and who have been hit and devastated with something they could not have envisioned: a natural disaster, drought and flood in both cases in our State in successive years.

I mentioned earlier this is not unusual. Traditionally in our country when family farmers have been hit with a tough blow, this country has said: You are not alone. We want to help you. And we have passed some kind of disaster legislation. We have provided some kind of help to those families. They are the ones who live out on the farm alone. It is a tough life.

I was looking back yesterday at 70 years ago in our region, first in South Dakota and next in North Dakota, when Franklin Delano Roosevelt did a train trip and it was a drought tour. On that drought tour he went out to say to people: I want to see what is happening out here and I want to tell you we are going to help. That was 70 years ago. This isn't new. We are not asking for something that has not been done before. It is something that has always been done.

The President has threatened to veto agricultural disaster aid when it has passed the Senate twice before. There were amendments I added in the Senate Appropriations Committee providing disaster help for farmers. It proceeded through the Senate. It went to conference. I was a conferee. The President threatened the veto and he got the House conferees to resist it and knock it out.

We asked the President to do a drought tour, to go out and see the middle part of the country. Go to the Northern Great Plains, the epicenter of drought, and take a look at ground that is not growing anything. It is just bare ground where crops used to exist. The President was not able to do that.

I want to quote Franklin Delano Roosevelt who 70 years ago on a train did do that drought tour. Here is what he said in Huron, SD, from the back platform of a train. The drought inspection trip was the occasion for Franklin Delano Roosevelt to be on the back platform of a train, speaking to the citizens of Huron, SD, and the family farmers in the surrounding area. He said:

> No city in an agricultural country can exist unless the farms are prosperous. We have to cooperate with one another rather than trying to buck one another. I have come out here to find you with your chins up, looking toward the future with confidence and courage. I am grateful for the attitude you are taking out here. As I said, it is a question of working together.

Then he was in Devils Lake, ND, on his train trip. He said:

> Today out here I don't ask you to have courage and faith. You have it. You have demonstrated that through a good many years. I am asking, however, that you keep up that courage and especially keep up that faith. If it is possible for government to improve conditions, government will do it.

That is Franklin Delano Roosevelt 70 years ago. He said:

> I assure you, the interests of these communities are very close to my heart. I won't forget the day I have spent with you. We hope that nature is going to open up the heavens. When I came out on the platform this morning, I saw a rather dark cloud and I said to myself, Maybe it is going to rain, but it didn't. All I can say is I hope to goodness it is going to rain good and plenty.

He said:

> I will tell you, my friends, I am not going to let up until I can give my best service to solving these problems.

Seventy years ago Franklin Delano Roosevelt, a man who knew family farmers, a man who knew America's workers, got on the train and went to take a look at what had happened, at the suffering in the Northern Great Plains as a result of that drought and said: We are going to help.

This is not new. My colleague Senator CONRAD and I are not asking for something that hasn't been done. In fact, in more modern times, the agriculture bill, known as the farm bill, has always included, until the recent decade or so, a provision called the disaster title that could be triggered when there was a disaster. That is not the case now. So each year we have to come to the Senate to ask for a separate disaster aid package, to try to reach out and help those who otherwise are going to be thrown off the farm and told they can't continue. Is it their fault? No, it is not their fault. Bad managers? No, not bad managers. Spend too much? No. It was a drought that came and destroyed everything they had, and where, in some parts of the country, a flood came and wiped out everything that existed on their farm. It is not their fault. It is the best of this country then to reach out and say: We want to help you. We think you are important to this country.

I mentioned yesterday a fellow named Rodney Nelson from my State who writes prose. He is a cowboy poet. He lives near Almont, ND, and he wrote a piece once that I have not forgotten. He asked in that piece: What is it worth? I think it is important for us to ask the question, What is it worth? What is it worth to have a kid who knows how to weld a seam? What is it worth to have a kid who knows how to work livestock? What is it worth to have a kid who knows how to grease a combine? What is it worth to have a kid who knows how to fix a tractor? What is it worth to have a kid who knows how to build a lean-to? What is it worth to have a kid who knows how to teach a newborn calf how to suck milk out of a bucket? What is all that worth? What is it worth to have a kid who knows how to plow a straight line?

There is only one university in America, only one, where they teach all those skills, and that is the family farm. Some people say it doesn't matter. It does to us. That is why we are here. This is not about a handout. It is about a helping hand during a time of trouble, during a drought and a flood. It is the best of what this country can do, and it is what this country should do. I hope, before this day is out, we will have an agreement by which we will have an opportunity to offer this amendment, get a vote on this amendment, after which clearly it will pass the Senate, and we will be on the way to getting this to the President.

My hope is that the President will not block it. He previously said he would veto legislation such as this, but I think, since he said that, things have changed. My hope is that he will recognize that change.

There has been a lot of discussion about change in this country in recent days, particularly in the last week. Change has a lot of meaning to it. Change is a word that we hope the President will embrace with respect to this issue. Twice previously he has blocked disaster aid for farmers who suffered a disaster as a result of weather-related problems. Twice previously he has blocked it. We hope he recognizes the change necessary to decide that now we need to help those family farmers.

Mr. President, I yield the floor. I make a point of order a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, we have been talking about these disasters of 2005 and 2006. I thought maybe it would be helpful to show a picture of what we are talking about.

This is last year in North Dakota, the southeastern part of the State. You can see the massive flooding. There is water everywhere. Only the farmhouse that is surrounded by sandbags is dry—and part of the barn. This was seen all across North Dakota last year.

Now, this year, there is an incredible change. This is what we saw this year. This is the most wicked drought I have ever seen in my life. This is a cornfield in my home county. The corn should have been 2 to 2½ feet high. You can see there is nothing here that is going to produce anything. This gentleman standing there, we asked him to be in the picture to give perspective. It is similar to a moonscape. We saw this all over western South Dakota. Nothing grew.

I told the story earlier of being on a farm south of Bismarck with irrigated corn—160 acres of irrigated corn. We took the ears off the corn and stripped them and about every third row of kernels was gone. There was nothing there.

I said to the farmer: How does this happen with irrigated corn?

He said: Kent, remember, last Sunday alone it was 112 degrees here. It was so hot, so intensely hot, that the kernels couldn't form.

This is the Drought Monitor. This is actually a publication by the U.S. Department of Agriculture that shows the severity of drought. Let me point out this is a scientifically designed survey. It focuses on broad-scale conditions. The yellow is abnormally dry; the tan is drought that is moderate; the darker tan is drought that is severe; the red is drought that is extreme; and the dark brown is drought that is exceptional. Those are the gradations. From abnormally dry in yellow, to light tan, moderate drought, the darker tan severe drought, the red is extreme drought, and the brown is exceptional drought.

Look at my State. North and South Dakota—exceptional drought, extreme drought, severe drought. The whole State in drought.

It was not just North Dakota. You can see Minnesota, a very big swatch here of extreme drought.

Over into Montana. As I said, South Dakota, Nebraska—right down the center of the country, Kansas, over into Colorado, over into Wyoming, down into Texas and Oklahoma. These are States, all of which have had drought conditions and quite severe drought conditions.

The disaster assistance that we are seeking has been endorsed by all of these farm groups—34 different farm groups saying that we need drought assistance and we need it now, everything from the National Farmers Union to the Barley Growers, the Cotton Council, the Wheat Growers, the Peanut Producers, the Farm Credit Council, the Soybean Growers, the Sheep Industry, the American Farm Bureau—all of them saying:

> We urge you to schedule a vote before the October recess on emergency agriculture disaster assistance legislation.

They were asking for it to be done before the October recess. And it is not just the farm groups, but it is also the agriculture commissioners from around the country. Here is what they said in a letter to the Senate back in September:

> The State Commissioners, the Secretaries of Agriculture and the Directors of Agriculture of the National Association of State Departments of Agriculture urge you to support emergency disaster assistance legislation for farmers and ranchers suffering losses and damages in 2005 and 2006.
>
> NASDA believes that emergency agriculture disaster assistance is a high priority requiring action by Congress this year.

This year is swiftly running out. They went on to say:

> While there are risk management programs such as crop insurance, disaster loans, and emergency grazing, the relief needed greatly exceeds the levels these programs can provide.

Some of my colleagues have said: Doesn't crop insurance cover this? No, crop insurance doesn't cover it. Why not? Because crop insurance is not designed for repeated loss. It is designed for periodic loss. That is what most insurance is designed for. Fire insurance on your home is not designed to deal with a situation in which your house burns down every year. What we have is a situation in which we have had repeated different disasters—flood last year, drought this year—a bizarre set of circumstances. But crop insurance is not designed for that kind of situation. With crop insurance, what happens when you have repeated disasters, the way the formula works is your coverage level diminishes automatically so that if you have had repeated losses, crop insurance does not provide much assistance. That is the hard reality. That is the way it works.

Some have said: Gee, we ought to fix that. Well, that is a good idea, but that is the way it works right now. So if you do not have a disaster program to offset some of these losses, you wash people right out of business. And that is what is going to happen, not just in my State but right down the center of the country. That is why you see these farm organizations coming forward—those that are Republican oriented, those that are Democratically oriented, unanimously saying this is needed. That is why you hear the agriculture commissioners and the secretaries of agriculture of the States together, in unison: This is needed.

I respect those who say: I am against that. My State is not affected. I will oppose it. They have a right to oppose it. They have a right to come and vote against it. But it seems to me it is only fair that people at least be given a vote. Let's let the body here work its will. If somebody wants to say there is a budget point of order against this, that is fair. You can have a budget point of order and require more than 60 votes to pass. I respect anybody offering that.

I respect somebody saying rule XVI ought to apply. We have been to the Parliamentarian. Rule XVI doesn't apply because this is on an agriculture bill, it is agricultural disaster, so we are told rule XVI does not apply. There are other ways of writing this to further assure rule XVI does not apply.

I say to my colleagues, a commitment was made, publicly and privately, that we are going to go to the agriculture disaster bill today. Today is here. Today is fast fleeting. In fact, as I look out the door there toward the direction of the Supreme Court of the United States, I can see the dusk is falling.

I know the Senate often does its work at night. I have never quite understood that, I say to the occupant of the chair, but for some reason this place often doesn't get around to voting. I think it is because Senators have appointments all afternoon. The reality of the work is they are in committees all morning and they have appointments every 15 minutes or every 30 minutes all afternoon, so by the time they get to come and offer their amendments and offer legislation, it is often in the evening. But the evening is fast approaching, and I hope, I say to my colleagues, I hope we have a chance to vote. Let's give these farm families at least an indication of where they stand. Is there going to be assistance forthcoming or not?

Some have said it is fiscally irresponsible. I understand there is an editorial in the Wall Street Journal, criticizing me, saying I am known as somebody who wants to see a return to fiscal responsibility and yet I am offering this amendment.

That is true. I think one of the greatest threats to this country is the massive debt we are accumulating. I am extremely worried about it. But I also know the Government has an obligation to help those who are affected by natural disasters. This is a very modest package, $4 billion over 2 years. In 2000 and 2001 we had disaster assistance programs that were approaching more than $10 billion: $14.8 billion 1 year and $11 billion in the next.

This is a very tightly written, constrained disaster relief program in which we have responded to the criticisms leveled by the administration by taking out those things to which they objected.

I will conclude with this thought.

Agriculture is far under the projections that were made for its costs when the farm bill was written in 2002. Agriculture is below by about $15 billion what was projected at the time the farm bill was written. Some have said the farm bill was a huge increase over the previous farm bill. No. What they are missing is if you combine the disaster assistance and the farm legislation with previous bills and compare it to what we are doing now, spending is not up; it is down and down significantly.

As I have indicated, we are $15 billion below what the projections were when the farm bill was written.

That is the circumstance we face.

I have very much riveted in my mind the drought tour we took earlier this year with the leaders of our State going from community to community listening to farm families describe the magnitude of the disaster facing them. I remember being in one farm yard and having one of the most respected farmers in our State take me aside, and say:

KENT, this is my last year. I can't continue.

This is a man who has won virtually every farm award in the State of North Dakota. He said to me: You know my family has been on the land for over 100 years in North Dakota. We have a "legacy farm." But we have not had a normal crop in 5 years.

This is in the Red River Valley of North Dakota.

When I grew up, my grandfather would drive through and say: There has never been a crop failure in the Red River Valley. It is the richest farmland in the world outside of the Nile Valley. In the Red River Valley of North Dakota, until the last 6 or 7 years, there has never been a crop failure. We have had the most bizarre set of weather events of my lifetime. We had 18 inches of rain in 24 hours in a town in the Red River Valley, in an area that only gets 18 inches of rain a year. Two years later, they had 14 inches of rain in 24 hours.

We have a lake called Devils Lake that has gone up 26 feet in the last 9 years. This lake is now three times the size of the District of Columbia.

There is something very odd going on. I don't pretend to know what it is. Some say global climate change. Some scientists who have studied it say my part of the country would be most severely affected by a global climate change, that these extremes would be made more extreme. I do not know about that. I do know that in my lifetime I have never seen anything like this.

Can you imagine a lake, a giant lake, going up 26 feet vertically in 9 years? It is an awesome thing to see 18 inches of rainfall in a town in 24 hours where the average rainfall is about that a year.

This is what has been happening. Now this incredible drought which the Drought Monitor says is the third most extreme drought in the history of the United States. I do not know how they measure drought. I do not know how they make that determination. These are scientific experts. I trust that they know what they are doing.

I say to my colleagues that I have seen firsthand land that looks like a moonscape which would normally be lush.

These people are hanging by a thread. The question is, Do they have the chance to survive until next year or are they done? Many of them are going to be out of business. But many more will be, if there is a failure to act, if there is a failure by Congress to do what it has almost always done in the case of natural disaster, which is to provide disaster relief on an emergency basis.

We don't budget for natural disasters. There is no line item in the budget for natural disaster. Perhaps there should be, but there is none.

I, frankly, think it would be a wise thing to do. At least we could take the average for some period of time and reduce it by 25 percent and put that in so we would have some way of having additional discipline in the budget. But we don't have that. That is where we are.

Again, I hope we are able to reach some agreement today.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I ask unanimous consent that Senator DEWINE be recognized for such time as he will consume and that I then be recognized following him.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2007

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.J. Res. 100, which was received from the House.

The PRESIDING OFFICER. Without objection, the clerk will report the joint resolution by title.

The assistant legislative clerk read as follows:

> A joint resolution (H.J. Res. 100) making further continuing appropriations for the fiscal year 2007, and for other purposes.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. DEWINE. Mr. President, I ask unanimous consent that the joint resolution be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the joint resolution be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

If not, without objection, it is so ordered.

The joint resolution (H.J. Res. 100) was ordered to a third reading, was read the third time, and passed.

HONORING OUR ARMED FORCES

LANCE CORPORAL CHRISTOPHER P. LYONS

Mr. DEWINE. Mr. President, this afternoon I come to the Senate floor to pay tribute to Marine LCpl Christopher Lyons from Mansfield, OH. On July 28, 2005, Lance Corporal Lyons was killed when his unit encountered hostile fire in Iraq. He was only 24 years old.

Lance Corporal Lyons is survived by his wife Bethany and their daughter Ella; his mother Phyllis Lyons; his father and step-mother, Paul and Debbie Lyons; his grandmothers Irmil Humphreys and Joyce Lyons; and numerous aunts, uncles, and cousins.

Christopher's family and friends remember him as an exceptional young man, someone who was always full of fun. With a quick wit and an infectious smile, his own love of life always brought happiness to those around him. Caring, selfless, loving, and extremely intelligent, Christopher had the gift of bringing out the best in everyone. He was simply the type of person who stood out in a crowd.

Christopher graduated in 1999 from Shelby High School, where he was enrolled in the Tech Prep Program at Pioneer Career and Technology Center. His vice-principal, Tim Tarvin, describes him as a "big-hearted kid, who always wanted to do the right thing for people."

Kevin Adkins, Christopher's youth pastor, remembers the impact that Christopher had on everyone who knew him. He said this:

> As a teenager, [Christopher] was the type of man that I have always strived to be. I'm not so sure how much I actually taught him, but just by his life, alone, he has taught me volumes. As a pastor, I was both humbled and uplifted by Chris's excellence and tenacity toward life. His example will live on in the many lives (like ours) that he has touched. I hope to raise my own two sons to be of such caliber.

After completing school, Christopher became a sales representative in the advertising department at the News Journal in Mansfield, Ohio. Advertising Director Scott Miller describes him as a polite young man who always took his obligations seriously. And Tom Brennan, publisher of the News Journal, said this about him:

> Christopher was an outstanding young man. He was the ultimate professional. Simply put, he was polite and positive. Any employer would have found a spot for him. The staff here will surely miss him.

Christopher's widow Bethany recalls her husband's ability to make everyone laugh and the way that he would tickle her to get her to smile. They were married in September 2003. Christopher's youth pastor remembers meeting Bethany for the first time. He remarked, "I will always remember that I thought you two were the cutest couple I have ever seen. It would take a very special person to catch Chris's eye."

Christopher was inspired to join the military by the terrorist attacks of September 11, 2001. His unit was called to active duty in 2005, and Christopher was sent to California for training. In March of that same year, he was deployed to Iraq.

Months before his deployment, Christopher and Bethany became expectant parents. For Christopher, who was so devoted to his family, it was a momentous occasion, and he was so proud of a t-shirt he wore with the word "Daddy" on the front of it.

Christopher's daughter Ella was born while her father was serving in Iraq. Although he was overseas, Christopher was able to see his new daughter on a web camera and in the many photos that his wife and his mother sent to him. And as she grows up, Ella will have numerous emails and photos from Christopher to treasure.

Christopher regularly wrote to family and friends from Iraq. Two of these letters were sent to the News Journal in Mansfield and were published in their editorial pages. The letters told about Christopher's experience in Iraq, and what it was like to lose a sergeant in his unit during combat. "When all is said and done," he wrote, "the greatest act is when one of our own gives his or her life in service [to] our country and each other."

This, of course, is the sacrifice that Christopher, himself, made for our Nation and for the ideals of freedom and democracy that we all hold dear. Christopher believed in his mission in Iraq. And, while paying tribute to eight of his Marine brothers who had fallen in combat, he wrote the following in one of his letters:

> The Corps values of honesty, courage and commitment have served as our cornerstone as we press on to put down the insurgency and win the war on terror.
>
> The people [in the] villages were grateful for our presence, often showing gratitude and appreciation by offering tea, blankets, or simply a smile and wave.
>
> Seeing this reaffirms that we have a purpose working toward a greater good in this country. Honoring our fallen brothers, we will continue the fight upholding the highest standards and working to break this dark oppressive force that lingers over the Iraqi citizens.

These are very impressive words, Mr. President, from a young man who was just 24-years-old.

Christopher's widow remembers that Christopher realized he could be killed while in serving in Iraq. But, she also remembers that Christopher, after being deployed, "saw how much good the United States was doing for Iraq."

Christopher's first person accounts of Lima Company's heroism spread to the families and friends of readers eager to hear from one of their own. In Greenwich, OH, Christopher's 9 year-old cousin Devin Back wrote of Christopher's heroism in a poem entitled, "My Hero:"

My hero is my cousin, Christopher.
He is nice.
He is playful.
He is in Iraq.
My cousin is very smart.
Christopher, my cousin, is not afraid of anything.
He is cool. He is happy a lot.
He writes to us from Iraq.
He takes a lot of risks.

Christopher's aunt Gwen Gwinner remembers that he never said anything bad about anyone. And his cousin Amy Blevins remembers that he was the definition of honorable, even before he joined the Marines. Throughout his entire life, Christopher was simply the kind of person who was respectful of and considerate to everyone.

Christopher's mother describes her son as her best friend, as someone who was always "kind, gentle, caring, compassionate, and giving."

"People have said to me how proud I must be of him," she said. "I was proud of him before he entered the military because of his integrity and his ability to let things roll off his back."

At an early age, Phyllis taught her son the importance of honesty, hard work, and respect. Christopher used an acronym to encompass his beliefs and values. The acronym was "WHO:" W- for willingness—to always be willing to do what you must and what is asked of you; H- for honesty and integrity—to be honest about what and why you do what you do; and O for obedience—always obey those who have rule over you, including God first and your mother.

From boot camp and Iraq, Christopher would write his mother Phyllis to say that he would keep the faith and be alright—and that he knew "WHO" he was. Phyllis says it is Christopher she now turns to for comfort. "He is now my strength and guidance," she said.

I am honored that I had the opportunity to meet Christopher's family and friends during a memorial in his honor, all of whom remember him as a special and unique person. He will never be forgotten by those who knew him. Christopher was an avid Scrabble player, and there was a message for him spelled out in Scrabble letters at his funeral. It read simply: "B-E-L-O-V-E-D" beloved.

The spirit of LCpl Christopher Lyons will never be forgotten. He had an insight into life and a sense of humor that was truly unique. He understood the importance of service, and was a man who was dedicated to family, community, and country.

My wife Fran and I continue to keep the family of LCpl Christopher Lyons in our thoughts and prayers.

MAJOR RAMON J. MENDOZA, JR.

Mr. President, I also rise today to pay tribute to Marine MAJ Ramon J. Mendoza Jr., from Columbus, OH. On November 15, 2005, Major Mendoza died from wounds that were sustained when an improvised explosive device detonated near his vehicle. He was 37 years old. He is survived by his wife Karen, his daughter Kiana, and his son Aleksandr. He is also survived by his two brothers Niola and Jermaine.

The death of Major Ray Mendoza has been felt by many. He was a man considered indestructible—someone whom his friends and family describe as "larger than life." His smile will always be remembered. It was huge and put everyone he met immediately at ease.

Ray was also devoted to serving his Nation and his Marines. He was dedicated, compassionate, and hard-working. His death is a loss not only for those who knew and loved him, but for our entire country.

Ray was born in Pleasantville, NJ, in 1968. He moved to Queens, NY, as a boy and graduated from John Adams High School in 1986. He then attended the prestigious Blair Academy in New Jersey for a year of study, where he was captain of the football team and a member of the wrestling team.

Many admired Ray at Blair Academy for his hard work and dedication. Bob Latessa, his former wrestling coach, remembers that "There was no task too tall. He never got down. He never ever felt sorry for himself or felt like he couldn't do something. This is a kid that just blew everybody away. I feel lucky and privileged to have known him."

Ray carried his tremendous work ethic and positive attitude with him to the Ohio State University, where he was a heavyweight wrestler. Coach Russ Hellickson described him as an aggressive athlete who pursued his goals with passion. "He wasn't a guy who stood around," he said. Coach Hellickson will never forget the young man who was one of his star wrestlers. Ray "forced the action and went after things," he recalled. "He was a pleasure to watch. I always felt he was a very mature kid. He was committed to accomplishing what he set out to do."

Ray lettered for the Buckeyes in 1992 and 1993 and was the Big Ten runner-up in the heavyweight division in 1993. His contributions to the Buckeyes will never be forgotten. They placed fourth in the Nation while he was there, and Ray's overtime victory against a reigning champ in the 1993 Big Ten tournament remains one of the program's most thrilling moments. Adam DiSabato, one of Ray's former teammates, remembers that Ray was the "key ingredient" to their team. "He solidified our team," he said. "He was the type of guy who wouldn't argue if you told him to do something that would benefit the team."

Today, wrestlers at Ohio State remember Ray by wearing a patch bearing his name on their singlets. And during one game, the OSU football team wore a decal on their helmets in Ray's memory.

While he was attending OSU, Ray met Karen Miller, the love of his life. Karen recalls that Ray began thinking of joining the Marines soon after graduating. According to Karen, he simply felt that it was his calling. She said, "We were married and getting set to launch a family. He said, 'I just have to do this.' It was almost like a calling to the pulpit."

Ray completed Officer Candidate School at Quantico, VA, and entered the Marine Corps in February 1995. He was commissioned Second Lieutenant in August 1995 and assigned as an infantry officer at the basic school.

While in the military, Ray continued his competitive wrestling career. He competed for the All-Marine Wrestling Team and was the Central Region Olympic Trial Greco-Roman Champion at 100 kilograms. One year, he placed second in the nation in the Armed Services National Wrestling Tournament. And in 1996, Ray was able to live the dream of millions when he became an alternate for the U.S. wrestling team at the Olympic Games in Atlanta.

But Ray was much more than an incredible wrestling talent. He brought the same dedication and determination that he had displayed on the mat to his service as a Marine. In October 1997, Ray was selected for augmentation and promoted to the rank of captain. He now had a regular commission in the United States Marine Corps.

Ray was deployed to Iraq with his unit in June 2003. Upon being redeployed after combat, he assumed command of Echo Company. And on October 1, 2005, Ray was promoted to the rank of major in the operational theatre.

Ray was a true leader in the Marines who always inspired others. Courage and dedication were attributes that he repeatedly displayed. In Husayba, Iraq, Ray positioned himself at the point of attack to maneuver his platoons and attachments, without regard to his own safety. While leading from the front, Ray enabled his company to defeat several enemy strong points and allowed the battalion to maintain its initiative as it advanced through the city.

MG Richard F. Natonski said this about the service of Ray and his comrades in Iraq:

> For a period of 9 days—starting November 5, 2005—Echo Company made history. Company Echo, under Mendoza's leadership, cleared over 600 buildings, found 16 weapon caches, and detained more than 300 insurgents.

Major Mendoza was truly loved by the marines under his command. SSG Boyde Allen described him as "the best platoon commander I've ever served under." And, SGT David Sanchez remembers Major Mendoza's effort to get to know his marines, and how one day he took the time to ask him about his sister's wedding ceremony. "He was really surprising," said Sergeant Sanchez. "He really knew his marines."

Ray's service to this Nation has earned him many awards, including a posthumous Bronze Star. But the awards are not what matter most. According to Ray's wife:

> Awards are great, but the most fulfilling reward I can receive and our family can receive is knowing that the Marines completed their mission. His boys finished the job.

Karen has started the Ray Mendoza Blair Wrestling Scholarship fund in her husband's memory, which will provide a financial contribution to a student-athlete attending Blair Academy. And Karen's own bravery and dedication to the Corps have been remarkable to everyone around her. "She's a phenomenal example for all of us," said Judy L. Svendsen, Karen's longtime friend. "She's always thinking of the military families, putting them first."

Mr. President, those who knew Ray all agree that he died doing what he loved to do—and that was leading marines. "He was always right in the friction," remembers 1SG Dennis J. Downing. "He always thought his best point of view was right up there with the Marines."

Perhaps the words of SGM Sylvester D. Daniels say it best:

> We all love Major Mendoza, make no mistake about that.

Without a doubt, Ray will continue to lead and inspire even after his passing. Karen says that she will never forget what happened shortly after receiving word that her husband had died. Her 8-year-old son, Alec, wrote a note and hung it from his bedroom door. The note read,

> Be a leader, not a follower.

I would like to conclude with words from a tribute that Ray's former wrestling coach wrote and posted on the Ohio State web site:

> Much like in the Marines, success on the wrestling mat is a consequence of the diligence and discipline that goes in to the training. Ray knew the only way to truly perform was to immerse yourself in the preparation. Do it hard, do it right, and do it relentlessly with passionate resolve.
>
> Ray put his heart and soul into every lift, every run and every match he ever wrestled for the Buckeyes. To a man, his teammates are grieving today. To know Ray, was to love him and respect him. No excuses ever! He was never absent, never late, and always ready to do his part with a smile and 100% commitment.
>
> Ray was a powerful man with a kind and caring heart. He was the ultimate team player in that he cared as much or more about you as he did about himself. Ray loved his family, he loved his fellow Marines, and he loved his wrestling Buckeyes.
>
> Ray showed us all that leadership is not a position, it is an action. Ray is my hero, too. Good bye, my friend.

My wife Fran and I will continue to keep the family and friends of Ray Mendoza in our thoughts and prayers. He was a truly outstanding marine. He was a truly outstanding human being. He will never be forgotten.

CORPORAL JEFFREY A. BOSKOVITCH

Mr. President, I rise today to pay tribute on the Senate floor to Marine Cpl Jeffrey Allen Boskovitch of Seven Hills, OH. Corporal Boskovitch was assigned to the 3rd Battalion, 25th Marine Regiment, 4th Marine Division, based in Brook Park, OH. He was one of six members of a sniper unit to be killed on August 1, 2005, by small-arms fire in Iraq. He was 25 years of age.

Jeff—as he was called by family and friends—lived a life that epitomized the virtues of bravery and dedication. His zest for life was both admirable and rare. He loved shooting pool with friends, bungee jumping, hot-air ballooning, and playing paint-ball. In the eyes of his young nephews, he was the "best" because he was so "cool" and because he loved the videogame HALO as much as they did. He is greatly missed by everyone who knew him.

Jeff graduated from Normandy High School in 1999, where he played quarterback and wide receiver for the Invaders. Soon after graduating, he enlisted in the Marine Corps Reserves and began studying criminal justice at Cuyahoga Community College. He graduated from the program as president of his class in 2001. At the time he was sent overseas, he was working full time as a corporate security supervisor for National City Bank and part time as a deputy with the Geauga County Sheriff.

One of Jeff's classmates, Tim Ellis, recognized his friend's natural gifts as a leader. Tim remembers how Jeff—who was in outstanding shape—would fall back in order to encourage the slower guys during their training runs. "Hang in there," he would say, "only one lap left." Tim wrote the following in remembrance of his friend on an Internet tribute page:

> Jeff was elected class president without asking for it or even mentioning it. He was a born leader. Jeff had a higher calling, and I will forever look up to him.

In January of 2005, Jeff followed that higher calling when his unit was deployed to Iraq. And Jeff found more than comrades in his sniper unit—he found brothers. They became a tightly knit group, so close that Jeff later declined a promotion just to be able to stay with them.

I would like to quote the words of SGT Brian Casagrande, who served with the snipers of 3–25. In a eulogy for his fallen comrade, he had this to say:

> Jeff Boskovitch was the platoon clown. He had a great sense of humor. He would often imitate other people and we loved to pick on him too. . . . He proved himself to be a valuable asset to the platoon, and was a comforting, sometimes comical voice on the other side of the handset.

Jeff loved his unit, and he loved his marines. According to his father Jim, "He was always one to do the honorable thing." And in the words of his uncle Dan, Jeff "had the biggest heart in the world. He was just a great kid."

Jeff truly was a person who cared deeply. One example of his compassion is the story about a puppy that Jeff found in a paper bag carried by an Iraqi boy. He asked the child to sell the puppy to him for a quarter and three jellybeans. The boy agreed, and Jeff named the dog Beans. Beans became the mascot of the entire 3–25 and would help them on missions. One time, she even alerted the unit to an attempted ambush. In an e-mail to his mother, Kathy, Jeff expressed the love for his new friend with the following simple words: "Beans is so cool." He sent his mother pictures of Beans, and Kathy began to raise money to bring the dog back to Ohio.

After Jeff died, Kathy embarked on a quest, a quest to bring his dog Beans home, petitioning the aid of both politicians and military officials. The story of "Operation Beans" was printed in newspapers in both the United States and Iraq. Three months later, after crossing the Atlantic on a military transport plane, Beans disembarked in Ohio and found Jeff's mother Kathy waiting for her. On the way home, Beans and Kathy made a stop at Jeff's final resting place.

Jeff was a young man who had a bright future before him. He was an aspiring police officer, someone willing to step forward as a role model for the entire community and for those who loved him.

Jeff was also planning a family. Days before he was killed, he spoke with his beloved fiancée, Shelly Tevis, and selected a date for their wedding. The date was to be October 14, 2006. In Shelly's words, "Jeff just embodied wholesomeness and strength, everyone looked up to him, and we will miss him very, very much."

Mr. President, I would like to conclude with the words of Jeff's father. This is what he said about his son:

> We're proud of him. And we look at him as a true hero—just like the other men and women who are serving in Iraq.

Indeed, the world is a better place because Jeff Boskovitch was in it. He will forever be remembered for his sincere compassion to help and serve others, for his sense of humor, and for his dedication to his friends, family, and country. He will be remembered as a devoted son, a kind brother, a beloved fiancé, and the best friend of a dog named Beans.

My wife Fran and I will continue to keep Jeff's family and friends in our thoughts and in our prayers.

LANCE CORPORAL AARON H. REED

Mr. President, I come to the Senate floor today to talk about Marine LCpl Aaron Reed from Chillicothe, OH, and pay tribute to him. On August 3, 2005, Lance Corporal Reed was killed when his military vehicle was hit by an improvised explosive device during combat operations in Iraq. He was only 21 years old—just 20 days shy of his 22nd birthday.

Aaron was one of the marines with Lima Company—Marine Force Reserve's 3rd Battalion, 25th Marine Regiment, 4th Marine Division, based in Columbus, OH. Everyone knows their story, which is one that has touched hearts across this Nation. On the day Aaron died, 13 other men in his unit—eight of them from Ohio—died alongside him. It was a tragedy that was felt by the Nation and felt by the State of Ohio.

Aaron's family and friends remember him as a quiet young man with an upbeat demeanor. His smile was truly something special. With it, he could light up an entire room. He was easygoing and social with his friends, always ready to laugh. At the same time, though, when it came time to get things done, no one worked harder than he did.

Aaron's capacity for leadership was unique, and he was active in both his church and community. His words always had a great impact on those who heard them. A 2001 graduate of Southeastern High School—where he had run both cross-country and track and field—he had been elected by his classmates to serve as senior class president. Leonard Steyer, Aaron's principal, said, "When you're senior class president, that should tell you quite a bit about what kind of young man he was."

Aaron was also known for his compassion. His mother Sara was active with Habitat for Humanity, and they were planning to help build a house together when Aaron returned from Iraq. In the words of Cody Elam, one of Aaron's friends from high school, Aaron "was the kind of guy to give you the shirt off his back if you needed it."

Aaron joined the Marines shortly after graduating. He wasn't the first member of his family to serve in the military—his older brother Matt was stationed in Kosovo at the time. According to his father, Steve, Aaron simply wanted the challenge of being a marine.

It is impossible to remember LCpl Aaron Reed without also remembering the other marines of Lima Company. The bond among these men was something we do not see every day. They were truly brothers. Because Aaron had dark hair and glasses, they nicknamed him after the fictional wizard "Harry Potter."

Before his death, Aaron had been promoted to team leader. According to his friend Joey Barker, Aaron was spending almost all of his spare time analyzing past missions to better prepare for the next one. But, this is simply the kind of man Aaron was—always hardworking and always willing to do his best for others.

Aaron kept in touch with his family and friends regularly while in Iraq, calling and e-mailing frequently. Aaron and his friend Joey had been playing an intense game of tic-tac-toe through the mail. Joey remembers that Aaron had been "in one of the best moods he'd ever heard him, laughing and joking around." At the time, he had been in Iraq since March 2005, and was scheduled to come home in late September.

Aaron's dad's last communication from Aaron was through e-mail, a short note letting him know his son was safe. His dad still chuckles when he reads the greeting—"Hey Daddy-O," using the nickname he had given his father, "nothing much going on here. Just the daily grind . . . Just thought I'd drop you a short note to let you know I was doing fine." And in an e-mail to his mother, Sara, Aaron wrote, "Mom, I'm just out here doing the best I know how to do."

It was typical of Aaron to describe his service in Iraq as "nothing much." He was always willing to serve others and do so with a cheerful smile on his face.

Aaron remained positive throughout his time in Iraq. Angela Flowers had been his friend since the time they met in seventh grade, and the two wrote each other frequently during Aaron's deployment. Aaron called when he was able, and Angela remembers the last time they talked. "He was extremely optimistic and positive," she said. "He was still the same old Reed."

Hundreds of mourners gathered at Aaron's funeral to pay their respects. Family and friends talked about Aaron the jokester, Aaron the faithful friend, and Aaron the steadfast teammate. They also laughed and told funny tales about joy riding and the typical teenage pranks that Aaron had played.

They also spoke of Aaron's faith in God. Aaron was wearing a cross around his neck when he died. It was recovered and returned to his mother Sara. She wears that cross every day.

At his funeral, Aaron's friend Joey played guitar and sang one of Aaron's favorite songs: "The Dance," by Garth Brooks. "We all loved Aaron, and Aaron loved all of us," Joey said. "He left this world much better than he found it."

Aaron had big plans for his life. He was planning to attend college when he returned from Iraq. He loved to write, and his father believes Aaron would have become an excellent writer. "He had the heart of a poet," his father said. "And he wrote some very good things."

Aaron will never be forgotten. A memorial scholarship has been established in his honor. Family, friends, community members, and complete strangers gave willingly and generously. Almost $25,000 has been raised, and the first scholarship of $1,000 was granted last spring to a graduating Southeastern senior.

Aaron's mother Sara also worked to build a Habitat house in his honor and in the honor of Army SPC Gavin Colburn, another Ohioan from Aaron's hometown who also lost his life serving in Iraq. Aaron had told his mother that when he got home, they would volunteer together to help build a Habitat house. After his death, several of Aaron's friends worked with his mother Sara to help his dream become a reality. Fittingly, they decided to name the building Hometown Hero House.

I had the privilege of meeting several of Aaron's family members and friends at a service held in his honor. Each remembers the beaming, megawatt smile that would always light up Aaron's face. And they will always remember that Aaron died while serving our Nation.

"Aaron believed in what he was doing, which made him my hero," his father Steve said. "Now he's everyone's hero."

Mr. President, 21 years, 11 months, and 11 days was the short time that Aaron lived on this Earth, but we are all better off because of the time he did live. He was a young man who genuinely loved life and had compassion for others. His dedication to his friends, family, community, and country was unmatched. Aaron is a model of what we all hope our children will become.

My wife Fran and I continue to keep the family of Aaron Reed in our thoughts and prayers.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I say to my colleague, Senator DEWINE, those have been very moving tributes to fallen soldiers from his State of Ohio. He has set a good example for all of us on recognizing the service and sacrifice of those from his home State. I find as I listen to those tributes that they are extremely well done. I thank the Senator for that.

I also wish to acknowledge that the Senator from Ohio will be leaving at the end of this term and that I have very much appreciated working with him. He has been one of the very serious Members of this body, and we are going to miss him. I wanted to say to him that I certainly appreciate his service in the Senate. He has always been a constructive colleague, somebody who was working diligently to try to solve problems facing the country. We very much appreciate his dedication to the country.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I thank my colleague and tell him that I have enjoyed working with him very much. We have worked on things together. You can work across the aisle in this body and get things done. I thank him for his very kind and generous words.

DISASTER RELIEF FOR FARMERS

Mr. CONRAD. Mr. President, as this interregnum continues, as we wait for some kind of resolution—we were told an hour and a half ago that would be forthcoming in 45 minutes—I wanted to read a letter I received from a young farm family that had been hit by one of the disasters I had referenced earlier. This family is from Souris, ND. It was a letter that was written to me last year about the extraordinary rains. This is what the father of the family wrote:

> The rains began in earnest the last days of May 2005. Our crops were in the ground so the majority of the input costs for the crops were already realized. We received 25 inches in 33 days and the attached pictures show the result. In our local town residents were going up and down the streets in boats.
>
> We did our very best to cope with expenses but with the increased energy prices and the loss of crop income we and all the other producers in our area lost the battle. Our farm had financial reversals in the amount of $110,000. We carry crop insurance but this program does not begin to cover our risks.
>
> In speaking with loan officers at 2 of our local banks I was told that First National expects to restructure 60% of their Ag. Loans and State Bank estimated 75%–80%. This is serious business in agriculture.
>
> We have felt the seriousness of the disasters in the South from last year's hurricanes and we have urged our delegation to support help for them. However our area was understandably off everyone's radar screen yet we had the devastation here as well.
>
> Concerns abound as we look to the future. As I look out my window to the west I see a field that we have seeded since my grandfather homesteaded here in 1892. For the first time we will not be able to seed it. It is 120 acres with about 60 acres still under water from last summer. The Federal Government has placed a heavy burden on us by declaring our area as a Prairie Pot Hole Region. This means I cannot drain this excess water into a nearby drainage system. I am stuck with it. How do I begin to recover the financial losses mentioned above when the Government Regulations limit those opportunities? The water is to the top of the road on both sides and now after being this way for close to a year the road is saturated and just about ruined. I just spoke with a township supervisor and they feel they will be closing the road because of liability concerns.
>
> We are asking that you come along side us and help us through this impossible situation that has been presented to us by a combination of nature and government regulations. Please support the Disaster Relief Appropriation currently working its way through Congress. If you do, you will literally be the difference between many being able to continue to produce food and fiber for this great nation and not being able to continue this production.
>
> Thank you so much for listening to part of our story.

This gentleman included pictures. I don't think these are pictures that can be seen on camera, but I will hold them up and describe them. These are six different pictures. In some of them, there is water from horizon to horizon. Here we see a view that would go for miles and miles. There is water everywhere. This is what happened last year over much of my State—as I indicated earlier, a million acres that could not even be planted, another 600,000 acres where the crops were drowned out. Now this year, as I have said before, irony of ironies, the worst drought since the 1930s. Land I have been on many times in my life south of my hometown is like a moonscape—nothing growing, just dirt; land that had been planted and nothing even emerged.

To understand what happened, this is the weather for the month of July in my State. Bismarck, ND, is the State capital. It started out with a day at 90 degrees; the next day, 92. Then right after July 4 it went over 90 degrees the next 2 days. Then it jumped up to 102, and then it was 97. The next week, 96, and then it was 101, 105, 94, 101, 105, 106. This is not heat index. These were the actual temperatures. Then we had kind of a cooling, and it got into the 80s. Then on the 22nd it jumped back up to 96, 97, 96, 90s all these days, 99, 97, and then the real corker, on the 30th of July, 112 degrees. That is really hot. I had friends who went out and drove south of my hometown that day who told me it was so hot it took your breath away, 112 degrees. I am not talking heat index or any of that; I am talking the actual temperature.

The crops just burned up. During this period, there was no precipitation—no precipitation, no precipitation, no precipitation that whole week, no precipitation this entire week, no precipitation until the 19th. In fact, not a drop until the 19th of July, and then there was 7/100th, then there was 32/100th, then no precipitation, none for the next period going through the end of the month. So from the 21st to the 31st, not another drop of precipitation. Meanwhile, 101, 105, 106, 112 degrees. This is why the disaster is so serious, a combination of virtually no precipitation—for this whole month, there was 39/100th of an inch of precipitation—and day after day, 90 and 100 degrees. The crops just burned up.

We can say: Tough luck, you are out of here, but that is not what we have done in the past. In the past, going back to 1989, we had the disaster assistance bill, $3.4 billion. In 1990, we had disaster assistance. Every year with the exception of 1991, right through 2005.

Disaster assistance in 2000 was $14.8 billion. The next year it was $11.3 billion. This disaster package is $4.5 billion for 2 years, so it is dramatically less. Obviously, that is a result of more widespread disasters, perhaps, in those years, so the cost is less, but also this is a less generous disaster bill, as we have moved to reduce things, cut things from the $6.7 billion to $4.5 billion or just under $4.5 billion.

I think most people would acknowledge I have not been somebody who has ever sought to hold up the business of the Senate. I have been here 20 years. That is not how I have conducted myself. But I am left with no alternative and no choice when a commitment was made to me yesterday, both publicly and privately, that we would go to the Agriculture appropriations bill today and that I would have a chance to offer the amendment. I have reviewed the RECORD. It is very clear, the commitment that was made. As of this hour—we are approaching the 6 o'clock hour—that commitment has not been kept.

I understand there are others who may have lodged objection to going to the bill. But there are ways to go to a bill. It happens every day here. It happens every day that we go to a bill to which somebody has an objection. We have completely reserved the rights of our colleagues. They can require a supermajority vote. They can raise a budget point of order. They can raise rule XVI. As I have indicated, it is clear to me rule XVI doesn't apply because we have written this in a way that it does not apply. They can insist on a vote. Fair enough. That is all I am asking for. I am asking for a vote. These people deserve that chance.

The fact is, literally thousands of farm families in my State are hanging in the balance. Right now, they are done with production for the year. Many of these places didn't have any production. This time of year, you go to your banker, and the bankers are saying to me that if there is not disaster assistance, 5 to 10 percent of farm families in my State are finished. What does that mean? We have 35,000 farm families in North Dakota. Five percent, if my math is right, would be 1,750. Ten percent would be 3,500 farm families who are out there right now wondering: What is the Federal Government going to do? Are they going to do what they have always done every year for almost the last 20 years and provide some kind of disaster assistance, or are they going to say: Tough, you are on your own, you are out of luck? I very much hope there will be a response and it will be a favorable response. These are as good as any people I know anywhere, hard-working, decent, honest, good people. They have been hit by the most extraordinary set of conditions. This drought has been rated the third worst drought in our Nation's entire history.

The flooding last year was unprecedented in my State. Outside of the 1997 floods, which was a 500-year flood—the worst flood in 500 years—we have not seen anything like it. I don't pretend to know what is going on with the weather out there, but something extraordinary is happening—extreme weather and extreme weather conditions, unlike anything I have seen in my adult lifetime. The result is deep financial damage to thousands and thousands of people.

Mr. President, I hope somewhere somebody is listening. I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, leadership indicates to me they wish to adjourn for the evening momentarily. I don't know if they have other matters to wrap up. I am certainly not going to hold the body here. We will come back tomorrow with the status quo being in place. That is my understanding of what the agreement would be. I understand they are going to try to work through the evening to resolve this matter so we can go to the bill at some point, with some assurance.

I want to bring this to my colleagues' attention. I pointed out the horrendous weather in July in North Dakota. This is an article that appeared in the Grand Forks Herald. It said this:

> Fields of wheat, durum and barley in the Dakotas this dry summer will never end up as pasta, bread or beer. What is left of the stifled crops has been salvaged to feed livestock struggling on pastures where hot winds blow clouds of dirt from dried-out ponds.
>
> Some ranchers have been forced to sell their entire herds, and others are either moving their cattle to greener pastures or buying more already-costly feed. Hundreds of acres of grasslands have been blackened by fires sparked by lightning or farm equipment.
>
> "These 100-degree days for weeks steady have been burning everything up," said Walter Johnson, Steele's mayor. "I'd go for 2 feet of snow than this."
>
> Farm ponds and other small bodies of water have dried out from the heat, leaving the residual alkali dust to be whipped up by the wind. The blowing, dirt-and-salt mixture is a phenomenon that hasn't been seen in south central North Dakota since the Dust Bowl of the 1930s, Johnson said.
>
> More than 60 percent of the United States now has abnormally dry or drought conditions, stretching from Georgia to Arizona and across the north through the Dakotas, Minnesota, Montana and Wisconsin, said Mark Svoboda, a climatologist for the National Drought Mitigation Center at the University of Nebraska at Lincoln.
>
> 'An area stretching from south central North Dakota to central South Dakota is the most drought-stricken region in the nation, Svoboda said.
>
> "It's the epicenter," he said. "It's just like a wasteland in north central South Dakota."
>
> Conditions aren't much better a little farther north. Paul Smokov and his wife, Betty, raise several hundred cattle on their 1,750-acre ranch north of Steele, a town of about 760 people.
>
> North Dakota's all-time high temperature was set here in July 1936, at 121. Smokov, now 81, remembers that time and believes conditions this summer probably are worse.
>
> "I could see this coming in May," Smokov said of the parched pastures and wilted crops. "That's the time the good Lord gives us our general rains. But we never got them this year."
>
> Brad Rippey, a federal Agriculture Department meteorologist in Washington, said this year's drought is continuing one that started in the late 1990s. "The 1999 to 2006 drought ranks only behind the 1930s and the 1950s. It's the third-worst drought on record—period," Rippey said.
>
> Svoboda was reluctant to say how bad the current drought might eventually be.
>
> "We'll have to wait to see how it plays out—but it's definitely bad," he said. "And the drought seems to not be going anywhere soon."
>
> Herman Schumacher, who owns Herreid Livestock Auction in north central South Dakota, said his company is handling more sales than ever because of the drought.
>
> In May, June and July last year, his company sold 3,800 cattle. During the same months this year, more than 27,000 cattle have been sold, he said.
>
> "I've been in the barn here for 25 years and I can't even compare this year to any other year," Schumacher said.
>
> He said about 50 ranchers have run cows through his auction this year.
>
> "Some of them just trimmed off their herds, but about a third of them were complete dispersions—they'll never be back," he said.
>
> "This county is looking rough—these 100-degree days are just killing us," said Gwen Payne, a North Dakota State University extension agent in Kidder County, where Steele is located.
>
> The Agriculture Department says North Dakota last year led the nation in production of 15 different commodity classes, including spring wheat, durum wheat, barley, oats, canola, pinto beans, dry edible peas, lentils, flaxseed, sunflower and honey.
>
> North Dakota State University professor and researcher Larry Leistritz said it's too early to tell what effect this year's drought will have on commodity prices. Flour prices already have gone up and may rise more because of the effect of drought on wheat.
>
> "There will be somewhat higher grain prices, no doubt about it," Leistritz said. "With livestock, the short-term effect may mean depressed meat prices, with a larger number of animals being sent to slaughter. But in the longer run it may prolong the period of relatively high meat prices."
>
> Eventually, more than farmers could suffer.
>
> "Agriculture is not only the biggest industry in the state, it's just about the only industry," Leistritz said. "Communities live or die with the fortunes of agriculture."

Mr. President, this is an article that was repeated in newspaper after newspaper across my State. This is a disaster that is virtually unprecedented. South Dakota is even worse. That is why we simply have to achieve a result. I again ask my colleagues, please, just give us a vote. These people deserve at least that.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I have just been told now by leadership staff they are going to do everything they can to try to get this Agriculture appropriations bill up tomorrow and that I would have an opportunity to offer an amendment and get a vote. I have been assured they are going to bend their best efforts to accomplish that tomorrow. I appreciate that effort. I hope it occurs. Of course, that was supposed to happen today.

I am also informed they want to adjourn the body for the day, and I certainly will not stand in the way of adjourning. There are many here who have families they wish to go home to, and I certainly don't want to stand in the way of that, especially with these assurances that now, once again, have been given to me that they will bend their best efforts to try to get to the Agriculture appropriations bill tomorrow and give me an opportunity for a vote.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUDGET SCOREKEEPING REPORT

Mr. GREGG. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under Section 308(b) and in aid of Section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of S. Con. Res. 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the 2006 budget through September 30, 2006. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 2006 concurrent resolution on the budget, H. Con. Res. 95. Pursuant to section 402 of that resolution, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the attached report excludes these amounts.

The estimates show that current level spending is under the budget resolution by $11.869 billion in budget authority and by $4.030 billion in outlays in 2006. Current level for revenues is $6.590 billion above the budget resolution in 2006.

Since my last report dated September 5, 2006, Congress has cleared and the President has signed the Department of Defense Appropriations Act, 2007, P.L. 109-289. In addition to providing regular defense appropriations for 2007, this act appropriated $200 million for firefighting activities in fiscal year 2006. Those appropriations were designated as emergency requirements in 2006 and did not affect the current level totals.

This is my final report for 2006.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 5, 2006.

Hon. JUDD GREGG,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed tables show the effects of Congressional action on the 2006 budget and are current through September 30, 2006. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions for fiscal year 2006 that underlie H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006. Pursuant to section 402 of that resolution, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 2 on Table 2).

Since my last letter dated September 5, 2006, the Congress has cleared and the President has signed the Department of Defense Appropriations Act, 2007 (Public Law 109-289). In addition to providing regular defense appropriations for 2007, this act appropriated $200 million for firefighting activities in fiscal year 2006. Those appropriations were designated as emergency requirements in 2006 and did not affect the current-level totals.

Sincerely,

DONALD B. MARRON,
Acting Director.

TABLE 1.—SENATE CURRENT-LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2006, AS OF SEPTEMBER 30, 2006

[In billions of dollars]

	Budget resolution [1]	Current level [2]	Current level over/under (−) resolution
ON-BUDGET			
Budget Authority	2,094.4	2,082.5	−11.9
Outlays	2,099.0	2,095.0	−4.0
Revenues	1,589.9	1,596.5	6.6
OFF-BUDGET			
Social Security Outlays [3]	416.0	416.0	0
Social Security Revenues	604.8	604.8	*

[1] H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, assumed $50.0 billion in budget authority and $62.4 billion in outlays in fiscal year 2006 from emergency supplemental appropriations. Such emergency amounts are exempt from the enforcement of the budget resolution. Since current-level totals exclude the emergency requirements enacted in the previous session and the emergency requirements in Public Law 109-176, Public Law 109–208, Public Law 109–234, and Public Law 109–289 (see footnote 2 on Table 2), the budget authority and outlay totals specified in the budget resolution have also been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

[2] Current level is the estimated effect on revenue and spending of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations, even if the appropriations have not been made.

[3] Excludes administrative expenses of the Social Security Administration, which are also off-budget, but are appropriated annually.

Source: Congressional Budget Office.

Note: * = Less than $50 million.

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT-LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2006, AS OF SEPTEMBER 30, 2006

[In millions of dollars]

	Budget Authority	Outlays	Revenues
Enacted in Previous Sessions:			
Revenues	n.a.	n.a.	1,607,180
Permanents and other spending legislation [1]	1,296,134	1,248,957	n.a.
Appropriation legislation	1,333,823	1,323,802	n.a.
Offsetting receipts	−479,868	−479,868	n.a.
Total, enacted in previous sessions:	2,150,089	2,092,891	1,607,180
Enacted This Session:			
Katrina Emergency Assistance Act of 2005 (P.L. 109–176)	250	250	0
An act to make available funds included in the Deficit Reduction Act for the Low-income Energy Assistance Program for 2006 (P.L. 109–204)	1,000	750	0
Native American Corrections Act of 2006 (P.L. 109–221)	23	23	3
Tax Increase Prevention and Reconciliation Act of 2005 (P.L. 109–222)	0	0	−10,757
Heroes Earned Retirement Opportunities Act (P.L. 109–227)	0	0	−1
Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (P.L. 109–234)	−111	143	55
Broadcast Decency Enforcement Act of 2005 (P.L. 109–235)	0	0	1
Mine Improvement and New Emergency Response Act of 2006 (P.L. 109–236)	0	0	1
Returned Americans Protection Act of 2006 (P.L. 109–250)	4	3	0
An act to provide funding authority to facilitate the evacuation of persons from Lebanon (P.L. 109–268)	0	27	0
Total, enacted this session:	1,166	1,196	−10,698
Entitlements and mandatories:			
Difference between enacted levels and budget resolution estimates for appropriated entitlements and other mandatory programs	−68,740	879	n.a.
Total Current Level [1, 2, 3, 4]	2,082,515	2,094,966	1,596,482
Total Budget Resolution	2,144,384	2,161,420	1,589,892
Adjustment to budget resolution for emergency requirements [4]	−50,000	−62,424	n.a.
Adjusted Budget Resolution	2,094,384	2,098,996	n.a.
Current Level Over Adjusted Budget Resolution	n.a.	n.a.	6,590
Current Level Under Adjusted Budget Resolution	11,869	4,030	n.a.

[1] P.L. 109-171 was enacted early in this session of Congress, but is shown under "enacted in previous sessions" as requested by the Committee on the Budget. Included in current-level totals for P.L. 109–171 are $980 million in budget authority and −$4,847 million in outlays.

[2] Pursuant to section 402 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the current-level totals exclude the following amounts.

	Budget Authority	Outlays	Revenues
Emergency requirements enacted in previous session	74,981	112,423	7,111
Katrina Emergency Assistance Act of 2006 (P.L. 109–176)	−250	0	0
National Flood Insurance Enhanced Borrowing Authority Act of 2006 (P.L. 109–208)	2,275	2,275	0
Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (P.L. 109–234)	94,541	24,184	0
Department of Defense Appropriations Act, 2007 (P.L. 109–289)	200	0	0
Total, enacted emergency requirements	171,747	138,882	−7,111

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[3] Excludes administrative expenses of the Social Security Administration, which are off-budget.

[4] H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, assumed $50,000 million in budget authority and $62,424 million in outlays in fiscal year 2006 from emergency supplemental appropriations. Such emergency amounts are exempt from the enforcement of the budget resolution. Since current-level totals exclude the emergency requirements enacted in the previous session and the emergency requirements in P.L. 109–176, P.L. 109–208, P.L. 109–234, and P.L. 109–289 (see footnote 2 above), budget authority and outlay totals specified in the budget resolution have also been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

Notes.—n.a. = not applicable; P.L. = Public Law.

Source: Congressional Budget Office.

FIGHTING DOMESTIC VIOLENCE

Mr. BIDEN. Mr. President, I rise today to pay special tribute to the General Federation of Women's Clubs and their recent work to fight domestic violence. The organization is a gem among our midst. Founded in April 1890, it is one of the world's oldest and largest women's volunteer organizations. More than 150,000 women members in 5,000 local and 20 international clubs volunteer over 13 million hours and contribute approximately $35 million through more than 160,000 club projects. I can't underestimate how powerful and influential this corps of volunteers is to the health of our Nation.

I am particularly proud that this year the international president, Jacqueline Pierce, has adopted "Domestic Violence Awareness and Prevention" as her President's Special Project for 2006–2008. Nannette White, a member from Louisiana, serves as the national chairperson of the President's Special Project, and with the support of a national committee of women, promotes participation in this project. All across the Nation, local women's clubs are adopting battered women's shelters and donating needed goods such as food, linens, health care items, and more. In Nevada, members sponsored a public service campaign on radio stations to promote important messages about violence prevention. In Mississippi, members distributed 2,000 fliers with information on the National Domestic Violence Hotline and helped raise funds for the Mississippi State Coalition Against Domestic Violence. This is just a small sampling of the good works being done.

As part of this special project, the General Federation of Women's Clubs forged a historic collaboration with the Family Violence Prevention Fund, the National Domestic Violence Hotline, the National Network to End Domestic Violence and domestic violence organizations in communities throughout the United States. Innovative partnerships between the public and private sector, new relationships between organizations—these are the pathways to solutions to our Nation's most pressing problems.

I have spent almost 34 years of my life in Congress and witnessed the transformative impact of powerful Federal legislation. For instance, the Violence Against Women Act improved Federal and State criminal laws and enacted programs that encourage prosecution of abusers, create battered women's shelters and sponsor educational campaigns. Over the past decade, the act's programs have distributed over $4 billion to States, local governments, and nonprofit organizations. Yet despite this extraordinary success, I am convinced that Federal Government action alone cannot end domestic violence. We desperately need the individual attention and dedication of volunteers. Change happens one woman at a time and one volunteer at a time. The volunteer work done by club members fills an invaluable role. As my mother would say, these are the people who do God's work.

I commend Madam President Pierce for her leadership and commitment to airing our Nation's "dirty little secret," domestic violence. She has brought a whole new legion of women warriors to help battered women and their children. On behalf of the entire Senate, I thank them for their tireless volunteerism to end domestic violence and giving women what they haven't had before—hope.

HOLD EXPLANATION

Mr. WYDEN. Mr. President, I have placed a hold on the nomination of Roger A. Martella, Jr., to be general counsel of the U.S. Environmental Protection Agency. Consistent with my policy of publicly announcing whenever I place a hold on a nomination, I want to notify my colleagues of my objection to allowing Mr. Martella's nomination to be considered under a unanimous consent agreement and to take a few minutes to explain to my colleagues why I am doing so.

After many years of delay, the EPA has finally proposed regulations under the Clean Air Act to protect Americans from toxic air pollutants from cars and trucks and other mobile sources. But instead of proposing a rule that would protect all Americans from these toxic emissions, EPA's proposal would essentially turn the Pacific Northwest into an environmental sacrifice zone.

EPA's analysis shows that the biggest risk from these pollutants comes from benzene which is naturally found in petroleum products and ends up in the gas tanks of our cars and in the gas cans in our garages. Some of the highest levels of benzene in gasoline are found in the Northwest. In fact, our region of the country has the highest average levels of benzene in gasoline in the United States, more than three times higher than gasoline here on the east coast.

Benzene is a known carcinogen. Exposure to benzene has been shown to cause leukemia and poses other health risks, such as genetic changes. Although the EPA has never set a health standard for benzene in the environment, the Department of Environmental Quality for the State of Oregon has, and we have levels of benzene in Downtown Portland that are 20 times higher than the State's standard. The majority of this benzene comes from gasoline. So it should be good news that EPA is finally acting to regulate the amount of benzene in gasoline.

Unfortunately, EPA has proposed a regulatory scheme that will simply not ensure that these levels are reduced as much as they need to be, and let me explain why.

First, EPA rejected the idea that there should be a maximum level of benzene in gasoline. The current Federal requirements for reformulated gasoline contain a maximum threshold for benzene. The State of California's fuel standards include a provision limiting the percentage of benzene in gasoline sold in California. Canada has a benzene limit. Korea has a benzene limit. Japan has a benzene limit. The European Union has a benzene limit. And according to a recent article in the industry trade press, Vietnam is going to establish a benzene limit. But not EPA.

Instead, what EPA has proposed is the establishment of a national average for benzene in gasoline. Every refinery or gasoline importer is theoretically supposed to sell gasoline that meets this average standard, but there is no maximum level and EPA has coupled this requirement to a credit-trading system. Under EPA's scheme, refineries that make gasoline below the standard will get credits that they can give away, trade, or sell to refineries which make gasoline above the standard. Many refineries that make gasoline with high benzene levels would never have to meet the EPA standard. And again, because under the EPA proposal there would be no maximum level of benzene in gasoline, many refineries are expected to make little, if any, reduction in the amount of benzene in their gasoline and rely instead on credits to meet the standard. According to EPA, five refineries producing gasoline over the EPA standard would take no action whatsoever to reduce their benzene levels.

The reason this is all so important is that Americans don't get their gasoline from a gasoline terminal filled with "average" gasoline. They get their gas from regional refineries and distributors. In Oregon, we get almost all of our gasoline from refineries on Puget Sound in the State of Washington—refineries which, for the most part, produce gasoline with high benzene levels. Even if everything worked as EPA intended, benzene levels in gasoline in the Northwest would be 40 percent above the national standard. However, the plain fact is that there is no assurance that gasoline in our region will be cleaner because EPA leaves the decision of whether the refineries in Puget Sound reduce their benzene levels up to the companies that own those refineries. If oil companies decide that it is in their economic interest to simply buy their way to compliance by using credits instead of investing in equipment that will actually reduce the amount of benzene in our gas, EPA says they can. The only thing that EPA will care about is that those companies have begged, borrowed, or bought enough credits to meet the national average. And we will continue to have the same high levels of benzene we have now. In fact, without any sort of overall cap on the amount of benzene that can be in gasoline, benzene levels in our gasoline in the Northwest could even go up.

I have focused my remarks on the impact that this proposal has on the Northwest, but it is not just a problem for the Northwest. Other parts of the country will also have gasoline with benzene levels over the national standard, and without any maximum level of benzene no American can be sure of how much benzene might be in their gasoline and in the air they breathe.

I also want to emphasize again that under the EPA approach, it will be the oil companies that decide whether they reduce their benzene levels at any given refinery, not EPA. If EPA's analysis is correct, a single major oil company, which EPA identifies only as "Company No. 2," would be responsible for producing more than a third of all of the gasoline exceeding the proposed national benzene standard. Rather than make the investment in benzene control and removal technology, EPA, from the beginning, simply expects this company to use credits to meet the standard for all of this high benzene gasoline. Who is Company No. 2 and why is EPA proposing to give them this license to pollute?

This would all be bad enough if EPA hadn't actually thought about these problems. They acknowledged in their rulemaking process that there would be regional inequities. They examined alternatives for setting maximum levels of benzene that should be in gasoline. In one case, they looked at the additional cost to Americans of imposing an average maximum level of benzene of 1.3 percent as part of the standard in order to address these problems. EPA's own analysis concluded that this would cost consumers in my region of the country less than one-half of 1 cent a gallon and Americans, nationwide, an additional 5/1000ths of a cent per gallon of gasoline. That is not five cents. That is .005 cents. The bottom line is that EPA is proposing to allow my constituents to breathe more toxic emissions and face greater risk of cancer so that oil companies can save a fraction of a cent per gallon of gas.

I am not going to sit back and let EPA just go ahead with this rulemaking without complaint. The Office of General Counsel is the chief legal advisor to EPA. Mr. Martella was the principal deputy general counsel when this rule was proposed. He is now the acting general counsel. I am placing a hold on his nomination to send as strong a signal to EPA as I can at this time that they need to take another look at their own figures. They need to take another look at their own regulatory analysis. The regional problems that they identified would occur in setting up a national cap-and-trade program are real problems and must not be ignored. They need to come up with a real solution. Until they do, I will object to any unanimous consent agreement to allow Mr. Martella's nomination to come to a vote in the Senate.

ADDITIONAL STATEMENTS

IN HONOR OF SHERIFF CHARLES PLUMMER

• Mrs. BOXER. Mr. President, I take this opportunity to recognize Alameda County Sheriff Charles Plummer, who is retiring after more than 54 years of dedicated service in law enforcement.

Sheriff Plummer began his career in law enforcement in 1952 with the city of Berkeley Police Department. His dedication to the Berkeley Police Department was evident over the 23 years he spent with that agency, where he ultimately rose to the rank of acting chief of police.

Following his service with the Berkeley Police Department, Sheriff Plummer was appointed chief of police for the city of Hayward in June of 1976. During his 10 years with the Hayward Police Department, Sheriff Plummer employed many innovative and successful programs. In 1979, Sheriff Plummer volunteered the Hayward Police Department to be one of five trial sites to test the law enforcement service standards established by the Commission on Accreditation for Law Enforcement Agencies, CALEA, becoming the ninth law enforcement agency in the Nation, and the first west of the Mississippi, to be accredited by CALEA. Sheriff Plummer was later elected to CALEA, served as its president, and has since been a strong advocate for the accreditation of law enforcement agencies.

Most memorably, in his role as Hayward chief of police, Sheriff Plummer initiated what became known as "The Cardinal Sins," a set of simple, straightforward rules demanding honesty from all employees and prohibiting bigotry, the acceptance of bribes, and the use of controlled substances. Many officers felt that adherence to these rules helped build a bond of trust between law enforcement and the communities they served. Today, "The Cardinal Sins" have become standard in many law enforcement agencies throughout the Nation. Under his leadership, the Hayward Police Department became one of the most highly respected law enforcement agencies in the country.

In 1986, Sheriff Plummer was elected sheriff of Alameda County. In his capacity as sheriff, he opened the new Santa Rita jail, the sixth largest facility of its kind in the United States; he established a marine patrol unit to protect the shoreline of Alameda County; he opened a state-of-the-art Office of Emergency Services Center; he has achieved CALEA accreditation for the sheriff's office; and has also received accreditation for many branches of the sheriff's office, including Prison Health Services, the County Crime Laboratory, and the Explosive Ordinance Unit. Under his leadership, the Alameda County Sheriff's Office is the only agency in California to earn the National Sheriff's Association prestigious "Triple Crown Award."

In addition to his regular duties as Alameda county sheriff, Sheriff Plummer has served as head of Region II in the California Law Enforcement Mutual Aid System, a statewide program under the Office of Emergency Services that restores order during emergencies, including civil unrest, and provides assistance to local agencies during other unusual events. Throughout his career, Sheriff Plummer has also been active in numerous professional organizations including the Peace Officer's Research Association of California, the Peace Officer Standards and Training, the Police Executive Research Forum, and the International Association of Chiefs of Police.

In his spare time, Sheriff Plummer has been very involved in his community, serving as past president and a member of the Hayward Rotary Club. He is a lifetime volunteer for the Boy Scouts of America, serving on the executive council in San Francisco, and a lifetime member of the Southern Alameda County Chapter of the NAACP. Sheriff Plummer has generously given his time to such organizations as the YMCA and the Salvation Army.

For over half a century, Sheriff Plummer has dedicated his life to promoting excellence in law enforcement and the communities he has served. He has served with honesty, integrity, and a commitment to excellence. I am confident that, even in retirement, Sheriff Plummer will continue to touch lives with his good will and compassion. I wish him the very best and hope he enjoys his much deserved retirement.●

DELANO ELEMENTARY SCHOOL, DELANO, MINNESOTA

● Mr. DAYTON. Mr. President, today I honor Delano Elementary School, in Delano, MN, which recently earned an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Delano Elementary School is truly a model of educational success. The school takes great pride in involving parents in their children's school experiences. Last spring, the rate of parents' participation at parent-teacher conferences was an impressive 99 percent. Parents contributed over 6,000 hours of volunteer services during the 2005–2006 school year.

The Partners in Education organization at Delano Elementary raises over $30,000 per year for student activities and supplies for teachers and classrooms. Recently, the organization contributed $8,000 toward the purchase of SMARTBOARD technology, an interactive, electronic blackboard system. The money was also used to install sound-field systems in a number of the primary grade classrooms.

Delano Elementary also offers several programs to challenge children of high potential. The school's Tiger's Tale publishing center allows children to turn their own creative stories into books that have a professionally published look. The math lab extends and enriches skills taught through classroom instruction.

An organized gifted and talented program, with a teacher of gifted and talented children, offers several opportunities for pupils beyond their classrooms, including Destination Imagination, Continental Math League, and other unique units of instruction, designed specifically for high-potential pupils.

Delano Elementary consistently receives five-star ratings from the Department of Education in both reading and math. Last year, 87 percent of Delano third-graders scored in the top three levels on the Minnesota Comprehensive Assessment Reading Test, and 93 percent of the third-graders scored in the top three levels in math.

Much of the credit for Delano Elementary School's success belongs to its principal, Darren Schuler, and the dedicated teachers. The pupils and staff at Delano Elementary School understand that, in order to be successful, a school must go beyond achieving academic success; it must also provide a nurturing environment where children can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and pupils at Delano Elementary School should be very proud of their accomplishments.

I congratulate Delano Elementary School in Delano for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.●

ORONO INTERMEDIATE SCHOOL, ORONO, MINNESOTA

● Mr. DAYTON. Mr. President, today I honor Orono Intermediate School, in Orono, MN, which recently earned an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Orono Intermediate School is truly a model of educational success, where students are advancing to a new phase in their educational experience. Exercising higher levels of responsibility and independence in their learning, students achieve within a challenging and caring environment. The dedicated staff at Orono work closely with students to foster personal and academic success. The staff are committed to providing students with rigorous academic curricula that challenge them to achieve higher standards. To this end, staff strive to develop an educational program that addresses each child's individual needs and allows all students to achieve to their full potential.

Orono Intermediate School is accredited by the North Central Association of Colleges and Schools, NCA. Accreditation is granted to schools that demonstrate a commitment to continued improvement and curriculum review.

Orono Intermediate School enhances educational opportunities through a variety of programs and policies, including: a concentration on small class sizes, field trips, computer/media labs, an aquatics program, a United Nations peace site, competitive academic teams, an artist-in-residence program, service learning projects, and world languages, taught before and after school.

The success of Orono Intermediate School is reflected in its test scores. In 2005, Orono Intermediate received five stars in both math and reading from the Minnesota Department of Education. In 2004, the school received four stars in math and five stars in reading.

Much of the credit for Orono Intermediate School's success belongs to its principal, Paula Martin, and the dedicated teachers. The students and staff at Orono Intermediate School understand that, in order to be successful, a school must go beyond achieving academic success; it must also provide a nurturing environment where students can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and students at Orono Intermediate School should be very proud of their accomplishments.

I congratulate Orono Intermediate School in Orono for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.●

IN MEMORY OF SIGMUND STROCHILTZ

● Mr. LIEBERMAN. Mr. President, today I speak in memory of Sigmund Strochiltz, a truly remarkable man from New London, Connecticut who passed away on Monday October 16, at the age of 89. I was saddened to hear about Mr. Strochiltz's death, and I will keep his friends and family in my thoughts and prayers.

Mr. Strochlitz was best known as the owner of Whaling City Ford, a successful car dealership that became a local institution in New London. Almost anyone who has lived in southeastern Connecticut can recall the television commercials for his dealership, in which Mr. Strochiltz would pleasantly invite the viewer to "Come in. I would like to meet you," a simple slogan that reflected his pleasant demeanor and truly optimistic outlook on life. Those who knew him best say that he had a deep appreciation for the simple joys in life, like dining with friends or spending time with his grandchildren.

Mr. Strochiltz's optimism is incredible considering the horrors he had to endure early in life. Mr. Strochiltz grew up in Poland, where he lived through both world wars. During the Second World War, he was held in a concentration camp in Auschwitz, Poland, for over 15 months. During this truly horrible experience, Mr. Strochiltz was forced to watch as his parents, two sisters, his first wife, and countless others marched off to their deaths.

Yet Mr. Strochiltz's spirit could not be broken, and he refused to give up hope that the people of all nations could live together in peace. After being released, he was determined to ensure that no one else ever had to suffer as he had.

Mr. Strochiltz believed that if mankind was never allowed to forget the atrocities committed by the Nazi regime, such atrocities might never be repeated. He worked tirelessly toward this end. He served on the U.S. Memorial Holocaust Council, which worked to establish the National Holocaust Memorial and Museum. He served as chairman of the council's remembrance committee, where he lobbied the governments of every State and the District of Columbia to hold annual ceremonies to remember victims and survivors of the Holocaust.

In addition to his great work with the council, Mr. Strochiltz helped elevate the writer Elie Wiesel, a close friend of his, to international fame. The two were partners in their mission to make sure the world never forgot the evils of the Holocaust. Together they traveled the globe, meeting with world leaders, such as German Chancellor Helmut Schmitt and Pope John Paul II. Mr. Strochiltz also lobbied Capitol Hill to have Mr. Wiesel nominated for the Nobel Peace Prize; he was successful, and Mr. Wiesel was deservedly awarded the prize.

The passing of Sigmund Strochiltz is truly a loss for the people of Connecticut and throughout the world. May his kind nature and devotion to promoting peace and tolerance in the world live on in all those he has touched.●

RECOGNIZING EARL McVICKER

● Mr. ROBERTS. Mr. President, today I congratulate a Kansan, and a friend, Earl McVicker, whose hard work, perseverance, and dedication has earned him recognition by those in his profession. Last month, Earl, who started his banking career at a bank in a town of 400, was elected chairman of the American Bankers Association. I join his friends, family, and colleagues in extending my congratulations and best wishes to him during the upcoming year.

Earl's career in the banking industry began shortly after his graduation from Kansas State University, home of the always optimistic and fighting Wildcats. Although Earl earned an engineering degree from K-State, he had taken a few business classes and a course on rural banking, which captured his interest. His first job was at the Bazine State Bank. Earl worked hard, learning the banking business from the ground up. His strong work ethic paid off, and he rose steadily in the banking industry, moving on to banks in Colorado and Kansas before becoming CEO of Central Bank and Trust, in Hutchinson, KS. By this time, Earl was looking for more than just another job at another bank. He was looking for the opportunity to make policy decisions, and he knew the only way to achieve that was to buy a bank.

Well, Earl succeeded in this goal, in part, by doing something we should all take a lesson from. When he became CEO at CB&T, he made the decision that he would continue to live off the amount of his previous salary and save and invest the difference in order to buy CB&T stock. This self-discipline, along with some help from his parents and a loan from another bank, allowed Earl to continue buying stock in CB&T, eventually gaining majority ownership. Further, the loan that he took out, that he hoped to pay off in 10 years? He paid it off in 5. Earl acknowledges that he risked everything on this one venture, but it is certainly a risk that has paid off.

Perhaps the quote that Earl has framed and hanging in his office best sums up what guides him. The quote, by President Calvin Coolidge, reads: "Nothing in this world can take the place of persistence. Talent will not; nothing is more common than unsuccessful men with talent. Genius will not; unrewarded genius is almost a proverb. Education will not; the world is full of educated derelicts. Persistence and determination alone are omnipotent. The slogan 'press on' has solved and always will solve the problems of the human race."

Earl's own hard work, persistence, and willingness to take risks gives him an understanding and an empathy for people who are looking to start and own their own business. His commitment to promoting entrepreneurship, his willingness to help individuals start a business, and his ability to recognize the potential of these individuals, even those who may not have business experience, makes him unique and reminds us all of the important role hometown banks play in a community. They understand the needs of the customers, their community, and know that their role in helping individuals and businesses succeed is vital to economic health.

Now, I don't want to leave you with the impression that Earl is just another skilled businessman, although over the past 14 years, his private investment company, Central Financial Corp., has grown to include banks in a dozen States and has outperformed Warren Buffet's Berkshire Hathaway, as well as the Dow and the S&P 500. In fact, Earl wears several hats, including a Stetson when he is out horseback riding with his wife Molly or helping out on his parent's farm near Ness City. And he's particularly fond of the motorcycle helmet that he wears when he takes his Harley for a ride up to Sturgis, SD. Maybe not what you expected from the incoming ABA chairman.

Earl has reached a milestone in his career, but in this success, he has also helped others succeed in starting and growing their businesses and has taken an active role in helping communities like Hutchinson thrive. I am proud to call Earl a friend. I know he will approach his year as chairman of the ABA by expanding his "commitment to community" philosophy throughout the country. It is this commitment, working as a partner with his community, that has made him a leader in the banking profession.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:22 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 864. An act to provide for programs and activities with respect to the prevention of underage drinking.

H.R. 1245. An act to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers.

H.R. 6314. An act to amend title 38, United States Code, to extend certain expiring provisions of law and to expand eligibility for the Survivors' and Dependents' Educational Assistance program.

H.J. Res. 96. Joint resolution recognizing the contributions of the Christmas tree industry to the United States economy.

H.J. Res. 100. Joint resolution making further continuing appropriations for the fiscal year 2007, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 496. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

S. 435. An act to amend the Wild and Scenic Rivers Act to designate a segment of the Farmington River and Salmon Brook in the

State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes.

S. 819. An act to authorize the Secretary of the Interior to reallocate costs of the Pactola Dam and Reservoir, South Dakota, to reflect increased demands for municipal, industrial, and fish and wildlife purposes.

S. 1131. An act to authorize the exchange of certain Federal land within the State of Idaho, and for other purposes.

S. 1140. An act to designate the State Route 1 Bridge in the State of Delaware as the "Senator William V. Roth, Jr. Bridge".

S. 3880. An act to provide the Department of Justice the necessary authority to apprehend, prosecute, and convict individuals committing animal enterprise terror.

H.R. 409. An act to provide for the exchange of land within the Sierra National Forest, California, and for other purposes.

H.R. 860. An act to provide for the conveyance of the reversionary interest of the United States in certain lands to the Clint Independent School District, El Paso County, Texas.

H.R. 1129. An act to authorize the exchange of certain land in the State of Colorado.

H.R. 3085. An act to amend the National Trails System Act to update the feasibility and suitability study originally prepared for the Trail of Tears National Historic Trail and provide for the inclusion of new trail segments, land components, and campgrounds associated with that trail, and for other purposes.

H.R. 5842. An act to compromise and settle all claims in the case of Pueblo of Isleta v. United States, to restore, improve, and develop the valuable on-reservation land and natural resources of the Pueblo, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. STEVENS).

At 3:34 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following enrolled bill, in which it requests the concurrence of the Senate:

H.R. 6326. An act to clarify the provision of nutrition services to older Americans.

At 4:44 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 101. An act to convey to the town of Frannie, Wyoming, certain land withdrawn by the Commissioner of Reclamation.

S. 4001. An act to designate certain land in New England as wilderness for inclusion in the National Wilderness Preservation system and certain land as a National Recreation Area, and for other purposes.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 5585) to improve the netting process for financial contracts, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3699. An act to provide for the sale, acquisition, conveyance, and exchange of certain real property in the District of Columbia to facilitate the utilization, development, and redevelopment of such property, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6314. An act to amend title 38, United States Code, to extend certain expiring provisions of law and to expand eligibility for the Survivors' and Dependents' Educational Assistance program; to the Committee on Veterans' Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 4051. A bill to provide sufficient resources to permit electronic surveillance of United States persons for foreign intelligence purposes to be conducted pursuant to individualized court-based orders for calls originating in the United States, to provide additional resources to enhance oversight and streamline the procedures of the Foreign Intelligence Surveillance Act of 1978, to ensure review of the Terrorist Surveillance Program by the United States Supreme Court, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. WARNER for the Committee on Armed Service.

Army nomination of Brig. Gen. James B. Mallory III to be Major General.

Navy nomination of Vice Adm. Patrick M. Walsh to be Admiral.

Navy nomination of Rear Adm. Thomas J. Kilcline, Jr. to be Vice Admiral.

Mr. WARNER. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nomination of Thomas C. Hankins to be Colonel.

Air Force nominations beginning with Jeffery C. Carstens and ending with Marcia Wheeler, which nominations were received by the Senate and appeared in the Congressional Record on September 29, 2006.

Army nominations beginning with Robert E. Suter and ending with Dawn Harold, which nominations were received by the Senate and appeared in the Congressional Record on September 29, 2006.

Army nomination of John M. Cotten to be Lieutenant Colonel.

Army nominations beginning with Laureen A. Otto and ending with Dee A. Paoli, which nominations were received by the Senate and appeared in the Congressional Record on September 29, 2006.

Army nominations beginning with Steven F. Williams and ending with Jessica N. Stanton, which nominations were received by the Senate and appeared in the Congressional Record on September 29, 2006.

Army nomination of Lee A. Knox to be Major.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. FRIST:

S. 4052. A bill to authorize refugee relief and reconstruction assistance for North Korea; to the Committee on Foreign Relations.

By Mr. DODD (for himself, Mr. COCHRAN, Mr. KENNEDY, Mr. BAUCUS, Mr. SALAZAR, Mr. ROCKEFELLER, Mrs. BOXER, and Mr. KERRY):

S. 4053. A bill to amend the National and Community Service Act of 1990 to establish a Summer of Service State grant program, a Summer of Service national direct grant program, and related national activities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CRAIG (for himself and Mr. AKAKA):

S. 4054. A bill to amend title 38, United States Code, to expand the number of individuals qualifying for retroactive benefits from traumatic injury protection coverage under Servicemembers' Group Life Insurance; to the Committee on Veterans' Affairs.

By Mrs. FEINSTEIN (for herself and Mr. SESSIONS):

S. 4055. A bill to address the effect of the death of a defendant in Federal criminal proceedings; to the Committee on the Judiciary.

By Mr. ISAKSON (for himself and Mr. CHAMBLISS):

S. 4056. A bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. Res. 614. A resolution honoring the firefighters and other public servants who responded to the devastating Esperanza Incident fire in southern California in October 2006; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 408

At the request of Mr. DEWINE, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 408, a bill to provide for programs and activities with respect to the prevention of underage drinking.

S. 440

At the request of Mr. BUNNING, the name of the Senator from Utah (Mr.

HATCH) was added as a cosponsor of S. 440, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the medicaid program.

S. 910

At the request of Ms. SNOWE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 910, a bill to require that health plans provide coverage for a minimum hospital stay for mastectomies, lumpectomies, and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations.

S. 1687

At the request of Ms. MIKULSKI, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1687, a bill to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

S. 3677

At the request of Mr. BINGAMAN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 3677, a bill to amend title XVIII of the Social Security Act to eliminate the in the home restriction for Medicare coverage of mobility devices for individuals with expected long-term needs.

S. 3744

At the request of Mr. DURBIN, the names of the Senator from Florida (Mr. MARTINEZ) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 3744, a bill to establish the Abraham Lincoln Study Abroad Program.

S. 3808

At the request of Mr. HARKIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3808, a bill to reduce the incidence of suicide among veterans.

S. 3913

At the request of Mr. ROCKEFELLER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 3913, a bill to amend title XXI of the Social Security Act to eliminate funding shortfalls for the State Children's Health Insurance Program (SCHIP) for fiscal year 2007.

S. 3980

At the request of Mr. DODD, the name of the Senator from Maryland (Mr. SARBANES) was withdrawn as a cosponsor of S. 3980, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes.

At the request of Mr. DODD, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 3980, supra.

S. 3984

At the request of Mr. HARKIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3984, a bill to improve programs for the identification and treatment of post-deployment mental health conditions, including post-traumatic stress disorder, in veterans and members of the Armed Forces, and for other purposes.

S. 4046

At the request of Mr. PRYOR, his name was added as a cosponsor of S. 4046, a bill to extend oversight and accountability related to United States reconstruction funds and efforts in Iraq by extending the termination date of the Office of the Special Inspector General for Iraq Reconstruction.

S. 4049

At the request of Mr. FEINGOLD, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 4049, a bill to provide for the redeployment of United States forces from Iraq by July 1, 2007.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FRIST:

S. 4052. A bill to authorize refugee relief and reconstruction assistance for North Korea; to the Committee on Foreign Relations.

Mr. FRIST. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 4052

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "North Korea Refugee Relief and Reconstruction Act of 2006".

SEC. 2. PURPOSE.

The purpose of this Act is to help the people of North Korea gain freedom from political oppression.

SEC. 3. NORTH KOREA REFUGEE RELIEF AND RECONSTRUCTION FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the "North Korea Refugee Relief and Reconstruction Fund" (in this Act referred to as the "Fund"), consisting of such amounts as may be appropriated to the Fund pursuant to subsection (b) and such articles and services as may be made available to the Fund pursuant to subsection (c). The resources of the Fund shall be available to carry out the programs and activities identified in section 4.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for contributions to the Fund such sums as may be necessary, not to exceed $10,000,000,000. Amounts appropriated for the Fund shall remain available until expended.

(c) DRAWDOWN AUTHORITY.—

(1) IN GENERAL.—The President may, pursuant to section 506(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)(2)), draw down articles and services from the inventory and resources of any agency of the United States Government for the Fund to carry out the programs and activities identified in section 4.

(2) AUTHORITY TO ACQUIRE BY CONTRACT OR OTHERWISE.—The assistance authorized under paragraph (1) may include the supply of articles and services that are acquired by contract or otherwise.

(3) AMOUNT OF ASSISTANCE.—

(A) LIMIT.—The aggregate value of assistance provided under this subsection, as defined under section 644(m) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(m)), may not exceed $1,000,000,000.

(B) ASSISTANCE NOT COUNTED TOWARD SPECIAL AUTHORITY LIMIT.—Assistance provided under this subsection shall not count toward any limitation under section 506 of the Foreign Assistance Act of 1961 (22 U.S.C. 2318).

(4) REIMBURSEMENT.—

(A) IN GENERAL.—Articles and services provided under this subsection shall be made available to the Fund without reimbursement to the applicable appropriation, fund, or account except to the extent that funds are appropriated pursuant to subparagraph (B).

(B) AUTHORIZATION OF APPROPRIATIONS.—

(i) IN GENERAL.—There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for the value of articles and services provided under this subsection, as defined under section 644(m) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(m)).

(ii) OFFSET.—The maximum amount authorized to be appropriated for the Fund under subsection (b) shall be reduced by an amount equal to the aggregate value of the articles and services made available under paragraph (1).

SEC. 4. PROGRAMS AND ACTIVITIES OF THE FUND.

(a) REFUGEE RELIEF, RELOCATION AND RESETTLEMENT ASSISTANCE.—The President may use amounts in the Fund to provide relief to refugees that have escaped from North Korea, to relocate such refugees to South Korea or other countries prepared to accept them, and to assist in the resettlement of such refugees in any country willing to accept their resettlement. These activities may be carried out pursuant to the authorities provided in the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601 et seq.).

(b) REUNIFICATION AND RECONSTRUCTION ASSISTANCE.—The President may use amounts in the Fund to provide for the benefit of persons living in the territory of North Korea the types of assistance authorized for the Independent States of the former Soviet Union under section 498 of the Foreign Assistance Act of 1961 (22 U.S.C. 2295) and for the countries of the South Caucasus and Central Asia under sections 499A, 499B, 499C, and 499D of such Act (22 U.S.C. 2296a, 2296b, 2296c, and 2296d) in the event of—

(1) the reunification of North Korea with South Korea; or

(2) the emergence in North Korea of a new national government committed to respect for human rights, nonproliferation, and peaceful relations with the United States and the other countries of the region.

SEC. 5. SENSE OF CONGRESS ON INTERNATIONAL EFFORTS.

It is the sense of Congress that the Governments of South Korea, Japan, China, and Russia and other concerned governments should make commitments commensurate to those that the United States is offering under this Act—

(1) to assist refugees fleeing political oppression in North Korea; and

(2) to meet humanitarian and reconstruction needs arising in connection with—

(A) the reunification of North Korea with South Korea; or

(B) the emergence in North Korea of a new national government committed to respect for human rights, nonproliferation, and peaceful relations with the United States and the other countries in the region.

By Mr. DODD (for himself, Mr. COCHRAN, Mr. KENNEDY, Mr. BAUCUS, Mr. SALAZAR, Mr. ROCKEFELLER, Mrs. BOXER, and Mr. KERRY):

S. 4053. A bill to amend the National and Community Service Act of 1990 to establish a Summer of Service State grant program, a Summer of Service national direct grant program, and related national activities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise to introduce, along with Senators COCHRAN, KENNEDY, BAUCUS, ROCKEFELLER, SALAZAR, BOXER and KERRY, the Summer of Service Act of 2006. This bill offers middle school students the chance to spend a summer in service to their communities as they transition into high school.

Summer of Service creates a competitive grant program that enables States and localities to offer middle school students an opportunity to participate in a structured community service program over the summer months. It employs service-learning to teach civic participation skills, help young people see themselves as resources to their communities, expand educational opportunities and discourage "summer academic slide." Providing tangible benefits to their communities, Summer of Service projects direct grantees to work on unmet human, educational, environmental and public safety needs and encourage all youth, regardless of age, income, or disability, to engage in community service. The program also grants participants with an educational award of up to $500 which can later be used to pay for college.

Volunteerism not only brings support and services to communities in need, it also provides significant benefits to the students who participate. When young people participate in service activities they feel better able to control their lives in a positive way, avoiding risk behaviors, strengthening their community connections and become more engaged in their studies. When service is tied to what students are learning in school, they make gains on achievement tests, complete their homework more often, and increase their grade point average. Students who engage in service learning also improve their communication skills, gain increased awareness of career possibilities, and develop more positive workplace attitudes, setting the foundation for their place as America's future leaders. Studies also show that students who participate in community service are more likely to graduate high school and demonstrate interest in going to college.

We often hear today of the tremendous pressures our young people face at home, in school and in the afterschool hours. Summer of Service provides young people with the chance to be a positive change in their communities. For this reason, I urge my colleagues to join me in supporting the Summer of Service Act of 2006. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 4053

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Summer of Service Act of 2006".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Throughout the United States, there are pressing unmet human, educational, environmental and public safety needs.

(2) Americans desire to affirm common responsibilities and shared values, and join together in positive experiences, that transcend race, religion, gender, age, disability, region, income, and education.

(3) Americans of all ages can improve their communities and become better citizens through service to their communities.

(4) When youth participate in service activities and see that they are able to improve the lives of others, the youth feel better able to control their own lives in a positive way, avoiding risky behaviors, strengthening their community connections, and becoming more engaged in their own education.

(5) When youth service is tied to learning objectives, that service is shown to decrease alienation and behavior problems, and increase knowledge of community needs, commitment to an ethic of service, and understanding of politics and morality.

(6) When service is tied to what students are learning in school, the students make gains on achievement tests, complete their homework more often, and increase their grade point averages.

(7) Students who engage in service-learning improve their communication skills, increase their awareness of career possibilities, have a deeper understanding of social and economic issues that face the United States, and develop more positive workplace attitudes, preparing them to take their places as future leaders of the United States.

(8) In a national poll, more than 80 percent of parents said that their child would benefit from an after school program that offered community service and 95 percent of teens agreed that is important to volunteer time to community efforts.

(b) PURPOSE.—The purposes of this Act are to—

(1) offer youth the chance to spend a summer in service to their communities as a rite of passage before high school;

(2) teach civic participation skills to youth and help youth see themselves as resources and leaders for their communities;

(3) expand educational opportunities and discourage "summer slide" by engaging youth in summer service-learning opportunities;

(4) encourage youth, regardless of age, income, or disability, to engage in community service;

(5) provide tangible benefits to the communities in which Summer of Service programs are performed; and

(6) enhance the social-emotional development of youth of all backgrounds.

SEC. 3. SUMMER OF SERVICE PROGRAMS.

Title I of the National and Community Service Act of 1990 (42 U.S.C. 12511 et seq.) is amended—

(1) by redesignating subtitles F, G, H, and I as subtitles G, H, I, and J, respectively;

(2) by redesignating sections 160 through 166 as sections 159A through 159G, respectively; and

(3) by inserting after subtitle E the following:

"Subtitle F—Summer of Service Programs

"SEC. 161. DEFINITIONS.

"In this subtitle:

"(1) EDUCATIONAL AWARD.—The term 'educational award' means an award disbursed under section 162B(d) or 163B(d).

"(2) ELIGIBLE ENTITY.—The term 'eligible entity' means a public or private nonprofit organization, an institution of higher education, a local educational agency, a public elementary school or public secondary school, or a consortium of 2 or more of the entities described in this paragraph.

"(3) ELIGIBLE YOUTH.—The term 'eligible youth' means a youth who will be enrolled in the sixth, seventh, eighth, or ninth grade at the end of the summer for which the youth would participate in community service under this subtitle.

"PART I—SUMMER OF SERVICE STATE GRANT PROGRAM

"SEC. 162. GRANTS TO STATES.

"(a) GRANTS.—

"(1) IN GENERAL.—The Chief Executive Officer shall award grants on a competitive basis to States, to enable the State Commissions—

"(A) to carry out State-level activities under subsection (d); and

"(B) to award subgrants on a competitive basis under section 162A to eligible entities to pay for the Federal share of the cost of carrying out community service projects.

"(2) FUNDS FOR EDUCATIONAL AWARDS.—The Chief Executive Officer shall decide whether funds appropriated to carry out this part and available for educational awards (referred to in this part as 'educational award funds') shall be—

"(A) included in the funds for such grants to States and subgrants to eligible entities; or

"(B) reserved by the Chief Executive Officer, deposited in the National Service Trust for educational awards, and disbursed according to paragraphs (1) and (3) of section 162B(d).

"(3) PERIODS OF GRANTS.—The Chief Executive Officer shall award the grants for periods of 3 years.

"(4) AMOUNTS OF GRANTS.—The Chief Executive Officer shall award such a grant to a State for a program in a sum equal to—

"(A) the amount obtained by multiplying $500 and the number of youth who will participate in the program (to be used for program expenses);

"(B) unless the Chief Executive Officer decides to deposit funds for educational awards in the National Service Trust, as described in paragraph (2)(B), an additional amount equal to the amount described in subparagraph (A) (to be used for educational awards); and

"(C) an amount sufficient to provide for the reservation for State-level activities described in subsection (d).

"(b) STATE APPLICATION.—To be eligible to receive a grant under this section, a State shall submit an application to the Chief Executive Officer at such time, in such manner, and containing such information as the Chief Executive Officer may require, including information that—

"(1) designates the State Commission as the agency responsible for the administration and supervision of the community service program carried out under this part in the State;

"(2) describes how the State Commission will use funds received under this part, including funds reserved for State-level activities under subsection (d);

"(3) describes the procedures and criteria the State Commission will use for reviewing applications and awarding subgrants on a competitive basis under section 162A to eligible entities for projects, including how the State Commission will give priority to an entity that—

"(A) offers a quality plan for or has an established track record of carrying out the activities described in the entity's application;

"(B) has a leadership position in the community from which the youth participating in the project described in the application will be drawn;

"(C) proposes a project that focuses on service by the participants during the transition year before high school;

"(D) plans to ensure that at least 50 percent of the participants are low-income eligible youth;

"(E) proposes a project that encourages or enables youth to continue participating in community service throughout the school year;

"(F) plans to involve the participants in the design and operation of the project, including involving the participants in conducting a needs-based assessment of community needs;

"(G) proposes a project that involves youth of different ages, races, sexes, ethnic groups, religions, disability categories, or economic backgrounds serving together; and

"(H) proposes a project that provides high quality service-learning experiences;

"(4) describes the steps the State Commission will take, including the provision of ongoing technical assistance described in subsection (d)(2) and training, to ensure that projects funded under section 162A will implement effective strategies; and

"(5) describes how the State Commission will evaluate the projects, which shall include, at a minimum—

"(A) a description of the objectives and benchmarks that will be used to evaluate the projects; and

"(B) a description of how the State Commission will disseminate the results of the evaluations, as described in subsection (d)(4)(C).

"(c) APPLICANT REVIEW.—

"(1) SELECTION CRITERIA.—The Chief Executive Officer shall evaluate applications for grants under this section based on the quality, innovation, replicability, and sustainability of the State programs proposed by the applicants.

"(2) REVIEW PANELS.—The Chief Executive Officer shall employ the review panels established under section 165A in reviewing the applications.

"(3) NOTIFICATION OF APPLICANTS.—If the Chief Executive Officer rejects an application submitted under this section, the Chief Executive Officer shall promptly notify the applicant of the reasons for the rejection of the application.

"(4) RESUBMISSION AND RECONSIDERATION.—The Chief Executive Officer shall provide an applicant notified of rejection with a reasonable opportunity to revise and resubmit the application. At the request of the applicant, the Chief Executive Officer shall provide technical assistance to the applicant as part of the resubmission process. The Chief Executive Officer shall promptly reconsider an application resubmitted under this paragraph.

"(d) STATE-LEVEL ACTIVITIES.—A State that receives a grant under this section may reserve up to 5 percent of the grant funds for State-level activities, which may include—

"(1) hiring staff to administer the program carried out under this part in the State;

"(2) providing technical assistance, including technical assistance concerning the professional development and training of personnel, to eligible entities that receive subgrants under section 162A;

"(3) conducting outreach and dissemination of program-related information to ensure the broadest possible involvement of eligible entities and local eligible youth in the program carried out under this part; and

"(4)(A) conducting an evaluation of the projects carried out by eligible entities under this part;

"(B) using the results of the evaluation to collect and compile information on best practices and models for such projects; and

"(C) disseminating widely the results of the evaluation.

"SEC. 162A. SUBGRANTS TO ELIGIBLE ENTITIES.

"(a) SUBGRANTS.—

"(1) IN GENERAL.—A State that receives a grant under section 162 shall use the grant funds to award subgrants on a competitive basis to eligible entities to pay for the Federal share of the cost of carrying out community service projects.

"(2) PERIODS OF SUBGRANTS.—The State shall award the subgrants for periods of 3 years.

"(3) AMOUNTS OF SUBGRANTS.—The State shall award such a subgrant to an eligible entity for a project in a sum equal to—

"(A) the amount obtained by multiplying $500 and the number of youth who will participate in the project (to be used for project expenses); and

"(B) unless the Chief Executive Officer decides to deposit funds for educational awards in the National Service Trust, as described in section 162(a)(2)(B), an additional amount equal to the amount described in subparagraph (A) (to be used for educational awards).

"(b) APPLICATIONS.—To be eligible to receive a subgrant under this section for a project, an entity shall submit an application to the State Commission at such time, in such manner, and containing such information as the State Commission may require, including information that—

"(1) designates the community in which the entity will carry out the project, which community may be the service area of an elementary school or secondary school, a school district, a city, town, village, or other locality, a county, the area in which a public housing project is located, a neighborhood, or another geographically or politically designated area;

"(2) describes the manner in which the entity will—

"(A) engage a substantial portion of the youth in the designated community;

"(B) engage a variety of entities and individuals, such as youth organizations, elementary schools or secondary schools, elected officials, organizations offering summer camps, civic groups, nonprofit organizations, and other entities within the designated community to offer a variety of summer service opportunities as part of the project;

"(C) ensure that the youth participating in the project engage in service-learning;

"(D) engage as volunteers in the project business, civic, or community organizations or individuals, which may include older individuals, volunteers in the National Senior Volunteer Corps established under title II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5000 et seq.), participants in the school-based and community-based service-learning programs carried out under parts I and II of subtitle B, participants in the AmeriCorps program carried out under subtitle C, or students enrolled in secondary schools or institutions of higher education;

"(E) ensure that youth participating in the project provide at least 100 hours of community service for the project;

"(F) recruit eligible youth to participate in the project;

"(G) recruit service sponsors for community service activities carried out through the project, if the eligible entity intends to enter into an arrangement with such sponsors to provide project placements for the youth;

"(H) promote leadership development and build an ethic of civic responsibility among the youth;

"(I) provide team-oriented, adult-supervised experiences through the project;

"(J) conduct opening and closing ceremonies honoring participants in the project;

"(K) involve youth who are participating in the project in the design and planning of the project; and

"(L) provide training, which may include life skills, financial education, and employment training, in addition to training concerning the specific community service to be provided through the project, for the youth; and

"(3)(A) specifies project outcome objectives relating to youth development or education achievement, community strengthening, and community improvement;

"(B) describes how the eligible entity will establish annual benchmarks for the objectives, and annually conduct an evaluation to measure progress toward the benchmarks; and

"(C) provides an assurance that the eligible entity will annually make the results of such evaluation available to the State.

"(c) CONTINUED ELIGIBILITY.—To be eligible to receive funds under this section for a second or subsequent year of a subgrant period, an entity shall demonstrate that the entity has met the annual benchmarks for the objectives described in subsection (b)(3).

"(d) SELECTION OF SUBGRANT RECIPIENTS.—In awarding subgrants under this section, the State shall ensure that projects are funded in a variety of geographic areas, including urban and rural areas.

"SEC. 162B. SUMMER OF SERVICE PROJECTS.

"(a) USE OF FUNDS.—

"(1) IN GENERAL.—An eligible entity that receives a subgrant under section 162A shall use the subgrant funds to carry out a community service project.

"(2) SPECIFIC USES.—The eligible entity may use the subgrant funds to pay for—

“(A) hiring staff to administer the project;

“(B) developing or acquiring service-learning curricula for the project, to be integrated into academic programs, including making modifications for students who are individuals with disabilities and students with limited English proficiency;

“(C) forming local partnerships to develop and offer a variety of service-learning programs for local youth participating in the project;

“(D) establishing benchmarks, conducting evaluations, and making evaluation results available, as described in subparagraphs (B) and (C) of section 162A(b)(3);

“(E) conducting outreach and dissemination of program-related information to ensure the broadest possible involvement of local eligible youth and community partners in the project;

“(F) conducting ceremonies as described in section 162A(b)(2)(J);

“(G) carrying out basic implementation of the community service project; and

“(H) carrying out planning activities, during an initial 6 to 9 months of the subgrant period.

“(3) NON-FEDERAL SHARE.—An eligible entity that receives a subgrant under section 162A shall provide the non-Federal share of the costs described in section 162A(a)(1) from private or public sources other than the subgrant funds. The sources may include fees charged to the parents of the youth participating in the community service project involved and determined on a sliding scale based on income.

“(b) SERVICE PROJECTS.—

“(1) ELIGIBLE SERVICE CATEGORIES.—The eligible entity may use the subgrant funds to carry out a community service project to meet unmet human, educational, environmental, or public safety needs.

“(2) INELIGIBLE SERVICE CATEGORIES.—The eligible entity may not use the subgrant funds to carry out a service project in which participants perform service described in section 132(a).

“(c) PERIOD OF SERVICE PROJECTS.—The eligible entity—

“(1) shall carry out the community service project funded under section 162A during a period, the majority of which occurs in the months of June, July, and August; and

“(2) may carry out the project in conjunction with a related after school or in-school service-learning project operated during the remaining months of the year.

“(d) EDUCATIONAL AWARD.—

“(1) ELIGIBILITY.—Each eligible youth who provides at least 100 hours of community service for a project carried out under this part shall be eligible to receive an educational award of not more than $500. An eligible youth may participate in more than 1 such project but shall not receive in excess of $1,000 in total for such participation.

“(2) DISBURSEMENTS BY ELIGIBLE ENTITY.—If the Chief Executive Officer decides under section 162(a)(2)(A) to include educational award funds in subgrants under this part, the eligible entity carrying out the project shall—

“(A) disburse an educational award described in paragraph (1) in accordance with regulations issued by the Chief Executive Officer, which—

“(i) may permit disbursal of the award to the parents of the youth that have established a qualified tuition program account under section 529 of the Internal Revenue Code of 1986, for deposit into the account; but

“(ii) shall not otherwise permit disbursal of the award to the parents; or

“(B) enter into a contract with a private sector organization to hold the educational award funds and disburse the educational award as described in subparagraph (A).

“(3) DISBURSEMENTS BY CHIEF EXECUTIVE OFFICER.—If the Chief Executive Officer decides under section 162(a)(2)(B) to reserve educational award funds, the Chief Executive Officer shall disburse the educational award as described in paragraph (2)(A).

“SEC. 162C. SUPPLEMENTAL GRANTS.

“(a) IN GENERAL.—The Chief Executive Officer may award a supplemental grant to an eligible entity that demonstates the matters described in subsection (b), to assist the entity in carrying out a community service project in accordance with the requirements of this part, as determined appropriate by the Chief Executive Officer.

“(b) APPLICATION.—To be eligible to receive a supplemental grant under subsection (a), an entity shall submit an application to the Chief Executive Officer, at such time, in such manner, and containing such information as the Chief Executive Officer may require, including information demonstrating—

“(1) that the entity received a subgrant under section 162A for a community service project; and

“(2) that the entity would be unable to carry out the project without substantial hardship unless the entity received a supplemental grant under subsection (a).

“(c) AMOUNT OF GRANT.—The Chief Executive Officer shall award such a grant to an eligible entity for the project in the amount obtained by multiplying $250 and the number of youth who will participate in the project (to be used for project expenses).

“SEC. 162D. INDIAN TRIBES AND TERRITORIES.

“From the funds made available to carry out this part under section 165(b)(2)(A) for any fiscal year, the Chief Executive Officer shall reserve an amount of not more than 3 percent for payments to Indian tribes, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be used in accordance with the requirements of this part, as determined appropriate by the Chief Executive Officer.

“PART II—SUMMER OF SERVICE NATIONAL DIRECT GRANT PROGRAM

“SEC. 163. NATIONAL DIRECT GRANTS.

“(a) GRANTS.—

“(1) IN GENERAL.—The Chief Executive Officer shall award grants on a competitive basis to public or private organizations (referred to individually in this part as an ‘organization’)—

“(A) to carry out quality assurance activities under subsection (d); and

“(B) to pay for the Federal share of the cost of carrying out a community service program—

“(i) in a State where the State Commission does not apply for funding under part I; or

“(ii) in multiple States.

“(2) FUNDS FOR EDUCATIONAL AWARDS.—The Chief Executive Officer shall decide whether funds appropriated to carry out this part and available for educational awards (referred to in this part as ‘educational award funds’) shall be—

“(A) included in the funds for such grants to organizations and any subgrants to local providers; or

“(B) reserved by the Chief Executive Officer, deposited in the National Service Trust for educational awards, and disbursed according to paragraphs (1) and (3) of section 163B(d).

“(3) PERIODS OF GRANTS.—The Chief Executive Officer shall award the grants for periods of 3 years.

“(4) AMOUNTS OF GRANTS.—The Chief Executive Officer shall award such a grant to an organization for a program in a sum equal to—

“(A) the amount obtained by multiplying $500 and the number of youth who will participate in the program (to be used for program expenses);

“(B) unless the Chief Executive Officer decides to deposit funds for educational awards in the National Service Trust, as described in paragraph (2)(B), an additional amount equal to the amount described in subparagraph (A) (to be used for educational awards); and

“(C) an amount sufficient to provide for the reservation for quality assurance activities described in subsection (d).

“(b) NATIONAL DIRECT APPLICATIONS.—To be eligible to receive a grant under this section for a community service program, an organization shall submit an application to the Chief Executive Officer at such time, in such manner, and containing such information as the Chief Executive Officer may require, including information that—

“(1) describes how the organization will use funds received under this part, including funds reserved for quality assurance activities under subsection (d);

“(2)(A) describes the procedures and criteria the organization will use for reviewing applications and awarding subgrants on a competitive basis under section 163A to local providers for projects, including how the organization will give priority to a provider that, with respect to each project described in the application—

“(i) offers a quality plan for or has an established track record of carrying out the activities described in the provider's application;

“(ii) has a leadership position in the community from which the youth participating in the project will be drawn;

“(iii) proposes a project that focuses on service by the participants during the transition year before high school;

“(iv) plans to ensure that at least 50 percent of the participants are low-income eligible youth;

“(v) proposes a project that encourages or enables youth to continue participating in community service throughout the school year;

“(vi) plans to involve the participants in the design and operation of the project, including involving the participants in conducting a needs-based assessment of community needs;

“(vii) proposes a project that involves youth of different ages, races, sexes, ethnic groups, religions, disability categories, or economic backgrounds serving together; and

“(viii) proposes a project that provides high quality service-learning experiences; or

“(B) if the organization will carry out the community service program directly, demonstrates that the organization meets the requirements of clauses (i) through (viii) of subparagraph (A) with respect to each project described in the application;

“(3) describes the steps the organization will take, including the provision of ongoing technical assistance described in subsection (d)(2)) and training, to ensure that projects funded under this part will implement effective strategies; and

“(4) describes how the organization will evaluate the projects funded under this part, which shall include, at a minimum—

"(A) a description of the objectives and benchmarks that will be used to evaluate the projects; and

"(B) a description of how the organization will disseminate widely the results of the evaluations, as described in subsection (d)(3)(C).

"(c) APPLICANT REVIEW.—

"(1) SELECTION CRITERIA.—The Chief Executive Officer shall evaluate applications for grants under this section based on the quality, innovation, replicability, and sustainability of the programs proposed by the applicants.

"(2) REVIEW PANELS.—The Chief Executive Officer shall employ the review panels established under section 165A in reviewing the applications.

"(3) NOTIFICATION OF APPLICANTS.—If the Chief Executive Officer rejects an application submitted under this section, the Chief Executive Officer shall promptly notify the applicant of the reasons for the rejection of the application.

"(4) RESUBMISSION AND RECONSIDERATION.—The Chief Executive Officer shall provide an applicant notified of rejection with a reasonable opportunity to revise and resubmit the application. At the request of the applicant, the Chief Executive Officer shall provide technical assistance to the applicant as part of the resubmission process. The Chief Executive Officer shall promptly reconsider an application resubmitted under this paragraph.

"(d) QUALITY ASSURANCE ACTIVITIES.—An organization that receives a grant under this section may reserve up to 5 percent of the grant funds for quality assurance activities, which may include—

"(1) hiring staff to administer the program carried out under this part by the organization;

"(2) providing technical assistance, including technical assistance concerning the professional development and training of personnel, to local providers that receive subgrants under section 163A; and

"(3)(A) conducting an evaluation of the projects carried out by local providers of the organization under this part;

"(B) using the results of the evaluation to collect and compile information on best practices and models for such projects; and

"(C) disseminating widely the results of the evaluation.

"SEC. 163A. SUBGRANTS TO LOCAL PROVIDERS.

"(a) SUBGRANTS.—

"(1) IN GENERAL.—An organization that receives a grant under section 163 may use the grant funds to award subgrants on a competitive basis to local providers to pay for the Federal share of the cost of carrying out community service projects.

"(2) PERIODS OF SUBGRANTS.—The organization shall award the subgrants for periods of 3 years.

"(3) AMOUNTS OF SUBGRANTS.—The organization shall award such a subgrant to a local provider for a project in a sum equal to—

"(A) the amount obtained by multiplying $500 and the number of youth who will participate in the project (to be used for project expenses); and

"(B) unless the Chief Executive Officer decides to deposit funds for educational awards in the National Service Trust, as described in section 163(a)(2)(B), an additional amount equal to the amount described in subparagraph (A) (to be used for educational awards).

"(b) LOCAL PROVIDER APPLICATION.—To be eligible to receive a subgrant under this section, a local provider shall submit an application to the organization at such time, in such manner, and containing such information as the organization may require, including information that—

"(1) designates the communities in which the local provider will carry out projects under the subgrant, each of which communities may be the service area of an elementary school or secondary school, a school district, a city, town, village, or other locality, a county, the area in which a public housing project is located, a neighborhood, or another geographically or politically designated area;

"(2) for each project described in such application, describes the manner in which the local provider will—

"(A) engage a substantial portion of the youth in the designated community involved;

"(B) engage a variety of entities and individuals, such as youth organizations, elementary schools or secondary schools, elected officials, organizations offering summer camps, civic groups, nonprofit organizations, and other entities within the designated community to offer a variety of summer service opportunities as part of the project;

"(C) ensure that the youth participating in the project engage in service-learning;

"(D) engage as volunteers in the project business, civic, or community organizations or individuals, which may include older individuals, volunteers in the National Senior Volunteer Corps established under title II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5000 et seq.), participants in the school-based and community-based service-learning programs carried out under parts I and II of subtitle B, participants in the AmeriCorps program carried out under subtitle C, or students enrolled in secondary schools or institutions of higher education;

"(E) ensure that youth participating in the project provide at least 100 hours of community service for the project;

"(F) recruit eligible youth to participate in the project;

"(G) recruit service sponsors for community service activities carried out through the project, if the local provider intends to enter into an arrangement with such sponsors to provide project placements for the youth;

"(H) promote leadership development and build an ethic of civic responsibility among the youth;

"(I) provide team-oriented, adult-supervised experiences through the project;

"(J) conduct opening and closing ceremonies honoring participants in the project;

"(K) involve youth who are participating in the project in the design and planning of the project; and

"(L) provide training, which may include life skills, financial education, and employment training, in addition to training concerning the specific community service to be provided through the project, for the youth; and

"(3)(A) specifies project outcome objectives relating to youth development or education achievement, community strengthening, and community improvement;

"(B) describes how the local provider will establish annual benchmarks for the objectives, and annually conduct an evaluation to measure progress toward the benchmarks; and

"(C) provides an assurance that the local provider will annually make the results of such evaluation available to the organization.

"(c) CONTINUED ELIGIBILITY.—To be eligible to receive funds under this section for a second or subsequent year of a subgrant period, a local provider shall demonstrate that all the projects for which the subgrant was awarded met the annual benchmarks for the objectives described in subsection (b)(3).

"(d) SELECTION OF SUBGRANT RECIPIENTS.—In awarding subgrants under this section, the organization shall ensure that projects are funded in a variety of geographic areas, including urban and rural areas.

"SEC. 163B. SUMMER OF SERVICE PROJECTS.

"(a) USE OF FUNDS.—

"(1) IN GENERAL.—A local provider that receives a subgrant under section 163A shall use the subgrant funds to carry out a community service project.

"(2) SPECIFIC USES.—The local provider may use the subgrant funds, to pay for—

"(A) hiring staff to administer the project;

"(B) developing or acquiring service-learning curricula for the project, to be integrated into academic programs, including making modifications for students who are individuals with disabilities and students with limited English proficiency;

"(C) forming local partnerships to develop and offer a variety of service-learning programs for local youth participating in the project;

"(D) establishing benchmarks, conducting evaluations, and making evaluation results available, as described in subparagraphs (B) and (C) of section 163A(b)(3);

"(E) conducting outreach and dissemination of program-related information to ensure the broadest possible involvement of local eligible youth and community partners in the project;

"(F) conducting ceremonies as described in section 163A(b)(2)(J);

"(G) carrying out basic implementation of the community service project; and

"(H) carrying out planning activities, during an initial 6 to 9 months of the grant period.

"(3) NON-FEDERAL SHARE.—A local provider that receives a subgrant under section 163A shall provide the non-Federal share of the cost described in section 163A(a)(1) from private or public sources other than the subgrant funds. The sources may include fees charged to the parents of the youth participating in the community service project involved and determined on a sliding scale based on income.

"(b) SERVICE PROJECTS.—

"(1) ELIGIBLE SERVICE CATEGORIES.—The local provider may use the subgrant funds to carry out a community service project to meet unmet human, educational, environmental, or public safety needs.

"(2) INELIGIBLE SERVICE CATEGORIES.—The local provider may not use the subgrant funds to carry out a service project in which participants perform service described in section 132(a).

"(c) PERIOD OF SERVICE PROJECTS.—The local provider—

"(1) shall carry out the community service project funded under section 163A during a period, the majority of which occurs in the months of June, July, and August; and

"(2) may carry out the project in conjunction with a related after school or in-school service-learning project operated during the remaining months of the year.

"(d) EDUCATIONAL AWARD.—

"(1) ELIGIBILITY.—Each eligible youth who provides at least 100 hours of community service for a project carried out under this part shall be eligible to receive an educational award of not more than $500. An eligible youth may participate in more than 1 such project but shall not receive in excess of $1,000 in total for such participation.

"(2) DISBURSEMENTS BY LOCAL PROVIDER.—If the Chief Executive Officer decides under section 163(a)(2)(A) to include educational award funds in subgrants under this part, the local provider carrying out the project shall—

"(A) disburse an educational award described in paragraph (1) in accordance with regulations issued by the Chief Executive Officer, which—

"(i) may permit disbursal of the award to the parents of the youth that have established a qualified tuition program account under section 529 of the Internal Revenue Code of 1986, for deposit into the account; but

"(ii) shall not otherwise permit disbursal of the award to the parents; or

"(B) enter into a contract with a private sector organization to hold the educational award funds and disburse the educational award as described in subparagraph (A).

"(3) DISBURSEMENTS BY CHIEF EXECUTIVE OFFICER.—If the Chief Executive Officer decides under section 163(a)(2)(B) to reserve educational award funds, the Chief Executive Officer shall disburse the educational award as described in paragraph (2)(A).

"(e) APPLICATION OF SECTION.—References in this section to local providers, with respect to the use of subgrant funds received under section 163A, apply equally to organizations that carry out community service projects directly, with respect to the use of grant funds received under section 163.

"SEC. 163C. SUPPLEMENTAL GRANTS.

"(a) IN GENERAL.—The Chief Executive Officer may award a supplemental grant to a local provider that demonstates the matters described in subsection (b), to assist the provider in carrying out a community service project in accordance with the requirements of this part, as determined appropriate by the Chief Executive Officer.

"(b) APPLICATION.—To be eligible to receive a supplemental grant under subsection (a), a provider shall submit an application to the Chief Executive Officer, at such time, in such manner, and containing such information as the Chief Executive Officer may require, including information demonstrating—

"(1) that the provider received a subgrant under section 163A for a community service project; and

"(2) that the provider would be unable to carry out the project without substantial hardship unless the provider received a supplemental grant under subsection (a).

"(c) AMOUNT OF GRANT.—The Chief Executive Officer shall award such a grant to a local provider for the project in the amount obtained by multiplying $250 and the number of youth who will participate in the project (to be used for project expenses).

"PART III—SUMMER OF SERVICE NATIONAL ACTIVITIES

"SEC. 164. NATIONAL ACTIVITIES.

"(a) NATIONAL QUALITY AND OUTREACH ACTIVITIES.—The Chief Executive Officer may use funds reserved under section 165(b)(1), either directly or through grants and contracts, to—

"(1) provide technical assistance and training to recipients of grants and subgrants under parts I and II;

"(2) conduct outreach and dissemination of program-related information to ensure the broadest possible involvement of States, eligible entities, organizations, local providers, and eligible youth in programs carried out under parts I and II; and

"(3) to carry out other activities designed to improve the quality of programs carried out under parts I and II.

"(b) NATIONAL EVALUATION.—

"(1) RESERVATION.—For each fiscal year, the Chief Executive Officer shall reserve not more than the greater of $500,000, or 1 percent, of the funds described in subsection (a) for the purposes described in paragraph (2).

"(2) EVALUATION.—The Chief Executive Officer shall use the reserved funds—

"(A) to arrange for an independent evaluation of the programs carried out under parts I and II, to be conducted in the second and third years in which the programs are implemented; and

"(B) using the results of the evaluation, to collect and compile information on models and best practices for such programs; and

"(C) to disseminate widely the results of the evaluation.

"(3) REPORT.—The Chief Executive Officer shall annually submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives, a report concerning the results of the evaluations conducted under paragraph (2). Such reports shall also contain information on models of best practices and any other findings or recommendations developed by the Chief Executive Officer based on such evaluations. Such reports shall be made available to the general public.

"PART IV—GENERAL PROVISIONS

"SEC. 165. AUTHORIZATION OF APPROPRIATIONS AND AVAILABILITY.

"(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subtitle $100,000,000 for fiscal year 2007 and such sums as may be necessary for each subsequent fiscal year.

"(b) AVAILABILITY.—Of the funds appropriated under subsection (a) for a fiscal year, the Chief Executive Officer—

"(1) shall reserve not more than 4 percent to carry out activities under part III (relating to national activities); and

"(2) from the remainder of such funds, shall make available—

"(A) a portion equal to 66⅔ percent of such funds for programs carried out under part I (relating to the State grant program), including programs carried out under section 162D; and

"(B) a portion equal to 33⅓ percent of such funds for programs carried out under part II (relating to the national direct grant program).

"(c) REALLOCATION.—If the Chief Executive Officer determines that funds from the portion described in subsection (b)(2)(A) will not be needed to carry out programs under part I for a fiscal year, the Chief Executive Officer shall make the funds available for programs under part II for that fiscal year.

"SEC. 165A. REVIEW PANELS.

"The Chief Executive Officer shall establish panels of experts for the purpose of reviewing applications submitted under sections 162, 162C, 162D, and 163.

"SEC. 165B. CONSTRUCTION.

"An individual participating in service in a program described in this subtitle shall not be considered to be an employee engaged in employment for purposes of the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).".

SEC. 4. CONFORMING AMENDMENTS.

(a) REDESIGNATION OF SUBTITLES.—

(1) Section 118(a) of the National and Community Service Act of 1990 (42 U.S.C. 12551(a)) is amended by striking "subtitle H" and inserting "subtitle I".

(2) Section 122(a)(2) of such Act (42 U.S.C. 12572(a)(2)) is amended by striking "subtitle I" and inserting "subtitle J".

(3) Section 193A(f)(1) of such Act (42 U.S.C. 12651d(f)(1)) is amended by striking "subtitles C and I" and inserting "subtitles C and J".

(4) Section 501(a)(2) of such Act (42 U.S.C. 12681(a)(2)) is amended—

(A) in the paragraph heading, by striking "SUBTITLES C, D, AND H" and inserting "SUBTITLES C, D, AND I";

(B) in subparagraph (A), by striking "subtitles C and H" and inserting "subtitles C and I"; and

(C) in subparagraph (B), by striking "subtitle H" and inserting "subtitle I".

(b) REDESIGNATION OF SECTIONS.—

(1) Section 155(d)(3) of such Act (42 U.S.C. 12615(d)(3)) is amended by striking "section 162(a)(3)" and inserting "section 159C(a)(3)".

(2) Section 156(d) of such Act (42 U.S.C. 12616(d)) is amended by striking "section 162(a)(3)" and inserting "section 159C(a)(3)".

(3) Section 159(c) of such Act (42 U.S.C. 12619(c)) is amended—

(A) in paragraph (2)(C)(i), by striking "section 162(a)(2)" and inserting "section 159C(a)(2)"; and

(B) in paragraph (3), by striking "section 162(a)(2)(A)" and inserting "section 159C(a)(2)(A)".

(4) Section 159B(b)(1)(B) of such Act (as redesignated by section 3(2)) is amended by striking "section 162(a)(3)" and inserting "section 159C(a)(3)".

(c) RELATIONSHIP TO NATIONAL SERVICE EDUCATIONAL AWARD PROVISIONS.—

(1) NATIONAL SERVICE TRUST.—Section 145 of the National and Community Service Act of 1990 (42 U.S.C. 12601) is amended—

(A) in subsection (a)—

(i) in paragraph (2), by striking "and" at the end;

(ii) in paragraph (3), by striking the period and inserting ", other than interest or proceeds described in paragraph (4)(B); and"; and

(iii) by adding at the end the following:

"(4)(A) any amounts deposited in the Trust under subtitle F; and

"(B) the interest on, and proceeds from the sale or redemption of, any obligations held by the Trust for a program carried out under subtitle F."; and

(B) in subsection (c), by inserting "(other than any amounts deposited in the Trust under subtitle F)" after "Amounts in the Trust".

(2) AVAILABILITY OF AMOUNTS IN NATIONAL SERVICE TRUST.—Section 148(a) of the National and Community Service Act of 1990 (42 U.S.C. 12604(a)) is amended by inserting "(other than any amounts deposited in the Trust under subtitle F)" after "Amounts in the Trust".

Mr. CRAIG (for himself and Mr. AKAKA):

S. 4054. A bill to amend title 38, United States Code, to expand the number of individuals qualifying for retroactive benefits from traumatic injury protection coverage under Servicemembers' Group Life Insurance; to the Committee on Veterans' Affairs.

Mr. CRAIG. Mr. President, I have sought recognition to comment on legislation that the distinguished Senator from Hawaii, Senator AKAKA, and I are introducing today. This bill would expand the number of eligible recipients of retroactive payments under the Traumatic Injury Protection under Servicemembers' Group Life Insurance, or "TSGLI", benefit. Most of my colleagues have perhaps heard the story of how this important benefit became law and what its intended purpose is, but I believe it is worth repeating.

In April of 2005 I was visited by three servicemembers who were seriously injured during Operation Iraqi Freedom (OIF). They were members of an organization called the Wounded Warrior Project, and they told me of their lengthy recovery times at Walter Reed Army Medical Center and the financial toll that that period of convalescence had on them and their families. They talked about wives, parents, and other relatives who had taken long absences from work, and some who had even quit their work, in order to spend time with those recovering at Walter Reed. And they told me that the Department of Veterans Affairs compensation system was no help because, by law, those benefits do not kick in until after separation from service.

Based on their experiences, these wounded warriors recommended that I pursue legislation to create a new insurance benefit for those with traumatic injuries such as theirs. The insurance would pay between $25,000 and $100,000 as soon as possible after an injury occurred, thereby bridging the gap in assistance needed during the time of a wounded servicemember's recovery and the time of his or her separation from service. They asked that I make the legislation prospective only, meaning that they, and hundreds of others, would go without any TSGLI payment. I honored that request and, together with Senator AKAKA and other Members of the Committee on Veterans' Affairs, introduced an amendment to the 2005 Emergency Supplemental Appropriations bill then pending before the Senate.

A second degree amendment was later unanimously agreed to which authorized retroactive benefit payments to all of those injured in the Operation Iraqi Freedom and Operation Enduring Freedom (OEF) theaters of operation—providing for TSGLI payments to hundreds of servicemembers who had been seriously injured since the start of the wars in Afghanistan and Iraq. At the time, the retroactive TSGLI provision was consistent with other retroactive benefits approved within the Emergency Supplemental bill, such as $238,000 in combined Servicemembers' Group Life Insurance (SGLI) and death gratuity benefits that were provided retroactively to survivors of those killed in combat operations since the start of the War on Terror. Needless to say, the TSGLI amendments were approved by the Congress and enacted into law.

Fast forward to the present. TSGLI has been up and running since December 1, 2005, and provides financial assistance of $25,000 to $100,000 to traumatically injured servicemembers within, on average, 60 days of the date of the injury causing event. As of September 2006, almost 2,300 wounded OIF/OEF servicemembers have benefited under the retroactive portion of the program. For those with injuries post December 1, 2005, it does not matter if an injury occurs as a result of combat operations or training exercises—payment under TSGLI is available in either situation.

The Senate Committee on Veterans' Affairs held a hearing on the TSGLI benefit this past September. The Committee received testimony from the Wounded Warrior Project, the organization largely responsible for TSGLI's conception. While very pleased with the program overall, a serious concern was raised regarding the equity of only extending retroactive TSGLI payments to those injured during Operations Iraqi and Enduring Freedom. Mr. Jeremy Chwat, testifying for the Wounded Warrior Project that day, used the example of one servicemember as representative of others who are not now eligible for benefits:

> Brave men and women like Seaman Robert Roeder who was injured on January 29, 2005 when an arresting wire on the aircraft carrier, the USS Kitty Hawk, severed his left leg below the knee.... Although the ship was on its way to the Gulf and the training exercises being conducted were in preparation for action in either Operation Enduring or Iraqi Freedom, Robert's injury does not qualify for payment.

Furthermore, since enactment of the 2005 Emergency Supplemental, retroactive SGLI and death gratuity benefits combining $238,000 have been expanded to provide payments to survivors of all servicemembers who died on active duty, whether in combat or not. The reason behind the expansion of retroactive benefits was a recognition that military service is universal in character; that each military man or woman, no matter where they are serving, contributes in a unique way to make the United States Armed Forces second to none.

The legislation I am introducing today, along with Senate AKAKA, will make the TSGLI retroactive payment eligibility criteria consistent with the other benefit program retroactive payment criteria I just mentioned. Thus, if this legislation is enacted, all traumatically injured servicemembers who served between October 7, 2001, and December 1, 2005, will be eligible for TSGLI payments, irrespective of where their injuries occurred. Unofficial estimates from the Department of Veterans Affairs suggest that approximately 700 individuals would be covered under this bill.

Both the Wounded Warrior Project and the National Military Families Association have expressed their support for this bill. And I now ask my colleagues for their support. This is the right thing to do for our military men and women.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXPANSION OF INDIVIDUALS QUALIFYING FOR RETROACTIVE BENEFITS FROM TRAUMATIC INJURY PROTECTION COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) IN GENERAL.—Paragraph (1) of section 501(b) of the Veterans' Housing Opportunity and Benefits Improvement Act of 2006 (120 Stat. 414; 38 U.S.C. 1980A note) is amended by striking ", if, as determined by the Secretary concerned, that loss was a direct result of a traumatic injury incurred in the theater of operations for Operation Enduring Freedom or Operation Iraqi Freedom".

(b) CONFORMING AMENDMENT.—The heading of such section is amended by striking "IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM".

By Mrs. FEINSTEIN (for herself and Mr. SESSIONS):

S. 4055. A bill to address the effect of the death of a defendant in Federal criminal proceedings; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I am pleased to introduce the "Preserving Crime Victims' Restitution Act of 2006." The Act would clarify the rule of law and procedures that should be applied when a criminal defendant, such as former Enron CEO Kenneth Lay, dies after he has been duly convicted, but before his appeals are final.

I am pleased that Senator SESSIONS is joining me as a cosponsor in introducing this bill. We have worked closely with the Department of Justice in crafting this legislation, and have used much of DOJ's transmitted language. DOJ fully supports the principles contained in this bill, and has indicated its support for this bill's efforts to fix this problem now to ensure that, despite a defendant's death, hard-won convictions are preserved and restitution remains available for the victims of crime.

This bill that I introduce today would do the following: Establish that, if a defendant dies after being convicted of a Federal offense, his conviction will not be vacated. Instead, the court will be directed to issue a statement stating that the defendant was convicted (either by a guilty plea or a verdict finding him guilty) but then died before his case or appeal was final.

It would codify the current rule that no further punishments can be imposed on a person who is convicted if they die before a sentence is imposed or they have an opportunity to appeal their conviction.

It would clarify that, unlike punishment, all other relief, such as restitution to the victims, that could have been sought against a convicted defendant can continue to be pursued and collected after the defendant's death.

It would establish a process to ensure that after a person dies, a representative of his estate can stand in the shoes of the defendant and challenge or appeal his conviction if they want, and can also secure a lawyer—either on their own or by having one appointed, and

If the Government had filed a criminal forfeiture action—in which it had sought to reach the defendant's assets that were linked to his crimes—the Government would get an extra 2 years after the defendant's death to file a parallel civil forfeiture lawsuit so that it could try to recover those same assets in a different, and traditionally-accepted manner.

The need for this legislation was vividly demonstrated last month. On October 17, 2006, U.S. District Judge Sim Lake, of the Southern District of Texas, wiped clean the criminal record of Enron founder Kenneth Lay, even after a jury and judge had unanimously found him guilty of 10 criminal charges, including securities fraud, wire fraud involving false and misleading statements, bank fraud and conspiracy.

That decision was not based on an error in the trial or any suggestion of unfairness in the proceedings. Instead, it was simply based on the fact that Mr. Lay died before his conviction had been affirmed on appeal, under a common law rule known as "abatement."

In other words, this order essentially means that Mr. Lay is "convicted but not guilty"—"innocent by reason of his death."

Judge Lake granted this dismissal even in the face of DOJ Enron Task Force filings, which noted how Mr. Lay's conviction "provided the basis for the likely disgorgement of fraud proceeds totaling tens of millions of dollars." In other words, the dismissal means that millions dollars, that the jury found were obtained by Mr. Lay illegally, will now remain untouched in the Lay estate. And everyone agrees that former Enron employees and shareholders will now find it much harder to lay claim to these ill-gotten gains held by Mr. Lay's estate, because they will be unable to point to his criminal conviction as proof of his wrongdoing.

I do not fault Judge Lake for issuing this order. He made it clear that he was simply following the binding precedent issued in 2004 by the full U.S. Court of Appeals for the 5th Circuit, in a case called United States v. Estate of Parsons.

But as I noted in a letter I wrote to Attorney General Gonzales on October 20, 2006, the Fifth Circuit's Parsons decision goes far beyond the traditional rule of law in this area. While the common-law doctrine of abatement has historically wiped out "punishments" following a criminal defendant's death, the Supreme Court has never held that it must also wipe out a victim's right to other forms of relief such as restitution, which simply compensate third parties who were injured by criminal misconduct.

As the six dissenters in Parsons noted, the majority's "'finality rationale' is a completely novel judicial creation which has not been embraced or even suggested by . . . other courts." The Third and Fourth Circuits, for example, have expressly refused to take this position, and upheld a restitution order after a criminal defendant's death.

The Parsons decision was remarkable in several other respects, including the fact that (as the dissenters noted), its new rule of law was apparently inspired by a single law review article. That academic piece boldly claimed that a criminal defendant's right of appeal is "evolving into a constitutional right," and suggested that a conviction untested by appellate review is unreliable and illegitimate. This notion runs contrary to the traditional rule applied in virtually every other context—where a jury's findings are typically respected under the law.

Of course a defendant is presumed innocent at the outset of his case. After a jury has deliberated and unanimously issued a formal finding of guilt, however, that presumption of innocence no longer stands.

The Parsons "finality" rationale raises the absurd possibility that even a defendant who fully admitted his wrongdoing and pleaded guilty, but who then died while an appeal of his sentence was pending, could have his entire criminal conviction erased. In fact, this has already occurred, in the 1994 case of United States v. Pogue, where the D.C. Circuit ordered the dismissal of a conviction of a defendant whose appeal was pending—even though the docketing statement had said that the defendant intended to challenge only his sentence, and not his underlying conviction.

I have urged the Attorney General to continue to fight for Enron victims by appealing Judge Lake's dismissal to the Supreme Court. There, he should ask for a resolution of this split in the law between these Circuits, so that he can try to get the Parsons rule overturned. Unfortunately, the Justice Department has been noncommittal—it refuses to say if it will appeal the Ken Lay dismissal or not, even with the filing deadline fast approaching.

In the meantime, rather than remaining silent on this issue, and hoping that the Attorney General will appeal the Lay case as he should, I believe the time has come for Congress to take action.

While I have no desire for our Government to punish a criminal defendant who dies, the calculation should be different when we are determining how to make up for harm suffered by other individuals.

There is surely a legal and moral basis for not punishing the dead. But there is also, more importantly, a legal and moral basis for defending the living. The legislation that I introduce today codifies that distinction.

This legislation offers a fair solution and orderly process in the event that a criminal defendant dies prior to his final appeal.

Enron's collapse in 2001 wiped out thousands of jobs, more than $60 billion in market value, and more than $2 billion in pension plans. When America's seventh largest company crumbled into bankruptcy after its accounting tricks could no longer hide its billions in debt, countless former Enron employees and shareholders lost their entire life savings after investing in Enron's 401(k) plan.

Many of these Enron victims have been following closely the years of preparation by the Enron Task Force, and the four-month jury trial and separate one-week bench trial, hoping to finally recover some restitution in this criminal case. And despite Mr. Lay's vigorous efforts to avoid being held accountable for his actions, a conviction was finally secured.

Yet now these people have essentially been victimized again. They will be forced to start all over in their efforts to get back some portion of the pension funds on which they expected to subsist, and the other hard-earned assets that will remain beyond their reach, despite the unanimous, hard-fought verdicts finding Mr. Lay guilty of all ten counts with which he had been charged.

The time has come for Congress to end this injustice—hopefully, by acting quickly enough to assist these Enron victims, but in any event in a way that will prevent this type of injustice from ever happening again in the future.

I urge my colleagues to support this legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 614—HONORING THE FIREFIGHTERS AND OTHER PUBLIC SERVANTS WHO RESPONDED TO THE DEVASTATING ESPERANZA INCIDENT FIRE IN SOUTHERN CALIFORNIA IN OCTOBER 2006

Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 614

Whereas, in late October 2006, the mountain communities west of Palm Springs, California were struck by a vast wildfire, which came to be known as the Esperanza

Incident and which authorities believe was started by an arsonist;

Whereas the Esperanza Incident fire tragically claimed lives, homes and other buildings, and more than 40,000 acres of terrain;

Whereas nearly 3,000 firefighters from dozens of fire crews courageously battled the fast-spreading blaze, which was fanned by Santa Ana wind gusts up to 60 miles per hour;

Whereas 4 firefighters—Mark Loutzenhiser, Jess McLean, Jason McKay, and Daniel Hoover-Najera—made the ultimate sacrifice by giving their lives when flames overtook them as they tried to protect a home;

Whereas an additional firefighter, Pablo Cerda, joined them in that sacrifice when he too lost his life, after fighting to survive for 6 days in a hospital before succumbing to burns he had received fighting alongside his fallen colleagues;

Whereas firefighters honored the spirit of their fallen colleagues by completing the job they started and controlling the blaze, even while recognizing considerable danger to their own well-being;

Whereas skilled and courageous aircraft personnel and additional emergency personnel, including law enforcement and medical personnel, also responded to the threat posed by the fire; and

Whereas law enforcement personnel are aggressively pursuing the conviction of the arsonist, and generous Californians have offered additional funds, on top of those offered by the Riverside County Board of Supervisors, to help bring the arsonist to justice: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and honors—

(A) all of the firefighters who responded to the devastating Esperanza Incident fire in southern California in October 2006; and

(B) all others, including emergency, law enforcement, and medical personnel and aircraft crews, who contributed to controlling the fire, keeping Californians safe, and finding and arresting the suspected arsonist; and

(2) commends the firefighters and other personnel who responded to the fire for dedicated service to the people of California.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5149. Mrs. DOLE (for herself and Mr. BURR) submitted an amendment intended to be proposed by her to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table.

SA 5150. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5151. Mr. VITTER (for himself, Mr. NELSON of Florida, Ms. STABENOW, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5152. Mr. VITTER (for himself, Mr. NELSON of Florida, Ms. STABENOW, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5153. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5154. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5155. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5156. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5157. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5158. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5159. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5160. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5161. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5162. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5163. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5164. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5165. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5166. Mr. COBURN (for himself and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5167. Ms. COLLINS (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill H.R. 5384, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 5149. Mrs. DOLE (for herself and Mr. BURR) submitted an amendment intended to be proposed by her to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 168, strike lines 7 and 8 and insert the following: "the purchase of land and moving of utilities;

(6) the Town of Boone, North Carolina, a rural area for purposes of eligibility for Rural Utilities Service water and waste water loans and grants; and

(7) the Cities of Alamo, Mercedes, Weslaco, and

SA 5150. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 175, between lines 9 and 10, insert the following:

SEC. 758. None of the funds made available by this Act may be used to take an action that would violate Executive Order 13149 (65 Fed. Reg. 24607; relating to greening the government through Federal fleet and transportation efficiency).

SA 5151. Mr. VITTER (for himself, Mr. NELSON of Florida, Ms. STABENOW, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 175, between lines 9 and 10, insert the following:

SEC. 758. None of the funds made available in this Act for the Food and Drug Administration may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(g))) from importing a prescription drug from Canada that complies with sections 501, 502, and 505 of such Act (21 U.S.C. 351, 352, and 355).

SA 5152. Mr. VITTER (for himself, Mr. NELSON of Florida, Ms. STABENOW, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 175, between lines 9 and 10, insert the following:

SEC. 758. None of the funds made available in this Act for the Food and Drug Administration may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(g))) from importing a prescription drug from Canada that complies with sections 501, 502, and 505 of such Act (21 U.S.C. 351, 352, and 355): *Provided*, That this section shall apply only to a personal-use quantity of the prescription drug, not to exceed a 90-day supply: *Provided further*, That the prescription drug may not be—

(1) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(2) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

SA 5153. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act may be available for the World Food Prize, and the total amount made available in this Act is reduced by $350,000.

SA 5154. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act may be available for the Population Management Center, and the total amount made available in this act is reduced by $200,000.

SA 5155. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act may be available for Alternative salmon products, and the total amount made available in this Act is reduced by $1,088,000.

SA 5156. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act may be available for goose control in the State of New York, and the total amount made available in this Act is reduced by $194,000.

SA 5157. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act may be available for the National Wild Turkey Federation, and the total amount made available in this Act is reduced by $232,000.

SA 5158. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act may be available for a Lettuce Geneticist/Breeder, and the total amount made available in this Act is reduced by $36,276.

SA 5159. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act may be available for Seafood Waste, and the total amount made available in this Act is reduced by $160,000.

SA 5160. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act may be available for the planning and design of the Biotechnology Laboratory in West Virginia, and the total amount made available in this Act is reduced by $2,500,000.

SA 5161. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act may be available for the Montana Sheep Institute, and the total amount made available in this Act is reduced by $591,000.

SA 5162. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act may be available for Termite Species in Hawaii, and the total amount made available in this Act is reduced by $150,000.

SA 5163. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 175, between lines 9 and 10, insert the following:

SEC. 758. (a) In this section, the term "earmark" means a provision of law, or a directive contained in a joint explanatory statement or report accompanying a conference report or bill (as applicable), that specifies—

(1) the identity of an entity, program, project, or service to receive assistance not authorized in the provision or directive; and

(2) the amount of the assistance to be received.

(b) The Secretary of Agriculture shall submit to Congress, and make available to the public on the Internet website of the Department of Agriculture, the following information:

(1) A description of each earmark made available to the Department of Agriculture by this Act, including—

(A) the location (by city, State, country, and congressional district, as the Secretary determines to be relevant) at which the earmarked funds will be used;

(B) the purpose of the earmark (if known); and

(C) the recipient of the earmark.

(2) The total cost of administering each earmark made available to the Department of Agriculture by this Act, including—

(A) the amount of the earmark;

(B) the cost of compensating applicable personnel;

(C) administrative expenses; and

(D) any other applicable costs.

(3) The total cost of administering all earmarks made available to the Department of Agriculture by this Act.

(4) An assessment of the utility of each such earmark in meeting the goals of the Department of Agriculture, in accordance with a rating system as follows:

(A) An assessment of "A" for an earmark that directly advances the primary goals of the Department (including any agency, element, or component of the Department).

(B) An assessment of "B" for an earmark that advances many of the primary goals of the Department (including any agency, element, or component of the Department).

(C) An assessment of "C" for an earmark that may advance some of the primary goals of the Department (including any agency, element, or component of the Department).

(D) An assessment of "D" for an earmark that is not demonstrated to be cost-effective in advancing the primary goals of the Department (including any agency, element, or component of the Department).

(E) An assessment of "F" for an earmark that distracts from or otherwise impedes the capacity of the Department to meet the primary goals of the Department.

SA 5164. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 175, between lines 9 and 10, insert the following:

SEC. 758. Any limitation, directive, or earmark contained in the House of Representatives or Senate report accompanying this Act shall be included in the conference report or joint statement accompanying this Act in order to be considered as having been approved by both Houses of Congress.

SA 5165. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 121, line 4, before the period insert ": *Provided further*, That, notwithstanding any other provision of this Act, no loan guaranteed under this heading shall be used to construct, improve, renovate, expand, or otherwise develop a golf course".

SA 5166. Mr. COBURN (for himself and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 175, between lines 9 and 10, insert the following:

SEC. 758. (a) Each report described in subsection (b) shall be posted on the Internet website of the Department of Agriculture for the public not later than 48 hours after the submission of the report to Congress.

(b) The reports described in this subsection are the following:

(1) Each report required by a provision of this Act to be submitted by the Secretary of Agriculture to the Committees on Appropriations of the Senate and the House of Representatives.

(2) Any report required to be submitted by the Secretary of Agriculture to Congress in support of the budget of the President for fiscal year 2008 (as submitted to Congress pursuant to section 1105(a) of title 31, United States Code) for the Department of Agriculture, including any budget justification documents in support of such budget for the Department of Agriculture.

(c) In posting a report on the Internet website of the Department of Agriculture under subsection (a), the Secretary of Agriculture may redact any information the release of which to the public would, as determined by the Secretary, compromise the national security of the United States.

SA 5167. Ms. COLLINS (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 97, line 10, before the semicolon insert ", of which not less than $351,939 shall be for early disease identification, comprehensive composting for cull disposal, and potato late blight research activities in the State of Maine".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DEMINT. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on November 15, 2006, at 11:30 a.m. and 2:30 p.m., to receive testimony on the current situation and U.S. military operations in Iraq and Afghanistan.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DEMINT. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, November 15 at 2:30 p.m. The purpose of this hearing is to receive testimony on the December 2005 report from the President's Task Force on Puerto Rico's Status.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DEMINT. Mr. President, I ask unanimous consent that on Wednesday, November 15, 2006, following the first vote of the day, the Committee on Environment and Public Works be authorized to hold a business meeting to consider the following agenda: Alex Beehler to be Inspector General of the Environmental Protection Agency.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DEMINT. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing during the session of the Senate on Wednesday, November 15, 2006 at 3 p.m. in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that Joel Rubin, a congressional fellow in my office, be granted the privileges of the floor for the duration of my comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent, on behalf of Senator BINGAMAN, that Jonathan Epstein, a fellow from his office, be granted the privilege of the floor during the pendency of S. 3709, H.R. 5682, and any rollcall votes thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—H.R. 5385

Mr. MCCONNELL. Mr. President, notwithstanding passage of H.R. 5385, I ask unanimous consent that the Akaka amendment No. 5128 and Reed amendment No. 5125 be further modified with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments, as modified, are as follows:

AMENDMENT NO. 5125, AS MODIFIED

(Purpose: To provide that, of the amount appropriated or otherwise made available for Military Construction, Navy and Marine Corps, $3,410,000 shall be available for the replacement of a vehicle bridge at Naval Station, Newport, Rhode Island, and to provide an offset)

On page 82, between lines 19 and 20, insert the following:

SEC. 126. (a) The amount appropriated or otherwise made available by this title under the heading "MILITARY CONSTRUCTION, NAVY AND MARINE CORPS" and available for "Replacement Vehicle Bridge, Increment 2, Naval Station, Newport, Rhode Island" is hereby increased by $3,410,000.

(b) The amount appropriated or otherwise made available by this title under the heading "MILITARY CONSTRUCTION, NAVY AND MARINE CORPS" and available for "Hazardous Material Storage Facility, Naval Station Newport, Rhode Island" is hereby reduced by $3,410,000.

AMENDMENT NO. 5128, AS FURTHER MODIFIED

(Purpose: To propose a substitute)

At the end of title II, add the following:

SEC. ___. Of the amount appropriated by this title under the heading "VETERANS HEALTH ADMINISTRATION", up to $1,000,000 shall be available for the Office of Inspector General.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the majority leaders of the Senate and House of Representatives, pursuant to Public Law 109–236, appoints Thomas P. Mucho, of Pennsylvania, to serve as a member of the MINER Act Technical Study Panel.

MEASURE PLACED ON THE CALENDAR—S. 4051

Mr. MCCONNELL. Mr. President, I understand there is a bill at the desk that is due a second reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 4051) to provide sufficient resources to permit electronic surveillance of

United States persons for foreign intelligence purposes to be conducted pursuant to individualized court-issued orders for calls originating in the United States, to provide additional resources to enhance oversight and streamline the procedures of the Foreign Intelligence Surveillance Act of 1978, to ensure review of the Terrorist Surveillance Program by the United States Supreme Court, and for other purposes.

Mr. McCONNELL. Mr. President, in order to place the bill on the calendar under the provisions of rule XIV, I object to further proceedings.

The PRESIDING OFFICER. Objection is heard.

Without objection, the bill will be placed on the calendar.

SIGNING AUTHORIZATION

Mr. McCONNELL. I ask unanimous consent that during the adjournment of the Senate, the majority leader and the occupant of the chair, Senator COBURN, be authorized to sign duly enrolled bills or joint resolutions.

The PRESIDING OFFICER. Without objection it is so ordered.

ORDERS FOR THURSDAY, NOVEMBER 16, 2006

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on tomorrow, Thursday, November 16. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and there be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. Mr. President, tomorrow we will conduct a short period of morning business before turning to the United States-India nuclear bill. We were able to reach an agreement to limit amendments to the bill earlier today, and it is my hope that we will be able to expedite consideration and vote final passage tomorrow. We are also attempting to begin work on the Agriculture appropriations bill.

We were able to pass the short-term continuing resolution today. I thank everyone for clearing that joint resolution for the President's desk.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. McCONNELL. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:32 p.m., adjourned until Thursday, November 16, 2006, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate November 15, 2006:

THE JUDICIARY

TERRENCE W. BOYLE, OF NORTH CAROLINA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT, VICE J. DICKSON PHILLIPS, JR., RETIRED.

WILLIAM JAMES HAYNES II, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT, VICE H. EMORY WIDENER, JR., RETIRING.

PETER D. KEISLER, OF MARYLAND, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT, VICE JOHN G. ROBERTS, JR., ELEVATED.

WILLIAM-GERRY MYERS III, OF IDAHO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE THOMAS G. NELSON, RETIRED.

JAMES EDWARD ROGAN, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE NORA M. MANELLA, RESIGNED.

BENJAMIN HALE SETTLE, OF WASHINGTON, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WASHINGTON, VICE FRANKLIN D. BURGESS,RETIRED.

NORMAN RANDY SMITH, OF IDAHO, TO BE UNITED STATES CIRCUIT JUDGE FORTHE NINTH CIRCUIT, VICE STEPHEN S. TROTT, RETIRED.

MICHAEL BRUNSON WALLACE, OF MISSISSIPPI, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT, VICE CHARLES W. PICKERING, SR., RETIRED.

MARGARET A. RYAN, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES FOR THE TERM OF FIFTEEN YEARS TO EXPIRE ON THE DATE PRESCRIBED BY LAW, VICE HERMAN F. GIERKE, TERM EXPIRED.

SCOTT WALLACE STUCKY, OF MARYLAND, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES FOR THE TERM OF FIFTEEN YEARS TO EXPIRE ON THE DATE PRESCRIBED BY LAW, VICE SUSAN J. CRAWFORD, TERM EXPIRED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD RESERVE UNDER TITLE 10, U.S.C., SECTION 12203(A):

To be captain

ANDREA L. CONTRATTO, 2593
STEPHEN B. NYE, 0203

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUALS IN THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel

JERZY J. CHACHAJ, 6303
EDWIN MEDINA, 2157
MICHAEL A. RIPLEY, 6903

To be major

GREG GORDON, 6910

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

NORMAN B. DIMOND, 8524

To be major

MARK A. DEATON, 7349

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTION 531 AND 3064:

To be major

SHELLY M. TAYLOR, 0804

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

OMAR L. HAMADA, 3863
SETH W. WRIGHT, 2029

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

KEITH T. ADKINS, 3681
JEFFREY A. ANDERSON, 8479
GABRIEL A. ANSEEUW, 8410
CARL BENTON, 6258
JASON L. BIRCH, 6988
KEVIN H. CADY, 8951
JOSEPH J. CASALE, 7424
BLAKE CHANEY, 9939
PAUL D. CLARKE, 6403
BRIAN G. CUNNINGHAM, 5185
MICHAEL J. DAIGLE, JR., 7727
TRAVIS DAUN, 1364
RAVI M. DESAI, 5580
CHRISTOPHER J. DOMENCIC, 2013
DANIEL P. DUHAN, 5184
DAVID F. ETHERIDGE, 1915
STEVEN C. EVERHART, 1604
ADAM L. FLEMING, 8579
WILLIAM D. FRANCIS, JR., 3289
PETER D. FRENCH, 0783
GREGORY G. GALYO, 1417
CESAR S. GONZALEZ, 9768
ROBERT J. GRIFFITH, 6564
BRIAN G. GUGLIOTTA, 6101
MARK W. HANEY, 3217,
JAMES A. HAYES, 0215
AARON D. JOHNSON, 6101
ROBERT S. JONES, 1804
JOHN M. LONG, 3507
ALEX T. MABINI, 0176
MICAH D. MAXWELL, 4603
JEREMIAH D. MINNER, 7770
DONALD L. MORRISON, JR., 0166
PAUL S. NAGY, 8362
DOUGLAS A. PATTERSON, 3247
LAWRENCE J. PENN, 7517
JOSHUA D. PETERS, 0941
ERICK A. PETERSEN, 3355
COREY A. POORMAN, 1096
JOHN D. PORADO, 0325
DAVID M. RAY, 4109
ROBERT P. ROBBINS, 0253
THOMAS A. RYNO, 9323
ROBERT W. SAWYER, 9843
BENJAMIN J. SELPH, 0583
HAROLD A. SEXTON, 9895
RYAN P. SHANN, 6854
BRIAN T. TURNEY, 4669
DAMIAN K. VILTZ, 8458
WYATT T. WATERS, 1896
DONALD G. WETHERBEE, 3777
WILLIAM J. WILBURN, 9627
SAI G. WILLIAMS, 7681
DORSEY WISOTSKI, 2404

EXTENSIONS OF REMARKS

TRIBUTE TO COUNCILMAN GARY M. KELLY

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. CUELLAR. Mr. Speaker, I rise today to honor Councilman Gary M. Kelly, an American hero—a soldier, a leader, a father, a husband, and city councilman in the city of Cibolo, who recently passed away on October 15, 2006. Councilman Kelly was recently named mayor pro tem by the city of Cibolo before his death in honor of his lifetime commitment to the city and to the community.

Gary M. Kelly was born on October 1, 1948, in the city of Utica in the State of New York to his parents, Raymond and Arlene Kelly. He graduated from high school in Whitesboro, New York, and then attended the Syracuse University College of Forestry in 1970 with a bachelor of science. He earned a master's degree in business administration from the University of Alaska in Fairbanks in 1975. Shortly after graduate school, Gary joined the Squadron Officer School in 1976, thus beginning nearly 30 years of service in the United States Air Force.

Councilman Kelly served his country with great honor in the United States Air Force and received numerous military awards and accolades such as the Legion of Merit, Joint Service Commendation Medal, National Defense Service Medal, to name just a few. He also rose quickly within the military ranks from Second Lieutenant to Colonel. His military career was focused on program management and logistics support of weapon systems for the United States Air Force at Kelly Air Force Base. It was just not his country he served with great passion, it was the city of Cibolo in the State of Texas as city councilman. He was sworn into office on May 25th, 2005, and made numerous accomplishments such as writing the charter for the city, overseeing the creation of two fiscal budgets, establishing the Streets and Drainage Committee, the Public Safety Committee, and the Business Development Committee. He worked as the liaison to the Capital Improvements Committee, and Planning and Zoning Commission. He also was known for being a great mentor to new members of the city council and to commission chairs.

He is survived by his wife, Patricia C. Kelly, his two sons, Allen Dearborn and Scott Kelly, his mother, Arlene, his two sisters and their spouses, Cindy and Gregory Hobbs, Karen and Raymond Jankowski, his brother, Chris Kelly and his wife, Kathleen, and numerous aunts, uncles, nieces and nephews, and friends of the family. He truly led by example and inspired his children to be the best they could be in achieving their dreams and goals. He will be missed by us all and especially by the city of Cibolo in the State of Texas.

Mr. Speaker, I am honored to have had this time to recognize Councilman Gary M. Kelly.

A TRIBUTE TO CARMEN S. COMAS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of the jazz musician, Carmen S. Comas, distinguished musician. It behooves us to pay tribute to this outstanding artist and I hope my colleagues will join me in recognizing her impressive accomplishments.

With a smile of grace that can light up a room, Carmen S. Comas was born on November 9, 1939 in Mayaguez, Puerto Rico to Arthur Comas and Patricia America Justiniano. At the young age of eighteen, Mrs. Comas was voted "Misses Smile of Mayaguez." This was just a reminder that her smile had an impact on her neighbors and her community.

At the age of twenty-one, Mrs. Comas was married with two daughters, when she decided to move to New York City. Mrs. Comas is a woman of many talents and was unsure which she would use to become the entrepreneur that she was determined to be. While attending secretary school she changed gears to open a clothing factory. She became a mentor to people in the community, showing them that opportunity does exist with guidance and determination.

Mrs. Comas' drive and expectations allowed her to continue to pursue the land of opportunity. After thirty wonderful years of learning and growing, she pursued her second passion—cooking.

After working for Heart Share Human Services of New York for ten years as a resident cook she changed gears to Cypress Hills Child Care Corporation. This experience allowed her to do her best work of nurturing children.

Loved and adored by many, Mrs. Comas acknowledges the support of her growing family. Aside from her four beautiful daughters, she has her life partner Luis who has provided her with support and empowerment throughout their lives together. She has three granddaughters: Christina, Alisson and Javalia and six grandsons: Hector, Nelson, Javier, Thomas, John and Anthony. Mrs. Comas is also a part of the extended family at the Democratic Club of North Brooklyn, the Brooklyn Highland Park Lions club.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Carmen S. Comas. Her willingness to get involved and the smile she brings makes her most worthy of our recognition today.

CELEBRATING NATIONAL ADOPTION MONTH

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to celebrate November as National Adoption Month. Originating in Massachusetts in 1976 as National Adoption Week under Governor Michael Dukakis, the honor was celebrated nationally by President Ford in 1976 and then extended to the month of November in 1990. It is a time during which we celebrate the families who have shown their commitment to children in need by opening their homes and a time to promote awareness of the need to find permanent homes for our most vulnerable children.

Permanency is important in the life of a child; with over 523,000 children in foster care, we must focus our attention on finding permanent, stable, and caring relationships for these children. Approximately 20 percent of the children in foster care have the ultimate end goal of adoption. This equals around 104,600 who are awaiting or working toward adoption. The need for quality, loving and permanent homes for these children is great. Children who age out of the foster care system are more likely to be homeless and more likely to end up in jail than their counterparts.

The issue of safe and permanent homes is of particular concern to my district, the Seventh Congressional District of Illinois. The Seventh District has the highest percentage of kinship care providers in the entire United States. I hope that our efforts in the 110th Congress will promote permanency for these children and support them and their families.

I urge organizations to continue their hard work advocating for adoption and permanency. Organizations such as the National Council for Adoption, Voice for Adoption, the Child Welfare League of America, the Children's Defense Fund, the Congressional Coalition on Adoption, and the North American Council on Adoptable Children, just to name a few. Parents who adopt face many challenges and deserve our recognition and thanks. These families commit themselves to a child, emotionally, financially and mentally. The bonds they form are lifelong, and, most importantly, they positively affect the life of a child.

Mr. Speaker, as John F. Kennedy once said, "Children are the world's most valuable resource and its best hope for the future." We must make sure that all of our Nation's children have hope for their future. To do this, we must ensure them loving, stable, and caring environments. Adoptive parents provide this for thousands of children every year. I thank adoptive parents as well as the numerous organizations dedicated to helping promote permanency for their commitment and sacrifice.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

IN RECOGNITION OF THE 150TH ANNIVERSARY OF SHILOH BAPTIST CHURCH

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Ms. MATSUI. Mr. Speaker, I rise in tribute to The Shiloh Baptist Church, its many congregants and The Reverend James B. Rodgers. During the month of October, 2006, they are celebrating Shiloh Baptist Church's 150th Anniversary, a truly remarkable achievement. I ask all of my colleagues to join me in celebrating the Shiloh Baptist Church family and Dr. James B. Rodgers, Pastor on this momentous occasion.

The Shiloh Baptist Church is located in Sacramento, California and was first organized in 1856 as the Siloam Baptist Church. Shiloh is the oldest African-American church west of the Mississippi River and the first Baptist Church organized by African-Americans in Sacramento. Its current faithful leader is Dr. James B. Rodgers, but Shiloh has been shepherded by 27 pastoral leaders during its 150 years.

When Shiloh was first conceived it had no facilities in which to hold religious services, so it forged a strong relationship with the Chinese Americans in the area. As a result, an offer was extended to Shiloh to hold religious services at the Chinese Chapel, located at historic Sixth and H Streets in Sacramento.

The Shiloh Baptist Church is no ordinary church. It has overcome many obstacles through faith and determination. It overcame foreclosure in the 1860s; significant reduction in congregant membership because of relocations; destruction of the church facility by fire in 1861 and 1905; and the inability to secure building loans on several occasions. However, today Shiloh stands firm as a testament to the strong faith, perseverance, determination, character and courage of its founders and early congregations.

With the outstanding leadership of Pastor Emeritus Willie P. Cooke, Shiloh has provided dedicated service to the citizens of the Sacramento region through its 26 year history. Shiloh provides numerous services through its many ministries and participates in a multitude of community based programs. In recognition of these services Shiloh has deservedly received numerous Presidential, Congressional, Gubernatorial and State Legislative commendations since its inception.

In honor of its 150th anniversary, Shiloh Baptist Church began a week long celebration on Monday, October 16, 2006, culminating on Sunday, October 22, 2006. The celebration's theme takes inspiration from Ezekiel 34:26, "Shiloh, A Godly Heritage: Blessed Future."

Mr. Speaker, I am honored to thank and congratulate the Shiloh Baptist Church for its 150 years of invaluable service to the greater Sacramento community. I ask all of my colleagues to join with me in wishing the Shiloh Baptist Church and Dr. Rodgers continued success in all their future endeavors.

IN RECOGNITION OF PROFESSORS MARK LEWINE AND ORMOND BRATHWAITE FOR EXCELLENCE IN UNDERGRADUATE TEACHING

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mrs. JONES of Ohio. Mr. Speaker, I rise today in recognition of Professors Mark Lewine and Ormond Brathwaite, both of Cuyahoga Community College (Tri-C) located in my congressional district, who will be honored on Thursday, November 16, 2006 here in Washington, DC for their excellence in undergraduate teaching as part of the U.S. Professors of the Year awards program.

For more than 20 years Dr. Mark Lewine has remained committed to undergraduate education. During his tenure at Cuyahoga Community College, he has done much to support the teaching and learning environment. He founded and directed the Center for Community Research at the college and was active in promoting the Society for Anthropology in Community Colleges. He is active with the American Anthropological Association, serving on its Advisory Committee. Dr. Lewine regularly gives informative and passionate presentation about undergraduate teaching and the importance of providing opportunities to non-traditional students. For his work, Tri-C has awarded him with the College's Besse Award recognizing the energy, creativity, discipline and high expectations he brings to his teaching.

Dr. Ormond Brathwaite has consistently demonstrated effective teaching both in and out of the classroom. Dr. Brathwaite holds a Ph.D. in Biochemistry from the City University of New York. He began his career at Cuyahoga Community College in 1994 as an assistant professor in chemistry and biology. Dr. Brathwaite is committed to student learning and student success. He serves as a faculty mentor to Bridges to Success in the Sciences students and has been very instrumental in the success of the program. Additionally, Dr. Brathwaite was a recipient of the NISOD Excellence Award in 2004 and received the National Role Model Mentor Award in 2003.

Therefore it is my pleasure, on behalf of the people of the 11th Congressional District to recognize Professors Mark Lewine and Ormond Brathwaite—two gifted educators whose commitment to providing quality education to all is to be commended.

CONGRATULATIONS TO THE LEAP ACADEMY LANCER BASKETBALL TEAM

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. ANDREWS. Mr. Speaker, I rise today to congratulate the LEAP Academy Lancer Basketball Team on their first South Jersey Group I championship.

The Lancer Basketball team completed their season 18–7–0. The LEAP Academy basketball program, in its second year, is affiliated with Rutgers-Camden University. Much of their schedule consists of playing teams from the Philadelphia area and Central and North Jersey.

Coach Marco Morcos led his team to a phenomenal season that included a seven game winning streak and defeating teams like Bishop Eustace from the South Jersey region. The team included four seniors, Earl Knight, Nathaniel Cooper, William Mace, and Lance James; four juniors, Crawford John, Michael Craig, Chauncey Gillian, and Jamal Baylor-ali; two sophomores, Gary Lyons and Dylan Talley; and four freshmen, Jeremy Delgado, Orlando Hidalgo, Tyrone Parker, and Eric Johnson. Scoring leaders of the team include William Mace (196), Lance James (191), and Dylan Talley (190). Assists leaders include Lance James (103), Crawford John (42), and Dylan Talley (34). Blocks leaders include William Mace (40), Crawford John (19), and Earl Knight (10). Rebound leaders include William Mace (161), Crawford John (121) and Dylan Talley (89). Steals leaders include Crawford John (54), Lance James (40), and William Mace (26). Three point field goal leaders include Lance James (17), Dylan Talley (17), and Crawford John (12).

Mr. Speaker, I offer my congratulations to the LEAP Academy Basketball Team for an exceptional 2005–2006 season and on their championship. I wish the entire team and school the best of luck in their future athletic, personal, and professional lives.

TRIBUTE TO THE GATEWAY COMMUNITY HEALTH CENTER, INC.

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. CUELLAR. Mr. Speaker, I rise today to honor the inauguration of the new Main Facility of the Gateway Community Health Center, Inc., on October 20, 2006, in the city of Laredo.

The Gateway Community Health Center, Inc., first began as a Migrant Health Clinic administered by the Laredo-Webb County Health Department in 1963, and has rapidly grown to one of the largest community health centers in south Texas in providing a variety of much-needed services to underserved residents of Webb County. Today, the Gateway Community Health Center operates over five sites in Webb County, serving over 18,007 residents of Webb County in 2005 alone. The new facility, which is being inaugurated today, is expected to increase the number of users in late 2006 and 2007.

The continued growth of the population in Webb County present challenges for the Gateway Community Health Center, Inc., but the dedication of its staff, especially that of Mr. Miguel Trevino, the C.E.O., will be able to make sure these challenges are met with the support they have from the community. The new Main Facility will help Gateway in providing more services and expanding its outreach to the residents of Webb County. I am very proud of the staff of Gateway Community

Health Center, Inc., and their partners in making this dream possible for Laredo and Webb County.

Mr. Speaker, I am honored to have had this time to honor the inauguration of the new Main Facility of the Gateway Community Health Center, Inc., in the city of Laredo in the Great State of Texas.

A TRIBUTE TO BRITTANY SIMPKINS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Brittany Simpkins, one of Brooklyn's rising stars. It behooves us to pay tribute to this outstanding young woman and I hope my colleagues will join me in recognizing her impressive service.

Brittany Simpkins is a very active and gifted young woman with a determination to become all that she can be. The daughter of Nanette Simpkins, Ms. Simpkins is a graduate of Fashion Industries High School and she has a deep passion for the creative arts and fashion design. She is wonderfully gifted in that area and has designed fashionable dresses for young ladies. Ms. Simpkins has participated in various modeling assignments and provided assistance to teachers in her school's annual fashion shows. Recently, she did community work with Artmaker, Inc., painting a mural on the wall of one of Bedford Stuyvesant's edifice at Nostrand and Green Avenues in Brooklyn, portraying famous African American women who contributed tremendously to the African American community.

Ms. Simpkins currently attends Baruch College in New York City where she majors in Business/Marketing. As a dedicated member of Berean Baptist Church since the age of 4, she has been active with the choir, Girl Scouts, and the Ministry of Sacred Dance. Ms. Simpkins was recognized by her pastor, congregation and peers as a "Member of the Week." She enjoys working with children from the community and her church home and was employed by Berean's Summer Day Camp as an assistant teacher. She has also been a strong advocate for the cure for breast cancer and has demonstrated her concern by participating in the annual American Cancer Society Breast Cancer Walk-A-Thon.

Ms. Simpkins has received numerous awards, namely an art award from the United Federation of Teachers, as well as an Incentive Award for her academic studies. In addition, she has won several medals participating on the track team. Ms. Simpkins desires to become one of New York's greatest entrepreneurs in fashion design, and she is currently working on her business logo and developing her clientele.

Mr. Speaker, I believe that it is incumbent on this body to recognize the work of Brittany Simpkins. Her deep commitment to her family and community makes her most worthy of our recognition today.

HONORING THE FIELD MUSEUM OF NATURAL HISTORY

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to congratulate the Field Museum of Natural History on its recent award of a $10,000 grant from the Illinois Humanities Council. This grant helps fund the development of public outreach programming related to the Halls of the Ancient Americas exhibition.

The Field Museum is a world-class institution dedicated to providing outstanding educational experiences to the millions of people who walk through its doors every year. Founded as the Columbian Museum of Chicago in 1893, the Field Museum's original goal was, "accumulation and dissemination of knowledge, and the preservation and exhibition of objects illustrating art, archaeology, science and history." The Field Museum continues the same goals and objectives today, continuing its commitment to preservation and education.

The Field Museum is so much more than a museum, it is a world class education and research facility; the Field Museum also boasts an impressive 250,000 piece natural history collection. In addition, this wonderful institution is committed to giving back to the community through outstanding learning opportunities and important research.

I am proud that the Field Museum calls Chicago home. Its impressive exhibits and collections have the ability to educate the people of both Chicago and the world. With important education programs such as the Halls of the Ancient Americas, the Field Museum has the ability to instruct those who walk through its doors on their heritage, culture and history.

Once again I would like congratulate the Field Museum on receiving the grant from the Illinois Humanities Council. The Field Museum has served and will continue to serve both Chicago and the Nation for decades to come.

IN RECOGNITION OF DR. CURTIS J. MITCHELL'S 20 YEARS OF SERVICE

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Ms. MATSUI. Mr. Speaker, I rise today to honor Dr. Curtis J. Mitchell's 20 years of service to the people of Sacramento as pastor of Antioch Progressive Church. Over the weekend of October 7th and 8th Dr. Mitchell's parishioners, family and friends will gather to recognize his good work. I ask all my colleagues to join me in honoring one of Sacramento's finest leaders.

For over 30 years Pastor Mitchell has been in the gospel ministry in various locations across our Nation. He has earned a Doctorate of Philosophy and Master of Ministry from Trinity Theological Seminary in Newburg, Indiana, graduating Summa Cum Laude.

His tireless work on behalf of the Sacramento community has been surpassed by few. Since coming to Sacramento, Pastor Mitchell has turned Antioch Progressive Church into a pillar of the community by offering a welcoming spiritual environment and a wide range of needed services to area residents. Since the church was established, the immediate neighborhood has greatly improved its well-being and spirit.

The church's motto, "We Dare to be Different" aptly describes their continued service to our community. Under Pastor Mitchell's guidance, the church has offered job fairs, after school programs and marriage counseling, just to name a few. Every week the church's parishioners give back to the community by distributing free food to the most needy among us.

Pastor Mitchell has personally shaped our community. He has worked with the Sacramento County Department of Health, the Task Force on AIDS, the Board of Directors of the Goodwill Industries, and with the Sacramento Police Department in an effort to steer kids away from gangs.

With almost a thousand parishioners, a large and beautiful house of worship and acres of land for the community to enjoy, Antioch Progressive Church has become a staple of the Sacramento Community.

Mr. Speaker, as Pastor Curtis Mitchell, his wife Kay, their children and grandchildren gather on this momentous occasion, I am honored to pay tribute to one of Sacramento's most distinguished citizens. His successes have been many, and it is an honor for me to recognize his twenty years of contributions to the people of Sacramento. I ask all my colleagues to join me in wishing Pastor Mitchell continued success at Antioch Progressive Church and in our community.

HONORING RUTGERS-CAMDEN UNIVERSITY ON THE NCAA DIVISION III WOMEN'S SOFTBALL CHAMPIONSHIP

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. ANDREWS. Mr. Speaker, I rise today to honor the Rutgers-Camden University Women's Softball Team for winning the NCAA Division III Women's Softball Championship in 2006.

The Scarlet Raptors defeated the defending champion, the University of St. Thomas, in a thrilling 3–2 decision during play at Peace College in North Carolina last spring in May 2006. This is the first national sports title in Rutgers-Camden history, and also the first NCAA title for a team sport earned on any Rutgers campus.

Mr. Speaker, I celebrate the outstanding season of the Rutgers-Camden Women's Softball Team. I applaud every member of the Scarlet Raptors softball team, as well as Coach Carl Taylor and his staff, for this outstanding accomplishment. I am proud of their skill, determination, and fierce competitiveness, and thank them for the excitement they created for all Rutgers-Camden supporters throughout the season.

IN CELEBRATION OF THE LIFE OF GERALD LEVERT

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mrs. JONES of Ohio. Mr. Speaker, I rise in celebration of the life of Gerald Levert. On November 10, 2006, beloved entertainer, father, son, brother, and friend Gerald Levert departed this life at the age of 40. Gerald was one of the greatest entertainers of our time. Known for his silky-smooth vocals and electrifying showmanship, Gerald was adored the world over and will truly be missed. He was a son of the 11th Congressional District of Ohio.

Born in Philadelphia on July 13, 1966 and raised in Cleveland, Gerald is the son of legendary singer Eddie Levert of The O'Jays and Martha Levert. Gerald was exposed to music at an early age, traveling with his father's band regularly. While attending Shaker Heights High School, Gerald formed the group LeVert along with his brother Sean and friend Mark Gordon. The group would go on to record seven albums, four of which were certified platinum. The albums yielded such memorable hits as "Pop, Pop Goes My Mind," "Casanova," and "ABC–123."

In 1991, Gerald launched his solo career with the album Private Line which went on to be #1 on the R&B charts. It was during this time that he began writing and producing songs for other artists including Stephanie Mills, James Ingram, Teddy Pendergrass, and even The O'Jays. Gerald earned a Grammy nomination for his work on Barry White's 1995 hit "Practice What You Preach," and helped launch the careers of many Cleveland-area R&B groups including Men At Large and the Rude Boyz.

Some of Gerald's most memorable works were his collaborations with his father Eddie Levert. In 1992 they recorded the #1 R&B single "Baby Hold On To Me" and later in 1995 recorded the album Father & Son which topped the R&B charts. Gerald and Eddie allowed the old school generation and the hip-hop generation to have a meeting of the minds that ultimately produced beautiful music for all to enjoy.

Affectionately known as the "teddy bear" of the music industry, Gerald carried himself with a gentle kindness. He always would greet you with a smile and was a friend to all he encountered. News reports of Gerald's death talked about his recent trip to South Africa with his father. They reported that he and his father were well received throughout the country and treated like kings. Gerald was our king and his legacy of love and zest for life will forever live in our hearts.

On behalf of the Congress of the United States and the citizens of the 11th Congressional District of Ohio, I would like to offer my sincerest condolences to the family and friends of Gerald Levert. On a personal note, I cherish the times I was in cities when he was on the road and Gerald recognized me as his Congresswoman and gave me my own teddy bear. I also will never forget the last time we spent together in New York during the induction of The O'Jays into the Rock and Roll Hall of Fame and Museum.

TRIBUTE TO JUDGE GEORGE P. KAZEN

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. CUELLAR. Mr. Speaker, I rise today to honor Judge George P. Kazen as a recipient of the 2006 Longhorn Legacy Awards, given to him on October 5th, 2006 by the Laredo Chapter of the University of Texas Ex-Students Association.

Judge Kazen received his law degree with honors from the University of Texas School of Law in 1961, and thus began a long, accomplished career in law. Shortly after graduation, he served a term as a briefing attorney for the Texas Supreme Court, entered the United States Air Force as a JAG officer, and was awarded the Air Force Commendation Medal in 1965. He returned back to the city of Laredo in 1965 where he practiced law until he was appointed by President Jimmy Carter to become United States District Judge in 1979 for the Southern District of Texas. The Southern District of Texas includes divisions in Houston, Galveston, Victoria, Laredo, Corpus Christi, McAllen, and Brownsville. Judge Kazen also is a member of the FISA Court based in Washington, DC.

He has received a number of accolades and awards such as the Dean Leon Green Award from the Texas Law Review Association in 1998, the Samuel Pessarra Award for Outstanding Jurist from the Texas Bar Association in 2004, and the Mr. South Texas Award in 2000. He is extensively involved in several legal and civic organizations such as the Fifth Circuit District Judges' Association, the Laredo Civic Music Association, the Boys and Girls Club of Laredo, and the St. Augustine-Ursuline Board. He served as a member of the Laredo Community College Board of Trustees from 1972 to 1979 and has lectured at various legal and judicial seminars throughout the country.

Judge Kazen has been married to the wonderful Barbara Ann Kazen for 44 years since 1962 and has four children and seven grandchildren. He is a member of the Blessed Sacrament Church, where he is president of the Parish Council and is a lector and eucharistic minister.

Mr. Speaker, I am honored to have had this time to recognize the dedication of Judge George P. Kazen to the city of Laredo and to promoting the University of Texas at Austin as one of its most accomplished alumni members.

A TRIBUTE TO CARL JAMESON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Carl Jameson, a distinguished citizen of Brooklyn, NY. It behooves us to pay tribute to this outstanding man and I hope my colleagues will join me in recognizing his impressive service.

Mr. Jameson retired after 24 years of service as a police officer with the Metropolitan Transportation Authority. He served in the United States Marine Corps from 1960 to 1970. While serving, Mr. Jameson was called upon to provide instruction and enlist men in the physical therapy programs. Mr. Jameson was also heavily involved with the All-Marine Judo Team. He toured 22 countries as captain of the team and received his second degree black belt in 1969. For the past 18 years, Mr. Jameson has been participating in the New York State Police Olympics. He has won several bronze and silver medals for cycling and track and field. In 1974, Mr. Jameson started the Union United Methodist Self Defense School. By 1985, he had awarded 150 black belts to students. This community outreach program was started to foster good minds and strong bodies for local youth. Mr. Jameson currently serves as the Imperial director of the Imperial Bicycle Department of the Prince Hall Masonic Temple.

Mr. Jameson is currently employed as a customs enforcement officer with the United States Customs Border Protection. He has also volunteered extensively with the Federal Emergency Management Agency on search and recovery missions. Mr. Jameson has worked in the Disaster Recovery Centers of Baton Rouge, Louisiana, Mississippi and Alabama in the wake of Hurricane Katrina.

Born in Brooklyn, NY, Carl Jameson is a product of the New York public school system and he remains a part of the Brooklyn community today. Mr. Jameson received his associate in applied science degree in physical therapy from LaGuardia Community College and his bachelor of arts degree from the College of New Rochelle. He also did post-baccalaureate work at Queens College.

Mr. Jameson is a member of Greater Mt. Pleasant Baptist Church, where he serves as a trustee and member of three choirs. Mr. Jameson has been married to his lovely wife Ella for the past 43 years and is the proud father of four.

Mr. Speaker, I believe that it is incumbent on this body to recognize the work of Carl Jameson. His deep commitment to service and community makes him most worthy of our recognition today.

HONORING THE FRANK LLOYD WRIGHT PRESERVATION TRUST

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to recognize the Frank Lloyd Wright Preservation Trust. The American Association of Museums recently conferred accreditation on the Frank Lloyd Wright Preservation Trust. Accreditation is a prestigious honor; it is the highest national recognition of a museum's commitment to professional museum standards, accountability, public service, and excellence in education.

The Frank Lloyd Wright Preservation Trust works tirelessly to preserve both Wright's home and studio as well as the Frederick C.

Robie House, arguably one of Wright's most significant architectural works. Frank Lloyd Wright was one of the most influential architects of the 20th century and one of the most prominent American architects of all time. The Frank Lloyd Wright Preservation Trust provides a great service to the people of my congressional district, the Seventh District of Illinois.

Mr. Speaker, I once again would like to extend my sincerest congratulations and thanks to the Frank Lloyd Wright Preservation Trust for all of their hard work and recent accreditation.

IN HONOR OF THE 50TH ANNIVERSARY OF LEGAL SERVICES OF NORTHERN CALIFORNIA

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Ms. MATSUI. Mr. Speaker, I rise today to honor an organization with a distinguished history of community service to the Sacramento capital region. Legal Services of Northern California is celebrating 50 years of providing free legal services to the low-income residents of Sacramento County and 22 other counties in northern California. As the staff and supporters of Legal Services of Northern California gather to celebrate this momentous milestone, I ask all my colleagues to join me in saluting one of Sacramento's most important and respected organizations.

In 1956, Legal Services of Northern California, then known as the Legal Aid Society of Sacramento County, was born out of the insight of prominent members of the Sacramento Bar Association and a budget of $12,000. With the assistance of volunteer pro bono attorneys and a staff consisting of one part-time attorney and one social worker, the Legal Aid Society of Sacramento County finished its first year having provided assistance to nearly 2,900 low-income clients.

From these humble beginnings 50 years ago, the Legal Aid Society has grown significantly. In 1967, the organization began to expand its services beyond Sacramento County and opened offices in Yolo County. By the late 1970s, the Legal Aid Society of Sacramento County had acquired a state-wide reputation for resolute and effective advocacy on behalf of the poor and disabled, and had won significant victories on behalf of its clients. To reflect its expanding geographic reach, the organization changed its name in 1979 to Legal Services of Northern California, which today operates offices serving 23 counties, with a budget of over $7 million and a staff of over 120 employees and 1,000 volunteers.

Legal Services of Northern California has also greatly expanded its scope of services beyond providing traditional legal assistance to low-income individuals. The organization now operates the Senior Legal Hotline, the Health Rights Hotline, Ombudsman Services of Northern California, and the Disability Employment Rights Advocacy Program, As a testament to its far-reaching services, the Senior Legal Hotline fields almost 9,000 calls each year from seniors all over California. Also notable was in early 2006 when Legal Services of Northern California acquired the Health Insurance Counseling and Advocacy Program, an organization that advises thousands of seniors on the different prescription drug plans available to them under Medicare.

Mr. Speaker, for 50 years the good men and women of Legal Services of Northern California have dedicated countless hours to identifying and defeating the causes of poverty and injustice. As the staff and volunteer attorneys gather to reflect upon a half century of exemplary service to the community, I am proud to recognize such a reputable organization. I ask all of my colleagues to join me in congratulating Legal Services of Northern California and wishing them many more years of continued success.

TRIBUTE TO MR. ELMO LOPEZ, SR.

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. CUELLAR. Mr. Speaker, I rise today to honor Mr. Elmo Lopez, Sr., as a recipient of the 2006 Longhorn Legacy Awards, given to him on October 5, 2006 by the Laredo Chapter of the University of Texas Ex-Students Association.

Elmo Lopez, Sr. is a native of the city of Rio Grande and now currently resides in the city of Laredo in the State of Texas. He graduated from the University of Texas at Austin with degrees in music, a Bachelor of Arts in 1953 and a Masters in 1957, and thus began a long, accomplished musical career. Shortly after graduation, he worked as Band Director for the Laredo Independent School District, bringing his experience as a band member of the UT Longhorns Band to Lamar Junior High, Martin High School, and Nixon High School from 1953 to 1967. During this time, he served in several posts with the Texas Music Educators Association.

Mr. Lopez's passion for music was recognized by the Texas Legislature for promoting good will between the United States and Mexico through musical exchange programs. He also was honored in 1963 with Laredo Paso Doble, a musical composition written by Professor Clifton Williams at the University of Texas at Austin. In addition to having guest conducted the UT Longhorn Band on numerous occasions, he also conducted the United States Armed Forces band and the Special Presidential Band of Mexico.

In 1987, Mr. Lopez founded the Laredo Chapter of the UT-Exes as a way to keep the connection between the University of Texas at Austin and its alumni in the city of Laredo. He dedicated his time and energy to the University including 12 years of service on the Board of Directors of the UT Dad's Association, and was named Distinguished Alumnus in 1993 and honored with the Lifetime Achievement Award from the Laredo UT-Exes.

Mr. Speaker, I am honored to have had this time to recognize the dedication of Mr. Elmo Lopez, Sr. to his music and to the community of the city of Laredo.

A TRIBUTE TO ESMERALDA BROWN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Esmeralda Brown, a distinguished citizen of Brooklyn, New York, and contributor to the world community. It behooves us to pay tribute to this outstanding woman, and I hope my colleagues will join me in recognizing her impressive service.

As the Resource Center Specialist for Economic and Environmental Justice at the United Methodist Office for the United Nations, Esmeralda Brown deals with issues of concern to the Women's Division constituency in the area of economics, the environment, and development. Ms. Brown has been involved in organizing several workshops and meetings in Latin America, the Caribbean, and North America. Issues discussed include racism, militarization, and the situation of women in the Americas.

Ms. Brown is the chairperson of the United Nation's NGO committee on the International Decade of the World's Indigenous Peoples. Ms. Brown is also the Southern Co-Chair of the NGO Steering committee to the NGO Commission on Sustainable Development. Ms. Brown holds the chairperson position for the Southern Caucus of NGO's that form part of the Regional and National Networks on Sustainable Development in developing countries of the world. She is also the Economic and Environmental Justice Specialist at the United Methodist Office for the United Nations. Additionally, Ms. Brown is a United Nations representative for the Commission of Human Rights in Central America and the Pan African Movement for the Conference on Environment and Development (UNCED).

In 1992, Ms. Brown was co-founder of the Peoples' Alliance for the Earth Summit. This organization did the preparatory work for the Non-Governmental Organizations invited to the United Nations Conference on Environment and Development (UNCED). Ms. Brown's work has not gone unnoticed. In June 1990, she was honored by the Ecumenical Program for Inter-American Communication and Action (EPICA) in Washington for Outstanding Contributions to the Struggle for Human Rights in Central America.

Esmeralda Brown is a native of Panama, and holds a B.A. in Political Science from Hunter College of the City University of New York.

Mr. Speaker, I believe that it is incumbent on this body to recognize the work of Esmeralda Brown. Her deep commitment to the international community makes her most worthy of our recognition today.

HONORING THE JOHN G. SHEDD AQUARIUM

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to honor the John G. Shedd Aquarium, the 2006 recipient of the National Award for Museum and Library Services. It comes as no surprise to me that this superior institution was selected as the recipient of this award. The Shedd Aquarium has served not only Chicago, but the entire Nation, for well over 75 years. It very much deserves our admiration and respect.

The John G. Shedd Aquarium is a world class institution that enjoys a national reputation for excellence. The Shedd Aquarium is truly the world's aquarium. In addition to being the largest indoor aquarium in the world, the Shedd was one of the first aquariums to offer an education program. Through its unique ability to make education fun, the Shedd has touched the lives of the more than 2 million of people who walk through its doors every year.

The John G. Shedd Aquarium is so much more than a museum; the scientists and staff are leaders throughout the world in research and conservation. The research initiatives that the Shedd undertakes are vital to understanding and preserving our environment, especially in the Chicago area.

As a Chicagoan, I am proud to have the Shedd Aquarium located in my congressional district. The Shedd's genuine commitment to serving the greater Chicagoland community has for decades made it one of the most distinguished non-profits in our area. In particular, the Shedd demonstrates an exceptional commitment to the community in Chicago through education programs and other service-related initiatives. One of its most important projects is its participation in the Great Lakes Forever initiative. Roughly 37 million people depend on the Great Lakes for drinking water, recreation, and livelihood. The Shedd is committed to ensuring that the Great Lakes are healthy and continue to serve those around them for centuries to come.

Clearly, the Shedd understands its role as a community leader and gives a great deal back to the people of Chicago. Mr. Speaker, as Gifford Pinchot once said of conservation, "Conservation means the wise use of the earth and its resources for the lasting good of men." Conservation is paramount at the Shedd Aquarium, and every operation is carried out to reflect this ideal; it is truly working for the lasting good of man. Chicago and its citizens are privileged to call its city the home of the John G. Shedd Aquarium. The Shedd Aquarium works tirelessly to give back to the community, including both Chicago and the Nation. Again, it is my great honor to announce that the John G. Shedd Aquarium is the 2006 recipient of the National Award for Museum and Library Services.

IN TRIBUTE TO JOURNALIST MIKE BOYD

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Ms. MATSUI. Mr. Speaker, I rise in tribute to Mike Boyd, a legendary television reporter and anchor whose level of career achievement was matched only by his passion for living life to its fullest. Sadly, Mr. Boyd passed away on October 14, 2006 at the age of 74. As his friends and family gather to celebrate Mike's remarkable life, I ask all of my colleagues to join with me in saluting this outstanding citizen and model reporter.

Mike Boyd was born in Maine in 1932, the son and grandson of attorneys. He graduated from the University of Maine and after a number of broadcasting jobs along the East Coast, he joined Sacramento's KCRA Channel 3 News in 1963 where he remained until his retirement in 2001. Mike became an institution in Sacramento as thousands of Sacramento residents tuned into his hard-hitting, exclusive stories throughout his 38-year tenure at KCRA. His memorable, deep, and booming voice made him ideal for a career in broadcast journalism.

His tenacity as an investigative reporter led him to cover some of the past half-century's most unforgettable stories. In 1968, Mike Boyd was at the Ambassador Hotel in Los Angeles when Robert F. Kennedy was assassinated and his reporting of the tragic event was broadcast across the country. When the rumors began to circulate about Ronald Regan running for President, it was to Mike Boyd that Nancy Reagan admitted that she hoped Ronald would not run.

Perhaps Mike Boyd will be most remembered for his coverage of some of the Nation's most notorious crimes. Boyd was always looking for the scoop, and he was often successful. He was the first reporter to interview Charles Manson in prison. Manson went so far as to offer Boyd his steak dinner. Years later, in 1988, he had an exclusive interview with the infamous landlady Dorthea Puente, who was convicted of killing eight of her tenants in downtown Sacramento. His ability to connect with his interview subjects clearly showed through, as evidenced by the retirement gift Puente sent Boyd from prison.

Mr. Speaker, as Mike Boyd's friends and family gather to honor this great American, I am honored to pay tribute to one of Sacramento's most respected citizens. His integrity, morals and enthusiasm for his job were inspirations to young reporters everywhere. He will be deeply missed. I ask all of my colleagues to join me in acknowledging Mike's invaluable contributions to Sacramento and the United States of America.

PAYING TRIBUTE TO DENISE ASHBAUGH

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Denise Ashbaugh in commemoration of the National Breast Cancer Awareness Month. Denise is a 17-year survivor of breast cancer who has dedicated herself to the fight to eradicate breast cancer.

Denise has exhibited unparalleled commitment to the push for breast cancer awareness in Southern Nevada. She has served both as the vice president and president of the Las Vegas, Nevada, Chapter of the Susan G. Komen Breast Cancer Foundation. She has organized volunteers to conduct fundraising events, educational events, support groups and early detection programs. Denise also participated in establishing the MammoVan, a state-wide program to provide mammography to underserved and uninsured women, and a local news station's buddy check program.

At the Susan G. Komen Breast Cancer Foundation's National Headquarters, Denise was the National Spokeswoman for the Cure. She also served as Special Program Director of Board Breaks for the Cure, a national fundraising and breast cancer awareness program that she conceived and developed. She represented the Foundation on national talk shows, ad campaigns, speaking engagements, and local news networks. Denise's dedication and commitment to this cause has not only increased awareness in her own community, but nationwide.

Currently, Denise is involved with breast care specialists and other experts in developing a breast prosthetic device that can be worn immediately after mastectomies. She is personally working to provide these devices free to underserved breast cancer patients. As a result of her activism, Denise has been designated as a Lifetime Honorary Mrs. United States and has received numerous other awards including the Governor's Certificate of Commendation.

Throughout her years of extensive commitment to the fight against breast cancer, Denise has maintained a balanced family life. She is a loving wife and mother of two outstanding children. Through her example, she has instilled in her children the importance of community service, civic involvement and positive activism.

Mr. Speaker, it is a privilege to honor Denise Ashbaugh on the floor of the House today. Denise has not only made a difference in our community through her commitment to breast cancer education and fundraising, but she has been a beacon of hope for countless women and families who have confronted the challenges of breast cancer. Her tireless dedication and unwavering optimism, despite her own health challenges, is truly admirable. I commend Denise for her leadership in the fight against breast cancer and I thank her for her incredible commitment to this most important cause.

CONGRATULATING LEONARD VERRASTRO AS THE LACKAWANNA COUNTY COLUMBUS DAY ASSOCIATION NAMES HIM 2006 MAN OF THE YEAR

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Leonard A. Verrastro, a prominent businessman and community leader in the borough of Dunmore, Lackawanna County, Pennsylvania.

Mr. Verrastro was selected by the Columbus Day Association of Lackawanna County as their 2006 "Man of the Year," an honor he truly deserves.

Born in 1923, Mr. Verrastro was one of eight children of the late Dominic Verrastro and the former Vita Grace Bochicchio. His father was a veteran of World War I and then worked in the anthracite coal mines before starting Leonard's Bar and Grill in Dunmore.

Leonard was the oldest of six boys, five of whom served in World War II. Mr. Verrastro was educated in Dunmore public schools after which he attended the University of Scranton.

Mr. Verrastro founded Best Dry Cleaners and later operated Leonard's Bar and Grill. He also founded the Dunmore Hoagie Shop and later went into the real estate business where he acquired many homes and converted them into remodeled apartments.

He is the last surviving charter member of the Dunmore Lions Club. He is also a member of the Dunmore American Legion, Knights of Columbus, Saint Anthony's Holy Name Society, the Willow Club, the Dunmore Senior Citizens Center, the Lackawanna County Columbus Day Association and the San Cataldo Club.

Mr. Verrastro is also well known for his political activity, having been first elected to the Dunmore Borough Council in 1963 where he has served for 44 years. He also served as Dunmore's representative on the Scranton Sewer Authority and as Lackawanna County Treasurer for two years. He continues to serve as deputy treasurer.

Mr. Verrastro was married to the former Angelina Mecca, who died in 1996, and the couple had three children: Vita Grace Masucci, Carmel Ann Biko and Dominic Verrastro. He has seven grandchildren.

Mr. Speaker, please join me in congratulating Mr. Verrastro on being selected as "Man of the Year." His contributions to his community demonstrate his selflessness and commitment to improving the quality of life.

A TRIBUTE TO AFRICAN LODGE 459 NO. 63

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of African Lodge 459 No. 63, ardent supporters of the community. It behooves us to pay tribute to this outstanding organization and I hope my colleagues will join me in recognizing their impressive accomplishments.

African Lodge 459 No. 63 was founded in 1921 from a group of Brooklyn's outstanding young men: Bro. Francis F. Giles, Widow Sons' No. 11, Mr. A.P. Portias, J. Francis Mickens, W.R. Lee, William Odell, Cornelius Moore and Samuel W. Green. Due to their success in Masonic circles, African Lodge 459 No. 63 was granted bona fide Lodge status and on November 19, 1921, they became an integral part of the Masonic Fraternity of the State of New York and the nation. The Lodge is appropriately named after African Lodge 459, the original lodge of the illustrious founder of Masonry among men of color in the United States, Prince Hall.

Down through the years, the Lodge has achieved and maintained a very prominent place in the jurisdiction. It has furnished the fraternity with numerous officers and is currently represented in the Grand Cabinet by R.W. Richard A. Grady, Judge Advocate, R.W. Elwood E. Gregory, District Deputy Grand Lecturer.

With 13 living members and 9 honorary members, their mission as Prince Hall Masons is to serve God through selfless service to others. They strive to give our youth a positive direction and high self-esteem; our elderly the love, respect and attention they deserve; and our poor and down trodden brothers and sisters whatever assistance they can provide. Over the past 84 years, they have raised funds for college scholarships, summer camps, reading clinics, community feeding programs, Christmas gifts for needy and/or hospitalized children, and their Knights of Pythagoras youth group.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of African Lodge 459 No. 63. This groups' deep commitment to love, support and assist one another makes them most worthy of our recognition today.

TRIBUTE TO DR. HERBERT H. RICHARDSON

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. CUELLAR. Mr. Speaker, I rise today to honor Dr. Herbert H. Richardson for his incredible dedication to the scientific community at Texas A&M University as Director of the Texas Transportation Institute and Associate Vice Chancellor for Engineering.

Dr. Richardson was born in the State of Massachusetts and was educated at Colby College in Maine and at the Massachusetts Institute of Technology where he received a B.S. and M.S. degree with honors in 1955, and the Sc.D. in 1958 from MIT. Shortly after graduation, he served as a faculty member, then as head of the Department of Mechanical Engineering and Association Dean for the Massachusetts Institute of Technology for 27 years. Under his leadership, he conducted and directed a wide-ranging research program, and made numerous publications of his research in mechanical engineering and transportation systems.

He then served as the first Chief Scientist of the U.S. Department of Transportation from 1970 to 1972, and joined the Texas A&M University System in 1984 as Vice Chancellor for Engineering, and Dean of the College of Engineering and Distinguished Professor of Engineering. Dr. Richardson brought together the three engineering research and service agencies—the Texas Engineering Experiment Station, the Texas Engineering Extension Service, and the Texas Transportation Institute—to form an integrated Engineering Program. In 1993, he became Director of the Texas Transportation Institute, the largest university-affiliated transportation research organization, and Associate Vice Chancellor for Engineering. Under his leadership, the Texas Transportation Institute has become home to nine national research centers with expenditures ranging to $36 million.

Dr. Richardson has also received numerous accolades and awards from his peers for his exemplary academic leadership such as the recently awarded 2006 Roy W. Crum Distinguished Service Award from Transportation Research Board, Rufus Oldenberger Medal, Centennial Medal and the Benjamin Garver Lamme Medal by the American Association for Engineering Education; and in addition to these awards, he was elected to several notable organizations such as the American Society of Mechanical Engineers, American Association for the Advancement of Science, National Associate of the National Academies and the Research Council.

In his 22 years of academic service with the Texas A&M University System, Dr. Richardson has shown exemplary leadership in building strong academic and research programs, thus helping make the College of Engineering and the Texas Transportation Institute one of the unparalleled centers for excellent education in engineering.

Mr. Speaker, I am honored to have had this time to recognize the strong academic leadership of Dr. Herbert H. Richardson for the Texas A&M University System.

MARCUS HIGH SCHOOL MARCHING BAND, STATE CHAMPIONS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. BURGESS. Mr. Speaker, I rise today to recognize the superior performance of the Marcus High School Marching Band of the 26th District of Texas. The band won the State championship at the UIL Class 5A Marching Contest in San Antonio, TX.

The breakdown of a travel bus did not deter the Marcus High School Band from capping off their marching season with excellence. At the rigorous UIL competition, Marcus surpassed 35 elite Texas programs before receiving the top honor of State champions. Marcus competed against all 5A Texas high schools reserve a spot in the State competition.

The band's achievements are the combined efforts of many extremely talented students, dedicated school administrators, and a strong support network of parents and community. The students have cultivated strong leadership skills among their peers, and excelled under the capable direction of Director Amanda Drinkwater.

Mr. Speaker, I am proud to recognize the achievements of the Marcus High School Marching Band. I extend my sincere congratulations to these hard-working students, and I look forward to their future successes.

A TRIBUTE TO JAMES J. BINNS

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor James J. Binns for his service to the people of Philadelphia. Jimmy Binns is a Philadelphia attorney specializing in litigation who has always been a friend of labor. His unflinching service to labor is shown by his achievement of 51 consecutive "not guilty" verdicts on behalf of those accused of picket line violence during the Philadelphia Federation of Teachers strike. It is clear his efforts enabled union members to unite to better their lot without fear of intimidation.

Mr. Binns is more than a friend of labor. He is also an important member of the community as seen through his service on numerous boards, including the Boy Scouts of America, Historical Society of Pennsylvania, and St. Luke's Hospital. He also dedicated the James J. Binns Fitness Center at LaSalle University, his alma mater. Mr. Binns founded the Judeo Christian School at Roman Catholic. Additionally, Mr. Binns initiated the current fundraising drive to replace 65 motorcycles for the Philadelphia Police Highway Patrol.

Mr. Binns also chaired the Organized Crime Task Force of the Citizens Crime Commission and served as Pennsylvania's Boxing Commissioner under Governors Dick Thornburgh and Bob Casey. Due to his service he was inducted into the Pennsylvania Boxing Hall of Fame.

It is readily apparent that James J. Binns has played a vital role in the betterment of the community of Philadelphia and Pennsylvania as a whole. His continued contribution is to be applauded, and I ask you and my other distinguished colleagues to join me in commending James J. Binns for his immeasurable contribution to the city of Philadelphia.

TRIBUTE TO JAMES LAMAR SHULER

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. MEEK of Florida. Mr. Speaker, I rise today to celebrate the life and to mourn the passing of James Lamar Shuler, a civic leader, successful entrepreneur, talented businessman, community role model, devoted husband, beloved family man and loyal friend.

Mr. Shuler will be remembered as a selfless individual who spearheaded economic development and neighborhood revitalization programs within the community. What Mr. Shuler practiced, he preached; vision was followed by action. I grieve with Mr. Shuler's wife, Barbara Carey-Shuler, a former Miami-Dade Commissioner and political icon in south Florida. During this difficult time, the Carey and Shuler families do not mourn alone: They are joined in prayer by a saddened and indebted community.

James Lamar Shuler was born on August 14, 1953 to Marian Steward Shuler and Cleveland Shuler of Delray Beach, Florida. Mr. Shuler attended S.D. Spady Elementary School and graduated from Atlantic High School in 1971. He then graduated from Miami-Dade Community College in 1976 with a degree in Mortuary Science and became a Licensed Funeral Director in 1977. Mr. Shuler soon purchased the House of Albert Funeral Home on West Atlantic Avenue in Delray Beach, then renovated and dedicated Shuler's Memorial Chapel Inc. on May 26, 1985. An institution that served the community was borne. Mr. Shuler was a professional who provided funeral services to all, irrespective of their economic status.

Mr. Shuler hosted a re-dedication celebration on May 21, 2001 to recognize the renovation and expansion of his funeral home. The ribbon cutting ceremony was attended by approximately 800 well wishers, including government officials and celebrities. Mr. Shuler achieved iconic status within the community.

Personal successes were coupled with community leadership activities. Mr. Shuler served as chairman of the West Atlantic Redevelopment Coalition which supported business and investment activities along the West Atlantic corridor. Mr. Shuler also served actively as chair of the Community Redevelopment Agency, guiding neighborhood renewal projects throughout Delray Beach.

Mr. Shuler was named 1998 Mortician of the Year and served as 1st vice president of the Florida Mortician Association. He attended Saint Paul AME Church in Delray Beach. He was also a member of the Delray Beach Masonic Lodge #275, the Zeta Iota Sigma Chapter of Phi Beta Sigma Fraternity, the Alpha Gamma Chapter of Epsilon Nu Delta Mortuary fraternity, the Vision 2000 Committee for Delray Beach.

Mr. Shuler is survived by his wife, Barbara Carey-Shuler; sons, Victor Shuler and Wesley Potts; daughter, Jessica Coogle; stepson, Archie Carey; two brothers, Jerry Shuler and Cleveland Shuler; and a sister, Marion Stewart.

When families throughout Delray Beach and south Florida experienced the passing of a loved one, they came to Shuler's Memorial Chapel for funeral arrangements. It was James Lamar Shuler who would comfort the bereaved, in a manner that bespoke his grace, empathy and humanity. We stand united as one community honoring this remarkable man.

RECOGNIZING THE OPENING OF THE CHEESECAKE FACTORY IN THE DULLES TOWN CENTER

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to recognize the opening of the Cheesecake Factory located in the Dulles Town Center.

The Dulles Town Center is a commercial, retail, and office park located in Loudoun County, VA, which is the second fastest growing county in the nation. This exciting restaurant addition will add to the elegant atmosphere and tasty restaurant choices already provided by the existing 185 surrounding stores and restaurants.

The history of the Cheesecake Factory begins with Oscar and Evelyn Overton in the 1940's. Evelyn created her Original Cheesecake recipe, and it immediately gained praise from family and friends. With the dream of owning a successful family business, Evelyn opened a small cheesecake shop in her hometown Detroit. The business then moved to the Overton family's basement kitchen to continue to provide the local restaurants with her famous cheesecakes.

In 1971, the Overtons decided to move their cheesecake business to Los Angeles. Using their retirement savings, they opened a small bakery selling only Evelyn's Original Cheesecake. They called it "The Cheesecake Factory." In 1978, son David joined the family business and founded The Cheesecake Factory restaurant in Beverly Hills to showcase his parents' delicious, high-quality baked goods. The restaurant became an immediate success, not an easy feat in the culinary business. Today there are more than 100 Cheesecake Factory restaurants nationwide, and the residents of Loudoun, Prince William, and Fairfax counties will surely enjoy the additional restaurant in the Dulles Town Center.

Mr. Speaker, in closing, I ask that my colleagues join me in recognizing the opening of the Cheesecake Factory in the Dulles Town Center.

IN RECOGNITION OF AMBASSADOR EURIPIDES L. EVRIVIADES

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mrs. MALONEY. Mr. Speaker, I rise today to pay tribute to Ambassador Euripides L. Evriviades, who has served as the Cypriot ambassador to the United States since December 2003.

As a co-founder and co-chair of the Congressional Caucus on Hellenic Issues, I have worked closely with Ambassador Evriviades on several issues of importance to both the United States and Cyprus. He exemplified uncommonly exceptional service in building on the harmonious relations between our countries.

Ambassador Evriviades worked diligently with Congress to ensure that lawmakers understood the importance of ending the division of Cyprus. Over the last 3 years, he has worked with untiring devotion to create awareness and compassion for finding a peaceful solution for Cyprus. I commend him for his commitment to the reunification of Cyprus.

The people of Cyprus have been fortunate to have such an accomplished individual represent them not only in the United States but in a variety of other diplomatic posts. As a career diplomat, he has held positions at Cypriot embassies in Libya, USSR/Russia, Germany, and served as the Ambassador to Israel and the Netherlands before coming to Washington.

As a testament to his exemplary public service over the years, he was lately honored with the King Legacy Award for International Service in recognition for his distinguished leadership and contributions and for his steadfast dedication to sharing and implementing Dr. King's historical work wherever he has traveled.

While I am sad to see Ambassador Evriviades leave his post in the United States, I am grateful for his 3 years of stellar service. I am confident that he will bring this same level of passion and integrity to his next endeavor.

NEW BOOK DETAILS ATROCITIES AGAINST SIKHS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. TOWNS. Mr. Speaker, in the June issue of the International Journal of Sikh Affairs, Dr. Awatar Singh Sekhon reviews a book entitled "Tabai Ros Jagio," which translates into English as "Details of Fundamentalist Hindus' Attacks on the Sikh Faith," by Dr. Sukhpreet Singh Udhoke. The book details how the fundamentalist Hindus who run India have been attacking Sikhism and other faiths since the very earliest days of the Indian republic. Despite the fact that the Brahmin caste is only 3 percent of the population, they run Indian society, according to Dr. Udhoke.

Dr. Udhoke details those Sikhs who have supported the Hindu fundamentalists in their effort to enforce Hinduism on the entire population of India. He details those who connived with India on the attack on the Golden Temple, the seat of the Sikh religion. He recorded the brutality of the Brahmins and the Hindu fundamentalists. He writes about how their umbrella organization, the Rashtriya Swayamsewak Sangh (RSS), was founded to support the Fascists in Europe. He describes the RSS as a terrorist organization. India claims to be our ally in the War on Terror, but their preëminent ideology is a brand of Fascism that practices violence against minorities and their neighbors.

We should stop aid and trade with India and we should be vocal and active in supporting self-determination for all the people there. That is how we can help bring freedom to all in the subcontinent.

Mr. Speaker, I highly recommend Dr. Sekhon's excellent review of Dr. Udhoke's excellent book to my colleagues, and I would like to place the review in the RECORD now.

[From the International Journal of Sikh, Affairs, June 2006]

BOOK REVIEW

(By Awatar Singh Sekhon)

Title: Tabai Ros Jagio, translation in English Details of Fundamentalist Hindus' Attack on the Sikh Faith 2005, by Dr. Sukhpreet Singh Udhoke, is an eye opener, with regard to the premeditated attacks by the fundamentalist Hindus, belonging to the Rashtriya Swamsewak Sangh and the members of the "Sangh Parivar/family", on the followers of the Sikh Faith.

It was a great pride and pleasure for the reviewer, who is the Editor in Chief, The International Journal of Sikh Affairs ISSN 1481-5435, published from Canada, to write a few words on the publication of Dr. Sukhpreet Singh Udhoke. Dr. Udhoke is a medical professional but is devoting most of his precious time in recording the much needed events of the Sikh history of the 20th and 21st centuries. These events pertain to the persecution of the Sikh youth in particular and for the present and coming generations of the Sikh faith, the Guru Khalsa Panth. Dr. Udhoke's first publication, Tabai Ros Jagio, published in July 2004, was an excellent treatise relating to the "Attacks on the Sikh faith, Sikh culture, Sikh heritage, Sikh pride, Sikh esteem, Guru Granth Sahib (Holy Scripture of Sikhs), the Sikh identity, and the Sikh nation, Punjab, Khalistan, struggling for its independence by peaceful means." His book clearly reflects the intimidation of the Sikhs of their holy and historic homeland, Punjab, by their traditional and notorious enemy, the fundamentalist Hindu organizations as well as the politicians of the preceding and present administrations of the Indian democracy, its New Delhi administrations of J.L. Nehru to Manmohan Singh, run primarily by the Brahmins (who are only 3 percent of the total population of India of over a billion hungry mouths) and about 15 percent pro-Brahmins. This group has captured more than 80 percent of the total decision-making jobs of the Indian administration. Dr. Sukhpreet Singh Udhoke's task at hand was not an easy one, especially when his, his forefathers, and the Sikhs' holy and historic homeland is under the occupation of the Sikhs' enemy, the Brahmins, "Butchers of our world", according to the founder of the Sikh faith, Guru Nanak Sahib.

The Indian administration and their international news media's term, the "largest democracy of the world", India, made Dr. Udhoke's task highly difficult in describing the reality and tragedy of the Sikh nation, Punjab, and beyond the understanding of an ordinary citizen of the Sikhs' holy and historic homeland.

It is amply clear that the Sikh leaders, of Punjab so to speak, and most commonly known as the Dastaardhari (turbaned) Hindus in the Sikh identity, have failed to respond to the psyche and aspirations of the Sikhs of Punjab, the Sikh Diaspora and the Sikh nation. Rather, these Dastaardhari Hindus in the Sikh Identity have fallen into the trap of the Brahmins and pro-Brahmins. The day in and the day out, the Sikhs' Darbar Sahib Complex (Golden Temple Complex), which includes the Supreme Seat of Sikh Polity, Akal Takht Sahib, Amritsar, and other religious and political places of the Sikhs, Gurdwaras (Houses of God), are desecrated, to humiliate the Sikh nation. The saddest moment of the Sikh history of post-15th August, 1947, is that a Dastaardhari Hindu in the Sikh Identity, Prakash Singh Badal, his clan and the Badal faction of Akali Dal were the party for the desecration of Darbar Sahib Complex. So much so the custodian, the so-called jathedar, of Akal Takht Sahib, Vedanti Joginder Singh Saran actively watched the ball game of his employer, the executive of the Shiromani Gurdwara Prabhandhak Committee (SGPC), and SGPC's member as well as the president of the Akali Dal-Badal faction, Prakash Singh Badal himself. What an unfortunate part of the Sikh history!

The present and former custodians of the Akal Takht Sahib, Vedanti Joginder Singh Saran, Puran Singh of Luv and Kush, Manjit of Kesgarh, Kirpal Singh, etc. failed to provide any directions to the Sikh Nation, Guru Khalsa Panth or the Sikhs of Punjab. They however, collaborated with the enemy of the Guru Khalsa Panth.

Dr. Sukhpreet Singh Udhoke, a young Sikh full of energies, recorded in his book, the brutality of the Sikhs' traditional enemies, the Brahmins and pro-Brahmins belonging to the Hindumahasabha (mother of all evils) and its offshoots such as Swam Sevak Sangh, Jansangh, Rashtriya Swamsewak Sangh (RSS), a terrorist organization as declared by the United States administration, Rashtriya Sikh Sangat (formed at the directions of A. B. Vajpayee and his clique in 1990s) the "Sangh family", responsible for anti-non-Brahmin and anti-non-Hindus activities, and other such organizations, as well as the activities of the Saffaronized fundamentalist Hindu organizations Vishwa Hindu Parishad, Hanuman Sena, Shiv Sena, Bajrang Dal, to cite a few. The RSS was formed in support of the Fascists of Europe. Dr. Udhoke has exposed Saffaronization of the Sikh history, disrespect and character assassination of the Sikh Gurus, Guru Nanak Sahib to Sahib Guru Gobind Singhji, by these organizations and their supporters. Finally, I wish Dr. Sukhpreet Singh Udhoke, who is a gifted and prolific writer and speaker all the best. May the the Almighty Lord shower. His blessings on him.

RECOGNIZING OREST DEYCHAKIWSKY'S 25 YEARS OF SERVICE ON THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. SMITH of New Jersey. Mr. Speaker, today I am pleased to pay tribute to Orest Deychakiwsky for his 25 years of faithful service to the Commission on Security and Cooperation in Europe, the Helsinki Commission. Orest began his work as a member of the professional staff on November 15, 1981, just six years after the signing of the Helsinki Final Act, a period marked by ruthless Soviet repression and widespread violations of human rights and fundamental freedoms.

Driven by a deep commitment to aid the victims of Communist oppression, Orest devoted himself to documenting the human rights cases, particularly those involving divided families, an especially poignant task given his own family's history under Soviet domination and repression. He was responsible for compiling and maintaining the lengthy lists of individuals seeking to emigrate from the Soviet Union and Romania. Each spring would bring an opportunity to secure the exit of some of the thousands effectively held hostage in Romania by the Ceausescu regime. Orest was faithful in making representations to the Romanian Embassy on behalf of all those seeking to exercise their right to leave their country. When Moscow began to accept emigration lists from the Commission in the mid-80s, Orest's diligent efforts on behalf of refuseniks began to pay off for families, including some with American spouses, who were finally allowed to leave the Soviet Union after a decade or more of waiting.

With a passion for Ukraine, his familial homeland, Orest helped document modern Soviet repression in that country including imprisonment of human rights activists, suppression of Ukrainian culture and language as well as harsh actions against the Ukrainian Catholic Church. He was at the forefront of efforts in support of the restoration of Ukrainian independence and the consolidation of democracy in that country following the demise of the Soviet empire. Despite setbacks, Orest was optimistic that the people of Ukraine would insist on a democratic future for their country. On a cold November night in 2004, he witnessed firsthand their determination as he stood in Kiev's Independence Square where tens of thousands of Ukrainians gathered to protest fraudulent elections.

Fifteen years earlier he had stood in the main square in Sofia, Bulgaria as peaceful demonstrators stood up to tyranny, ushering in the demise of Eastern Europe's longest standing dictatorship. In recent years, he has been active in confronting the repressive regime of Aleksandr Lukashenka in Belarus, Europe's last dictatorship.

Mr. Speaker, in this year when we observe the thirtieth anniversary of the Helsinki Commission, as a long serving Commissioner and Co-Chairman, I am pleased to recognize and commend Orest Deychakiwsky for his faithful service and tireless defense of human rights and dignity.

RECOGNIZING NATIONAL DIABETES MONTH

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. LIPINSKI. Mr. Speaker, I rise today to recognize November as National Diabetes Month. Since 1975, November has served as a time of increased public awareness and understanding of diabetes, as well as a time to celebrate the institutions and people that labor year round to improve diabetes care. This November, the American Diabetes Association has placed a specific focus on increasing care for those affected by the disease. As one of the 21 million Americans with diabetes, I truly understand the fundamental importance of diabetes awareness, education, detection, and research.

Diabetes is a disease in which the body fails to produce or properly use insulin, a necessary hormone needed to process the sugar and starches that our bodies use for energy. The disease can lead to a series of complications, including increased risk of heart disease and stroke. Although research has yet to produce a cure, scientists continue to advance diabetes tests and insulin monitors—improving the quality of life for many affected by the disease. Advanced education, detection, and research are all essential considering that approximately one in three Americans born after 2000 will suffer from diabetes.

Continuing to fight the struggle against diabetes, the American Diabetes Association participated in World Diabetes Day on November 14, 2006. The objective was to provide Americans with information on signs that show an increased risk of having diabetes. Additionally, the worldwide campaign raised awareness in communities around the globe that have difficulty assessing the impact of diabetes in their respective countries.

It is my honor to recognize November as the National Diabetes Month and thank all those working to improve the quality of life for the millions of people affected by the disease. We continually strive to increase diabetes awareness and assist those with the disease not only during the month of November but at every opportunity throughout the year.

PAYING TRIBUTE TO LARRY "DOC" MOSES

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor my good friend Larry "Doc" Moses for his service to his country and his community.

Larry was born and raised in Des Moines, Iowa and is a product of the Des Moines School System. After studying at Tarkio College in Tarkio, Missouri and Drake University in Des Moines, Larry decided to serve his country by enlisting in the United States Marine Corps. Following his tour of duty in the Marine Corps, Larry obtained his Bachelor's and Master's degrees in History and Education from Utah State University in Logan, Utah.

Following the completion of his Master's program, Larry obtained a teaching position in Idaho Falls, Idaho. After one year, Larry moved to Las Vegas where he pursued and earned his Doctorate in Education from UNLV in 1983, and entered educational administration. His first educational administration post was as a principal in Yerington, Nevada, followed by a vice-principalship in Moapa Valley, other assistant principal positions in Las Vegas, and culminating in the principal's position at Moapa Valley High School, where he opened the new school in 1993.

Larry retired in 1997 and immediately became involved in the historical restoration business. His perseverance and determination led to the restoration of the Old Logandale School, the old Overton Gymnasium, and the old Overton Hospital—all of which are now being (re)used as valuable community resources. Larry has also been an active member of Rotary Club and serves on the Overton Power District Board of Trustees and is a perennial part of the annual Clark County Fair operations.

Mr. Speaker, I am proud to honor my good friend Larry "Doc" Moses. His years of service to his nation and community are admirable. I applaud his efforts and with him the best in his future endeavors.

RECOGNIZING THE 100TH ANNIVERSARY OF THE REDINGTON HOTEL, NOW THE GENETTI HOTEL AND CONFERENCE CENTER

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Mr. Gus Genetti, owner of the Genetti Hotel and Conference Center in Wilkes-Barre Pennsylvania, on the occasion of the 100th anniversary of the opening of the Redington Hotel.

Mr. Genetti acquired the Redington Hotel in 1963 and proceeded to renovate and expand that facility into a landmark haven of hospitality in Wilkes-Barre's downtown.

Built by John Redington, the hotel was opened October 11, 1906, at the corner of East Market Street and South Pennsylvania Avenue. The lavish seven story hotel was designed by the prominent architectural firm of McCormick and French. The facility contained many modern conveniences, such as a dining room, telephone exchange, public bath, barber shop, butcher shop and bakery. Many notable visitors stayed at the hotel including comedians Abbott and Costello.

In October 1922, John Redington retired and leased the hotel to the Keystone State Hotel Association. In 1930, Mr. Redington with his son, John A., Jr., resumed management of the hotel until John Senior's death on January 24, 1941.

In February 1942, the hotel was purchased from the Redington estate through a sheriff's sale by Conrad F. Goeringer. Goeringer sold the hotel to Morgus Enterprises on May 20, 1960.

With the decline and eventual termination of the Lehigh Valley Rail Service, changing hotel standards and the opening of motels on the outskirts of Wilkes-Barre, the Redington fell on hard times.

The hotel changed hands once again at sheriff's sale, eventually being purchased by Mr. Genetti in July 1963. The hotel was subsequently upgraded, modernized and reopened in September, 1963, as the Genetti Hotel.

The hotel was again renovated after the Agnes flood of 1972 and has been continually improved and enlarged since then. The hotel's frontage now extends along the entire second block of East Market Street.

Despite the Agnes flood of 1972 and a fire on New Year's Day in 1999, the Genetti Hotel has maintained its position as a premier lodging, dining and meeting destination in Wilkes-Barre.

On a personal note, I have known the Genetti family for more than 50 years and Mr. Genetti's prominence as a hotelier and restaurateur parallels that of his father, who was equally well known and respected throughout the region.

Mr. Speaker, please join me in congratulating Mr. Genetti on this milestone occasion. Throughout adversity and success, Mr. Genetti has proven himself to be one of Wilkes-Barre's outstanding businessmen and community leaders. His commitment and dedication to Wilkes-Barre's economic development is exceptional. And, for that, he deserves the gratitude of the entire region.

TRIBUTE TO DR. ROBERT HUNTER

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. CUELLAR. Mr. Speaker, I rise today to honor Dr. Robert Hunter, who has served for 20 years in the Texas State House of Representatives, and his dedication to the city of Abilene, Abilene Christian University, and the Independent Colleges and Universities of Texas.

Robert Hunter was born in 1928 in Dodge City in Kansas, as the tenth child of twelve children. He enrolled at Abilene Christian College after graduating from San Mateo High School in California in 1948. Shortly after graduation from college, he married his wife, Shirley Long of Austin, in Thailand, and served in the United States Navy as Security Aide to two admirals in the South Pacific and in Washington, D.C., from 1952 to 1955. Hunter then accepted the invitation of Abilene Christian College President Don H. Morris to become director of special events. There, at his alma mater, he quickly moved up the academic ladder to become the executive vice president of the Independent Colleges and Universities of Texas. During his work with the Independent Colleges and Universities of Texas, he coordinated the passage of the Texas Tuition Equalization Grant (TEG) program, which helped Texas students attend private colleges and universities in the State of Texas.

In 1970, Hunter served on the city council in the city of Abilene, and thus began his passion for civic service in which he ran for the Texas State House of Representatives in 1986, won the seat to this day which he has remained a wonderful voice for his constituents and for the State of Texas. In the Texas House of Representatives, Hunter chaired the House Committee on International and Cultural Relations, and is currently vice-chairman of the Regulated Industries Committee and serves on the Government Reform Committee. He also serves on committees for several national legislative organizations.

In 2006, Hunter will have completed his tenth term as State Representative, with more than $1 billion appropriated for the Texas Tuition Equalization Grant (TEG) program, and more than 50 years of service with the Abilene Christian University.

Mr. Speaker, I am honored to have had this time to recognize the passion Dr. Bob Hunter has in serving as State Representative for the State of Texas, and his wonderful commitment to higher education for Texas students.

A TRIBUTE TO TRUDY HAYES-SARGEANT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Trudy Hayes-Sargeant, a dedicated citizen of New York. It behooves us to pay tribute to this outstanding woman and I hope my colleagues will join me in recognizing her impressive service.

A native of the island of Trinidad & Tobago, Trudy Hayes-Sargeant is proud to call New York her home. She serves as a Clinical Technician Assistant with Forest Research Institute and is the CEO/Owner of her own construction firm—Trucomm Construction.

Quoting Maya Angelou, "If you find it in your heart to care for somebody else, you will have succeeded," Mrs. Hayes-Sargeant dedicates her time to several organizations such as the Canarsie Lions, The American Breast Cancer Society, Pleasantville Senior Sec. Old Boyz, East New York Diagnostic & Treatment Center and the East New York Scholarship Fund.

Mrs. Hayes-Sargeant received her Bachelor of Arts degree from the University of Washington, D.C. in Computer Information and System Science and holds several Microsoft certifications. She is the loving mother of one son, Jarrell.

Mr. Speaker, I believe that it is incumbent on this body to recognize the work of Trudy Hayes-Sargeant. Her deep commitment to community makes her most worthy of our recognition today.

IN RECOGNITION OF DENTON POLICE DETECTIVE DANNY FLETCHER

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. BURGESS. Mr. Speaker, I rise today to commend Denton Police Detective Danny Fletcher for his valiant efforts in saving a family trapped in their burning car. He was recently awarded the Meritorious Conduct Bar for his heroism by the Denton City Police Department in the 26th District of Texas.

Detective Fletcher witnessed the family get into the auto accident as he was driving home from work on June 13, 2006. He responded without hesitation and called for the help of emergency services. He then heroically approached the flaming vehicle and pulled out three young children, aged 4, 2, and 2 months, trapped in the backseat of the car. He continued to assist the family to safety, while smoke and fire entered the car, and the vehicle's tires began to explode.

Detective Fletcher was awarded the Meritorious Conduct Bar by the Denton Police Department for his role in saving the lives of the three children. His calm and rational thinking is to be applauded. This award is the second highest honor an individual can receive in the Denton Police Department.

Mr. Speaker, I commend Detective Fletcher for his display of active heroism during the car accident. His service to our community both on and off duty is inspiring. Detective Danny Fletcher is an asset to the Denton City Police Department and the Denton community, and I am honored to represent him in Washington, DC.

A TRIBUTE TO WADE H. STEVENS, JR.

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor one of Philadelphia's most important leaders, my friend, Wade Stevens. Mr. Stevens is the Business Manager of the Laborer's International Union's District Council of the Metropolitan Area of Philadelphia and Vicinity. In this capacity he has been a tireless contributor to the betterment of Philadelphia's workers.

Mr. Stevens, who has served most of his life as a union activist, is celebrating his 10th year as a Business Manager. He joined Laborer's Local 135 in Norristown, PA in 1971, and served in varying capacities as a Delegate, Sergeant of Arms, and Judge of Elections. He still maintains his membership having transferred to Laborers' Local 332 in Philadelphia.

Mr. Stevens became a part of the Laborers' District Council as a Field Representative in 1989, and as a part of his duties was a Building Trades Committee Representative. In 1996, Mr. Stevens was elected to his current passion as the Business Manager of the Laborers' District Council. He worked in conjunction with local business managers, delegates, and management to create unprecedented services and benefits for Council members. In, 2001 Mr. Stevens was appointed to the Tax Review Board of Philadelphia by Mayor John Street.

Mr. Stevens is also active in his community having sat on the Board of the All-Star Labor Classic Committee, raising thousands of dollars for the Cerebral Palsy Foundation. He is a lifetime member of the NAACP and a sponsor of the Norristown Bandits Midget Football Team. Mr. Stevens is proudly married to Cora Stevens and has been blessed with three sons and three grandchildren. I ask that you and my other distinguished colleagues rise to congratulate Mr. Wade H. Stevens, Jr. for his 10th year as the Business Manager of the Laborers' International Union North America Laborers' District Council of the Metropolitan Area of Philadelphia and Vicinity.

TRIBUTE TO 93RD STREET COMMUNITY MISSIONARY BAPTIST CHURCH

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. MEEK of Florida. Mr. Speaker, today I rise to pay tribute to the 93rd Street Community Missionary Baptist Church on the occasion of its 45th church anniversary celebration, from Monday, October 16 until Sunday, October 22, 2006. Pastor Carl Johnson led his congregation in celebrating the milestone in the history of this beloved church, which has become a citadel of faith in Miami's Miami-Dade County community.

Pastor Larry Lovett II of the Antioch Baptist Church of Brownsville and Pastor Jeffrey Mack of the Second Canaan Baptist Church joined Pastor Johnson on the climax services on October 22 with the theme: "Coming Out of the Comfort Zone." Indeed, it is fitting and proper to give praise to Almighty God for blessing this church with its longevity of service to its members and to all those who seek comfort and solace in its sanctuary.

In 1961, a group of dedicated Christians committed themselves to laying down the foundation of this church. Reverend Alonzo Anderson sought a place of worship that was located on Northwest 22nd Avenue and 76th Street. In 1968, he sought a larger place of worship, which was subsequently named the 93rd Street Community Missionary Baptist Church—a name that has continued on to this day. In March 1971, the church was duly incorporated. The congregation suffered a great loss with the passing of Reverand Anderson on November 22, 1992.

In January 1993, Minister Carl Johnson was appointed pastor of the church. This visionary pastor became God's shepherd par excellence, as he guided and well-served the congregation, which grew from 200 congregants to its current 3,000 members. He has led his church with a good mixture of old-time religion and civic responsibility that continues to strengthen church members and our entire community.

In the year 2000, God led Reverend Johnson into the challenge of the Millennium Revival, to help bring churches together. Through his creative efforts and hard work, the faith-action service that now defines the 93rd Street Community Baptist Church has truly persevered in showing its congregation the truth that emanates from the study of Holy Scripture.

As a servant of God and as a deeply spiritual leader immersed in scriptural commitment, Pastor Carl Johnson has earned our deepest respect and commendation. This is the legacy with which he now guides the church, and we now congratulate his pastoral ministry and extend our heartfelt congratulation on the 45th church anniversary celebration of the 93rd Street Community Missionary Baptist Church.

HONORING NATIONAL FAMILY WEEK, NOVEMBER 19-25, 2006

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to Honor National Family Week. National Family Week takes place November 19th through November 25th. This event is sponsored by the Alliance for Children and Families. The Alliance for Children and Families represents an impressive group of advocates who have a tremendous effect on our children and families. National Family Week reflects a commitment to ensuring healthy, stable communities—communities where families that have the resources, affordable housing and the social networks they need to thrive and where children have the quality education, child care, and the health care they need to grow into our leaders of tomorrow.

The Alliance for Children and Families represents several vital organizations in Chicago. There are fifteen Alliance members who work in the heart of Chicago. Included in this group of advocates are: Casa Central; Centers for New Horizons, Inc.; Chicago Children's Advocacy Center; Child Care Association of Illinois; Children's Home and Aid Society of Illinois; ChildServ; Generations of Success; Jane Addams Hull House; Jewish Child and Family Services; Kids Hope United; Lawrence Hall Youth Services; Methodist Youth Services, Inc.; Metropolitan Family Services; and Salvation Army Family Services. I am grateful for each of them and all the wonderful work that they do. Specifically I would like to recognize the Jane Addams Hull House, which recently received a $3 million grant from the Department of Education for its Early Reading First program. This grant illustrates the outstanding work that the 300 member organizations of the Alliance for Children and Families do for our citizens. I recognize and understand the importance of groups like the Jane Addams Hull House that provide important services to communities. I also want to recognize the efforts of the numerous other organizations in the Seventh District of Illinois that are not members of the Alliance but who are committed to the betterment of child welfare and well-being. These organizations work hard to teach our children, advocate on behalf of families everywhere, and provide necessary services to help strengthen communities.

As George Bernard Shaw once said, "Perhaps the greatest social service that can be rendered by anybody to this country and to mankind is to bring up a family." The Alliance for Children and Family and their three hundred members help families and communities successfully achieve the greatest social service by providing the tools necessary to ensure healthy and stable communities. It is my great honor to recognize National Family Week, the Alliance for Children and Families, and all that they do to ensure the success of our nation's children and families.

IN RECOGNITION OF AMBASSADOR JOHN R. MILLER

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mrs. MALONEY. Mr. Speaker, I rise to honor the work of one of the leaders of the modern-day abolitionist movement, Ambassador John R. Miller, who has announced he will step down as Director of the U.S. Department of State's Office to Monitor and Combat Trafficking in Persons.

He will be greatly missed.

As Ambassador Miller has often reminded us, trafficking in persons is modern-day slavery. With that conviction, he has led his office, and the whole of U.S. Government, on a mission to settle for nothing short of the abolition of this terrible international crime.

Under Ambassador Miller's leadership, the U.S. Government has grown in its commitment—both at home and abroad—against modern-day slavery. His work has helped spotlight the issue of slavery around the world, through the annual Secretary of State's Trafficking in Persons Report, diplomatic engagement, speeches and multiple prosecution, protection, and prevention programs around the world.

Earlier this year, New York Times columnist Nicholas D. Kristof praised the U.S. commitment to abolishing modern-day slavery, noting:

> [T]he heaviest lifting has been done by the State Department's tiny office on trafficking—for my money, one of the most effective units in the U.S. government. The office, led by a former Republican congressman, John Miller . . . puts out an annual report that shames and bullies foreign governments into taking action against forced labor of all kinds.

The 2006 Trafficking in Persons Report is the most comprehensive worldwide report on the efforts of governments to combat severe forms of trafficking in persons. Along with previous editions, its findings have raised global awareness and compelled countries to take effective actions to counter human trafficking. Under Ambassador Miller's direction, the Report has steadily increased its country assessment total each year—from 124 governments reviewed in 2003 to 158 countries assessed in the 2006 TIP Report.

During that time, Ambassador Miller also oversaw crucial refinements to the Report, elevating the annual compendium to a level of sophistication rarely enjoyed by a publication of its kind: the Trafficking in Persons Report has become the gold standard on which governments and the media are able to weigh progress on the global effort to fight human trafficking.

Annual release of the report has also generated increasing media coverage, helping raise global consciousness of the existence and widespread problem of modern-day slavery. Release of the 2006 Report, for example, produced widespread coverage by national and international print, broadcast, and Internet media, reaching, for the second year in a row, more than 400 million people across the globe. Media coverage was particularly intense in many of the Tier 3 and Tier 2 Watch List countries, such as Saudi Arabia and India.

Today, the TIP Report is the essential reference for global benchmarks that challenge all governments to join the 21st century abolitionist movement. The annual Trafficking in Persons Report serves as the primary diplomatic tool through which the U.S. Government encourages partnership and increased determination in the fight against forced labor, sexual exploitation, and modern-day slavery.

"In our judgment," declared Dr. Mohamed Mattar, Executive Director of the Protection Project, "this report constitutes the primary reference and main source of information on efforts made by foreign governments to combat trafficking in persons."

Armed with the report, Ambassador Miller has engaged with governments from Japan to Jamaica, from Belize to Bangladesh, to bring about improved law enforcement, victim protection, and prevention of this odious crime. Worldwide, Ambassador Miller's diplomatic leadership helped spur new or improved anti-human trafficking legislation in 41 countries in 2005, along with the establishment of dozens of new survivor shelters. That effort paid huge dividends: anti-trafficking convictions worldwide increased from several hundred, before Ambassador Miller arrived at the State Department, to over 4,700 in 2005. Last year's figure—an increase from about 3,000 the year before—was especially dramatic among countries in Africa (from 29 TIP convictions in 2004 to 58 in 2005) and East Asia and Pacific nations (from 348 TIP convictions in 2004 to 2,347 in 2005).

Specifically, Ambassador Miller's diplomatic efforts helped persuade Japan to vastly reduce the number of TIP-exploitable "entertainment visas" Japan issued for young women from the Philippines—to fewer than 5,000, from a high of 80,000 a year. In addition, Ambassador Miller has carefully honed the report's system of tier rankings to cultivate global anti-TIP efforts. This year, for example, Malawi rose from Tier 2 to Tier 1 on the TIP Report, while Ecuador rose from Tier 3 to Tier 2.

Over the last 2 years, Ambassador Miller helped enhance the U.S. government's anti-trafficking efforts to include a greater focus against child sex tourism (CST), a crime in which people travel from their own country to developing countries, such as Laos or Cambodia, looking for anonymity and the availability of children in prostitution. Ambassador Miller's leadership against CST has netted success, as Time magazine recently observed:

> Those working to protect children in Cambodia agree that the police force has recently shown a far stronger commitment to targeting pedophiles. But it's not just law and order that is doing the trick. A new political will to root them out is the result of diplomatic incentives and pressures, both the carrots of international donors and the stick of the U.S. State Department, say child protection workers. . . . But the stick came in 2005 when the U.S. State Department, fed up with the impunity enjoyed by traffickers here, relegated Cambodia to it lowest tier three rating on its global trafficking report. Cambodia was lumped in with Burma, Cuba and North Korea, and Washington threatened sanctions against Phnom Penh for its inability to comply with "minimum standards" to combat human trafficking and convict officials involved.

In part because of Ambassador Miller's efforts, since 2003 over 30 American pedophiles have been extradited back to the U.S. and sent to jail.

With Ambassador Miller's prodding, the United States last December became an official party to the U.N. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, also known as the Palermo Protocol. The Trafficking in Persons (TIP) Protocol, which supplements the U.N. Convention Against Transnational Organized Crime, is an important multilateral component of the worldwide effort to combat modern-day slavery. It seeks to prevent trafficking, protect victims, and promote anti-trafficking cooperation among nations.

As chairman of the interagency Senior Policy Operating Group, Ambassador Miller has improved coordination among U.S. agencies, helping to make the panel a decision-making body whose participants have furthered the U.S. effort against trafficking in person both at home and abroad. For example, the Department of Justice (DOJ), in 2005 charged 116 individuals with human trafficking, almost doubling the number charged in FY 2004. Approximately 80 percent of those defendants were charged under the federal Trafficking Victims Protection Act (TVPA) of 2000. Forty-five traffickers were convicted, of which 35 were implicated in sexual exploitation. As of May 22, 2006, the Department of Health and Human Services (HHS) had certified 1,000 victims of human trafficking since the TVPA was signed into law in October 2000. In FY 2005, HHS certified 230 foreign victims of human trafficking from a remarkably diverse array of countries.

On a personal note, during his tenure as Director of the State Department's Office to Monitor and Combat Trafficking in Persons, Ambassador John R. Miller has been a friend and colleague to those of us in Congress who have taken a leadership role against modern-day slavery. We wish him well in his future work as a Professor of International Studies at George Washington University.

COUNCIL OF KHALISTAN HAS SUCCESSFUL CONVENTION

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. TOWNS. Mr. Speaker, recently, Indian Prime Minister Manmohan Singh publicly stated that India is the victim of cross-border terror. The Council of Khalistan under the leadership of Dr. Gurmit Singh Aulakh wrote to Prime Minister Singh and reminded him that India has been sponsoring cross-border terrorism in Sindh, a province of Pakistan, as the Washington Times reported on January 2, 2002 and that it created the Liberation Tigers of Tamil Eclam, which our government has identified as a terrorist organization, according to Indian Today, which is the leading news magazine in India.

It has also sponsored domestic terrorism against the minorities within its borders, including murdering a quarter of a million Sikhs and holding another 52,000 as political prisoners; killing Muslims by the tens of thousands in Kashmir, where more than 90,000 have been killed, Gujarat, where between 2,000 and 5,000 died in a massacre preplanned by the government, and elsewhere; killing Christians throughout the country, including over 300,000 just in Nagaland; and mass killing many other minorities. Yet India proclaims itself the victim of terrorism and proclaims itself a democracy. Well, Mr. Speaker, it certainly doesn't act that way.

The repression and terrorism must be stopped. We should end all aid and trade with India until such time as the repression ends and people enjoy the most basic human rights, and we should throw our full support behind self-determination in Punjab, Khalistan, in Kashmir, in Nagalim, and wherever people are trying to be free. In addition, we should designate India a terrorist state and impose the sanctions that that designation brings.

Mr. Speaker, I would like to insert the Council of Khalistan's open letter into the RECORD. It is a frightening record of Indian terrorism.

COUNCIL OF KHALISTAN.
Washington, DC, October 10, 2006.

OPEN LETTER TO INDIAN PRIME MINISTER MANMOHAN SINGH: INDIA IS A TERRORIST STATE, NOT A VICTIM

DEAR PRIME MINISTER SINGH: On October 4, you said that India is it victim of crossborder terrorism. India is a terrorist state itself and should be subject to the penalties that are imposed on terrorist states.

On January 2, 2002, the Washington Times reported that India is supporting cross-border terrorism in Sindh, a province of Pakistan, the very same kind of thing that Prime Minister Singh was claiming is victimizing India. In addition, India's leading newsmagazine, India Today, reported that the Indan government created the Liberation Tigers of Tamil Eelam (LTTE), identified by the U.S. government as a terrorist organization, and its leaders were put up by the Indian government in the finest hotel in Delhi. How can you blame Pakistan when India started cross-border terrorism with its own actions?

The Indian government has committed terrorism against its own minorities. It has murdered over 250,000 Sikh infants, children, youth, men, women, and elderly since 1984, as well as more than 300,000 Christians in Nagaland, over 90,000 Mulims in Kashmir, tens of thousands of Christians and Muslims throughout the country, and tens of thousands of Assamese, Bodos, Dalits, Manipuris, Tamils, and other minorities. A report by the Movement Against State Repression (MASR) states that 52,268 Sikhs are being held as political prisoners in India without charge or trial, mostly under a repressive law known as the "Terrorist and Disruptive Activities Act" (TADA), which expired in 1995. Many have been in illegal custody since 1984! There has been no list published of those who were acquitted under TADA and those who are still rotting in Indian jails. Tens of thousands of other minorities are also being held as political prisoners, according to Amnesty International. Tell the families of these innocent Sikhs and others that there is no terrorism in India.

Indian police arrested human-rights activist Jaswant Singh Khalra after he exposed their policy of mass cremation of Sikhs, in which over 50,000 Sikhs have been arrested, tortured, and murdered, then their bodies were declared unidentified and secretly cremated. Khalra was murdered in police custody. His body was not given to his family.

No one has been brought to justice for the kidnapping and murder of Jaswant Singh Khalra. The only witness to the Khalra kidnapping, Rajiv Singh Randhawa, has been repeatedly harassed by the police, including having been arrested for trying to hand a note to then British Home Secretary Jack Straw. Last year, 35 Sikhs were charged and arrested in Punjab for making speeches in support of Khalistan and raising the Khalistani flag. How can making speeches and raising a flag be considered crimes in a democratic society?

The police never released the body of former Jathedar of the Akal Talkht Gurdev Singh Kaunke after SSP Swaran Singh Ghotna murdered him. He has never been tried for the Jathedar Kaunke murder. In 1994, the U.S. State Department reported that the Indian government had paid over 41,000 cash bounties for killing Sikhs. The MASR report quotes the Punjab Civil Magistracy as writing "if we add up the figures of the last few years the number of innocent persons killed would run into lakhs [hundreds of thousands.]" The Indian Supreme Court called the Indian government's murders of Sikhs "worse than a genocide."

Missionary Graham Staines was murdered along with his two sons, ages 8 and 10, by a mob of militant, fundamentalist Hindu nationalists who set fire to the jeep, surrounded it, and chanted "Victory to Hannuman," a Hindu god. Missionary Joseph Cooper was beaten so badly that he had to spend a week in an Indian hospital. Then the Indian government threw him out of the country. None of the people involved has been tried. The persons who have murdered priests, raped nuns, and burned Christian churches have not been charged or tried. Police broke up a Christian religious festival with gunfire. Recently, militant Hindus from the Bharatiya Janata Yuva (a youth movement affiliated with the BJP and the Fascist RSS) attacked the Convent of Loreto and the school there. A spokesman for the BJP, Mr. H. Dikshit, demanded an investigation of the school!

The murderers of 2,000 to 5,000 Muslims in Gujarat have never been brought to trial. An Indian newspaper reported that the police were ordered not to get involved in that massacre, a frightening parallel to the Delhi massacre of Sikhs in 1984. The most important mosque in India, the Babri Mosque, was destroyed by militant Hindu fundamentalists who have never been held responsible for their actions.

It is good that you have admitted the guilt of the Indian government for the Delhi massacres, in which over 20,000 Sikhs were killed, by apologizing for the massacres, but what good does it do the Sikh Nation? Where are the apologies for the Golden Temple attack, the destruction of the Akal Takht, and the desecration of Darbar Sahib, and the other atrocities? Where is the compensation for the victims' families? That operation was yet another act of Indian domestic terrorism.

The Guru granted sovereignty to the Sikh Nation, saying "In Grieb Sikhin Ko Deon Patshahi." We must remind ourselves of our heritage by raising slogans of "Khalistan Zindabad" and beginning a Shantmai Morcha to liberate our homeland, Khalistan. Whoever is honest and dedicated in leading that Shantmai Morcha deserves our support. Every rooming and evening we recite, "Raj Kare Ga Khalsa." Now is the time to act on it. Do we mean what we say every morning and evening?

The flame of freedom continues to burn blightly in the heart of the Sikh Nation. No force can suppress it. Recently, Dal Khalsa and the Shiromani Khalsa Dal announced that they are uniting for sovereignty for Khalistan. This was met with chants of "Khalistan Zindabad." The Punjab Legislative Assembly proclaimed the sovereignty of Punjab when it cancelled the water agreements. Only by liberating Khalistan can we put an end to the repression and terrorism against the Sikh Nation by the Indian regime. Now is the time to rededicate ourselves to the liberation of Khalistan.

Last year, Sikh farmers were expelled from Uttaranchal Pradesh and their land was seized. They were beaten up by the police. Their homes were bulldozed by paratroopers. Their homes in many cases were built using their life savings and by their own hands. We condemn this act of state terrorism by the government of Uttaranchal Pradesh. As you know, Sikhs are prohibited from buying land in Rajasthan and Himachal Pradesh. Now Uttaranchal Pradesh joins that list. Yet there are no restrictions on land ownership in Punjab by non-Sikhs. People from anywhere can buy land in Punjab, including people from Rajasthan and Himachal Pradesh. India is trying to subvert Khalistan's independence by overrunning Punjab with non-Sikhs while keeping Sikhs from escaping the brutal repression in Punjab. It is incumbent on the Sikh diaspora to free Khalistan. We must redouble our efforts. That is the only way to keep these atrocities from continuing and to protect the Sikh Nation and the Sikh religion.

The Akali Dal conspired with the Indian government in 1984 to invade the Golden Temple to murder Sant Bhindranwale and 20,000 other Sikhs during June 1984 in Punjab. Among those who conspired with the government, according to Chakravyuh: Web of Indian Secularism, were Dr. Chohan, Ganga Singh Dhillon, and Didar Singh Bains It appears the Indian regime is even willing to arrest its own agents to suppress the movement for Khalistan! Now Badal and Chief Minister Amarinder Singh have been accusing each other of being tied in with "terrorists." These leaders view support for Khalistan as terrorism, as the Indian government does. They have shown where their loyalties lie. How will these so-called Sikh leaders account for themselves? Remember the words of former Jathedar of the Akal Takht Professor Darshan Singh: "If a Sikh is not a Khalistani, he is not a Sikh."

Sikhs will never get any justice from Delhi. Ever since independence, India has mistreated the Sikh Nation, starting with Patel's memo calling Sikhs "a criminal tribe." What a shame for Home Minister Patel and the Indian government to issue this memorandum when the Sikh Nation gave over 80 percent of the sacrifices to free India. There is no place for Sikhs in supposedly secular, supposedly democratic India. Our moment of freedom is closer than ever. Sikhs will continue to work to make certain that we shake ourselves loose from the yoke of Indian oppression and liberate our homeland, Khalistan, so that all Sikhs may live lives of prosperity, freedom, and dignity.

Sincerely,

GURMIT SINGH AULAKH,
President.

HONORING THE MILLS-PENINSULA MEDICAL CENTER GROUND BREAKING

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. LANTOS. Mr. Speaker, on November 1, 2006 is a day that will long be remembered in Burlingame, California, as the ground breaking for the construction of the Mills-Peninsula Medical Center. This medical facility, located in my Congressional District, is a continued example of why the Bay Area continues to be at the forefront of nation's healthcare system.

The New Mills-Peninsula Medical Center, scheduled to open its doors to the public in 2010, will be an extraordinary facility integrating the latest environmentally friendly technology design into a state-of-the-art $528 million 450,000-square-foot building. This newly constructed modern marvel will boast an emergency room 40 percent larger then that of the existing Mills-Peninsula Hospital, and will also provide 243 patient beds in all-private rooms. This new hospital will also have space designated for accommodations for family members of patients, allowing for those who have traveled great distances the ability to remain close to sick loved ones. The blueprints also include an attached office building that will offer space for physician offices, a new parking garage and gardens for people to get away from the hustle and bustle of the hospital.

Mr. Speaker, the Mills-Peninsula Hospital has been in existence for nearly 100 years and is consistently held up as a beacon of excellence for hospitals in the Bay Area. The hospital has been a recipient of numerous awards and recognitions including, being named the Best Hospital in San Mateo County 14 years running by the readers of the San Mateo County Times as well as being named the best place to work in the Bay Area for two consecutive years by the Business Journal Publications. Professional recognitions include being designated as one of the top eight hospitals in the State of California for cardiovascular surgery by the California Office of Statewide Health Planning and Development.

Mr. Speaker, the ground-breaking and planned opening of this hospital has come to fruition due to the tireless efforts of the members and board of the Peninsula Health Care District, Mills-Peninsula Health Services, and Sutter Health, as well as the extraordinary support of community leaders and residents. Without their spectacular efforts, this state-of-the-art facility would be nothing more then a dream. I urge all my colleagues to join me in congratulating the Mills-Peninsula Hospital community on the successful ground breaking of their new hospital.

RECOGNIZING JOHN FINERTY'S 25 YEARS OF SERVICE ON THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. SMITH of New Jersey. Mr. Speaker, today I am pleased o pay tribute to John Finerty for his 25 years of faithful service to the Commission on Security and Cooperation in Europe, the Helsinki Commission. John began his work as a member of the professional staff on November 8, 1981, just 6 years after the signing of the Helsinki Final Act, a period marked by ruthless Soviet repression and widespread violations of human rights and fundamental freedoms.

Driven by a passion for upholding the dignity of the downtrodden, John devoted himself to documenting the cases of political prisoners and prisoners of conscience cast into the Soviet gulag or banished because of their beliefs. His career at the Commission began in the aftermath of the Soviet invasion of Afghanistan, a situation he followed closely. He also focused on the plight of Soviet Jewry, abuse of psychiatry and use of slave labor in the USSR, the persecution of human rights defenders, and repression of religious believers. His determined efforts were undertaken for well-known dissidents and the unknown alike without distinction. The resolution of hundreds of Soviet human rights cases were brought about in no small measure as a result of John's diligence.

The end of the Cold War brought new challenges and opportunities and once again John's talents proved invaluable to me and my fellow Commissioners as freedom began to take root in the former Soviet Union and the subjugation of the Baltic States came to an end. Throughout the turbulent transition, John remained focused on promoting peaceful democratic change while continuing his vigilant defense of human rights. He was part of the first teams to monitor elections in the former USSR. While the conflict in Chechnya has faded from the focus of many, John has not been willing to forget its victims. Similarly, he has helped draw attention to those who have fallen victim to terrorists in places like Beslan.

Mr. Speaker, in this year when we observe the 13th anniversary of the Helsinki Commission, as a long-serving Commissioner and Co-Chairman, I am pleased to recognize and commend John Finerty for his faithful service and tireless defense of human rights and dignity.

HONORING CHIEF TERRENCE P. LIPINSKI OF THE BRIDGEVIEW FIRE DEPARTMENT ON HIS RETIREMENT

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. LIPINSKI. Mr. Speaker, I rise today to honor Chief Terrence P. Lipinski of the Bridgeview Fire Department, in recognition of his retirement, after 30 years of dedicated service. Chief Lipinski has been an invaluable asset to the fire and emergency management community in the United States and we are forever grateful for his passion, wisdom, and guidance.

Terrence Lipinski began his career with the Bridgeview Fire Department as a firefighter, rising to the ranks of lieutenant and shift commander before becoming chief. He has served as chief for over a decade, while simultaneously taking on other state and national leadership roles.

During his career, Chief Lipinski has been president of the Bridgeview ETSB Board, president and vice president of the MABAS Division 21 Chief's Board, a trustee for the Bridgeview Fireman's Pension Fund, and a member of the Illinois Fire Chiefs Association Executive Board. During times of devastation and disaster, as in the aftermaths of the tornado in Utica, IL and Hurricane Katrina, Chief Lipinski has responded as a member of the first command incident team. He has also assisted in establishing a mutual aid system in Texas and, recently, the State of Illinois appointed him as a lead coordinator for a statewide exercise. Currently, Chief Lipinski is vice president of the Mutual Aid Box Alarm System and serves on the Region 7 EMS Advisory Board, the Christ Advocate EMS Advisory Board, and the Moraine Valley Community College Fire Education Advisory Board.

It is my honor today to recognize Chief Terrence P. Lipinski. After 30 years, the Bridgeview Fire Department is privileged to have had his dedication, determination, and impeccable service. Chief Lipinski's contributions, insights, and hard-work have truly made our great nation a better place to live. I wish him the very best in retirement and congratulate him on his accomplishments.

PAYING TRIBUTE TO PAUL C. FISHER

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor the life of my good friend Paul C. Fisher, who passed away on Friday, October 20, 2006.

Paul was a genius and a dreamer, an advocate of the scientific technique in social sciences and a philosopher. Paul is most well known for his invention of the "space pen", which was first used by NASA on Apollo 7 in 1968. Paul was the recipient of the Governor's Distinguished Nevada Business Award in 1989. As a result of his marketing and manufacturing efforts, Paul was presented with the Governor's Industrial Appreciation Award as Exporter of the Year in 1996 by Nevada's Governor Bob Miller.

Paul was also a public servant. He was an outstanding example of a civic and community minded person that I had the privilege of knowing and interacting with during his many years as a resident of southern Nevada. Throughout the years, Paul demonstrated his passion and pride for both his community and country. Having twice run for the President of the United States, he was a strong advocate of economic and tax reforms to better the lives of our Nation's poor. Paul also ran for U.S. Congress in Nevada in 1986 and in Illinois in 1954.

Mr. Speaker, I am proud to honor the life of my good friend Paul C. Fisher. He dedicated his life to the pursuit of ideas that would help improve conditions for mankind. I applaud all his efforts; he was truly a distinguished humanitarian and will be profoundly missed.

TRIBUTE TO MRS. ETHEL MINOR

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. CUELLAR. Mr. Speaker, I rise today to honor Mrs. Ethel Minor, the outgoing President of the National Association for the Advancement of Colored People (NAACP), for her 14 years of service to the San Antonio Chapter of the NAACP.

Ms. Minor was born on November 26, 1922 in the City of San Antonio in the State of Texas. She attended Prairie View A&M University and majored in Business Administration at St. Mary's University in San Antonio, Texas. She then began her 35 years of service to Kelly Air Force Base as an Equal Employment Opportunity Specialist in the Black Employment Program, fighting for equal treatment of employees at the Kelly Air Force Base until her retirement in 1980.

Ms. Minor was involved in the civil rights marches and protests throughout Bexar County during the turbulent 1960s, was elected to the San Antonio Branch of the NAACP in 1987, and served for 10 consecutive years from 1987 to 1996, and 4 years from 2003–2006. Under her remarkable leadership, the San Antonio Branch of the NAACP succeeded with the voter registration drives. She also promoted the education of the African-American youth, advocated for the local African-American community, and organized the San Antonio Annual Martin Luther King Day March Celebration, which has become the largest annual civil rights celebration in the entire Nation with over 100,000 attendees.

In addition to her work as the first female President of the San Antonio Branch of the NAACP, Ms. Minor is extensively involved in many community service and educational organizations including the Centennial, Scholarship, and Diversity Committees at St. Philip's College, the National Coalition of 100 Black Women, and the National Council of Negro Women. She was the first black PTA President at Brackenridge High School, a Member of the District Educational Improvement Council (DEIC) in the East Central School District, and the Program and Nominating Chair of the International Training and Communication ITC. She has received numerous honors and awards such as: the Yellow Rose of Texas which was given to her by then-Governor Mark White, the Key to the City of New Orleans, the Friend of Education Award from American Federation of Teachers, Top Ladies of Distinction Spirit Award, and the Martin Luther King Award. She was also an inductee into the Women's Hall of Fame and has been presented several awards by the local branches and the state chapter of the NAACP as well involved in the religious community at the Antioch Baptist Church where she remains a devoted member.

Mr. Speaker, I am pleased to recognize the passion Ms. Minor has demonstrated in advancing the civil rights of the African-American community.

TRIBUTE TO RUTH D. HUNT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Ruth D. Hunt, a distinguished citizen of Brooklyn, NY. It behooves us to pay tribute to this outstanding woman and I hope my colleagues will join me in recognizing her impressive service.

Ruth D. Hunt is the director of Marketing and Outreach for the New York City Health and Hospital Corporation North Brooklyn Health Network. She has greatly improved the public image of the network, expanded partnerships and promoted health services. Last year, Ms. Hunt coordinated and provided over 300 community outreach health events in Brooklyn and screened over 15,000 participants.

Ms. Hunt is an accomplished manager and developer. She has an extensive background in special events planning, fundraising and has coordinated major events with the Jackie Robinson Foundation, the Doll League, Inc: Women and AIDS Resource Network, Meharry Alumni Association and the National Association of Health Services Executives. Ms. Hunt has also had an extensive career in fashion. She has modeled professionally for more than 100 New York City fashion designers and manufacturers and has graced countless runways, showrooms and trade-shows. She founded Ruth Hunt Associates in 1988. The mission of the company is to help build self-esteem by teaching clients how to look, act and speak their best to achieve career advancement.

Ms. Hunt is most proud of working with Rachel Robinson during the inception of the Jackie Robinson Foundation. She served as the foundation coordinator and implemented the production of four major Jazz concerts. Under the guidance of her mentor, Mrs. Robinson, Ms. Hunt administered and creatively established the historical collection of Jackie Robinson's life and career. This collection later became a traveling exhibition that was sponsored by the Coca-Cola Company.

Mr. Speaker, I believe that it is incumbent on this body to recognize the work of Ruth D. Hunt. Her deep commitment to her community makes her most worthy of our recognition today.

IN RECOGNITION OF THE 10TH ANNIVERSARY OF THE TEXAS MOTOR SPEEDWAY

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. BURGESS. Mr. Speaker, I rise today to congratulate the Texas Motor Speedway for celebrating 10 successful years of racing. The facility is located in the heart of north Texas, between Fort Worth and Denton in the 26th District of Texas.

The Texas Motor Speedway has hosted several NASCAR, Indy Racing League, and other prestigious motor sport races since its inaugural year in 1997. Millions of enthusiastic fans have flocked to enjoy the modern racing and entertainment facilities at one of the fastest tracks in the Nation.

The Texas Motor Speedway has a tremendous impact on the north Texas economy by bringing millions of dollars to businesses, hotels, restaurants, and attractions in the area. The Speedway continues to exceed predictions of its regional economic impact each year.

As an avid racing fan, I regularly attend events at the Texas Motor Speedway. I am pleased to have such a fine facility in the North Texas community, and I proudly boast of its accomplishments on my congressional Web site. In addition to hosting races, the Texas Motor Speedway also supports a number of worthy charities in the north Texas community.

Mr. Speaker, I congratulate the Texas Motor Speedway for 10 distinguished years of serving the racing and Texas communities. I look forward to many more.

A TRIBUTE TO SENATOR SERGIO DE GREGORIO

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor our colleague from the Republic of Italy, the Honorable Sergio De Gregorio.

Senator De Gregorio was elected Senator of the Republic of Italy on April 10, 2006. As President of the Defense Committee for the Republic of Italy, Senator De Gregorio is one of the most important national security officials in one of our most important allied states.

Prior to his election to the Senate, Mr. De Gregorio served as a pioneering journalist who produced many important reports on organized crime, various wars and conflicts in almost every corner of the world. He further established his international credentials during his tenure as Assistant to European Parliament, a position he held until 2004.

Mr. Speaker, the city of Philadelphia is proud to host Senator De Gregorio and 15 distinguished Italian delegates, including four members of his committee: Hon. Paolo Guzzanti; Hon. Filippo Berselli; Hon. Calogero Mannino; and Hon. Gianni Nieddu, as well as Princess Josephine Pritchard Borghese and Hon. Salvatore Ferrigno, to Philadelphia for a four-day tour of the city and its various Italian American businesses, factories and importers. Their visit will also include three events to raise funds for the construction of an Italian American Cultural Center to be located in Northeast Philadelphia.

The Republic of Italy has long been a critically important ally in the fight against terrorism and against organized crime. As a member of the House Armed Services Committee, I am pleased that this important delegation will be touring defense facilities in my District. And, as a son of Italy, I am equally proud that they will be doing so much to help us create the Italian American Cultural Center. I know that all of my colleagues will join me in welcoming them to the United States.

TRIBUTE TO BISHOP-ELECT RANDALL E. HOLTS

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. MEEK of Florida. Mr. Speaker, today I rise to pay tribute to Bishop-Elect Randall E. Holts on the occasion of his recent election and appointment as Bishop last Sunday, November 12, 2006. He is currently serving as the senior Pastor of the New Hope Missionary Baptist Church of Miami.

Deeply devoted to his vocation, Bishop Holts has spearheaded many spiritual revival symposia that have enlightened the community through his insightful theological teachings and preaching of God's Word. Guided by the motto, "Building Strong Families for the 21st Century," he has admirably paved the way for a clearer understanding and deeper commitment on the part of his Congregation toward the Sacred Scriptures.

In 1997, he formed a leadership team that focused on the emergence of the "New Hope Development Center, Inc.," a 501c3 non-profit corporation, to ensure self-sufficiency of families through economic empowerment to enhance the quality of life of both Church members and other people from surrounding neighborhoods. Indeed, it is fitting and proper to give praise to Almighty God for blessing this Church with the longevity of Bishop-Elect Holt's service to his Congregation, and to all those who seek comfort and solace in its Church Sanctuary.

A native of Miami, Florida, Bishop-Elect Holts obtained his early education from the Miami-Dade County Public Schools and went on to get his Bachelor's degree in 1976 from the University of Florida's School of Business majoring in Banking and Finance. He worked in the banking profession for the next 20 years; for which he obtained praise and tribute from his colleagues. As he retired from his professional banking ventures, he committed his full-time service as Pastor of the New Hope Missionary Baptist Church. He now also serves on the Board of Directors for North Shore Medical Center, as well as on the Collective Banking Group of Miami-Dade & Vicinity, and other community-based organizations.

He is married to Prophetess Sharlene Denise Holts and has been blessed in this Holy Matrimony for over 30 years. Three children were born out of this happy union—Shontel, Ericka and Randall II—along with two grandsons, Jaelyn and Justin. He has led his Church with a good mixture of old-time religion and civic responsibility that continues to strengthen the members, not only to become spiritual and moral leaders, but also responsible and conscientious guardians of good government and civic pride.

Indeed, his inspiring leadership is genuinely admirable. As a servant of God and as a spiritual leader he has earned the community's deepest respect. This is the legacy with which he now guides his Church, and I extend to him my heartfelt congratulations.

PAYING TRIBUTE TO E. STEVEN SMITH

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor the life of E. Steven Smith, who passed away on Monday, October 16, 2006.

Dr. Smith, a leader in forensic dentistry, was the founding dean of the UNLV School of Dental Medicine, the first dental school in the State of Nevada. He oversaw the school's founding from 1999 until 2002, when the first students entered the school.

When he moved to Las Vegas to lead the dental school, Dr. Smith began volunteering his time and expertise with the Clark County coroner's office in examining dental records. His efforts often provided closure for family members who may otherwise not have know the fate of a missing loved one.

Dr. Smith was also the founder of the Crackdown on Cancer Initiative. This body would travel to schools throughout Nevada to warn students about the effects of tobacco on the mouth, providing an invaluable public service.

Mr. Speaker, I am proud to honor the life of E. Steven Smith. Under his leadership, Nevada now has a world class institution for Dental Medicine education. His amalgamation of professional success and community activism is exemplary. He will be greatly missed.

CONGRATULATING MAYOR WALTER CONWAY UPON BEING NAMED "CITIZEN OF THE YEAR" BY THE DELAWARE WATER GAP CHAMBER OF COMMERCE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Mr. Walter Conway, mayor of Delaware Water Gap, Monroe County, Pennsylvania.

Mayor Conway has been named "Citizen of the Year" by the Delaware Water Gap Chamber of Commerce and will be honored at an award dinner Tuesday, October 17, at the Water Gap Country Club.

A graduate of St. Joseph's University in Philadelphia, Mayor Conway and his wife, Cathy, have two children, Cathleen Conway and Mrs. Wendy Scott.

Mayor Conway is a veteran of the United States Army, having served in Vietnam where he distinguished himself and was the recipient of numerous medals and commendations.

Mayor Conway began his community involvement in Delaware Water Gap in 1997 as a member of the Planning Commission. He has been chairman of the Planning Commission since June, 2004. During this time, he has been instrumental in revising numerous zoning ordinances.

Mayor Conway is active in the Delaware Water Gap Chamber of Commerce and is the backbone of the current annual golf tournament. He also sponsors a Mayor's Cup Golf Tournament.

Mayor Conway has obtained over $485,000 in grant money for the borough and other related organizations, such as the Antoine Dutot Museum, the police department and the fire department.

And even though he resides in the borough's flood zone, he is well known for helping his neighbors even before he works on his own home. He also coordinates all flood recovery efforts.

He was a past member and president of the Kittatiny Lions Club. He is currently a veteran member of the Kiwanis Club. He served as Lt. Governor for Division 17 in 1993 for the Pennsylvania District of Kiwanis International. He was also a recipient of the Pennsylvania Kiwanis International Keystone Award.

For the past 15 years, he has been involved with golf tournament fund raising for the Geisinger Children's Heart Program. He is also active with the Children's Miracle Network.

Mr. Speaker, please join me in congratulating Mayor Conway on this happy occasion. His commitment and service to the Borough of Delaware Water Gap has greatly enriched the quality of life in that community.

TRIBUTE TO THE VAQUEROS

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. CUELLAR. Mr. Speaker, whereas, the Vaqueros are the true original cowboys of south Texas, and they were an essential part of the early ranching industry in Jim Hogg County.

Whereas, Vaqueros were renowned for their exemplary ranching and stock-handling skills, which were needed for the development of ranches and without them, the ranching industry would not have developed to the State it is today.

Whereas, the skills and the ranching practices shown by the vaqueros have left a lasting impact on modern ranching. The equipment of the vaquero—saddle, chaps, bandana, lasso, and spurs—has become the standard gear of all Texas cowboys.

Whereas, the first ranches founded in the area with the help of the vaqueros were Randado, Las Noriacitas, Las Animas, San Antonio Viejo, Las Emamadas, Las Viboritas, El Baluarte, and San Javier. Some of these ranches are still held by descendants of the original owners such as Randado, which was visited by General Robert E. Lee during the Civil War.

Whereas, ranching remains one of the vital elements of the economy in Jim Hogg County, and the city of Hebbronville is located on the land that once was a part of the Las Noriacitas Ranch. W.R. Hebbron, the town's namesake, established the city along the route of the Texas Mexican Railway in 1883.

Be it hereby resolved, That Congressman HENRY CUELLAR, in representing the 28th Congressional District of the State of Texas, commends the City of Hebbronville on its celebration of the history of the vaquero on November 4, 2006.

TRIBUTE TO PATRICIA WILLIAMS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Patricia Williams, a community leader and entrepreneur. It behooves us to pay tribute to this outstanding woman and I hope my colleagues will join me in recognizing her impressive service.

Born to the Honorable Kathryn Williams and the late James Williams, Patricia Williams credits living and growing up in evolving neighborhoods like Harlem, Bedford Stuyvesant and East New York as an inspiration to work for social and economical change.

Ms. Williams knows hard work is an investment. She currently is the President/CEO of Ecotech Enterprises, Inc., a firm she established to provide consultant services to government agencies, private sector corporations, and small, minority-owned business enterprises. In the past, Ms. Williams provided community outreach and event planning for the Brooklyn Museum of Art Construction Project. She has delivered bottom line services such as marketing and sales to well known small businesses and she provides fundraising and workshop development assistance to several non-profits. Ms. Williams has been called upon as a panelist and guest speaker on numerous occasions and is considered an authority on business development.

Prior to starting her own consulting firm, Ms. Williams was executive Director of the Minority Business Opportunity Center under the U.S. Department of Commerce, Minority Business Development Agency where she provided business services to more than 70,000 minority/women-owned and small businesses. As senior Administrator of Equal Employment Opportunity and Diversity for Morse Diesel International, she successfully implemented policies to ensure 100 million dollars of contracting opportunities for minority-owned and small businesses where she exceeded labor force and contracting goals set for women and minority skilled workers at JFK Airport's Terminal 4 construction project. She was Senior

Employment Specialist and Career Development Instructor for Non-Traditional Community College, Operations Manager for Madison Avenue firm Durham Temporaries Inc., and has several years of experience at the U.S. Small Business Administration, Finance Division.

Ms. Williams attended John Jay College where she majored in Criminal Justice and Labor Law. Her work has not gone unnoticed. Ms. Williams has been recognized by several government agencies and community organizations. She is also the recipient of the Columbia University Non-Profit Executive Management Scholarship. Ms. Williams is the proud mother of two, Leah and John.

Mr. Speaker, I believe that it is incumbent on this body to recognize the work of Patricia Williams. Her deep commitment to her community makes her most worthy of our recognition today.

CELEBRATING 100 YEARS WITH THE EVERMAN INDEPENDENT SCHOOL DISTRICT

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. BURGESS. Mr. Speaker, I rise today to honor the Everman Independent School District as they celebrate their 100th anniversary of providing quality education for its students. The Everman School District has been a fixture in southwest Fort Worth since 1906.

The School district was first established in 1906 when the Enon School and the Antioch School consolidated to make the Everman School. After the merger the School district prospered, experiencing massive growth in the community as well as the student body population.

During its 100-year history, Everman ISD has earned state and national recognition in academics, athletics, fine arts, leadership, and service disciplines.

The mission of Everman Independent School District is to provide all students with an educational program which allows them to develop their full potential intellectually, physically, and socially in order to be responsible citizens and contributing members of society. With a century of success behind them, I am more than confident that Everman ISD will continue to educate and inspire the young adults that walk the halls of their schools.

Mr. Speaker, it is with great pride that I stand here today and honor the 100th anniversary of the Everman Independent School District for their dedication and continuing commitment to education in Everman, Texas.

TRIBUTE TO KENNETH J. FLEISHER, ESQ.

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor a man who personifies the finest traditions of the legal profession. Kenneth J. Fleisher is a Philadelphia native. He is a magna cum laude graduate of Yale University and a cum laude graduate of Harvard Law School.

For more than a decade he has been a member of the prestigious law firm Zarwin, Baum, DeVito, Kaplan, Schaer, Toddy, P.C. in Philadelphia.

He also serves as the chair of the Philadelphia Bar Association's Real Property Section.

In spite of his impeccable legal credentials I did not meet Mr. Fleischer in a board room, at a big ticket gala or as the attorney of record representing a powerful client. I came to know him because of the countless hours that he and an amazing group of attorneys have put into representing, on a pro bono basis, my constituents who were forced from their homes because their properties were literally sinking on a street in my district.

Mr. Speaker, putting aside any question of profit, Ken and his fellow volunteers at the Philadelphia Volunteers for the Indigent Program have worked tirelessly to ensure that these constituents who found themselves in the middle of a bureaucratic nightmare had the best legal representation possible. No words can express the gratitude I have for their diligence and commitment to work through the legal maze these homeowners faced.

But, Mr. Fleisher's efforts would come as no surprise to anyone who knows the culture of the Zarwin firm. It has been home to many people I have been honored to work with and call my friends over the years. It is a firm that inspires leadership and dedication in its attorneys. Two of my good friends, the late Rotan Lee, a former Philadelphia School District president, and Seth Williams, Philadelphia's Inspector General, both were a part of the firm.

Mr. Speaker, as the Philadelphia legal community today honors Mr. Fleisher for his highly successful tenure as chair of the Philadelphia Bar Association's Real Property Section, I ask my colleagues to join me in thanking him for his service and wish him well in the future.

PAYING TRIBUTE TO MELANIE TEEMANT

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Ms. Melanie Teemant for her outstanding achievements as a seventh-grade teacher.

On October 18, 2006, Melanie was named 2007 Nevada Teacher of the Year for hard work and dedication to her young students at Bob Miller Middle School in Henderson, Nevada. The award was presented by the Department of Education and it is also part of a nationwide program from the Council of Chief State School Officers.

As part of the award, Melanie was given a key to the city of Henderson and she is entered in the nationwide competition for teacher of the year. She is given a trip to the Nation's capital in April, during which she'll have the opportunity to meet President Bush. Melanie was also awarded a trip to Huntsville, Alabama, this summer where she will be visiting a NASA space program.

Once a year, Melanie holds a performance entitled Dancing Through the Decades, where she gives her students a chance to share some of what they learned in her reading class. She heads the school's teacher mentor program, which is designed to help new teachers acclimate to the school as well as helps them develop lesson plans and reviews classroom management skills. Melanie is active in afterschool activities, such as student council, guitar club, and the scrapbook club.

Mr. Speaker, I am proud to honor Ms. Melanie Teemant for her commendable devotion to improving the lives of her students. Her perseverance and dedication is an admirable trait. I applaud her efforts and I wish her luck in all her future endeavors.

CONGRATULATING DON COOPER UPON THE OCCASION OF HIS RETIREMENT FROM THE WYOMING VALLEY JEWISH COMMUNITY CENTER AND THE JEWISH FEDERATION IN WILKES-BARRE, PENNSYLVANIA

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Mr. Don Cooper, retiring executive director of the Wyoming Valley Jewish Community Center and the Jewish Federation in Wilkes-Barre, Luzerne County, PA.

During his tenure, Mr. Cooper developed an active and involved membership that included commitment and participation from all elements of the community. He also enhanced JCC programming in all areas by developing and encouraging an outstanding, competent, productive and loyal staff.

Mr. Cooper made exceptional contributions in the areas of day care, elder programming and leadership development. He has protected, improved and expanded the JCC facility in downtown Wilkes-Barre and its day camp facility nearby.

He has overseen successful fundraising and grant writing applications that have assisted in securing the financial future of the JCC.

Mr. Cooper received a BA in sociology and economics from the University of Cincinnati and a MSW; ACWS in community organization from Western Reserve University.

During the course of his career, Mr. Cooper served as a field worker in the Greater Cleveland Neighborhood Centers Association; assistant executive director for the Lenox Hill Neighborhood Association in New York; assistant executive director for the Jewish Federation and Council of Greater Kansas City; executive director for the Tampa Jewish Federation/Jewish Community Center; and as executive director for the Jewish Federation of Greater Hartford.

Mr. Cooper is affiliated with the Academy of Certified Social Workers, National Association of Social Workers, National Association of Jewish Community Organization Personnel, CJF and UJA regional and national planning committees; professional advisory board of Joint Distribution Committee; University of Pennsylvania School of Social Work Board of Visitors; and the Beth Israel Zion Synagogue in Philadelphia.

Mr. Speaker, please join me in congratulating Mr. Cooper on the occasion of a well deserved retirement. The contributions he made to the Jewish community as well as the community at large have been responsible for improving the quality of life for so many people, a fact for which Mr. Cooper should be justifiably proud.

TRIBUTE TO THE 150TH ANNIVERSARY OF THE SEBASTOPOL HOUSE STATE HISTORIC SITE

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. CUELLAR. Mr. Speaker, I rise today to honor the 150th anniversary of the Sebastopol House State Historic Site in the city of Seguin, located in the 28th District of Texas.

This 3,000 square foot home was built in 1856 and is constructed mainly of limecrete, an early form of concrete, a material rarely used in the area. Joshua Young, who lost his son in the Civil War, built the Sebastopol House and later sold the house to his sister, who then sold it to Joseph and Nettie Zorn. Joseph Zorn served as alderman, postmaster, and mayor of Seguin for 20 years, was instrumental in the growth and the modernization of the city, and left a remarkable legacy in the creation of the trustee-managed, free public school system in 1891. The house remained with the Zorn family until the death of Calvert Zorn, when the house was rented out to families, including that of Robert and Mary Ybarra, who lived in the house for many years.

The Sebastopol House faced the threat of demolition in the early 1960s, but was saved by the Seguin Conservation Society to serve as a historic house museum until 1976, and was restored to its original condition in the 1980s by the Texas Parks and Wildlife Department to preserve this important piece of Texas architectural history. As we look back on the past 150 years of this house and its inhabitants with pride, we also look forward to an enduring future for the Sebastopol House State Historic Site.

Mr. Speaker, I am honored to have had this time to honor the 150th anniversary of the Sebastopol House State Historic Site.

IN RECOGNITION OF ASSISTANT CHIEF OF POLICE JOHN DAVID LYNN

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. BURGESS. Mr. Speaker, I rise today to commend Assistant Chief of Police John David Lynn as he retires from 34 years of service in the North Richland Hills Police Department.

Assistant Chief Lynn began his career in 1973 as a patrolman. He was assigned to the Criminal Investigations division, and by 1975 he had been promoted to Sergeant. Throughout Mr. Lynn's career, he has served as a patrol supervisor, been promoted to the rank of Captain, and served as the Investigative Services Division Commander for 11 years. During his service as Captain, Mr. Lynn attended the 139th Session of the FBI National Academy in Quantico, Virginia.

In May of 1993, Mr. Lynn was promoted to his current rank of Assistant Chief of Police. As commander of the Management Services Bureau, Assistant Chief Lynn was awarded his second Meritorious Service Award. He also served as Interim Chief of Police for several months in both 1998 and 2005 for the Police Department.

Mr. Speaker, it is with great honor that I recognize Assistant Chief of Police John David Lynn's 34 years of dedicated service to the North Richland Hills Police Department and Community. I am proud to serve as his representative in Washington, D.C.

PAYING TRIBUTE TO JOHN B. BRIGHT

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor John B. Bright for his service to our Nation's veterans.

John was appointed by the Veterans Health Administration as the Director of Veterans Affairs of the Southern Nevada Healthcare System in Las Vegas, Nevada, on May 1, 2006. He was previously the Associate Director since May 6, 2005.

Prior to his appointment in Las Vegas, John was the Chief Financial Officer at the VA Facilities at Big Spring and Amarillo, Texas since 1998. He has also been the Chief Financial Officer at Phoenix, AZ and Reno, NV. He began his career in 1985 at the VA in Seattle, WA and served in management positions at VA Hospitals in Durham, NC, Prescott, AZ, Battle Creek, MI and San Antonio, TX. John is a Veteran who served in the United States Army from 1972 through 1975.

As Director of the Southern Nevada Healthcare System, John has continually advocated for the construction of the new Las Vegas Veterans Hospital Complex. John is devoted to our veterans in southern Nevada and goes above and beyond to ensure that veterans receive care. He has always been a remarkable resource to the congressional delegation and their staff. Dedicated public servants like John understand the contributions that our Nation's veterans have made and are an indispensable component of the veterans' healthcare system.

Mr. Speaker, I am proud to honor John B. Bright. His long and distinguished career in service to our Nation's veterans is commendable. I applaud him for all his hard work and success.

PAYING TRIBUTE TO JOHN L. CHURNETSKI, WILLARD G. KRESGE, AND LEE W. ECKERT, FOUNDERS OF QUAD THREE GROUP INC. IN WILKES-BARRE, PENNSYLVANIA

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to John L. Churnetski, Willard G. Kresge and Lee W. Eckert, founders of Quad Three Group, Inc. in Wilkes-Barre, Luzerne County, Pennsylvania.

Quad Three Group is a full service architectural, engineering and environmental science firm that has grown from a single proprietorship in 1967 to a firm employing 70 people today in Wilkes-Barre, Scranton, and Pittsburgh, PA.

From 1967 through 1987, the company was a multidiscipline professional engineering firm known as Utility Engineers which served a large number of architectural firms, commercial and industrial clients and municipalities. A large part of the firm's growth came from contracts with the U.S. Department of Defense.

In 1987, Utility Engineers, which had employed 35 people, merged with the largest architectural design firm in the Wilkes-Barre/Scranton area, Pyros and Sanderson, which employed 15 people, to form Quad Three Group, Inc.

Noteworthy regional projects they completed included Blue Cross Blue Shield of Northeastern Pennsylvania headquarters, Luzerne County Community College Technology Building, Penn State University Wilkes-Barre and Hazleton campuses, Martz Trailways Office Building, InterMetro Industries Corporate Headquarters Building, the environmental impact study for the Francis E. Walter Dam Hydroelectric Project, Newport, Rhode Island and Lakehurst, New Jersey Naval Base Utility System Upgrade and the $85 million Steamtown Mall project in downtown Scranton.

They also completed the Philadelphia Naval Shipyard Base Re-Alignment and Closure project, ten major K–12 and higher education projects, the $45 million Wachovia Arena at Casey Plaza and the $30 million Mount Laurel Center for the Performing Arts.

Mr. Churnetski received his bachelor of science in mechanical engineering from Notre Dame University. Mr. Kresge received his bachelor of electrical engineering from Penn

State University and Mr. Eckert received his bachelor of science in civil engineering from Penn State University. Between the three founders, they have 127 years of combined engineering experience.

Mr. Speaker, please join me in congratulating these three talented men who have distinguished themselves in the engineering world as well as in their northeastern Pennsylvania community. Their commitment to excellence and professionalism has benefited everyone associated with Quad Three Group and has contributed to improving the quality of life in the entire region.

TRIBUTE TO FIREFIGHTER PHIL PFISTER

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mrs. CAPITO. Mr. Speaker, I rise today to congratulate and honor one of my constituents, Charleston firefighter Phil Pfister on becoming the World's Strongest Man.

This award was bestowed after a long and arduous competition amongst 25 athletes from around the world. The 10-day contest in Sanya, China included events such as bus pulls, car pushes, stone lifts, and tire turns.

Mr. Pfister, is the first American to win this competition in 24 years. After trailing in the early events, Mr. Pfister focused his strength, discipline, and determination to win the final five events leading him to the title. His hard work and dedication during training certainly paid off.

Nonetheless, after all his glory of winning this prestigious competition, Mr. Pfister returned to West Virginia a few days later and promptly resumed his daily work of protecting our wonderful city of Charleston as a firefighter.

I am proud to honor Mr. Pfister for his accomplishments in the World's Strongest Man competition and his dedication to the Charleston community through his service as a fireman. West Virginia is truly fortunate to have him as a Mountaineer.

CONGRATULATING KEN SMITH ON HIS RETIREMENT FROM THE SANTA ROSA COUNTY SCHOOL BOARD

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. MILLER of Florida. Mr. Speaker, I rise today to congratulate and pay tribute to Ken Smith, who is retiring from the Santa Rosa County School Board after 28 years of service. Mr. Smith's dedication to his community and the education of its children is profound and commendable.

Mr. Smith was born in Bagdad, Florida. He first got active in the school system in Santa Rosa County when he volunteered at his children's schools as a PTA member. After serving as PTA president at Oakhurst Elementary, he was elected to his first term on the Santa Rosa County School Board in 1978. He is currently the second longest serving School board member in the State of Florida, having served with 17 board members and 3 superintendents. He has held the positions of chairman and vice chairman of the board 7 times each.

Through the years, Mr. Smith has served on several board committees, most notably the Vocational Committee, working with the State to acquire the Locklin Technical Center, the first and only vocational center located in Santa Rosa County. He has also been active in the Lions Club, Optimist Club, and the Ferris Hill Baptist Church.

Mr. Smith's effort to better Santa Rosa County schools is admirable. His devotion to the education of the children of his community is inspirational. I congratulate him on his accomplishments and his retirement.

PAYING TRIBUTE TO PRIVATE FIRST CLASS PHILLIP B. WILLIAMS

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor the life of United States Army PFC Phillip B. Williams who was killed on October 9, 2006, in Baghdad, Iraq, while serving in Operation Iraqi Freedom.

Private First Class Williams was assigned to Headquarters and Headquarters Company, 4th Brigade Troops Battalion, 101st Airborne Infantry Division, Fort Campbell, Kentucky. During his service, Private First Class Willams was decorated with the National Defense Service Medal, the Iraq Campaign Medal, the Global War on Terrorism Service Medal, and the Army Service Ribbon. For his bravery on October 9th, Private First Class Williams was posthumously awarded the Bronze Star, the Purple Heart, the Army Good Conduct Medal, the Overseas Service Ribbon, and the Combat Action Badge.

Mr. Speaker, I am proud to honor the life of United States Army PFC Phillip B. Williams. Private First Class Williams made the ultimate sacrifice for his country while defending democracy and freedom. He was a true patriot who served the United States of America with valor and courage. I am saddened by his loss and I extend my deepest sympathies to his family.

IN RECOGNITION OF THE 100TH ANNIVERSARY OF COLLEGE OF THE OZARKS

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. BLUNT. Mr. Speaker, I rise to pay honor to an institution celebrating its centennial milestone this month. College of the Ozarks is an institution of higher learning that for many years was known as "The School that Runs on Faith." This small Christian college, located in the hills near Branson and Hollister, Missouri, has seen its share of struggle and triumphs. But central to the College is its mission of providing a Christian education to young people from the Ozarks who are deserving, yet financially unable to procure such training.

Originally, the purpose of the School of the Ozarks, also known by its students and graduates as "Hardwork U," was to provide an opportunity for a high school education. This mission was pursued without significant change until 1956, when The School of the Ozarks added 2 years of junior college to the 4-year high school program. This format continued until 1964 when the Board of Trustees and the faculty voted to expand the 2-year program into a 4-year liberal arts program. The 4-year college program of the School of the Ozarks began classes for juniors in September 1965. In 1990, the Board of Trustees approved changing the operating name of the School of the Ozarks to "College of the Ozarks."

The distinctive tradition of the work program and the college's commitment to its five-fold mission of academic, spiritual, cultural, vocational, and patriotic growth in its students has attracted and continues to attract famous guests, including U.S. Presidents and First Ladies, U.S. Commanding Generals, Prime Ministers, and other dignitaries who recognize its uniqueness. Today, the college offers degrees in 34 academic areas, and student enrollment is approximately 1,400.

More than ever, our country needs young men and women with these values to serve as leaders. Dr. R.M. Good, who led the school during the Depression years once said, "Investments in humanity bring substantial and sure dividends." This is why the college has a renewed commitment this centennial year to continue its worthy, distinct mission—a tradition that works. It is these things—a respect for and appreciation of our roots and work tradition, as well as the prospect of a promising future—that College of the Ozarks will celebrate throughout its centennial year.

I want to wish College of the Ozarks another 100 years of service to the region, educating and inspiring students with a curriculum that emphasizes character, faith and excellence.

FARM RESERVOIR ACT

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. EVERETT. Mr. Speaker, I am introducing legislation today, along with my colleagues Representatives JO BONNER and MIKE ROGERS, to assist American farmers in dealing with drought conditions and enable them to increase their farm productivity. The need for on-the-farm drought management has become increasingly evident as farmers and the government struggle to keep ahead of the effects of Mother Nature. In recent years, droughts have had a costly impact on agricultural producers throughout the country, and the current drought conditions for the 2005 and 2006 crop years dramatically underscore the devastating toll these natural disasters have on our Nation's farmers and ranchers. Ad hoc government disaster assistance is often slow and inadequate, and frankly, a better use of tax dollars would be to help farmers take steps to minimize the impact of drought on their crop before the disaster strikes.

The Farm Reservoir Act would provide cost-share assistance to agriculture producers for the construction of reservoirs on their farms. For many farmers, pumping water from streams, lakes and wells during the growing season is not an option. However, by collecting and storing surface water in reservoirs during the off-season, when rainfall and stream levels are typically high, farmers can attain an effective source of irrigation. As population growth places more demand on water resources, we will need new sources of irrigation water. On-farm irrigation storage, which is made possible by my legislation, has the potential to greatly expand agricultural irrigation capacity and make farming more productive. Under the Farm Reservoir Act, cost share assistance would be provided through the Environmental Quality Incentives Program (EQIP) to assist farmers with the construction of reservoirs. The maximum amount of cost share assistance is 50 percent of the cost of the reservoir. In order to qualify, a project must meet EQIP eligibility requirements and be deemed eligible based on its cost-effectiveness. The producer must maintain agricultural production on the land for at least 5 years.

PAYING TRIBUTE TO TONI CLARK-FINUF

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Mrs. Toni Clark-Finuf for her dedication to the community of Las Vegas.

Toni, known throughout town as "The First Lady of Las Vegas," helped her late husband, Wilbur Clark, establish the prominent Desert Inn Hotel and Casino. The fifth resort on a 2-lane highway, now the Las Vegas Strip, with 300 rooms and a 3-story tower opened on April 24, 1950. On October 23, 2001, Toni watched as her late husband's hotel was reduced to rubble in order for the now-popular Wynn Hotel and Casino to be erected.

In 1958, the Fashion Foundation of America named Toni to its 10 Best Dressed Women in America. She was among a small group who helped high-fashion designs from Paris and New York become stock in the forum shops of Las Vegas.

Toni was also a civic leader who spent seven decades sponsoring and promoting cultural arts as well as other philanthropic work in Las Vegas. Her and her husband donated land to the Catholic Church, now the location of the Guardian Angel Cathedral. Toni and Wilbur traveled throughout the world as goodwill ambassadors, praising the virtues of Las Vegas to various presidents and kings as well as Pope Pius XII. In January 2000, Governor Kenny Guinn presented the honor Nevada Ballet Theatre's Women of the Year to Toni during the Black and White Ball.

Seven years ago, Toni was diagnosed with progressive super nuclear palsy, a rare neurological disease. Sadly, on October 4, 2006, Toni passed away. She was 91.

Toni contributed a great deal to her community. She will truly be missed by everyone she touched. Her service and care helped shape Las Vegas into the thriving metropolitan city known today and we thank her for all her service.

RECOGNIZING THE PHILANTHROPIC WORK PERFORMED BY MEMBERS OF THE MILLENNIUM CIRCLE FUND OF THE LUZERNE FOUNDATION IN WILKES-BARRE, PENNSYLVANIA

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. KANJORSKI. Mr. Speaker, rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to the Millennium Circle Fund of the Luzerne Foundation in Wilkes-Barre, Pennsylvania, the members of which perform philanthropic work that benefits the community in many ways.

The Millennium Circle Fund is a special group of donors whose gifts of $2,000 play a pivotal role in helping identifying significant unmet community needs.

October 2006 has been designated as Millennium Circle Month in Luzerne County, Pennsylvania. Members of the Millennium Circle Advisory Committee have held a series of events in recent months to help spread the word about the good works of the organization and to introduce the concept of perpetual giving.

Since 2001, the Millennium Circle Fund has granted $65,000 to non-profit organizations throughout Luzerne County.

In 2001, a $10,000 grant was used to present 28 "Follow Your Dreams" motivational presentations to local high school students.

In 2002, a $10,000 grant was presented to the Diamond City Partnership for downtown Wilkes-Barre revitalization.

In 2003, a $10,000 grant was presented to Candy's Place, a community support center for cancer patients and their loved ones.

In 2004, a $15,000 grant was presented to Friday's Child, a Jewish Community Center of Wilkes-Barre program for autistic children in the region.

In 2005, a $20,000 grant was presented to the McGlynn Center to support educational programs for at-risk children in the city of Wilkes-Barre.

Members of the Millennium Circle Fund are urged to recommend needy causes for grants and then the members vote in order to choose grant recipients.

Mr. Speaker, please join me in congratulating members of the Millennium Circle Fund for their unyielding devotion and commitment to the community in which they live.

Members of the Millennium Circle exemplify their motto, "Local People . . . Identifying Local Needs . . . Providing Local Solutions." Clearly, this organization has contributed toward improving the quality of life in northeastern Pennsylvania and, for that, the entire community is grateful.

CONGRATULATING ANTHONY J. ZAGAMI ON HIS RETIREMENT

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. TOM DAVIS of Virginia. I rise today to honor to Mr. Anthony J. "Tony" Zagami on the occasion of his retirement after 40 years of dedicated public service to the legislative branch and to our Nation.

I first met Tony in the mid-1960s, when we both served as pages in the United States Senate and attended the Capitol Page School. Tony continued his service to Congress while working his way through college and law school. He received a bachelor of science degree from the University of Maryland School of Business and Public Administration, and a Juris Doctor from the George Mason University School of Law. He served in a variety of positions before leaving Capitol Hill in 1990 to become general counsel to the Government Printing Office, the agency responsible for producing the CONGRESSIONAL RECORD. He worked tirelessly to improve and modernize the organization.

Tony has been active in many professional, civic and social organizations, including the American and Federal Bar Associations, the U.S. Capitol Historical Society, the National Italian American Foundation, the Make-A-Wish Children's Foundation of Greater Washington, and the U.S. Senate Staff Club, of which he served as a board member and counsel. He is an elected official and former chairman of the U.S. Senate Federal Credit Union Board of Directors, as well as the past president of the Capitol Hill Chapter of the Federal Bar Association.

Throughout his many years on Capitol Hill and at GPO, Tony was known for his dedication and commitment to public service. He has been the recipient of numerous awards and recognitions, among them being listed in Who's Who in Washington and Who's Who In American Law. His vast experience and knowledge will be greatly missed.

Mr. Speaker, in closing, I ask my colleagues to join me in congratulating Anthony J. "Tony" Zagami and wishing him the best of luck in all future endeavors.

IN HONOR OF WILLIAM WHALEN

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Ms. PELOSI. Mr. Speaker, I rise to pay my final respects to William J. Whalen III, a great San Franciscan and a great American who died on September 28, 2006. Bill Whalen gave a lifetime of service to our National Parks and our Golden Gate National Recreation Area, GGNRA. Together with Congressman Phillip Burton and environmentalist Edgar Waybum, he preserved and enhanced an area of unsurpassed beauty, ecological benefit and recreation for present and future generations. The GGNRA is a monument to the tenacity of a handful of leaders and interested citizens who struggled to realize their dream.

Bill Whalen's career began as a youth counselor in the Great Smoky Mountain National Park. He moved on to serve as deputy superintendent of Yosemite National Park where he implemented a pioneering mass transit program to reduce traffic congestion.

In 1972, only 32 years old, Bill Whalen became the first superintendent of Golden Gate National Recreation Area, where he embraced the daunting challenge of developing and expanding the GGNRA. He masterminded the immense task before him with extraordinary ability and innovative planning. He invited politicians, environmentalists and residents to collaborate in creating this world-class people's park. Bill created a Citizens Advisory Commission to encourage citizen participation and public-private partnerships, resulting in unprecedented public support and involvement. He transformed Fort Mason Center and launched the Golden Gate National Parks Conservancy that raised over $100 million to implement the GGNRA's plans.

His great success led to an appointment by President Jimmy Carter in 1977 as the youngest director of the National Park Service. He believed that the American people should have a greater role and voice in managing our Nation's parks and directed emphasis on urban parks that had previously been ignored. Bill implemented the Alaska Native Lands Claims Settlement Act that created 44 national parks and doubled the size of national park lands nationwide.

God blessed San Francisco with a handful of extraordinary leaders and a troop of citizens whose teamwork produced the Golden Gate National Recreation Area. Rarely do individuals of such caliber, intellect and determination converge in one place at one time. With the consummate political acumen of Congressman Phillip Burton, the vision of environmentalist Edgar Waybum, the executive genius of Bill Whalen, and the voice, vigilance and support of citizens led by Amy Meyer, the GGNRA flourished and today is the most visited National Park in America.

I offer my deepest sympathy to Mary, Bill Whalen's beloved wife of 47 years, his sons, William IV, Dennis, Timothy and Michael, and his five grandchildren as well as our deepest appreciation for sharing their magnificent husband, father and grandfather with us. As they have lost a loved one, so the San Francisco Bay Area has lost one of its distinguished sons. We will never forget the beauty and riches he brought to our lives as well as to future generations.

PAYING TRIBUTE TO TROOPERS EDDIE DUTCHOVER, ROSELL OWENS, AND SHAWN MARTIN

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Troopers Eddie Dutchover, Rosell Owens, and Shawn Martin for their roll in the apprehension of Warren Jeffs, one of the most wanted men in America.

On Monday August 28, 2006, Trooper Eddie Dutchover pulled over a maroon Cadillac Escalade along the northbound lanes of Interstate 15 for a routine traffic stop. Upon questioning the passengers of the vehicle Dutchover noticed discrepancies in the accounts given by driver Isaac Jeffs and his passenger—fugitive prophet Warren Jeffs, leader of the Fundamentalist Church of Jesus Christ of Latter Day Saints. Isaac Jeffs had just consented to a search of the Escalade when two other troopers, Rosell Owens and Shawn Martin, arrived.

The three troopers conducted a comprehensive search of the vehicle and discovered: $67,500 in $100 bills; at least 14 cell phones; a radar detector; two global positioning system units; laptop computers; half a dozen pairs of sunglasses and three wigs—one blond, one black and one brunette.

Warren Jeffs, formerly of Colorado City, Ariz., was wanted on sexual abuse charges stemming from marriages that authorities say he arranged among minors and was one of the FBI's 10-most wanted. Due to the diligence and investigative prowess of these Nevada State Troopers one of the most dangerous men in America is now in custody and will be held accountable for his actions.

Mr. Speaker, I am proud to honor Troopers Eddie Dutchover, Russell Owens, and Shawn Martin. Their actions on the evening of August 28, 2006 relieved the American people of one of its most wanted criminals. These three individuals are excellent examples of the service that America's first responders provide for this country. I applaud their actions and wish them the best in their future endeavors.

CONGRATULATING DR. C. RICHARD HARTMAN AS HE RETIRES AS PRESIDENT AND CEO OF SCRANTON PENNSYLVANIA COMMUNITY MEDICAL CENTER

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Dr. C. Richard Hartman, who is retiring as president and chief executive officer for the Scranton Pennsylvania Community Medical Center.

Dr. Hartman has served at the helm of Scranton CMC since January 17, 1996.

During his tenure, Dr. Hartman made many improvements to CMC including a fully accredited Regional Level II Trauma Center.

He also introduced a comprehensive vascular service line that includes open heart surgery and interventional cardiology.

He established a partnership with Maternal and Family Health Services for women's and children's services. He also established a partnership with the Children's Advocacy Center and he was responsible for a newly expanded emergency department.

Dr. Hartman has kept CMC at the forefront of the many changes and challenges facing health care today. Mr. William E. Aubrey II, chairman of the board of CMC Healthcare Systems, noted that in addition to his responsibilities as President and CEO, Dr. Hartman served on many boards and displayed a dedication to the entire community. He also noted that Dr. Hartman was part of the effort to reform medical malpractice liability, Medicare reimbursement and, most recently, was part of the effort aimed at developing a new medical college in northeastern Pennsylvania.

Prior to serving at CMC, Dr. Hartman was vice president of medicine and academic affairs at St. Vincent Medical Center in Toledo, Ohio; vice president of medical affairs for the Washington DC Hospital Center; professor of Medicine for George Washington University and several posts at the University of Kansas Medical Center including chief of staff; Vice Chancellor of Clinical Affairs and Emergency Services Director.

Dr. Hartman is a fellow of the American College of Physicians. He is board certified in internal medicine and endocrinology and he completed his medical education, residency in internal medicine and fellowship in endocrinology through the University of Kansas Medical Center.

Dr. Hartman's memberships include diplomat status in the American College of Healthcare Executives; president and board member of the American Heart Association, Lackawanna Division and board member of the United Way, the Scranton Everhart Museum and the Hospital Association of Pennsylvania. He is a member of the Pennsylvania Association of Non Profit Organizations, Lackawanna Industrial Fund Enterprises through the Scranton Chamber of Commerce; Keystone College President's Advisory Council; the Lackawanna County Medical Society and the Pennsylvania Medical Society.

Mr. Speaker, please join me in congratulating Dr. Hartman on the occasion of his retirement. His tireless efforts to improve medical care and treatment has enhanced the quality of life for thousands of people in northeastern Pennsylvania and, for that, we are all grateful.

RECOGNIZING BERNIE HANSEN'S SERVICE ON BEHALF OF THE GREAT LAKES

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. KIRK. Mr. Speaker, as co-chair of the House Great Lakes Task Force, I rise today to honor former Chicago Alderman Bernie Hansen for his outstanding service as a member of the Great Lakes Fishery Commission. As a member of this prestigious, binational commission, Alderman Hansen worked tirelessly to support measures that protect the Great Lakes fishery and helped to improve the regional economy and environment. He held several positions on the commission including Chair, Vice-Chair, U.S. Section Chair, and Chair of the Finance and Administration Committee. He retired from the commission earlier this year, after 12 years of dedicated service.

The Great Lakes Fishery Commission was established by the 1954 Convention on Great Lakes Fisheries, a treaty between the United States and Canada. The commission is responsible for conducting fisheries research, making recommendations to the government about how to improve fish stocks of common concern, and, most notably, controlling the destructive, invasive sea lamprey. U.S. commissioners are appointed by the President of the United States and serve because they are honored to do so, without compensation.

Alderman Hansen excelled at his job as commissioner. As a sitting Chicago Alderman, his knowledge of the Great Lakes' political landscape was a great benefit to the commission, particularly during the work of the Great Lakes Regional Collaboration, convened under President's Bush's Executive Order for the Great Lakes. He vastly improved communications between the commission and elected officials, he consistently brought new and relevant issues to the commission's attention, and he helped the commission better manage and evaluate its programs. He left a lasting mark on many commission products and programs including the Strategic Vision for the First Decade of the New Millennium and the communications program.

Alderman Hansen is a life-long resident of Chicago and served as Alderman for 20 years, retiring in 2002. He is particularly proud of his role on the City Council for environmental and recycling legislation, which gave Chicago one of the most aggressive and workable recycling programs in the country.

Alderman Hansen is a true asset to Chicago and to the Great Lakes region. Because of his work on the commission, the fishery is stronger, the environment is healthier, the people of the region are better off, and the commission itself is a better institution. I ask my colleagues to join me in thanking him for his remarkable service to the Great Lakes.

INTRODUCTION OF THE TROOPS TO TEACHERS IMPROVEMENT ACT OF 2006

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. PETRI. Mr. Speaker, today, I am introducing the Troops to Teachers Improvement Act of 2006, along with Congresswoman Doris Matsui, to improve opportunities for veterans to transition into second careers in teaching. I have been a supporter of the Troops to Teachers program since its authorization and I am proud of its success over the last decade. Since 1994, this program has placed nearly 10,000 veterans in our nation's classrooms.

Troops to Teachers is a unique program that provides veterans with a $5,000 stipend to help cover the costs of teaching certification in exchange for three years service in a high-need school, which until recently was defined as receiving grants under part A of Title I. To further encourage participants to teach in schools with the greatest need, a $10,000 bonus is offered to those who agree to teach for three years in a school with 50 percent of students below the poverty level.

This structure has proven very effective in transitioning qualified retiring military personnel into second careers in teaching. Indeed, Troops participants fill several critical needs among educators: eighty-two percent are male, over one-third ethnic minorities, and a majority bring an expertise in science and math to the classroom. In an increasingly globalized economy, these valuable characteristics provide a vital resource for schools across the country.

However, this success is now in jeopardy due to a drafting error in the 2001 No Child Left Behind Act which has inadvertently restricted the number of schools in which participants may fulfill their service. The applicable definition for "high-need local education agencies" for Troops to Teachers was inadvertently changed as it was included in the section of the legislation regarding other alternative programs that had a different definition. This stricter definition requires a higher threshold for "high-need" requiring the school to have either 10,000 students or 20 percent of students from families below the poverty level. However, the original Title I definition of high-need was also retained in the law in the section specifically detailing the Troops program. Essentially, Congress accidentally created two conflicting definitions of "high-need" with regard to this program.

Early on, the Department and the Troops to Teachers program recognized this unintended, change in law and worked together to address it. From 2003–2005, while discussions were being held on how to reconcile this discrepancy, the program continued to operate under the original and intended definition. However, after the completion of a negotiated rulemaking process in September 2005, the Department issued a regulation stating that the new, stricter definition was not an error but congressional intent. As one of the leading supporters of this program during the drafting of No Child Left Behind, I can assure my colleagues that this was clearly not the intent of the supporters of the program.

Mr. Speaker, the unfortunate result of this, aside from limiting the number of schools in which veterans may teach and honor their obligation of three-years service in this program, is that it has disproportionately impacted western and rural states. In my home state of Wisconsin, the number of eligible school districts has been reduced from approximately 400 to 11. Not surprisingly, participation in the programs has fallen significantly since the implementation of the new definition last year. This decision, although understandable given the conflicting definitions contained in the law, is a disservice both to veterans wishing to continue their service to our nation as educators as well as children who stand to benefit from their unique expertise.

The bottom line is that we are losing out on great teachers because they cannot accept the certification stipend due to a lack of schools meeting the higher needs threshold in their community. The more we restrict opportunities for participation, the fewer teachers we will be able to bring into public education, and the fewer teachers we will eventually be able to attract to the schools with the greatest need. Further, given the President's recent focus on the need for more math and science teachers, as well as their support for adjunct and alternative routes to teaching programs, we should be removing, not creating, restrictions that prevent qualified teachers in these areas from teaching in our nations classrooms.

Mr. Speaker, with Troops to Teachers, the Department already has an established program that is well-funded and successful. Rather than restricting it, we should be maximizing this program's potential. The bill we introduce today simply clears the confusion surrounding the conflicting definitions of "high-need" and represents a compromise between the two. Specifically, it allows for participants to teach in high-need schools, as defined by having received grants under part A of Title I, if no other school, for which the member is qualified to teach, under the new definition exists within a 50 mile radius of the participant's residence.

This is a pragmatic solution that is perfectly in-line with the spirit of No Child Left Behind while also supporting our veterans and students by maximizing opportunities for participation. I urge my colleagues to join me in supporting this successful program and restoring the opportunity to "serve again" to our nation's veterans.

TRIBUTE TO MR. TYRUS "T.P." TURNEY

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. ADERHOLT. Mr. Speaker, today I would like to pay tribute to the late Mr. Tyrus "T.P." Turney and to recognize his many accomplishments. He was truly a man who embodies the American principles of hard work, dedication to one's family and service to one's community. T.P. Turney was born December 17, 1935 in Morgan County, Alabama to Alonzo Fletcher Turney and Alice Pauline Sharp Turney and raised in Northern Alabama. Mr. Turney served 18 months in the United States Army in Germany and worked for 43 years and three months at a chemical lab in Monsanto, Alabama. In 1976, Mr. Turney was appointed to serve on the Morgan County Board of Education and was re-elected the four following terms. He was a member of the Brewer Lions Club for 17 years and served as an officer for the Morgan County Cattleman's Association. He was a member at the First Christian Church in Hartselle, Alabama where he also served as a Deacon, an Elder and as Chairman of the Board. T.P. Turney was an avid supporter of Gospel music. He had a great love for new book "convention" singing and was, at the time of his death, President of the Morgan County Singing Convention. He was a devoted family man with great respect for his father and mother and the values that they instilled in him at an early age. Mr. Turney loved his country and was proud he had an opportunity to serve in the U.S. Army. T.P. Turney passed away at his home in Valhermoso Springs, Alabama on Sunday, July 23, 2006. He is survived by his wife, Sandra; two sons, Steven Turney of Trinity, Alabama and Irby Gray of Orlando, Florida; three daughters, R. Jeannine McCormick of Gardendale, Alabama, Teresa Burton of Saraland, Alabama, and Tammy Cowan of Okeechobee, Florida; two brothers, Gerald Turney of Valhermoso Springs, Alabama and Carleton Turney of Somerville, Alabama and seven grandchildren. T.P. Turney was an inspiring role model for all of us and I join his family and friends in remembering him today.

FREEDOM FOR LEONICO RODRÍGUEZ PONCE

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Leoncio Rodríguez Ponce, a political prisoner in totalitarian Cuba.

Mr. Rodríguez Ponce is a member of the Pedro Luis Boitel Association of Political Prisoners and an opponent of the dictatorship of the Castro brothers. He has committed himself to doing everything possible to bringing an end to the dictatorshp and to restoring democracy to that enslaved island. Because of his steadfast belief in freedom, democracy and the rule of law, Mr. Rodríguez Ponce has constantly been targeted by the dictatorship.

According to Prima News, Mr. Rodríguez Ponce was severely beaten in the gulag and confined to a punishment cell in 2002. According to Directorio, he has undertaken numerous hunger strikes while in the gulag to call attention to the gross human rights abuses in Cuba and in July of this year he courageously signed the following statement:

> The Pedro Luis Boitel Association of Political Prisoners would like to express, once again, its complete and unconditional support for the measures presented by the commission for a Free Cuba, and we urge the President of the United States of America, George W. Bush, to implement them immediately.
>
> Cuban political prisoners, conscious of the intolerance and lack of political will of the Havana regime, support all measures which pressure the dictatorship to concede to openings with the objective of restoring a democratic system in Cuba with the rule of law where each Cuban can exercise the inalienable prerogatives and freedoms which they possess by the single fact that they are human beings.
>
> We also support any initiative to offer support and help to the democratic forces that are struggling and resisting from inside Cuba in an unequal and titanic battle against the totalitarian hoards of hate and oppression. In the same way, we are sincerely encouraged by the great effort shown so that Cubans on the island may receive with greater reach and clarity truthful and objective information through Radio and Television Martí.
>
> With the clear conviction and certainty of the importance of depriving the regime of its repressive organs and resources which uphold it and consequently are used to harass citizens, we look with enthusiasm on any action to put an end to such a terrible situation.
>
> We Cubans long for and need democracy, and in order to obtain it we are willing to endure the greatest sacrifices. The government in Havana and its lackeys in the media are determined to distort the content and purpose of the aforementioned Commission. They try to make one think that it is a military threat from our neighbor to the north or an interventionist policy. On the contrary, the measures presented to the President of the United States by the Commission for Assistance to a Free Cuba only seek to accelerate the nonviolent transition to democracy in Cuba, which will have as its protagonists Cubans both in and out of the island.
>
> For all of them, we urge all Cubans who long for the reestablishment of democracy and an open and pluralist society where the execution wall, exit permits, and exile cease to be paths for those who dissent from government policies, to support this initiative which together with others will contribute decisively to bringing down this unjust and undemocratic system which has lasted nearly half a century.
>
> And to the frontmen of Castro's government-run press, it is time to stop manipulating information. Far from attacking and cowardly disqualifying their adversaries, they should have the dignity of providing the people with transparent information in its whole and unadulterated state so that after knowing it, the people may come to their own conclusions, without Machiavellian interference and deliberate gaps. The contrary is deceit and political cowardice.

Mr. Speaker, it takes extraordinary, truly admirable courage to sign a document that demands freedom when the signer knows the Castro brothers' machinery of repression will be unleashed on him and his family. Mr. Rodríguez Ponce is representative of the fighting spirit of the Cuban people: of their rejection of the brutality, discrimination, depravity, and oppression of the totalitarian tyranny. Mr. Rodríguez does not waiver in his conviction that freedom and democracy are the inalienable right of the Cuban people. It is a crime against humanity that Castro's totalitarian gulags are full of men and women, like Mr. Rodríguez, who represent the best of the Cuban nation.

Let me be very clear, Mr. Rodríguez Ponce is imprisoned because he refuses to accept the Castro brothers' dictatorship in Cuba today. Mr. Speaker, we must speak out and act against the abominable violations of human rights, human dignity, and human freedom just 90 miles from our shore. My colleagues, we must demand the immediate and unconditional release of a Leoncio Rodríguez Ponce and every political prisoner in totalitarian Cuba.

TRIBUTE TO JOHN SILHAVY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. VISCLOSKY. Mr. Speaker, it is with great honor and pleasure that I stand before you today to recognize the many accomplishments of Mr. John Silhavy. I have known John for many years, and he is one of the most involved citizens I have ever known, especially when it comes to his service to the International Association of Machinists and Aerospace Workers (IAM & AW). John has been a member of the IAM & AW for an astounding 45 years, and his contributions to the organization are immeasurable. Though John has been a constant fixture within the organization, he will be retiring from the IAM & AW at year's end. For his efforts and many contributions to the union, John will be honored at a retirement celebration on Saturday, December 9, 2006, at the IAM & AW Local Lodge 1227 in Valparaiso, Indiana.

John Silhavy was born in Valpamiso, Indiana in 1943 and grew up on a farm with his two brothers and two sisters. After graduating from the Valparaiso. School System in 1961, he joined the IAM while working for McGill Manufacturing. John's service as an elected member of the union began in 1965, when he was elected Union Steward in the external grinding department. From there, John's dedication to the union and its members continued as he was elected Vice President of Local Lodge 1227 in 1969. With John's commitment to serve, it is only fitting that in 1971, John was elected President of Local Lodge 1227, a position he would hold for an astonishing 23 years. Equally impressive, John also served as a member of the Bargaining Committee from 1970 to 1994.

Aside from his service to the local lodge, John also held many posts with District Lodge 72, a further demonstration of his commitment to the union and its membership. From 1976 to 1994, John served as a Delegate of the Lodge. The respect and trust the union's members have for John has never been questioned, and evidence of this can clearly be seen in the fact that John also was elected to serve as Trustee, Vice-President, and of course, President of District Lodge 72. John held this distinguished position until 1994, when he was elected to the position of Business Representative for District Lodge 90. Since then, John's service has continued, and in 1999, he was elected to his current position, Directing Business Representative for District Lodge 90, a post he will vacate through his retirement on December 31, 2006. Also important to note, in 1996, John served on the IAM Blue Ribbon Commission, which was established with the goal of finding ways to improve the IAM on a national level. John's knowledge of the union and his field, along with his willingness to serve, has made him one of the most well-respected individuals the union has ever seen. His daily presence will surely be missed.

When not engaged within the union, John spends his spare time with those closest to him, his family. A loving husband, father, and grandfather, John's commitment to the union and its members is surpassed only by his dedication to his family. John and his wife, Carolyn, have shared many wonderful years together. They have been blessed with two daughters, Tina and Tammy, and John's stepsons, Robert and James. John and Carolyn are also the proud grandparents of James, Jason, Joel, and Jordan.

Mr. Speaker, John Silhavy has given his time and efforts selflessly to the members of the International Association of Machinists and Aerospace Workers for the past 45 years. At this time, I ask that you and all of my distinguished colleagues join me in commending him for his lifetime of service and dedication.

TRIBUTE TO MATTHEW VERNON PURBAUGH

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. HYDE. Mr. Speaker, I rise today in recognition of a young friend of mine, Matthew Vernon Purbaugh. While Matthew does not reside in my district, he and I share a great love of the English language and a great respect of words in general.

Matthew Purbaugh is an amateur published poet; his poem "Noon" appeared in the International Society of Poets' 2006 edition. He was awarded "Outstanding Achievement in Poetry" and Best Amateur Poet. Matthew was recently invited to submit a new work for "Who's Who in American Poetry."

I share his poem "Words" with you today.

WORDS

What is it in a word
That
Can Stir the heart of men
To bring them to do great and
Courageous deeds?

What is it about words.
That,
Let them have the power
To topple empires of stone and steel?

What is it about words,
That
Let them go deeper than the strongest bullet?

What is it about words,
That
Let them hold sway over men
More than their fate
More than the point of a gun?

What is in words?
That
Lets something we have created
Hold sway over us, more than,
Our deepest fears?
And our greatest, Driving Desires?

HONORING DR. MUHAMMAD YUNUS, NOBEL PEACE PRIZE WINNER 2006

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to honor Dr. Muhammad Yunus of Bangladesh, winner of the 2006 Nobel Peace Prize.

Dr. Yunus is a visionary in the effort to improve the economies of the developing world. He first began his revolutionary work in 1974 during a widespread famine in his native Bangladesh. Then an economics professor at Chittagong University, Dr. Yunus began experimenting with different ways to help the poor. He struck upon the concept of microcredit, the provision of very small loans to poor individuals to start or improve basic businesses.

Although desperately poor, those to whom Dr. Yunus lent money proved to be dependable clients and could be relied upon to repay their debts. When local banks declined to make small loans of this sort, Dr. Yunus founded the Grameen Bank in order to do it himself. To date, the Grameen Bank has disbursed more than $5.3 billion to nearly 7 million borrowers, most of whom have no collateral.

Dr. Yunus' objective is to rid the world of poverty, and his microcredit concept has indeed showed promising results. Roughly half of Dr. Yunus' clients have achieved basic economic objectives: a home with a metal roof; clean drinking water; a sanitary latrine; warm clothes for winter and mosquito netting for summer; about $75 in a savings account; and schooling for the children. Upon this foundation, one can envision a world in which the scourge of poverty is banished.

Dr. Yunus' achievements have long been praised; it is fitting that he has finally received the high honor of the Nobel Prize. I ask that my colleagues join me in congratulating Dr. Yunus on this occasion.

DIVESTMENT FROM SUDAN

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. WOLF. Mr. Speaker, I want to share with our colleagues my statement from a press conference I hosted with Congressman DONALD PAYNE, and the Genocide Intervention Network today calling on all State Governors to divest from companies doing business in Sudan. Local students from Langley High School and Westfield High School also participated, and I would like to commend them for being so active on this issue.

Thank you all for coming. Today I join my good friend and congressional colleague Donald Payne in calling on all states to divest from companies doing business in Sudan. I want to especially thank the Sudan Divestment Taskforce and the Genocide Intervention Network for working so hard on this issue. This movement started at UCLA and Swarthmore College and has gained recognition over the last 2 years. I also would like to thank all of the students in attendance. So many young people are embracing this issue. I commend them and urge them to remain vigilant.

For over 20 years the government of Sudan engaged in a brutal civil war with the people of southern Sudan. This conflict took the lives of over 2 million people. During this time slavery flourished and terrorism took root in Sudan. In 2003 a conflict in Sudan's Darfur region broke out. The government reacted by unleashing a war on innocent people and began the genocide. That was 3 years ago. Over 400,000 people have died since and over 2 million continue to be at risk.

I led the first congressional delegation to Darfur. I witnessed the horror these people live with day to day and the impact of decades of war. Just last week the United Nations reported fresh ongoing attacks. There is no question that the government of Sudan orchestrated and continues to direct the genocide in Darfur. In one village, 27 of the people that were killed were children under the age of 12. The United Nations is working to try to get desperately needed U.N. troops on the ground but the government of Sudan continues to reject this deployment.

Targeted divestment from companies doing business in Sudan is an action that can make a difference. The genocide in Sudan can be stopped. Every American can do his or her part. The United States Congress and the president have called it genocide. It is now up to the states to apply economic pressure on the government of Sudan and divest from companies doing business in Sudan. We have seen in the past that the government in Khartoum responds to economic pressure.

Last month I called on my home state of Virginia to divest and a state senator will be putting forth legislation when the General Assembly returns in January. I hope every state will follow the lead of California, Connecticut, Illinois, Maine, New Jersey and Oregon which have already moved to divest from companies doing business with Sudan. Today we call on the remaining 44 states to do the same.

We encourage all governors to review their state's pension funds and identify companies which are doing the type of business in Sudan that is aiding the government and fulfilling this genocide, not helping the people. We ask that they work with their state legislators to enact legislation to divest from those companies.

California just passed a law last month and its model of targeted divestment limits the scope of companies and investments, providing a good plan for action. We need to send a signal to the government in Khartoum that America and the West will not stand silent in the face of genocide—that the women and children in those camps matter as much to us as our own families.

History will judge our willingness to act.

OCTOBER IS NATIONAL SPINA BIFIDA AWARENESS MONTH

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to the more than 70,000 people in the United States currently living with Spina Bifida, the most common permanently disabling birth defect. Each October we recognize these Americans during National Spina Bifida Awareness Month and recognize the importance to work year round to advance research, programs, and policies to meet the needs of this important community.

National Spina Bifida Awareness Month is sponsored by the Spina Bifida Association (SBA), which for more than 30 years has helped those living with and affected by this debilitating birth defect. As co-chair of the Congressional Spina Bifida Caucus, I've had the honor to work with my co-chair, Representative CHRIS SMITH, and SBA to advance Spina Bifida awareness, research, and public health efforts in Congress. Founded in 1973, SBA is the Nation's only organization solely dedicated to advocating on behalf of the Spina Bifida community. Through its nearly 60 chapters in more than 125 communities, the SBA brings expectant parents together with those who have a child with Spina Bifida. This interaction helps to answer questions and concerns, but most importantly it lends much needed support and provides hope and inspiration.

Mr. Speaker, Spina Bifida is a birth defect that can happen to anyone. It is a neural tube defect that occurs in the first month of pregnancy when the spinal column does not close completely. Everyday, an average of eight babies are affected by Spina Bifida and approximately 3,000 pregnancies are affected by this birth defect each year. We do not know the exact cause of it, but research found that if a woman takes 400 mcg of folic acid every day before she becomes pregnant, she reduces her risk of having a baby with Spina Bifida or another neural tube defect by as much as 70 percent.

No two cases of Spina Bifida are ever the same. While Spina Bifida typically causes a host of physical, psychosocial, educational, and vocational challenges, approximately 90 percent of all babies diagnosed with Spina Bifida live into adulthood, approximately 80 percent have normal IQ's, and approximately 75 percent participate in sports and other recreational activities. With access to appropriate and comprehensive care, people with Spina Bifida can live productive and fulfilling lives. The National Spina Bifida Program—which I helped to create with Representative CHRIS SMITH—plays a critical role in improving the quality of life for people with Spina Bifida. I am hopeful that the House allocation of $6 million for the program in FY 2007 will be maintained in the final FY 2007 Labor-Health and Human Services-Education bill and thank my colleagues in advance for helping to ensure this important funding is provided.

I thank the SBA for its partnership and its commitment to ensuring that we are doing all that we can to reduce and prevent suffering from Spina Bifida and I congratulate the SBA on the occasion of its 18th annual Roast that took place on October 3. I would also like to take this opportunity to commend the SBA of the Upper Peninsula of Michigan for working tirelessly to help the families of those living with Spina Bifida meet the challenges and enjoy the rewards of raising their children.

REMEMBERING THE TRAGEDY OF FLIGHT 587 ON THE FIFTH ANNIVERSARY OF THE FATAL CRASH

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. RANGEL. Mr. Speaker, I rise today to honor the lives of the 265 people who lost their lives on November 12, 2001, when American Airlines Flight 587 crashed into Belle Harbor in Queens, NY.

November 12 will always be a solemn day in hearts of many, including my own. On that fateful day, when the American Airlines Flight 587 crashed into Belle Harbor Queens and killed 260 passengers and 5 residents, it changed the lives of not just their families, but also multiple communities here and in the Dominican Republic.

There is no rhyme or reason to such events. No amount of time or information will ever answer why it happened. Just two months after the tragedy of Sept. 11, the crash reminded us all of how fragile our lives are and how precious are the moments we share daily with our loved ones.

Leaders and government officials on every level of government have tried to do their best to ease the grief of the families and bring some sense of closure to this tragedy. We have organized economic and social resources for relatives, pressed the NTSB to conduct a thorough investigation, and urged American Airlines to do what is right when settling with families.

There are, of course, still some outstanding issues. Yet today, after a lot of hard work, we will see the unveiling of a memorial that is more than a reminder of an unexplained tragedy, but a beautiful testament to how they lived.

They were like millions of dreamers who come to this land, strapped with hopes for a better life for themselves and their children. These immigrants bring a dynamic energy to this land, achievements that can be seen in every part of society. Yet no matter how successful they are here, no matter how grateful they are to their American opportunities, part of their soul still remain in their homelands.

For thousands of Dominicans, that first flight of the morning—or any flight back to the Dominican—is what they dream about when they are pulling the long hours, working multiple jobs and stretching their paychecks to survive in this city. It is more than their reward for a job well done. It is their chance to enjoy a home cooked meal by midday with those they hadn't seen for months or years. It is their chance to feel complete again—if only for just a couple of days.

It is not easy, but it is a sacrifice that many do daily.

And so, while there is much to be sad about today, we can all take comfort that this memorial will always serve as a reminder of the beauty and strength of the Dominican people. A reminder that the families of Flight 587 have not been crushed by the weight of this devastating tragedy or the adversity that has followed.

A reminder that the spirit of a community did not die that day, but instead, continues to grow and inspire others.

TROOPS TO TEACHERS IMPROVEMENT ACT OF 2006

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Ms. MATSUI. Mr. Speaker, today, my colleague, Mr. PETRI, and I introduced the Troops to Teachers Improvement Act of 2006. I am proud to bring this bipartisan effort before the House. I first learned about the Troops to Teachers program at a California Purple Heart Veterans Day event in my district. Two different veterans who are participating in the Troops to Teachers program spoke with me about the program and how it had offered them the chance to continue to contribute to our country. After serving their country in the Armed Forces, they were now able to teach in high-need school districts.

With a slogan like, "Proud To Serve Again," Troops to Teachers is a unique program that provides stipends to military retirees to obtain the necessary certification for a second career in teaching. Equally important, the program places much needed math, science and special education teachers in the classroom. In fact, over 46 percent of Troops to Teachers participants teach science, a significant improvement over the national average of 18 percent. Additionally, veterans who participate in the Troops to Teachers program fill another void for male and ethnic minority teachers. Right now, our country is seeing 7 percent of the Nation's teaching force leave every year, and we have a need for highly qualified science and math teachers. Simply put, the Troops to Teachers program has never been more important.

First authorized in 1993, the program was designed to help members of the military obtain teaching credentials to teach in large districts with low-income schools. A variety of retired, separated, active duty and transitioning military members and veterans—including disabled veterans—are eligible to participate. Those who are interested are required to have a bachelor's or advanced degree, or if applying for a vocational or technical teaching position, are required to have at least 6 years of experience in the field. The program has successfully recruited and placed almost 10,000 veterans in school districts since then. In my home State of California, 571 veterans are currently participating in the program.

Unfortunately, a small change under the No Child Left Behind Act, NCLB, of 2001 greatly affected where veterans could teach to fulfill their stipend. In some areas of the country, retiring military and veterans interested in the program now have to drive 50 to 100 miles to find an eligible school. This has resulted in a 20–30 percent drop-off in veteran participation, which has seriously hindered this productive and necessary program.

The bill that my esteemed colleague Mr. PETRI and I are introducing today would fix this error. The bill would allow participants to fulfill their teaching obligation at any school that receives title I funding, and is therefore, considered a high-need school. Prior to the NCLB change, participants were able to fulfill their teaching obligation in any school within my district in Sacramento, as they all receive title I funding. However, under the more restrictive rule, only 211 of the 350 schools in my district are eligible. Currently, 61 percent of the high schools in my district are not eligible.

I believe in this program and want to see disabled and retiring military have a second chance at serving our country. Recently, the Disabled American Veterans magazine published a story about William Mimigia, a retired Marine Corps major who proudly served in our military for 31 years. Now a middle school special education teacher, Mr. Mimigia was recently named the 2006 Middle School Teacher of the Year by the California Troops to Teachers program. In the article, he is quoted as saying, "I served with good people who sacrificed so much for our country. I promised myself I would find a way to help them some day. What better way than to help their kids and the kids some of them would never have a chance to have? Teaching lets me do that."

Mr. Mimigia's dedication to serving our country and contributing to future generations is honorable. This program offers our returning veterans an opportunity for them to feel the same sense of fulfillment that Mr. Mimigia expressed. Troops to Teachers brings important math, science, and foreign language expertise to our classroom and fills a critical need among our educators. These characteristics make Troops to Teachers an excellent source of highly qualified educators and my colleague and I bring this bill before the House today to ensure that others can continue to serve our country—whether in the military or in the classroom. I hope that we can work swiftly on this bipartisan bill to do just that, and will continue to support the ideals behind the Troops to Teachers program in the 110th Congress.

TRIBUTE TO LINDA MILLS

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. JOHNSON of Illinois. Mr. Speaker, I rise today in honor of the memory of Linda Mills of Champaign, Illinois who passed away on Thursday, September 14, 2006. A great community leader and active businesswoman, Linda Mills has left a footprint in Central Illinois that will always be remembered.

Linda Mills was dedicated to improving the lives of those in the Champaign-Urbana community for many years. As President of Busey Travel and director of Busey Bank, Mrs. Mills volunteered at the Don Moyer Boys & Girls Club where she served as president for many years. The executive director of this club remembers Linda Mills as an extremely compassionate lady, she was very interested in the education of our kids. Along with the Boys & Girls Club, Mrs. Mills also volunteered her time at the Cunningham Children's Home where the President and CEO of the Home always remembers Linda Mills' heart for the community, helping to meet the needs of children and adults who needed help overcoming the odds. She did so many great things in an unassuming fashion. She was someone who wasn't flashy. So much she did, no one would ever know about.

One longtime friend, Carol Scharlau, has said that Linda Mills had a commitment to building a better community and in such a sincere and caring way. Some people volunteer for different reasons. But with Linda, compassion for others came through in everything she did.

In 2005, Linda Mills and her husband Doug pledged $10 million to establish the Mills Breast Cancer Institute at Carle Clinic in Urbana. As one who had suffered from breast cancer herself, Mrs. Mills felt very strongly about the research and the help this organization could give to serve others who suffer from breast cancer.

Mr. Speaker, I ask my colleagues to join me today in honoring the memory of Mrs. Linda Mills.

HONORING THE LIFE OF MARILYN MENNELLO

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. MICA. Mr. Speaker, I rise today to honor and pay tribute to Marilyn Mennello of Winter Park, Florida, a wonderful friend, tireless advocate for the arts and community leader in Central Florida. She was a philanthropist who rose to national prominence as an arts patron who inspired all whom she met.

From humble beginnings in Pasadena, California, Marilyn moved to the Orlando area in 1962. Raising two daughters, she was a successful business woman and community activist.

She devoted her time and energy to charity work, especially in the arts. In 1964, she was appointed to the Cultural Affairs Committee and later founded a volunteer group of 101 women to raise funding for the Loch Haven Arts Center, now the Orlando Museum of Art. This group became one of the most successful fundraising organizations in Central Florida benefiting the Orlando Science Center, the Orlando Museum of Art, the American Heart Association of Central Florida and the Florida Hospital. In 1998 she and her husband, Michael Mennello cofounded the Orlando Mennello Museum.

She is credited for discovering the work of Earl Cunningham, a self-taught artist and shop owner from Maine. He displayed his paintings in his St. Augustine shop that included an array of vivid harbor scenes and Americana. Over 15 years, the Mennellos worked to promote him as an important folk artist. The Mennellos presented one of his pieces to President George W. Bush for the White House Collection. Cunningham's art now hangs proudly in the Mennello Museum. An exhibition featuring Cunningham's work will open in the Smithsonian in Washington, DC next year.

Not only was Marilyn Mennello special to art appreciation in America, she was a patriot who dearly loved our country. She was also a loving mother and grandmother to her daughters, Lynda and Sylvia, and her grandsons, Alec and Andrew.

To her devoted husband, Michael, we extend our deepest sympathy.

To Marilyn's entire family, we extend our condolences.

Mr. Speaker, because of Marilyn Mennello's dedication to our Nation and to art in America, I ask all Members of the U.S. House of Representatives to join me in recognizing and remembering her life.

RETIREMENT OF PEARL MOORE

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. DOYLE. Mr. Speaker, I rise today to recognize my constituent and Oncology Nursing Society Chief Executive Officer Pearl Moore, for her life-long commitment to advancing oncology nursing and helping people with cancer. In January, Pearl will be retiring from her position as the CEO of the Oncology Nursing Society.

Ms. Moore has lived and worked in Pittsburgh all of her life, and we are proud to have her as a member of our community. Ms. Moore received both her Bachelor of Science of Nursing and Master of Nursing degrees from the University of Pittsburgh and has been an adjunct assistant professor at the University's School of Nursing since 1983.

As a pioneer practitioner, Pearl served at Montefiore Hospital in Pittsburgh as one of the Nation's first oncology clinical nurse specialists in the Nation. Thirty years ago, Ms. Moore and other oncology nurses founded the Oncology Nursing Society and in 1983 she became its CEO. During her tenure, the Oncology Nursing Society has grown to the largest organization of oncology health professionals in the world, with more than 33,000 registered nurses and other health care professionals. The Society's mission is to promote excellence in oncology nursing and quality cancer care. The Oncology Nursing Society honors and maintains nursing's historical and essential commitment to the public good by providing nurses and healthcare professionals with access to the highest quality educational programs, cancer-care resources, research opportunities, and networks for peer support. I commend the Oncology Nursing Society's staff and members, especially Ms. Moore, for all that they do and have done to improve the quality of care for people with cancer.

Ms. Moore's strong leadership and experience in quality cancer care has been recognized by many organizations. In 1996, the International Society of Nurses in Cancer Care presented her with its Distinguished Merit Award in recognition of steadfast and prolific contributions to the art and science of cancer care worldwide. In 2004, Ms. Moore was named a University of Pittsburgh Legacy Laureate, which honors alumni who have been recognized for their outstanding personal and professional achievements. Additionally, Ms. Moore serves as a member of the School of Nursing's Board of Visitors at the University of Pittsburgh, as well as the Advisory Board for People to People, and the Johnson & Johnson Advisory Board for the Campaign for Nursing's Future. All of these honors are extremely well-deserved. I understand that despite all of her professional achievements, she is most proud of her role as beloved grandmother of her two grandsons, Niko and Tony. Niko and Tony are lucky young men to have such an accomplished and dedicated grandmother.

On behalf of the people of Pennsylvania's 14th Congressional District and all people who have or may be touched by cancer, I would like to thank Ms. Moore for her outstanding and innumerable contributions to oncology nursing. As a nurse and leader in the field for almost 50 years, Ms. Moore has made it her life's mission to help others, and she should be applauded for all she has accomplished. Cancer patients and their families have benefited immensely from Ms. Moore's involvement and leadership in cancer care.

I am most grateful to Pearl Moore for her ongoing commitment to assuring access to quality cancer care for all cancer patients and their families, and I wish her all the best on the occasion of her retirement.

TRIBUTE TO NATIONAL ADOPTION DAY

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. CARDOZA. Mr. Speaker, I rise today to recognize Saturday, November 18th as National Adoption Day and to celebrate all adoptive families.

On the Saturday before Thanksgiving, courtrooms across the country will come together to dedicate the resources of our judicial system to finalize adoptions of kids currently in the foster care system.

In the 5 years since National Adoption Day was established, it has truly grown into a national celebration. Last year, 3,300 adoptions were finalized as part of 227 nationwide events.

Unfortunately, despite the declining number of children waiting in foster care, there are still 118,000 children seeking adoption.

This is simply unacceptable. It is our duty as a prosperous nation to unite and ensure these children find safe, loving homes.

Six years ago, my wife and I decided to expand our family and open our home to two foster care children.

Like many adoptive families, we faced many challenges during this process. But these experiences have only made our family stronger.

The adoption process is often complicated and riddled with paperwork, meetings, and home studies—important factors when accessing the ability of a family to care for a new child—but they can also discourage qualified parents from embarking on the adoption process.

The foster care community has been working with Congress and State governments across the country to streamline the adoption process and focus on limited resources, such as requiring frequent home visits and experienced caseworkers.

As Members of Congress, it is our job to be the voice for foster children and make sure their dreams are recognized. We owe it to them to streamline the adoption process to ensure positive outcomes for these kids.

It is important that we continue to make this process more accessible to families so that these children can be welcomed into loving homes.

Despite the obstacles that we still need to overcome, this is a time to celebrate those families that have decided to make a difference in the life of a child.

I commend these families and hope that children across the nation will find a place to call home this Saturday as part of National Adoption Day.

HONORING THE 60TH ANNIVERSARY OF VFW METZGER-CROOK POST 6504

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join in honoring the 60th anniversary of the Veterans of Foreign Wars Metzger-Crook Post 6504 in Waterloo, Illinois.

In 1946, as many of our Nation's veterans were returning from serving their country in World War II, a small group of veterans in Monroe County, Illinois, began discussions about forming a local VFW post. With assistance from the adjutant of the neighboring post in Belleville, and after the original group solicited additional veterans for membership, the Metzger-Crook Post was formed and received its charter on April 27, 1946. The name, Metzger-Crook, was selected in honor of the first two Monroe County residents to give their lives in World War II, Monroe Metzger and William Crook.

With 108 names on the original charter, John Mitchell was elected as the first president. Meetings in the early days were held in a variety of locations as the fledgling organization grew in size of membership and array of activities. The first fish fry and picnic was held on July 4, 1946, and was such an instant success that it developed into an annual event.

Post 6504 has provided support for countless individuals and organizations in Monroe County throughout their 60 years of service. Scholarship recipients, Boy Scouts and Cub Scouts, Operation Uplink and Adopt a Unit are just a few examples of the benefactors of Post 6504's support. The post also provides the use of assistance equipment such as canes, walkers and wheelchairs to anyone who asks.

The Metzger-Crook Post 6504 Auxiliary is also celebrating their 60th anniversary this year. In addition to their duties at the post, the auxiliary has provided support for numerous organizations and individuals. Annual trips to visit nursing home residents, support of cancer research, local veterans hospitals and the children of veterans are just some of the ways that the auxiliary has contributed to its community.

Mr. Speaker, I ask my colleagues to join me in congratulating the members of VFW Metzger-Crook Post 6504 both past and present on 60 years of serving veterans and the people of southwestern Illinois.

CONGRATULATING FOCUS: HOPE ON RECEIVING THE 2006 EXEMPLARY INTEREST CONTRIBUTION AWARD

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. DINGELL. Mr. Speaker, I rise today to congratulate Focus: HOPE and its wonderful team for being selected to receive the 2006 Exemplary Public Interest Contribution Award (EPIC). Focus: HOPE co-founder Eleanor Josaitis is one of my dear friends and one of the most admirable and inspiring women I know. She has put together an outstanding team of motivated, energetic individuals such as Keith Cooley, who recently became Chief Executive Officer.

The EPIC Award is one of the most prestigious honors recognized by the United States Government through the Department of Labor, honoring public interest organizations that support equal employment opportunities and have worked with federal contractors to make these opportunities available for minorities, women, individuals with disabilities, and veterans.

For nearly four decades, Focus: HOPE has been a leading voice for eliminating discrimination and injustice, starting in southeast Michigan. Following the deadly and violent 1967 Detroit riots, Father William Cunningham and Eleanor Josaitis founded Focus: HOPE, a metropolitan civil and human rights organization committed to "intelligent and practical action to overcome racism, poverty and injustice." The belief is that this goal can be accomplished if the playing field is level and the economic mainstream is accessible to everyone.

Focus: HOPE programs assist individuals from all walks of life in many different ways. Their food distribution program is one of the largest in the Nation, serving 43,000 children, mothers and seniors every month. Focus: HOPE career development programs are targeted towards preparing participants for employment in high-demand fields such as engineering and information technology. Since its inception, Focus: HOPE has literally helped thousands of individuals—particularly women and minorities—to become financially independent.

Focus: HOPE is one of the most successful organizations of its kind in this country, and this award is well-deserved. I ask that all of my colleagues join me in congratulating Focus: HOPE on another momentous achievement and in sending the Focus: HOPE team our best wishes for another successful year.

TRIBUTE TO DEAN LENABURG

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. POMEROY. Mr. Speaker, today I rise to reflect upon the life of a strong and good man, Dean Lenaburg from Valley City, North Dakota.

Dean was my mentor and my friend. Without his role in my life, I would never have been a Member of Congress. Dean passed away earlier this year after a long battle with kidney and liver disease, but his memory will continue to guide and inspire his family and friends in the years ahead.

Dean was easy to look up to—he towered over most of us with a height of 6′ 4″ and the athletic build of someone who excelled in sports. He easily transitioned from the small town competition of Portland, North Dakota to stand-out on the University of North Dakota football team.

Dean's parents obviously instilled in him an intellectual curiosity and love of learning—that would be an important feature of his character throughout his life.

Dean quickly completed his university years earning his undergraduate and law degrees in just 5 years. He married Mary Trom from Lisbon, North Dakota, and upon graduation they began the adventure of Dean's service in the Federal Bureau of Investigation.

Dean would have been the very picture of an FBI agent in those days—tall, strong, smart, and absolutely committed to advancing justice and public safety. Dean was never one to talk about himself, so most of his experiences as an FBI agent were never shared—even with those closest to him. I know, however, he served with honor and that the FBI has never had an agent more trustworthy than Dean Lenaburg.

After several years Dean, Mary and their four young daughters, Kristin, Kathryn, Andrea, and Susan, came back to North Dakota where Dean began his career as a practicing attorney—briefly in Oakes and later in Valley City where he was a fixture in the area's legal community for more than 30 years.

In the course of these years, Dean made many positive contributions to his community, his clients and friends. He profoundly influenced my own life during this time, as revealed in three examples.

In 1971, my father died unexpectedly at the age of 57. Dean handled the estate. To this day, I vividly remember the competent and sensitive representation he provided to our grief stricken family. His example of service furthered my own thinking with regards to pursuit of a law career.

In 1974, Dean supported my application for the Rotary Foundation Award. With his help, I won the scholarship and was able to pursue graduate studies in England.

Finally, Dean and his law partner R. Jon Fitzner allowed me to fulfill my first career goal—joining them in the practice of law back in my hometown.

Fortunately for me, both Dean and R. Jon had a broad and selfless view of my participation in the law firm. When I became interested in pursuing elected office—first for the legislature and then as a statewide candidate—they were completely supportive.

I believe the value of junior members in many law firms is found solely in the billable hours they generate for the benefit of the firm. Dean Lenaburg and R. Jon Fitzner thought I had something to offer in the area of public leadership. Without their understanding and support, I would never have been able to participate in the political process.

I only hope Dean knew the dimensions of gratitude I will always have for his allowing me to take my shot at elective office. As long as I may remain in public service, I hope and pray my efforts are worthy of the trusting support he provided.

One final aspect of Dean needs noting. He had a first rate intellect and insatiable appetite for learning. He was a lifelong student of history and read extensively. He would positively delight in uncovering a new insight or perspective on the historical development of our State and Nation.

His interest in scholarship led him to extended service on the Valley City Library Building. Our beautiful Andrew Carnegie building and its contents reflect his conscientious contribution to the preservation and enhancement of our community library.

Dean's spirit—including his active mind, his concern for others, and his good humor—lives on in his daughters and grandchildren.

Dean Lenaburg had a life well lived. All of us whose lives he touched feel grateful for having known him and will carry him in our thoughts and memories always.

IN MEMORY OF JON CORBIN, RECOGNIZING HIS SERVICE TO THE HOUSE

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. EHLERS. Mr. Speaker, on November 6, 2006, the U.S. House of Representatives lost an institution in the Members' Dining Room when Jon Corbin; maitre d' until January 2006, passed on.

Jon started his lifelong career working for Congress in 1954 working for Representative Sam Rayburn and the Texas Delegation giving tours of the U.S. Capitol. He also took a second job at the U.S. Senate Post Office from which he retired in 2005. Jon became very popular working with the Texas Delegation and was assigned the position of personal server for Representative Rayburn in his private dining room until Representative Rayburn's death in 1961. Jon went on to become the maitre d' of the Main Dining Room, now the Members' Dining Room, in 1968.

Jon loved his job, working with the Members of the House. He was an astute listener and would gather all the facts before answering most questions asked of him, giving well thought out, honest answers and his views on many subjects. He was a huge sports fan and did his research on most scores and the who, what and when of big weekend games that Members would discuss with him. Jon was extremely knowledgeable about the U.S. Capitol and was considered the dining room staff information source on most questions concerning the Capitol. He was well liked and respected by his fellow workers and by Members of Congress. Jon had a great memory and knew most of the Members, past and present, by name on sight.

All who had the honor to meet and work with Jon Corbin will truly miss him. On behalf of the former and current Members Jon served over more than 50 years, and the entire House community, we celebrate Jon's contributions to this institution and extend condolences to his family and friends on his passing.

HONORING JEROLD L. HARRIS OF WICHITA, KANSAS

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. MORAN of Kansas. Mr. Speaker, I rise today to recognize Jerold L. Harris of Wichita, Kansas. Jerold has served rural America for 43 years in his role with the Farm Credit System. American agriculture will miss this good friend come January when he plans to retire.

Jerold grew up on a farm near Denby, South Dakota, and later attended high school in Gordon, Nebraska. After receiving a bachelor's degree in agricultural business from Colorado State University in 1963, he went to work for the Farm Credit System, where his positive leadership helped people work together. Jerold embodies a statement he often quotes "There is no limit to progress when people work together."

During Jerold's 43 years of service, one accomplishment truly stands out. The Western Farm Credit Bank in Sacramento, California entered into a joint management agreement with the Farm Credit Bank of Wichita in January 2002. The Board of Directors named Jerold as President and Chief Executive Officer. Under this agreement, Jerold combined the operations of these two banks while developing and implementing a strategy to merge the two banks and form a new bank, U.S. AgBank, FCB, which would be headquartered in Wichita, Kansas.

The 1980s were a difficult decade for American agriculture. During part of this time Jerold was the Chief Executive Officer of the jointly managed Ninth District Federal Land Bank Association and the Ninth District Production Credit Association that served four states. Even in those difficult times, Jerold was able to bring people together, under a common objective, to produce results.

During his long and distinguished career, Jerold held numerous leadership positions within the Farm Credit System. He has served as a loan officer, an appraiser, a supervisor and a manager, a follower and a leader, but always with the same dedication and achievement.

Jerold has also provided distinguished service at the national level, serving 15 years as a member of the Farm Credit System Presidents Planning Committee, during three of which he served as Chairman. Jerold also served 11 years on the Board of Directors of the Federal Farm Credit Banks Funding Corporation, with three of those years as Chairman. He also serves on the Board of Directors of the National Council of Farmer Cooperatives (NCFC) and is a member of the NCFC Executive Council.

Jerold is also a familiar face here in Washington, DC. He has represented the Farm Credit System by testifying before both the

House and Senate Agriculture Committees on numerous occasions, and always demonstrated a deep understanding of the issues and provided excellent input on the decisions facing congressional committees.

Jerold's honesty and integrity, keen intelligence, and an understanding of people has won him respect from his peers, workers, and the farmers and ranchers he has represented and served. His accomplishments speak volumes about his dedication to agriculture. He has worked tirelessly to improve agriculture and rural America, and his leadership will be truly missed.

It is a great pleasure for me to share his impressive record of service with my colleagues in the U.S. House of Representatives.

PERSONAL EXPLANATION

HON. BEN CHANDLER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. CHANDLER. Mr. Speaker, I would like to take this opportunity to explain my absence from the House of Representatives on November 13 and 14th.

During that time, I was in Quebec City attending the NATO Parliamentary Assembly annual meeting. In the beginning of the 109th Congress, I was honored to receive your appointment to serve as a member of the assembly.

The NATO Parliamentary Assembly is vital in fostering an open dialogue on security issues between member nations. A main responsibility of the assembly is to serve as Congress's check and oversight of NATO executive policy decisions. Our delegation was able to meet with representatives from other NATO countries to further our diplomatic relationships. As you know, our security, both economic and military, is increasingly dependent upon building these relationships. For this reason, I consider it prudent to participate as much as possible in NATO Parliamentary Assembly meetings.

Please let the RECORD show that had I been present I would have voted in the following ways: rollcall vote 517, "yes"; rollcall vote 518, "yes"; rollcall vote 519, "no"; rollcall vote 520, "yes"; rollcall vote 521, "yes"; rollcall vote 522, "yes"; rollcall vote 523, "yes."

PERSONAL EXPLANATION

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. SKELTON. Mr. Speaker, on rollcall vote 511, which was on the question of passage of H.R. 4772, the Private Property Rights Implementation Act, I inadvertently voted "no." This bill was considered on September 29, 2006, and approved by the House on a vote of 231 to 181.

My intent was to vote "aye" on rollcall vote 511, and I wish the CONGRESSIONAL RECORD to indicate my support for this legislation.

TRIBUTE TO CORAN JAMES AS A POINT OF LIGHT

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. OWENS. Mr. Speaker, Whereas, I have worked with Coran James in various activities for more than 10 years in education, political and social projects. In addition to her role as a community activist, she is a dedicated mother of a daughter who graduated from Spelman College. As an educator she recently retired from service as the principal of Freedom Academy High School in Brooklyn. Coran James went to Brazil in the Summer of 2005 as the recipient of the Fulbright Award Winning Principals Exchange Program. She was the host for the Brazilian principals in New York. Several of her students were also sponsored on an exchange program to Jordan in the Middle East after winning an award for technology.

Whereas, Coran James, the community leader, is a member of the National Alliance of Black School Educators, NABSE; Association of Black School Educators of New York, ABENY; New York Urban League; NAACP; Net Generation of Youth-New York Metro Coordinator; YWCA; Central Brooklyn Martin Luther King, Jr. Commission and the 100 Women for Congressman Major R. Owens.

Whereas, Coran James is a mentor for the Youth Congressional Award Program in Brooklyn. The Congress of the United States, through The Congressional Award Program, recognizes the initiative, achievement, and excellence of young persons who accomplish high goals in voluntary public service with the presentation of a Congressional Award by a member of Congress. Coran is a wonderful helper assisting Brooklyn youth to achieve personal goals in order to earn the Youth Congressional Award. Coran received the Congressman MAJOR R. OWENS' "Youth Service Award for Outstanding Efforts in Developing Youth Leaders for the 21st Century," in September 2005.

Whereas, Coran James has been a supporter of numerous education and civic organizations over the years and is a leader in the community. She exhibits a superior level of personal integrity, motivation, intelligence and emotional control. She works extremely well as a productive leader and team member, has excellent problem solving abilities and can relate to others in an effective manner. On the occasion of her retirement Tribute on Friday, November 17, 2006, I am pleased, on behalf of the constituents of the 11th Congressional District to salute Coran James as a Point of Light for all Americans.

TRIBUTE TO REAR ADMIRAL WILLIAM G. TIMME

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. MORAN. Mr. Speaker, I rise today to pay tribute to Rear Admiral William G. Timme on the occasion of his retirement from the United States Navy on November 30, 2006, a service he entered as a Midshipman at the Naval Academy in 1974.

Over the past four years, Admiral Timme has performed superbly as the Naval Sea Systems Command's Deputy Commander for Undersea Warfare. His energy, drive, leadership, keen understanding of national goals, objectives, and priorities, and ability to develop innovative approaches has left an exceptionally positive impact across the Undersea Warfare enterprise.

Admiral Timme's personal efforts have successfully steered the Undersea Warfare directorate through trying workforce downsizing initiatives, delivered significant cost savings, and improved submarine maintenance planning. Most importantly, he directly supported key Team Submarine strategic goals in maximizing operational days for submarines and deep submergence vehicles, improvement of modernization fits, optimization of submarine fleet engagements, and preparation of personnel to meet future technical and management challenges.

Admiral Timme has worked closely with senior shipyard personnel to develop process changes that have resulted in reduced costs and increased efficiency at our nation's public and private shipyards. These include major initiatives in coordinating work across the Naval Shipyards and strengthening vital areas such as the innovative One Shipyard concept.

After the USS *San Francisco* grounding incident in January 2005, Admiral Timme developed the repair and transit procedures that directly help save this high value, and operationally critical platform for the Navy. Additionally, in his role as submarine safety certifying official, he has presided over the certification process for sea trials and unrestricted operations of over 47 submarines and manned submersibles.

The son of a career military officer, Admiral Timme attended Rutgers University for 1 year prior to entering the Naval Academy in 1974, graduating with distinction in 1978 with a degree in mechanical engineering. Following commissioning and completion of nuclear power school and basic submarine training, Admiral Timme reported to USS *Archerfish*. He served as Reactor Controls Assistant and Weapons Officer, completing three deployments. In March 1983, Admiral Timme was assigned to the Personnel Exchange Program with the Royal Navy in the United Kingdom. He served on the staff of Flag Officer Submarines at the Commander-in-Chief Fleet Headquarters in Northwood, England. Admiral Timme completed Submarine Officers Advanced Course in October 1985, earning the L. Y. Spear Award as class honorman. He then reported as new construction Engineer Officer on the PCU *Tennessee*, where the ship earned the Navy Unit Commendation during the shipyard construction period.

Later, Admiral Timme served at the Bureau of Naval Personnel in Washington, D.C., as the submarine department head detailer. During this tour he earned a masters degree in Engineering Management from The Catholic University. He relieved as Executive Officer of USS *Chicago* in April 1991, earning the Battle Efficiency "E" award. Subsequently, he served as Flag Secretary and Senior Aide to Commander Submarine Force, U.S. Pacific Fleet.

In March 1995, Admiral Timme relieved as Commanding Officer, USS *Helena* and conducted two western Pacific deployments, which included numerous exercises and operations, including supporting the USS Constellation Battle Group. Subsequently, USS *Helena* conducted an interfleet transfer and began a Depot Modernization Period at Portsmouth Naval Shipyard. In May 1998, he reported to the New Attack Submarine Program as the Warfare Requirements and Fleet Liaison Officer. In June 2000, Admiral Timme relieved as the Program Manager for Undersea Weapons, responsible for all of the Navy's torpedo programs.

Admiral Timme's awards include the Legion of Merit Medal, Meritorious Service Medal, Navy Commendation Medal, Navy Achievement Medal and several unit and service awards.

The Department of the Navy, the Congress, and the American people have been well served by this dedicated naval officer. Admiral Timme's professionalism, superior technical and managerial expertise and determination to support the Fleet are unrivaled. He has been instrumental in ensuring that the U.S. submarine force is, and will remain, the world's most preeminent in the 21st century. He leaves an enduring legacy.

Mr. Speaker, I am honored to rise today to express appreciation to Admiral Timme for his outstanding service to the nation. I also want to recognize and thank his wife Suzette and his daughters Savannah and Morgan for their loyalty and support. No one in our armed serves can do their job without the love and understanding of their loved ones. They have shared equally in all of Admiral Timme's success. On behalf of the citizens of Virginia's 8th district, I would like to thank Admiral Timme for his steadfast service to his country over his illustrious 28-year career and wish him and his family fair winds and following seas in his retirement.

GERALD W. HEANEY FEDERAL BUILDING AND UNITED STATES COURTHOUSE AND CUSTOMHOUSE

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. OBERSTAR. Mr. Speaker, I rise in support of a bill to name the Federal building and United States Courthouse and Customhouse in Duluth, Minnesota, in honor of Judge Gerald W. Heaney. Judge Heaney was appointed Judge of the United States Court of Appeals for the 8th Circuit on November 3, 1966. After 40 years of distinguished judicial service, Judge Heaney retired on August 31, 2006.

Judge Heaney was born on January 29, 1918, in Goodhue, a rural community in the southeastern part of Minnesota. As a child growing up in a farming community, Judge Heaney learned the value of a close family, honesty, and hard work. These qualities have marked not only his personal life but also his life as a public servant. He was educated at the College of St. Thomas in St. Paul, Minnesota, and received his law degree from the University of Minnesota in 1941.

Gerry Heaney is a decorated World War II veteran. He was a member of the distinguished Army Ranger Battalion and participated in the historic D-Day landing at Normandy. He was awarded the Silver Star for extraordinary bravery in the battle of La Pointe du Hoc in Normandy, France. He also received a Bronze Star and five battle stars.

At the end of the war, Judge Heaney returned home and entered private practice in Duluth. During that time he was instrumental in improving the state education system, and served on the Board of Regents of the University of Minnesota. He was instrumental in helping the Duluth school system develop a payroll system that equalized the pay for both men and women.

In 1966, President Johnson appointed Judge Heaney to the 8th Circuit Court of Appeals. In that capacity, Judge Heaney has been a champion of protecting the rights of the disadvantaged. He is devoted to making sure that every person has an equal opportunity for an education, a job, and a home. He firmly believes the poor, the less educated, and less advantaged deserve the protections provided by the United States Constitution.

As a hard working, well-prepared, and fair-minded jurist, Judge Heaney left his legal imprimatur on school desegregation cases, bankruptcy law, prisoner treatment, and social security law.

His public service is discerned by industry, brilliance, and scholarly excellence. His compassion and dedication to our most disadvantaged are unparalleled.

It is fitting and proper for Congress to designate the Duluth, Minnesota Federal Building and United States Courthouse and Customhouse in honor of Judge Gerald W. Heaney.

I urge my colleagues to join me in supporting this bill.

DUTCH AMERICAN HERITAGE DAY

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. VAN HOLLEN. Mr. Speaker, today, on Dutch American Heritage Day, I rise to recognize the history of warm relations the Dutch and American people have shared for over 400 years and also to celebrate the many contributions of Dutch Americans to U.S. history. Americans of Dutch descent include Theodore, Franklin, and Eleanor Roosevelt, whose courage and strength helped lead the American people through difficult times in our Nation's past. Their ranks also include President Martin Van Buren, Walt Whitman, and Thomas Edison—and Senator Arthur Vandenberg who helped shape U.S. foreign policy after World War II.

The Dutch were deeply involved in the exploration of the New World and the settlement of the early colonies. In 1609, while searching for an easy route to Asia, Captain Henry Hudson discovered the river that bears his name. Soon after, Dutch settlements began springing up throughout and beyond modern-day New York State into what is now Connecticut, New Jersey, Rhode Island, Delaware, and Pennsylvania. Today, Americans of Dutch descent live in concentrations in Michigan, California, Florida, Iowa, Pennsylvania, Washington, Texas, Ohio, and Illinois.

The ties between the United States and the Netherlands date back to the earliest days of the Republic. It was the Dutch who first recognized the United States of America and The Hague was home to the first American embassy in the world. The American people will not soon forget how on November 16, 1776, as the American warship, *Andrew Doria*, entered the harbor of the Dutch island of St. Eustatius in the West Indies, the fort fired a salute, recognizing the flag of the United States of America—the first of such acts by any country. This salute heralded the beginning of a relationship that would persist, unbroken, for three centuries.

Today we also celebrate the people of the Netherlands who have stood beside us in good and bad times since the War of Independence. The Dutch granted the U.S. Congress its first loan, helping to sustain a struggling Nation at one of its lowest points; in the wake of Pearl Harbor, the Dutch were among the first nations to align themselves with the U.S. and they fought proudly with the 82nd and 101st Airborne Divisions in the occupied Netherlands during the Second World War. Today, the Dutch stand by us still in the ranks of NATO and among our troops in the ongoing efforts to combat terrorism in Afghanistan.

Dutch American Heritage Day is a special day not only because it celebrates the heritage and contribution of Americans of Dutch descent but because the day is also a celebration of a friendship that has helped shape and sustain our Nation from the days of its infancy. We are thankful to the people of the Netherlands and we look forward to continued strong ties and goodwill for years to come.

HONORING EMILY J.T. PEREZ

HON. ALBERT RUSSELL WYNN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 2006

Mr. WYNN. Mr. Speaker, on Saturday, September 23, I attended the funeral services for Army Second Lieutenant Emily J.T. Perez, an outstanding young officer who gave her life in service to her country while patrolling near Najaf, in southern Iraq, on September 12th of this year.

Emily J.T. Perez was a 23-year-young woman of great determination and distinction from Prince George's County, Maryland, who rose to the top of her class at Oxon Hill High School. Seeing her tremendous potential, I had the honor of nominating her for an appointment to the United States Military Academy at West Point. Emily rose to the top of her class to become the first minority female Command Sergeant in West Point's history.

With sadness I acknowledge her for another distinction; she is the first female graduate of West Point to die in Iraq. Lieutenant Perez, a platoon leader assigned to the 20th Support Battalion, 2nd Brigade, 4th Infantry Division, perished when an improvised roadside device exploded underneath her Humvee.

Emily Perez was a young woman of many talents, with a passion to serve others. Born in Heidelberg, Germany to a military family, she decided early on that she wanted to be a soldier. Her family moved to Fort Washington, Maryland, and Emily enrolled at Oxon Hill High School and became Wing Commander of the Junior Reserve Officers' Training Corps. At Peace Baptist Church in the District of Columbia, she started an HIV–AIDS ministry to educate young people on the dangers of the life-threatening disease. She also volunteered with the Red Cross at an HIV–AIDS peer education center where she shared stories of those living with depression and the stigma of AIDS.

Emily was a sprinter. She ran the third leg for the Army's 400-meter relay team and "She was the cream of the crop," according to her former high school track coach Nathaniel Laney. Emily had a wonderful voice and performed in the Military Academy's gospel choir, acting again as a shining example to her fellow women cadets.

"She was resilient. Her spirit was calm. She was resolute. She believed . . . the real tragedy is not to live while you are alive," said her godfather, Reverend Michael Bell, pastor of the Peace Baptist Church.

Mr. Speaker, today I honor the spirit of an outstanding young American patriot taken from us much too soon, United States Army Second Lieutenant Emily J.T. Perez.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, November 16, 2006 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

DECEMBER 6

2:30 p.m.
Judiciary
Administrative Oversight and the Courts Subcommittee
To hold oversight hearings to examine implementation of the Bankruptcy Abuse Prevention and Consumer Protection Act (Public Law 109–8).
SD–226

SENATE—*Thursday, November 16, 2006*

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, give us Your wisdom when our vision fails, our understanding is darkened, and the ways of life seem difficult. Deepen our faith when our sight is dim. Guide our thoughts when we lack understanding.

Bless our Senators. Infuse them with quiet confidence and patient trust in You. Reinforce their courage with the knowledge of Your loving providence. When they are frustrated, remind them that You are still holding things together.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN E. SUNUNU led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, November 16, 2006.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire, to perform the duties of the Chair.
>
> TED STEVENS,
> *President pro tempore.*

Mr. SUNUNU thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, I again want to congratulate the new leadership in the Senate for the 110th Congress. Democrats 2 days ago elected their leadership and the Republicans yesterday elected our leadership. A lot of planning is underway for the 110th Congress. As everyone knows, we have before us the objective of finishing the business of the 109th Congress, both over the course of today and possibly tomorrow, and then in a period that will begin the week of December 4, and possibly continue into the week following that. Both the Democratic leader and I have outlined what we have to accomplish. It is still a very long list in terms of appropriations bills, in terms of the United States-India nuclear agreement, in terms of potentially other trade agreements. We have tax extenders and a whole range of issues.

The Democratic leader and I will go into a quorum call very shortly and we will finalize the plan for today. But as we stated yesterday, before we leave this week—either tomorrow or we could finish later tonight—we do need to finish the United States-India nuclear agreement. We talked yesterday in our own conference about the importance of that particular piece of legislation, legislation that all our colleagues are familiar with, and we have a unanimous consent agreement to proceed to that with a fixed number of amendments. If you look at the amendments, it is clear that we won't have to do all of those amendments on that legislation. So I am confident that we can and we will finish that bill before we leave.

We do have an understanding that we will go to the agriculture appropriations bill as well. At some point I want to be able to do that and hopefully we can work out the details on how we can accomplish at least starting that particular bill, with the objective of finishing the United States-India nuclear agreement before we leave. So in the next few minutes we will be coming back with an announcement of that schedule as agreed to, but we will finish that bill before we leave.

RECOGNITION OF THE DEMOCRATIC LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

UNITED STATES-INDIA NUCLEAR AGREEMENT

Mr. REID. Mr. President, I think it is so important that we do whatever we can to pass this nuclear agreement that has been negotiated with India. India is the largest democracy in the world and we have had such tremendous relations with them over the last number of years. I think it would send a great sign to the rest of the world that we are able to work on issues of this importance and actually get it done. I surely hope we can do this. I feel confident we can. There are amendments and people can debate them. When the managers of the bill have heard enough, if necessary they can move to table, or whatever it takes to move these along. Senator BIDEN on Tuesday said there are a lot of these amendments he is aware of that they could work out or accept.

So I am hopeful we can finish today, tonight, or tomorrow, and there is no reason we shouldn't be able to. We have a number of amendments that have been locked in and there is no way this matter should not be completed. I think it is very important that we go into the Thanksgiving period with knowing that we have been able to work out something between two great democracies.

Mr. FRIST. Mr. President, I will be back with the plans here shortly after I talk to the Democratic leader, and in the meantime we will be in a period of morning business. Again, the United States-India nuclear agreement is something we will complete before we leave and is the order of the day. We should be able to go to that very early this morning, maybe as soon as 20 minutes from now. That will be the plan, to proceed through those amendments. There is one amendment we may have to go into a closed session to debate, and the details will be announced for that as well.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

morning business with Senators permitted to speak for up to 10 minutes each.

The Senator from Delaware is recognized.

ORDER OF PROCEDURE

Mr. CARPER. Mr. President, the Senator from Minnesota, Mr. COLEMAN, and I would ask unanimous consent for each of us to sort of pool our 10 minutes apiece and take maybe the next 20 minutes to share—and some of our colleagues who are going to come by and talk as well—about the role our faith plays in the work we do here. If that might be acceptable, I would ask unanimous consent.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

NATIONAL BIBLE WEEK

Mr. CARPER. Mr. President, the elections are behind us now and we are looking forward to the next Congress which will be seated on January 4—the 110th Congress. We have in town a number of newly elected Senators and their spouses. A number of us—Senator ALEXANDER, Senator VOINOVICH, Senator PRYOR, and myself—have been involved, along with the Secretary of the Senate, in holding orientation for new Senators and their spouses. On Tuesday night we were over at the National Archives and we had the opportunity to have a reception there and a dinner. The reception turned out to be a tour of the National Archives and the opportunity to see firsthand original copies of the Constitution, the Bill of Rights, handwritten letters from George Washington to all kinds of people, and from Abraham Lincoln to all kinds of people. We actually looked at the original Bill of Rights where we found that there were actually 12 amendments proposed to the Constitution, not 10. Two were not actually adopted. It was interesting to see and to go back over 200 years to the history and formation of our country, to focus on it and to think about it and reflect on it.

When the Constitutional Convention was held, just up the Delaware River from where I live in Wilmington, DE, and up in Philadelphia, whenever the Founding Fathers were getting into a tough time trying to come to consensus or agreement on one issue or the other that they were grappling with, a lot of times they would take a break and pray about it. When the inauguration of President Washington occurred in New York City, when they finished the inauguration, they didn't go off and hold big parties and balls, but they actually went to a church and prayed together and had a worship service. In fact, I am told over in the House of Representatives, when our country was young, President Jefferson was participating in worship services held there. Even now, 207 years later, we still begin each day's session here in the Senate, as they do in the House, with a prayer. We have Bible study groups that meet on Thursday with the Senate Chaplain, Barry Black. We have done that for a number of years. Senator COLEMAN, who has been one of our leaders in a Wednesday morning prayer breakfast, and MARK PRYOR from Arkansas have led that for a number of years.

So faith, from the beginning of our foundation as a country, has been important to us, to guide us as a nation, and to guide us today in our own personal lives.

When the Constitution was written and the Bill of Rights was written, the idea was not to establish an organized religion; the idea was to make sure people were free to practice whatever faith they wanted, and to be respectful of people of different faiths and the fact that people can worship as they see fit or choose not to worship at all. One of the strengths of our Nation is our faith, but another of the strengths of our Nation is the respect we have for people of different faiths. We have people in this body who are Protestant, Catholic, and Jewish. We worship the same God, just a bit differently.

One of the things we try to do during the course of the week is to use our faith. Whether we happen to be Presbyterian, Mormon, or Jewish, how do we use that faith to help guide us in the policies we adopt for our country and for the people we represent? I feel fortunate to live in a country where we are free to worship God as we see fit. I think there is a real opportunity here for us in the Senate as we try to put our country back together and begin to work together after a rough-and-tumble election to find ways that we can use our faith to figure out our path, and to better ensure the people in this country have health care, that folks have decent jobs, that folks get a good education, and that we can bind the wounds we have opened over the last several months and to move forward as a nation.

I say how pleased I am to have a chance to work with Senator COLEMAN from Minnesota and how much I appreciate the great leadership he has shown in bringing a bunch of us together on Wednesday mornings. I usually can't get here on Wednesday morning. I go back and forth on the train to Delaware almost every night, so I can't be there for many Wednesday mornings for that type of fellowship. But I oftentimes join my colleagues, including Senator LINCOLN of Arkansas and others, on Thursday right down the hall here for a Bible study group that is a little bit like an adult Sunday school class with the Senate Chaplain, affording us the opportunity to read scripture together, reflect together, to pray for one another, and to be nourished spiritually.

I am delighted to be here with Senator COLEMAN today, and I thank him for his leadership.

Mr. COLEMAN. Mr. President, I thank Senator CARPER for his leadership. Next week is actually National Bible Week. I think it has been celebrated since 1941. The Senator from Delaware is one of the cochairs of that. Part of what I think is the purpose of it and the importance of it is to reflect a little bit on the value, the importance of the Bible and of faith in our lives. And we do bring different faith perspectives and different historical perspectives. I have a great sense of almost envy a little bit about being from a State that goes back to the very beginning, to the time of the Founders. The Minnesota journey has been a little briefer journey, a challenging journey when the early settlers were coming out and landing. It was pretty cold in the winter and it could be blistering hot in the summer. You kind of reflect on your own mortality. To this day, we stand now in the 21st century, and one of the things faith does—and we heard it from the Chaplain, if you listened to the Chaplain's intonation when the prayer began, calling upon God for wisdom, in a sense humility, that even in this august Chamber it is important for us and our colleagues to have. I think faith gives you that, requires that of you. Alvin Toffler, in "Future Shock," talked about the geometric rate of change—everything is moving so quickly, and reflected in that is the importance of some island of stability. One of the things that faith does for those of us in this body is, in a sea of change, it provides us with stability. It is an island. Everything else is moving very quickly around us, but if you look into the Bible, look into the Hebrew Torah, you find those kinds of rooted values—the social compact, the necessity to help the poor, the necessity to raise your voices on behalf of those who are oppressed, in bondage. All those values are rooted in these books that we still, then, reflect on and study today. I think it is important for us to do that.

One of the things, by the way, we have been doing is we have a National Prayer Breakfast. Senator PRYOR and I got to chair that this year. I recntly put into the CONGRESSIONAL RECORD the entire program, the transcript. I urge my colleagues to read it, take a look at it. There are fascinating reflections from King Abdallah from Jordan. The rock star Bono was the chief speaker. He said he is not a man of the cloth, unless your cloth is leather, but then he went on to talk about his own faith journey. He went on to say he used to wake up all the time and pray that God blessed a certain thing that he did. Now what he talks about is looking at and kind of putting his efforts into the things that God wants done, that He has already blessed, trying to figure out what is the right thing to do.

At a time when the partisan divide is so great—we see it on C–SPAN—what I think our faith has done, what it does for my colleagues and for me in fellowship with my colleagues is, for those brief—those moments, I would not say brief moments; actually, they are extended moments—it allows us to get past that and recognize what is in the heart of a colleague.

In the end, I hope it is a mitigating factor, something that then lessens the divide that we see so often played out on the screen and played out on TV. The things that bind us are so much more powerful than the things that separate us. We do it, I believe, with a sense of humility.

I was the mayor of Saint Paul, MN, the capital city. We say Saint Paul is the city of two cathedral domes. There is the dome of the State capitol and then the dome of the magnificent Cathedral of Saint Paul. The dome of the cathedral is on the highest plane of the city, and I say it is a reflection of who is in charge, and it is not the Governor or State legislature, if we reflect on that in a positive way.

There are mad men who use religion and holy books to do terrible things, but those are mad men. That is not what faith is all about. At a time of great change and the world moving so quickly, I know for me, personally, and my colleagues, we find refuge, we find solace, we find a sense of peace in reflecting upon the traditions that brought us to this floor, to this moment, and hopefully that allows us to operate in a way in which we do those good things—those good things that we see ourselves.

One of my favorite quotes is from Maimonides, who says each of us must act as if the world were held in balance and any single act of goodness on our part could tip the scale. I believe that every day of my life. That is what faith brings to me and brings to us.

I see my colleague from Arkansas is here. Yesterday, we were visiting the new Senators, our new colleagues, and kind of moving them to this family. I will, again, say to my new colleagues that I urge them, on the floor of the Senate, to participate in the National Prayer Breakfast. The President is there, the Joint Chiefs of Staff and members of the Supreme Court and leaders from 170-something countries. This is not just a Senate thing or a U.S. thing, this is a global thing of great importance, as we saw in our last prayer breakfast, where you have King Abdallah, a direct descendant of Mohammed, NORM COLEMAN, a Jewish boy from Minnesota, and MARK PRYOR, a Christian from Arkansas, coming together on the platform. I hope that has meaning beyond that single day.

With that, I see my colleague from Arkansas and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I am so proud to join my colleagues this morning, and I especially thank my colleague from Delaware for his service as the Senate chairperson of the National Bible Week this year and for preserving time this morning for our observance of this annual celebration. I also want to say a very special thanks to my colleague, NORM COLEMAN, the Senator from Minnesota, who does a tremendous job. We work together on so many different things, but yesterday it was great to be able to sit down and visit with the new Members, the new Senators coming into this body and talk to them about how to keep their life rich; not just to do their jobs as Senators but to take care of themselves and to make sure that their journey in life stays strong. We all know, in this journey that we all share on this Earth, this incredible blessing we have been given to live this journey here on Earth, if we keep that journey strong, then we will always be better Senators.

I could not have found a better partner in communicating that than my good colleague from Minnesota, and I appreciate him so much for that.

I am very grateful to be here to speak about the Bible, in recognition of this annual National Bible Week and certainly its importance in my life, what it has meant to me. In my family, growing up in east Arkansas, my dad was a farmer. We are a seventh-generation Arkansas farm family. We go back to our roots there along the Mississippi River. Actually, the first Lambert, which is my maiden name, who came to Arkansas was a Presbyterian minister who was sent as a missionary to the Native Americans who lived in that area. It was long before Arkansas was a State, and again it is a huge part of my heritage where, as a Presbyterian minister and a Christian, Rev. Jordan B. Lambert came across the border as a missionary to carry his faith into the West.

In my family, we were all introduced to the Bible at a very early age, and we were taught how to turn to its teachings early and often for guidance in our daily lives and what we needed to make this journey, our journey, each of us, our individual journey on this Earth, a full one, one that not only was fulfilling for us but, more importantly, fulfilling to our fellow man.

I can remember, as a young teenager, coming to Sunday school on Sunday mornings. I remember one of my Sunday school teachers who would take us every Sunday into our Sunday school room, and we made this huge Bible village out of clay and papier-mache. It was wonderful because it taught us so much of the times, of the Old Testament and the New Testament. It was incredible how we built this.

I realize now, later in life, that that was a time to reflect, reflect on the writings and the times that the Bible brings to us because, as we sat there, very curiously and very diligently creating out of clay and papier-mache this Bible village, we talked. We talked to each other. We talked to the Sunday school teacher, the adult who was there to help guide us. As she read Scripture to us and we made these things, we talked about our experiences as young teenagers. We talked about what we were going through in school, the cruel words that others may have presented to us or the new student who had come to class and who was not being well received or someone whose family was ill or had a tremendous tragedy. We talked about these things as we created this village, and then we realized, through those Bible teachings and through those stories that we, too, were living that word—hopefully—and learning how better to live that word in our teenage years and in our adult years.

Without question, for me, the Bible is the most profound book in life, and there is no doubt that its lessons shape the type of person I am; the type of person I strive to become each and every day, working hard to do my best; the type of parent I want as an example for my children as they grow up and they learn these stories; and the type of Senator I want to be to help lead this country.

It is no secret to any of us that the Members of this incredible body are very blessed and fortunate in so many different ways. But what does that mean, exactly, and particularly to those who are scholars of Bible? I am not a Bible scholar. I wish I were, but I do look to the Bible for that guidance and as a part of my faith, as the Senator from Delaware said, it is a light. It is a lamp unto my feet. But the Bible teaches me: To whom much is given, much is required. If you look around throughout this body and realize how blessed we truly are, our devotion to public service, hopefully, comes from a desire to live by the types of teachings that the Bible gives us and that is to help the least among us. It doesn't just teach us to clothe those who are naked. It doesn't just teach us to feed those who are hungry. Those are the important parts. But I never shall forget a lesson I learned in person working in a soup kitchen in downtown Washington, cleaning up tables after we, our Bible study group, had served a breakfast, which we did on a monthly basis. I was cleaning up those tables and moving to what was the next thing in life, which was heading off to work, there was a man sitting at the last table and, as I began to break it down, I asked him:

> Are you still hungry? Is there something more that you would like?
>
> No, just 10 minutes of your time. Could you just please sit and visit with me for 10 minutes?

I realized it was not just the nourishment that he needed. He needed his soul to be fed as well.

If I think about all of the most important teachings in the Bible, I think about how important it is for us to nourish one another, Democrats to nourish Republicans and Republicans to nourish Democrats; how important it is in this body that we feed one another's souls with the kind of loving care that we are taught about in the Bible.

As a Senator, I thoroughly believe that government can be a weapon of good, if we adhere to and follow the basic message of the Bible's teaching of love. I think that is, without a doubt, the most clear message that comes there—love, care, and respect for our fellow man.

Perhaps my favorite Bible lesson proclaims: Let us not love in word but in deed and in truth. In an environment that gets way too political, and so often it does, it is so incredibly important for all of us to look to that lesson.

I thank you, Mr. President, and especially thank my colleagues, for coming here to recognize what an important role the Bible does play in so many of our lives and what a wonderful opportunity it gives us to nourish each other's soul on a daily basis.

I yield to the Senator from Delaware.

Mr. CARPER. Mr. President, how much time do we have on our 20 minutes?

The ACTING PRESIDENT pro tempore. The Senator has 55 seconds.

Mr. REID. Will the Senator yield for a unanimous consent request?

Mr. CARPER. Of course.

UNANIMOUS-CONSENT AGREEMENT—H.R. 5384

Mr. FRIST. Mr. President, I ask unanimous consent that notwithstanding the unanimous consent for consideration of the United States-India legislation, that during the session of the Senate on Thursday, September 16, the Senate proceed to consideration of the Agriculture appropriations bill, at a time to be determined by the majority leader after consultation with the Democratic leader; provided further that following the statements of the Chairman and ranking member, Senator CONRAD be recognized in order to offer a first-degree amendment.

The ACTING PRESIDENT pro tempore. Is there objection? The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, reserving the right to object, I shall not object. Senator CONRAD is not on the floor. I am certain this will be acceptable to him. His amendment will modify the disaster aid amendment that was put in the Senate appropriations bill in the Senate committee. I wish to be recognized following Senator CONRAD's statement on this introduction, to be part of that discussion.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRIST. What this means is, to clarify, in a few minutes we will be going to the United States-India legislation. At some point over the course of the day, following getting on that bill, the amendments in that bill, we will have the opportunity to proceed to the Ag bill.

Let me restate our intentions to complete the United States-India legislation either today or tomorrow. We will complete that legislation. We have a whole list of amendments that were by unanimous consent listed. I think we can condense those amendments down on that legislation. We will be able to do that, I believe. If we do that, we should be able to address all those amendments and have that legislation completed.

I urge all of our colleagues to keep their statements fairly brief on that legislation. Let's get to the amendment process in order to complete that bill tonight so that we will not have to be back tomorrow.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

Mr. CARPER. How much time do we have?

The ACTING PRESIDENT pro tempore. The Senator from Delaware has a minute remaining in morning business.

SHOWING FAITH BY DEEDS

Mr. CARPER. Let me close by saying a special thanks to my friend from Arkansas, BLANCHE LINCOLN, and to our colleague, NORM COLEMAN from Minnesota, for talking with us for a few minutes today about their faith. One of my favorite verses of Scripture comes out of the little Book of James, near the end of the New Testament, where we read: Show me your faith by your words and I will show you my faith by my deeds.

The most important thing is not how high we jump up in church but what we do when our feet hit the ground, and our feet hit the ground here every day of the week at about 9:30.

As we go forward, none of us is perfect. All of us make mistakes—God knows I do. But I would just remind us all it is important not just to talk about our faith but that we try to show our faith by our deeds.

Having said that, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. MURKOWSKI). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGRICULTURE APPROPRIATIONS

Mr. DORGAN. Madam President, at some point today following the debate with respect to the India security agreement, we will by unanimous consent have an opportunity to have the agriculture appropriations bill on the floor. My colleague Senator CONRAD will offer an amendment to that bill which will amend a provision that I added to the bill in the Senate Appropriations Committee.

My colleague Senator BURNS and I added a farm disaster amendment. My colleague Senator CONRAD has been working on an amendment that will expand that to include the 2007 disaster legislation. Because we are going to have an agriculture appropriations bill on the floor today at some point, I thought it was interesting to call attention to a story that was in today's newspaper.

Our family farmers—many of whom got hurt badly with the devastating droughts and some of whom have been hurt by floods and so on—as I said yesterday are the economic all-stars of this country. They get up in the morning and do chores. They take showers afterwards—not before. They risk everything they have, hoping their crops will grow. They produce foodstuff for a hungry world. They are the economic all-stars in this country.

But let me point out that in this morning's newspaper the U.S. Department of Agriculture has said they are going to eliminate "hunger"—actually eliminate the word "hungry." The U.S. Government has vowed that Americans will never be hungry again, but they may experience "very low food security." The U.S. Department of Agriculture has decided they are not going to use the term "hungry" as they define that number of people in this country who do not have enough to eat and are hungry.

There is something called "an ache in your belly." There are hunger pangs for people who do not have enough to eat. Apparently that is not going to be called "hunger" anymore. Those folks who can't find anything to eat and are suffering the pangs of hunger and the ravage to their body because of not having food are going to be called people with "very low food security."

If you don't have anything to eat, that is a "very low food security," but it doesn't describe in English what is happening. In English, these are people who are hungry.

I don't understand sometimes the bureaucracy. I was here years ago when ketchup was described as a vegetable, a part of a daily meal. Of course, that was never very right. It is not a vegetable. Now they are going to eliminate "hunger."

Throughout the years I have been here, I have served on the hunger committee when I was in the U.S. House, and I toured much of the world—going to refugee camps, been around parts of this country. I have seen hunger. I have seen devastating hunger.

I would desire to eliminate hunger, if we can. Our farmers are part of being able to do that at some point with the prodigious quantities of good food which they produce. We are not going to eliminate hunger by taking "hunger" out of the lexicon of the Department and replacing it with "very low food security." I think it is not about the terminology; it is about the will. Do we have the will to decide in a country such as ours to address the issue of hunger and make sure they have enough to eat.

We have programs in this country such as food stamps and the WIC Program and other programs to try to address some of these issues. Now apparently we have some folks in the bureaucracy who will address it by changing the words to "very low food security."

Remember that when we later today talk about family farmers and the plight many of them have. They are the ones planting the seed and growing the crops—or at least trying to do that, except during the years where there is a disaster when they have serious problems.

We have a hungry world. The fact is in this world we circle the Sun. Our little planet has 6.3 billion neighbors. Half of them have never made a telephone call and live on less than $2 a day. There is plenty of hunger in this country and the world. Eliminating the word "hunger" from the lexicon of the U.S. Department of Agriculture is not addressing the issue of hunger.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Madam President. I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. CONRAD. Madam President, we have had a flurry of phone calls and consultations this morning about the dispute that has gone on over the last several days about getting to the agriculture appropriations bill so we might consider disaster relief for farmers and ranchers hard hit by drought across the country, the third worst drought in our Nation's history.

My understanding of the agreement is that we will go to the India nuclear matter but that at some time today we will turn our attention to the agriculture appropriations bill and I will have the chance to offer the first amendment to that bill. Is that a correct understanding of the agreement that has been entered?

The PRESIDING OFFICER. The Senator is correct in that under the unanimous consent entered into earlier we will move to the United States-India legislation, after which the agriculture appropriations bill will be taken up. It provides under that agreement for Senator CONRAD to be recognized in order to offer a first-degree amendment following the statement of the chairman.

Mr. CONRAD. Very good. That is my understanding. I appreciate the Chair confirming that.

There are 26 cosponsors of the legislation. It is wholly bipartisan—many Republicans and many Democrats. I want to alert my colleagues that at some point we will go to this issue today. It is not specified when, as I understand it. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. CONRAD. It is specified that sometime today we will go to it, and after statements of the Chair and ranking member I will be given an opportunity to offer an amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. CONRAD. I thank the Chair and yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LUGAR. Madam President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Indiana.

FEDERAL AND DISTRICT OF COLUMBIA GOVERNMENT REAL PROPERTY ACT OF 2006

Mr. LUGAR. Madam President, I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged from further consideration of H.R. 3699, that it then be referred to the Energy and Natural Resources Committee and immediately discharged, and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3699) to provide for the sale, acquisition, conveyance, and exchange of certain real property in the District of Columbia to facilitate the utilization, development, and redevelopment of such property, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Ms. LANDRIEU. Madam President, I take the opportunity to thank the Governmental Affairs Committee for bringing H.R. 3699 to the floor for passage today. The Federal and District of Columbia Government Real Property Act of 2005 is a unique proposal to reevaluate the significant Federal property in DC and make some land available to redevelopment by the city. This redevelopment will broaden the District's tax base and will eventually add strength to the city economy. As the ranking Democratic member of the Senate Appropriations Subcommittee on the District of Columbia I am tasked with my friends on the Government Affairs Committee to provide appropriate oversight of the District and ensure a strong financial condition.

The Federal property that will be transferred to the District through this bill will provide for a variety of new projects and there is a great deal of potential. Reservation 13 is envisioned as a mixed-use new community that will include new housing and businesses, and improve access to existing healthcare facilities. That property also includes the Court Services and Offender Services Agency, CSOSA, a Federal entity providing offender and defendant oversight in the District. I commend my colleagues for including a provision in this bill to ensure the CSOSA will remain on reservation 13 in a facility which the Federal government has provided significant resources to renovate. They are doing a tremendous job to ensure that offenders returning to the city are prepared for the challenges that face them and should continue that good work.

In addition, I emphasize my strong support for youth recreation and education opportunities in this bill. Properties all along the Anacostia River and elsewhere will now be under the District's control to develop and I strongly encourage them to commit to reserving a portion of each property for youth recreation. We all know the health benefits to children being outdoors, whether in organized sports or the chance to learn about the environment. There are many tremendous youth sports organizations in DC that boost kids' self-esteem and oftentimes provide educational support or mentoring at no cost to low income children. Particularly in an urban area where space is limited it is critical that the District commit to providing opportunities for youth to be outdoors.

I recognize the important need for outreach to the poorest and most vulnerable children in DC. I strongly urge the Anacostia Waterfront Corporation to form a partnership with a DC-based organization whose mission is to provide environmental education to children in natural and historic settings, and particularly to underserved populations. In my work with the District I have always encouraged partnerships with community organizations who know the need and how best to meet it and this is a perfect opportunity to create new vibrant partnerships to benefit the community.

I thank Senators COLLINS, VOINOVICH, LIEBERMAN, and AKAKA for their hard work on this legislation over the past year. The base of the bill was proposed by the administration in 2005 and we have worked collaboratively with the District government and the Federal agencies holding property in the city to develop a sensible approach. I support the goals of this bill to rationalize property in the District and I encourage city leaders to ensure youth have a place to play in their plans for the property. I urge passage of H.R. 3699 and thank the authorizing committee for their work.

Mr. LUGAR. Madam President, I further ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and that statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3699) was ordered to a third reading, was read the third time, and passed.

UNITED STATES-INDIA PEACEFUL ATOMIC ENERGY COOPERATION ACT

Mr. LUGAR. Madam President, I ask that the bill S. 3709, the United States-India Peaceful Atomic Energy Cooperation Act, be called up and be the pending business.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S. 3709, which the clerk will report.

The clerk will report the bill by title.

The legislation clerk read as follows:

A bill (S. 3709) to exempt from certain requirements of the Atomic Energy Act of 1954 United States exports of nuclear materials, equipment, and technology to India, and to implement the United States Additional Protocol.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Madam President, today the Senate begins consideration of legislation on the U.S.-India Civilian Nuclear Agreement. This agreement is the most important strategic diplomatic initiative undertaken by President Bush. By concluding this pact and the far-reaching set of cooperative agreements that accompany it, the President has embraced a long-term outlook that seeks to enhance the core strength of our foreign policy in a way that will give us new diplomatic options and improve global stability.

The Committee on Foreign Relations undertook an extensive review of this agreement. We held four public hearings with testimony from 17 witnesses, including Secretary of State Condoleezza Rice. We received a classified briefing from Undersecretaries of State Nick Burns and Bob Joseph. Numerous briefings were held for staff with experts from the Congressional Research Service, the State Department, and the National Security Council. I submitted 174 written questions for the record to the Department of State on details of the agreement and posted the answers on the committee web site.

The agreement allows India to receive nuclear fuel, technology, and reactors from the United States—benefits that were previously denied to India because of its status outside the Nuclear Non-proliferation Treaty—NPT. This pact is a lasting incentive for India to abstain from further nuclear weapons tests and to cooperate closely with the United States in stopping proliferation.

The bill before us is an important step toward implementing the nuclear agreement with India, but we should understand that it is not the final step in the process. This legislation sets the rules for subsequent congressional consideration of a so-called 123 Agreement between the U.S. and India. A 123 Agreement is the term for a peaceful nuclear cooperation pact with a foreign country under the conditions outlined in section 123 of the Atomic Energy Act.

Our legislation does not restrict nor does it predetermine congressional action on the forthcoming 123 Agreement. Unlike the administration's original legislative proposal, this bill preserves congressional prerogatives with regard to consideration of a future 123 Agreement. Under the administration's original proposal, the 123 Agreement would have entered into force 90 days after submission unless both houses of congress voted against it, and with majorities that could overcome a likely Presidential veto. I am pleased the administration changed course on this matter and agreed to submit the 123 Agreement with India to Congress under normal procedures. This means that both the House and the Senate must cast a positive vote of support before the 123 Agreement can enter into force.

In our view, this better protects Congress's role in the process and ensures congressional views will be taken into consideration.

I thank Senator BIDEN for his close cooperation on developing this important bill. It reflects our shared views and concerns. He and his staff were valuable partners in the drafting of this legislation, and the final product is much improved because of their efforts. Together, we have constructed a bill that allows the U.S. to seize an important strategic opportunity, while ensuring a strong congressional oversight role, reinforcing U.S. nonproliferation efforts, and maintaining our responsibilities under the NPT. I also want to thank all members of the Foreign Relations Committee for their support, and the work of their staffs, in crafting a bill that received the overwhelming support of the committee last June.

For the benefit of Senators, I offer the following section by section analysis.

Section 101 identifies the bill as the U.S.-India Peaceful Atomic Energy and U.S. Additional Protocol Implementation Act. Sections 102 and 103 of the Lugar-Biden bill include sense of the Congress provisions on U.S.-India relations and policy declarations. These provisions give voice to a set of important policy issues involving bilateral relations, democratic values, nuclear non-proliferation regimes, fissile material production in South Asia, and support for IAEA safeguards and the Nuclear Suppliers Group. All of these concerns are reinforced by the bill's comprehensive reporting requirements.

Section 104 provides waiver authority from provisions in the Atomic Energy Act and removes the prohibition on cooperating with India due to its 1998 weapons tests and its existing weapons program. At the same time, section 129 of the Atomic Energy Act, which is preserved under the Lugar-Biden bill, terminates nuclear cooperation if India conducts a nuclear test, proliferates nuclear weapons or materials, or breaks its agreements with the IAEA or the United States.

Section 105 of our proposal adopts all of the administration's requirements to ensure that India is meeting its nonproliferation commitments. In addition, we require that decisions in the Nuclear Suppliers Group enabling nuclear trade with India are made by consensus and consistent with its rules. Our aim is to ensure that this multilateral organization will continue to play a vital role in global nonproliferation efforts.

Section 106 prohibits exports of equipment, materials or technology related to the enrichment of uranium, the reprocessing of spent nuclear fuel, or the production of heavy water. The provision allows narrow exceptions for the export of these items from the United States to India if they are for proliferation-resistant activities that involve the United States or have the sponsorship of a recognized international body such as the IAEA. This provision is consistent with the administration's policy regarding such transfers. It would allow cooperation in sensitive nuclear areas only if such cooperation could be implemented with no risk of proliferation.

Section 107 requires the creation of a system to ensure that no items exported to India are diverted to any uses that are not peaceful. This section seeks to ensure U.S. compliance with our NPT obligations.

Section 108 requires annual Presidential certifications that India is meeting its commitments under the July 2005 Joint Statement, its Separation Plan, New Delhi's Safeguards

Agreement and additional protocol with the IAEA, the 123 Agreement, and applicable U.S. laws regarding U.S. exports to India. The President must also certify on an annual basis that U.S. trade with India in these areas remains in the national security interests of the United States.

Section 109 requires that no action be undertaken under this act that could violate any U.S. obligation under the NPT. Section 110 explicitly stipulates that if India conducts a nuclear test, U.S.-India civilian nuclear cooperation is terminated. Finally, sections 111 and 112 clarify India's Missile Technology Control Regime status under U.S. law and various terms used in the bill.

The U.S.-Indian agreement resulted from a delicately balanced negotiation. Neither side got everything it wanted. Nevertheless, the Bush administration and the Indian government came to the conclusion that the agreement was in the national security interest of both countries. I urge Senators to vote in favor of this legislation without conditions that would kill the agreement.

I would also note that Senator BIDEN and I included an important piece of nonproliferation legislation in the bill as title II. In 2004, the Senate ratified the IAEA Additional Protocol, but Congress did not pass implementing legislation that is required for the treaty to go into effect. President Bush has called on the Senate to act on this important matter, and the committee voted unanimously in favor of this bill in March.

The Committee approved this legislation with a bipartisan vote of 16 to 2. Furthermore 15 members of the committee asked to be named as original cosponsors. Since that time, additional Senators have requested to be added as cosponsors.

Due to the fact that the legislation was an original bill, the Parliamentarian ruled that cosponsors were not permitted. This is unfortunate because the amount of support our legislation has received is impressive. I appreciate the strong support of Senators BIDEN, HAGEL, CHAFEE, ALLEN, COLEMAN, VOINOVICH, ALEXANDER, SUNUNU, MURKOWSKI, MARTINEZ, DODD, KERRY, NELSON, OBAMA, CORNYN, BAYH, HUTCHISON, DEWINE, and LOTT.

During our markup, the committee rejected an amendment offered by Senator FEINGOLD. Under the amendment, the President would have had to determine with absolute certainty that no U.S. nuclear fuel exports to India could increase its production of fissile materials for weapons. New Delhi would rightly see this as moving the goalposts—an unacceptable unilateral alteration of the pact. If the Feingold amendment or others like it are included in the final legislation, they would effectively kill the U.S.-India Agreement.

I would have preferred that the U.S.-India Agreement had included a commitment by New Delhi to stop making nuclear bomb materials, but negotiations did not yield that result. Instead, the Bush administration won an important commitment to negotiate a Fissile Material Cutoff Treaty. Such a multilateral approach is the best way to reduce nuclear tensions and threats associated with an arms race in South Asia.

The Lugar-Biden bill declares it the policy of the United States to achieve as quickly as possible a cessation of the production of fissile materials for nuclear weapons by India and Pakistan. Our bill also includes an annual reporting requirement detailing:

> United States efforts to promote national or regional progress by India and Pakistan in disclosing, securing, capping, and reducing their fissile material stockpiles, pending creation of a world-wide fissile material cut-off regime, including the institution of a Fissile Material Cut-off Treaty.

I will oppose amendments that delay or impose additional conditions on the agreement before it can enter into force. The Senate will not advance U.S. national security in this case by making the perfect the enemy of the good. We should not hold up the significant nonproliferation gains afforded by this initiative in order to seek a fissile material cap that India has indicated it will not consider absent similar commitments by Pakistan and China.

The United States and India have engaged in initial discussions on a multilateral Fissile Material Cutoff Treaty, FMCT, to be negotiated in the conference on disarmament. We should press for rapid progress in that context.

The Indian government has expressed concern about section 106 of our bill. This section prohibits the export of any equipment, materials or technology related to the enrichment of uranium, the reprocessing of spent fuel, or the production of heavy water. These technologies are not purely civilian in nature. They are considered critical elements to a modern nuclear weapons program.

This provision in our bill is entirely consistent with President Bush's policy announcement on this matter at the National Defense University on February 11, 2004. In his speech, the President said:

> The 40 nations of the Nuclear Suppliers Group should refuse to sell enrichment and reprocessing equipment and technologies to any state that does not already possess full-scale, functioning enrichment and reprocessing plants. This step will prevent new states from developing the means to produce fissile material for nuclear bombs. Proliferators must not be allowed to cynically manipulate the NPT to acquire the material and infrastructure necessary for manufacturing illegal weapons.

President Bush also said that "enrichment and reprocessing are not necessary for nations seeking to harness nuclear energy for peaceful purposes."

In response to questions for the record that I submitted, Under Secretaries of State Bob Joseph and Nick Burns amplified this administration policy as it applies to the nuclear agreement with India. They said:

> For the United States, "full civil nuclear cooperation" with India means trade in most civil nuclear technologies, including fuel and reactors. But we do not intend to provide enrichment or reprocessing technology to India. As the President said in February 2004, "enrichment and reprocessing are not necessary for nations seeking to harness nuclear energy for peaceful purposes." We do not currently provide enrichment or reprocessing equipment to any country. We will also need to ensure that any cooperation is fully consistent with U.S. obligations under the NPT not to in any way assist India's nuclear weapons program, and with provisions of U.S. law.

Under Secretaries Burns and Joseph also answered that:

> We do not export enrichment or reprocessing technology to any state. Therefore, full civil nuclear cooperation with India will not include enrichment or reprocessing technology.

This answer is especially significant, since the phrase "full civil nuclear energy cooperation" is the phrase taken directly from the July 2005 joint statement.

In response to a question for the record that I submitted to Secretary Rice, she responded:

> The U.S. does not foresee transferring heavy water production equipment or technology to India, and the draft bilateral peaceful nuclear cooperation agreement accordingly makes no provisions for such transfers.

Our committee bill, S. 3709, does not break any new ground in this area. This is not a new subject. The answers to these questions have been on the committee's Web site for months. Nothing in this bill deviates from the President's policy, and we even go one step further by allowing the flexibility to export those items from the United States for proliferation-resistant activities with the U.S. or under international cooperation. I support section 106, and I think it is important that we take the strong and definitive statements made by President Bush, Secretary Rice, Under Secretary of State Nick Burns, and Under Secretary of State Robert Joseph and put them into law.

The Indian government has also expressed concern about section 107, which requires an end-use monitoring program to be carried out with respect to U.S. exports and re-exports of nuclear materials, equipment, and technology sold or leased to India. Some have argued that this provision is not needed because IAEA safeguards would verify the use of any U.S. exports to India. IAEA safeguards only apply, however, to nuclear materials, not to nuclear technology. Sensitive technology of the kind the United States might export to India that can be used in India's civilian nuclear program could also advance India's nuclear weapons program.

This type of end-use system is not without precedent, as Congress required similar recordkeeping for nuclear cooperation with China.

An end-use monitoring program can provide increased confidence in India's separation of its civilian and military nuclear programs. It also would further ensure United States compliance with article I of the Nuclear Non-Proliferation Treaty.

The provision is not intended to cast doubt on the sincerity of India's July 18 Joint Statement commitments or its March and May 2006 separation documents. Rather, the committee believes that by building and establishing a special program with India, the resulting coordination between India and U.S. regulatory agencies can provide a basis for even greater cooperation and commerce between the two nations.

Section 107 would confirm that only authorized recipients are receiving nuclear technology; that the nuclear technology identified for transfer will be used only for peaceful safeguarded nuclear activities; that the nuclear technology identified for transfer will not be retransferred without the prior consent of the United States; and that facilities, equipment, or materials derived through the use of transferred technology will not be transferred without the prior consent of the United States.

This section also requires that, in the absence of IAEA safeguards, the U.S. and India must arrange a bilateral system to ensure that safeguards in India remain on U.S. exports and re-exports in perpetuity.

Section 107 requirements could be met by applying to India those measures already governing atomic energy cooperation under the 123 Agreement with China. Under Secretary Joseph testified before the committee that, while the 123 Agreement with India will not provide for full-scope safeguards, it "will allow for appropriate controls to help ensure that material or goods provided for civilian purposes remain within the civilian sector." So nothing in section 107 would be inconsistent with what may be concluded in the 123 Agreement with India itself.

Title II of the bill includes the committee's IAEA Additional Protocol Implementing Legislation. This title permits the Additional Protocol the U.S. has concluded with the IAEA to go into effect.

In President Bush's 2004 speech at the National Defense University, he called on the Senate to ratify the U.S. Additional Protocol with the IAEA. He said:

> We must ensure that the IAEA has all the tools it needs to fulfill its essential mandate. America and other nations support what is called the Additional Protocol, which requires states to declare a broad range of nuclear activities and facilities, and allow the IAEA to inspect those facilities . . . Nations that are serious about fighting proliferation will approve and implement the Additional Protocol. I've submitted the Additional Protocol to the Senate. I urge the Senate to consent immediately to its ratification.

The Committee on Foreign Relations voted unanimously to approve a resolution of ratification on the U.S. Additional Protocol on March 4, 2004, and the full Senate approved it on March 31 by unanimous consent in 2004.

Unfortunately the Additional Protocol is not self-executing. Congress must adopt implementing legislation for the United States to submit its instruments of ratification. In other words, implementing legislation must be passed before the Additional Protocol can go into effect. The Committee on Foreign Relations unanimously approved the implementing legislation on March 4, 2006, but efforts to pass the legislation in the full Senate have been unsuccessful due to holds placed by several Senators.

At a time when the administration and the Congress are demanding that India conclude such an Additional Protocol as part of its overall nuclear arrangements, Congress must muster the political will to act on the implementing legislation. Our credibility as the leader of global nonproliferation efforts is at stake. Along with many other nations, we are asking the IAEA to perform critical functions aimed at preventing nuclear proliferation. An effective IAEA is very much in the national security interest of the United States.

Some Senators expressed concern that the Additional Protocol and the implementing legislation will make it possible, even likely, that international inspectors will learn secrets about our nuclear weapons program. Let me state clearly, nothing could be further from the truth. The Additional Protocol does not contain any new arms control or disarmament obligations for the United States. Although there are increased rights granted to the IAEA for the conduct of inspections in the United States, although there are increased rights granted to the IAEA for the conduct of inspections in the United States, the administration has assured the Foreign Relations Committee that the likelihood of an inspection occurring in our country is very low. Moreover, even if an inspection under the Additional Protocol is requested, the United States has the full right, through the National Security Exclusion, to prevent the inspection if we determine that it could be potentially harmful to U.S. national security interests.

On July 26, 2006, the National Security Adviser, Steve Hadley, expressed the administration's support for the language in title II. He wrote:

> The Administration urges both Houses of Congress to act to complete expeditious action on implementing legislation to enable the United States to meet its obligations under the Additional Protocol.

More recently, President Bush's Assistant Secretary of State for International Security and Nonproliferation, John Rood, testified at his confirmation hearing that the administration strongly supports the Additional Protocol and that it is important that the United States pass implementing legislation.

I am pleased to report that a compromise was reached between the administration, the Committee on Foreign Relations, and those Senators who expressed concerns about the IAEA Additional Protocol implementing legislation. This is an important step for U.S. nonproliferation policy, and I thank all of the parties involved in the discussions for their support of those efforts.

In conclusion, Madam President, I urge my colleagues to approve the U.S.-India agreement. This legislation will allow the United States to engage in peaceful nuclear cooperation while safeguarding U.S. national security and nonproliferation efforts, as well as congressional prerogatives. It is an opportunity to build a vital strategic partnership with a nation that shares our democratic values and will exert increasing influence on the world stage. We should move forward now.

I thank the Chair, yield the floor, and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LUGAR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 5168

(Purpose: In the nature of a substitute)

Mr. LUGAR. Madam President, I send a managers' amendment to the desk that has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Indiana [Mr. LUGAR] proposes an amendment numbered 5168.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. LUGAR. Madam President, I urge the amendment's adoption.

The PRESIDING OFFICER. The amendment is agreed to as original text.

The amendment (No. 5168) was agreed to.

AMENDMENT NO. 5169

Mr. LUGAR. Madam President, I send an amendment to the desk that has been cleared on both sides of the aisle.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR], for Mr. OBAMA, proposes an amendment numbered 5169.

The amendment is as follows:

(Purpose: To clarify United States policy in order to deter nuclear testing by foreign governments)

At the appropriate place in title I, insert the following new section:

SEC. . UNITED STATES POLICY REGARDING THE PROVISION OF NUCLEAR POWER REACTOR FUEL RESERVE TO INDIA.

It is the policy of the United States that any nuclear power reactor fuel reserve provided to the Government of India for use in safeguarded civilian nuclear facilities should be commensurate with reasonable reactor operating requirements.

Mr. LUGAR. I urge the amendment's adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 5169) was agreed to.

Mr. LUGAR. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LUGAR. I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BIDEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Madam President, today the Senate is engaged in a truly historic process. When we pass this bill—and I expect we will do that—America will take a giant step closer to approving a major shift in United States-India relations. If we are right, this shift will increase the prospects for stability and progress in South Asia and, I would argue, the world at large. The Committee on Foreign Relations has worked to move this project forward, while safeguarding the role of Congress and minimizing any harm to nuclear nonproliferation policies and institutions. There is no one who has been stronger in dealing with the issue of nonproliferation than my colleague, the chairman of the Foreign Relations Committee. I have supported him in those efforts for years.

I urge my colleagues to take a real close look at the argument that is being made by some that this is going to promote the proliferation of nuclear weapons. The fact is, I believe it will not.

I am going to urge my colleagues at the appropriate time to support this bill. It has been a cliche to speak of the United States-India relationship as a bond between the world's two oldest democracies and the world's two largest democracies, but this cliche is also a fact. Shared political values are the foundation of our relationship and, I would argue, the raison d'etre for taking a chance for those who are doubtful on this treaty. Both the United States and India believe in the dignity of man and the consent of the governed. Both countries are multiethnic and multireligious. Both countries seek economic and social betterment for their people and believe that it is best achieved through peaceful change, both domestically and externally. If that were the whole story, however, it would not have taken us six decades to get to the moment we are now.

For much of the last 60 years, the political structures were trumped by geopolitical ones. Democracy in democratic India was often closer to the Soviet Union, while the United States often favored India's rival Pakistan, particularly during the most undemocratic phase of Pakistan's national history. That alignment was an anomaly of the cold war. Today the United States and Pakistan are important allies in the war on terror and, at the same time, today the national interests of the United States and India are in concert, perhaps more than any time in the past. India and the United States are both status quo powers, at least regarding territory. Neither of us has any claim on any neighboring piece of real estate. We face similar challenges from extremists and terrorists; in some cases, from the same terrorist groups and same individuals. We share a common desire for stability and the spread of liberal democracy throughout Asia and, indeed, throughout the world. And we share a concern about the world's need for energy, especially energy that does not increase the speed and risk of global warming.

The need for new energy supplies is an important underpinning of the issues before us today, legislation opening the way for civil nuclear cooperation between the United States and India. In time, I hope India's burgeoning energy needs will prove a spur to a wide variety of alternatives to fossil fuels, including solar, wind, and biofuel. On many of these, India has already begun to move, but at present, nuclear power is a vital part of India's energy equation. It is likely to grow in significance in the years to come. Experts note correctly that nuclear power will still provide only a small portion of India's energy consumption even when this passes. But at the margin, the contribution of nuclear power will be greater, and India's leaders across the political spectrum see nuclear power as an important and necessary contributor to their country's economic progress.

The Agreement on Nuclear Cooperation negotiated by President Bush and Prime Minister Singh in July of 2005 cannot be implemented unless Congress approves changes in U.S. law. So we in the Senate must now address both the opportunities and the nonproliferation issues raised by that agreement. The administration proposed that we treat the United States-India Nuclear Cooperation Agreement as if it met all the requirements of section 123 of the Atomic Energy Act. In fact, it does not. There is no way, of course, that India, with a nuclear weapons program that is outside the Nuclear Non-Proliferation Treaty, could meet these requirements. I compliment my chairman for making it clear to the administration that was a nonstarter.

Were Congress to accept the administration's proposal, it would lose any real ability to influence a nuclear agreement with India. The agreement would be sent to Congress, but we would have to enact a motion to disapprove over a likely Presidential veto within 90 days in order to stop any agreement from entering into effect. That would be a gigantic usurpation of our responsibility. The Foreign Relations Committee, under the leadership of the chairman, rejected this approach, as did the House of Representatives.

The bill before us today would require, instead, an affirmative vote of Congress before a United States-India Nuclear Cooperation Agreement can enter into effect. Section 3709 provides expedited procedures for the resolution to approve such a United States-India agreement. That resolution would not contain any conditions, and it could not be amended. But if Congress found the Nuclear Cooperation Agreement wanting in some respect, it could either reject the expedited resolution or approval or pass a different resolution that did contain conditions. That is what Congress did with the United States-China Nuclear Cooperation Agreement in 1985. So this bill protects congressional powers not for the sake of protecting congressional powers, as if we were interested in turf; it protects the balance of power, the separation of power, which is essential in the formulation of a policy, including foreign policy. At the same time, it offers procedures that will expedite approval of a good agreement.

Section 3907 also allows the President to waive section 128 of the Atomic Energy Act, which provides for annual submission of one export license to Congress. That provision has never been used and would be of little benefit to Congress, as a sale could be blocked only if a resolution of disapproval were enacted, again, over the likelihood of a Presidential veto.

The administration argued that section 128, while giving Congress little real power, would harm U.S. industry by creating an annual event that would frighten both the customer and the investor from proceeding. We agreed, and this bill includes a section 128 waiver provision that the administration requested. Chairman LUGAR and I yield to nobody in our commitment to nonproliferation, and no one has a stronger record on this than Senator LUGAR. We believe we have presented to this body a bill that allows civil nuclear cooperation with India to proceed and ends India's nuclear isolation, but it does so without seriously jeopardizing the hard-won nonproliferation gains of nearly the last four decades.

Specifically, our aims have been as follows:

To preserve the right of Congress to conduct a meaningful review of the peaceful nuclear cooperation agreement that India and the United States are negotiating; secondly, to ensure that such nuclear cooperation is used exclusively in India's civil nuclear program and that India continues to be a "good citizen" when it comes to nonproliferation, as it has been; to preserve the role and procedures of the Nuclear Suppliers Group and of the International Atomic Energy Agency; and to do all this without requiring any renegotiation of the United States-India treaty deal.

Look, every time we have a treaty presented to us in the Senate, there are those of us, including my friend from North Dakota who is on the Senate floor, who believe we can probably do it better. We believe we could have gotten a better deal. We believe we could have gotten a treaty that was even better than the one that exists. But the old expression is that we cannot let the perfect be the enemy of the good.

It wasn't really very easy to do what we set out to do, but I truly believe we have succeeded in the points I have just made. There is a reason this bill was reported out of committee with a 16-to-2 margin; we did really try to address the major nonproliferation concerns legitimately raised by colleagues in the committee.

The Foreign Relations Committee did not endorse, for example, the administration's request for broad waiver authority regarding section 129 of the Atomic Energy Act. That section terminates nuclear exports to a country under certain circumstances. The administration did not want that in place.

The committee agreed that the President needs the right to waive those portions of section 129 which would end exports because India has a nuclear weapons program or because it has tested nuclear devices in the past. But section 3709 doesn't grant a waiver authority regarding those portions of section 129 which would end nuclear exports if India were to, 1, test a nuclear device in the future; 2, terminate or materially violate the IAEA safeguard; 3, materially violate its agreement with the United States, or engage in nuclear proliferation.

Look, if India does any of those things, then the premise upon which we have dealt with a good friend and neighbor was falsely relied upon. I believe India understands the consequence of this bilateral relationship as profoundly as we do. If I am wrong about that and India were to do any or all of the four things I just named, it would clearly violate the spirit of this agreement, part of which, as all agreements ultimately are, is based on some sense of comity and trust.

This bill requires that India sign a safeguards agreement with the IAEA and negotiate an additional protocol as well. It requires the President to certify, moreover, that the safeguards agreement is "in accordance with IAEA standards, principles, and practices." The President must certify to that effect.

We understand that India, having nuclear weapons, will not accept full-scope safeguards. But the language in this bill makes clear our expectation that the safeguards agreement India works out with the IAEA will guard effectively against diversion of foreign nuclear material and technology to India's military program.

Section 3709 also requires the President to certify that the Nuclear Suppliers Group has decided to permit civil nuclear commerce with India and that the NSG, Nuclear Suppliers Group, decision was made by consensus. We do not want to damage the Nuclear Suppliers Group, which has been a vital institution in our fight against nuclear proliferation. So this bill protects the Nuclear Suppliers Group's role in governing peaceful nuclear commerce.

The administration has said repeatedly that this is an India nuclear deal, not intended to permit nuclear commerce with Pakistan or Israel—the only other states that never signed the NPT. The committee's bill incorporates that distinction by requiring the President to certify that the NSG—Nuclear Suppliers Group—decision does not permit nuclear commerce with any other state that does not accept full-scope safeguards.

The NSG is not likely to single out India as an exception to its guidelines. Rather, it will create tests that a non-NPT state must meet before nuclear commerce with the country may take place. The committee believes that such a test should be substantial, so that the countries outside the NPT are not all given the same benefits as the nonnuclear weapon states inside the treaty. Thus, the bill before us today is designed to maintain important nonproliferation policies that have served our country well.

With regard to sections 106 and 107, two sections of this bill, they have been cited by some Indian officials as causing concern. I will address these sections, as I do not believe such concern is merited.

Section 106 in the agreement bars the executive branch from exporting to India "any equipment, materials, or technology related to the enrichment of uranium, the reprocessing of spent nuclear fuel, or the production of heavy water." That is because these technologies are all used to produce fissile material for nuclear weapons. In fact, the administration already has a worldwide policy of not exporting these technologies. Section 106 merely makes that a legal requirement in this case.

Because section 106 makes this a legal requirement, we also added two exemptions. One would be for a program such as the Global Nuclear Energy Partnership, which is to develop a new generation of proliferation-resistant nuclear facilities. In other words, the second exemption would be for a facility in an IAEA-approved program to provide alternatives to national fuel cycle capability. For example, there might some day be a South Asian regional uranium enrichment facility under IAEA auspices.

Some Indian officials are reportedly upset because section 106 singles out India. But they have long known that it is U.S. policy not to sell them these technologies, so this is a matter more of pride than of substance, which I hope they deal with. I would not object to making section 106 apply worldwide, but we believed this was too large a step to take in this bill. I would think it should apply worldwide.

Section 107 requires a program to maintain accountability with respect to nuclear materials, equipment, and technology that we sell, lease, export, or reexport to India. This program would include end-use monitoring conditions, as appropriate. A similar program exists for U.S. nuclear exports to China. Such a monitoring program would enhance confidence in India's separation of its civilian and military nuclear programs. It would also further ensure U.S. compliance with article I of the nonproliferation treaty.

Indian officials are reportedly upset that American personnel might need to visit India's nuclear sites. It should come as no surprise, however, that we need to ensure that U.S. nuclear materials, equipment, and technology are not diverted to military uses.

The purpose of section 107 is not to impose new conditions upon India but, rather, to make sure the executive branch doesn't forget its obligation to guard against diversion. That obligation is already U.S. policy. It also flows from article I of the nonproliferation treaty, which requires nuclear weapon states not to assist nonnuclear weapon states "in any way" to manufacture nuclear weapons. And India remains a nonnuclear weapons state under both the NPT and U.S. law, despite the fact that now it does have nuclear weapons.

I hope that in conference we can adjust the wording of section 107 to correct any potential misunderstanding of its effect, which is not intended to be onerous. I also hope that Indian officials will understand the U.S. need to embark upon nuclear commerce with India in a manner that maintains our nonproliferation policies and fulfills our international obligation. I believe the bill reported out by the Foreign Relations Committee does that in a most reasonable manner and that it will provide a strong foundation for a new beginning in United States-Indian relations.

The United States-Indian agreement is much more than just a nuclear deal, though, Mr. President. I believe historians will see this as a historic step, part of the dramatic and positive departure in United States-Indian relationship that was begun by President Clinton.

President Bush is to be commended for continuing and accelerating the journey President Clinton started in our relations with India.

If I were asked to name the pillars for security in the 21st century, India and the United States would be two of them. India and the United States, working in cooperation toward the same goal, can provide the beginning of a strong foundation for a stable world. And for the United States, no relationship, in my view, is more important than the United States-India relationship maturing along the lines that have begun.

The ultimate success of this agreement will rest on India's willingness and ability to reduce tensions with its nuclear neighbors and achieve nuclear stability. We all hope to see the day when India and Pakistan voluntarily reduce or end their fissile material production, as the recognized NPT nuclear weapons states already have done.

I hope especially that India will not use its peaceful nuclear commerce to free up domestic uranium for increased production of nuclear weapons. The United States-India deal doesn't bar India from doing that. But such a nuclear buildup—unless carried out in response to a direct threat from its nuclear-armed neighbors—would be a gross abuse of the world's trust, in my view. It would sour relations between India and the United States, just at a time when both countries hope to build upon a new foundation that has been laid in the past decade and which I respectfully suggest is in the overwhelming self-interest of both countries.

India and the world will also benefit if India embraces these critical nonproliferation standards. These include the Proliferation Security Initiative; the guidelines and policies of the Australia Group, which, I add, controls exports that could help countries build chemical or biological weapons; and the guidelines and policies of the Wassenaar Arrangement, which combats the spread of advanced conventional weapons.

India is a major world power. India needs to—and will, I believe—step up to this awesome responsibility. As an important world power, it is important that support for the complete nonproliferation regime would make a gigantic difference in the world. Currently, however, India doesn't stop its companies from exporting dual-use chemicals and equipment to countries such as Iran because those exports are not banned by the Chemical Weapons Convention.

Other leading countries have concluded that unrestrained exports of items that could be used to produce chemical or biological weapons and advanced conventional weapons are a real danger to world stability. It is my fervent hope and prayer that India reaches that conclusion as well. It is time for them to adopt, in my opinion, the same approach to the dangers posed by such proliferation.

India will not attain the respect and status it seeks and deserves in the world unless it takes a willing and active role in preventing proliferation of all kinds. The nuclear deal we are considering today is a sign, however, of the world's desire to bring India into the fold. I hope India will use this deal as a departure point from which it will branch out to embrace all international nonproliferation activities. It will surely be welcomed if it does.

In my view, the bill before us is a victory for United States-India relationships. It is a victory for the quest to move beyond fossil fuels. And it is a victory we have achieved while doing our best to maintain the global effort to end proliferation.

I believe, not guaranteed by this agreement, it will be also a point of departure for India to rethink its role in the world with regard to proliferation of all kinds. I sincerely hope it does.

I end where I began. I think United States-India relations is two of the pillars upon which we have a chance—we have a chance, a real chance—to build a 21st century that is much more stable than the 20th century and to avoid the carnage of the 20th century. It cannot be done without India's cooperation, and it can be done with India's leadership.

I thank my colleagues for listening. I understand my friend from North Dakota may have an amendment or may wish to seek the floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I wish I were on the Senate floor today able to be supportive of the chairman and ranking member of the committee. They have both given persuasive and eloquent statements about the matter.

I come to the floor of the Senate with a different view. I come here very disappointed because I think we are beginning down a very troublesome road for this country. I want to talk a little about what all this means.

I know the issue is not an issue that rates at the top of the attention of the American people at the moment, this Government, or the press corps. This is an issue about whether there will be more nuclear weapons built in a world in which there are already too many nuclear weapons. This is an issue in which we are going to discuss the issue of nonproliferation, stopping the spread of nuclear weapons at a time when we have terrorism in this world that we worry could result in a terrorist organization acquiring a nuclear weapon and detonating a nuclear weapon in a major American city.

Mr. President, I ask unanimous consent to show a couple of items on the floor of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, my colleague, Senator LUGAR, is someone who has been a real leader with Senator Nunn on the Nunn-Lugar program, which I have been proud to support. It has been a program that has actually reduced the number of nuclear weapons and reduced the delivery systems for nuclear weapons. It is what we aspire to do. It is what our country should lead the world in doing, and that is to step away from the proliferation of nuclear weapons and the building of new nuclear weapons.

This is a piece of a wing strut from a Backfire bomber. This used to be flying in the air, part of a wing strut from a Soviet Backfire bomber that likely carried nuclear weapons that threatened our country. We didn't shoot this plane down. This wing strut was sawed off. The wing was destroyed. The plane was destroyed. It was dismantled.

How did that happen? We actually paid for it. My colleagues, Senator Nunn and Senator LUGAR, proposed legislation that allowed us to, with the Russians, actually begin to destroy and reduce delivery systems and nuclear weapons. So this bomber that carried a nuclear weapon, presumably to threaten this country, doesn't exist anymore. A piece of its wing is in my desk drawer in the United States Senate.

This is a vile of ground-up copper. This used to be part of a Soviet submarine, that prowled under the water with missiles and warheads presumably aimed at U.S. cities. Yes, this used to be a Soviet submarine carrying weapons of mass destruction threatening our country.

This was a hinge on a missile silo in the Ukraine, and that missile silo contained a missile. That missile contained nuclear warheads, presumably aimed at a U.S. military target or a U.S. city. This hinge, of course, is in my desk today, not in a field in the Ukraine. Where that missile used to sit, there is no missile. There is no missile silo. There are now sunflowers planted in that field in the Ukraine.

The Ukraine, Kazakhstan and Belarus—all three countries—had several thousand nuclear weapons and are now free of all nuclear weapons.

How did all that happen? Was it by accident? No, no, it wasn't. This country embarked on a set of policies and proposals that resulted in the reduction of delivery systems and nuclear weapons.

Have we been enormously successful? I have described some successes, but we have, oh, probably 25,000 to 30,000 nuclear weapons remaining on this Earth. Far too many—25,000 to 30,000 nuclear weapons. We have much to do to step away from the abyss of having a terrorist organization or rogue nation acquire nuclear weapons and threaten our country or threaten the world.

We have all experienced 9/11/2001 where several thousand innocent Americans were murdered. That was an unbelievable terrorist attack on our country. It could happen again with a nuclear weapon. We are going to spend $9 billion or $10 billion this year building an antiballistic missile defense system to create some sort of an electronic catcher's mitt to catch an intercontinental ballistic missile someone might aim at our country armed with a nuclear warhead.

That is one of the least likely threats our country faces. We are going to spend close to $10 billion for a threat that is one of the least likely threats we face.

The most likely threat, perhaps, instead of an intercontinental ballistic missile coming in at 18,000 miles an hour aimed at an American city, is a container ship pulling up to a dock in a major American city at 3 miles an hour with a container that contains a weapon of mass destruction onboard, to be detonated in the middle of an American city.

Let me read for the RECORD, as I start—and I want to then talk about this specific agreement—I want to read an excerpt from Graham Allison's book. He is at Harvard. He wrote a book called "Nuclear Terrorism: The Ultimate Preventable Catastrophe."

I talk about 9/11/2001, several thousand Americans murdered by terrorists. The detonation of a nuclear weapon in an American city by a terrorist group will not mean several thousand Americans being murdered; it could likely mean several hundred thousand Americans being murdered, or more.

Let me read to you from Graham Allison's book. I am quoting:

> On October 11, 2001, a month to the day after the terrorist assault on the World Trade Center and the Pentagon, President George W. Bush faced an even more terrifying prospect. At that morning's Presidential Daily Intelligence Briefing, George Tenet, the director of central intelligence, informed the president that a CIA agent code-named Dragonfire had reported that Al Qaeda terrorists possessed a ten-kiloton nuclear bomb, evidently stolen from the Russian arsenal. According to Dragonfire, this nuclear weapon was now on American soil, in New York City.
>
> The CIA had no independent confirmation of this report, but neither did it have any basis on which to dismiss it. Did Russia's arsenal include a large number of ten-kiloton weapons? Yes. Could the Russian government account for all the nuclear weapons the Soviet Union had built during the Cold War? No. Could Al Qaeda have acquired one or more of these weapons? Yes. Could it have smuggled a nuclear weapon through American border controls in New York City without anyone's knowledge? Yes. . . .
>
> In the hours that followed, national security adviser Condoleezza Rice analyzed what strategists call the "problem from hell." Unlike the Cold War, when the United States and the Soviet Union knew that an attack against the other would illicit a retaliatory strike of greater measure, Al Qaeda—with no return address—had no such fear of reprisal. Even if the president were prepared to negotiate, Al Qaeda had no phone number to call.
>
> Clearly, no decision could be taken without much more information about the threat and those behind it. But how could Rice engage a wider circle of experts and analysts without the White House's suspicions leaking to the press? A CNN flash that the White House had information about an Al Qaeda nuclear weapon in Manhattan would create chaos. New Yorkers would flee the city in terror, and residents of other metropolitan areas would panic.

I continue to quote:

> Concerned that Al Qaeda could have smuggled a nuclear weapon into Washington as well, the president ordered Vice President Dick Cheney to leave the capital for an "undisclosed location," where he would remain for many weeks to follow. That was standard procedure to ensure "continuity of government". . . . Several hundred federal employees from more than a dozen government agencies joined the vice president at this secret site. . . . The president also immediately dispatched NEST specialists (Nuclear Emergency Support Teams of scientists and engineers) to New York City to search for the weapon. But no one in the city was informed of the threat, not even Mayor Rudolph Giuliani:
>
> As the CIA's analysts examined Dragonfire's report and compared it with other bits of information, they noted that the attack on the World Trade Center in September had set the bar higher for future terrorist spectaculars.

I won't read to the end. I ask unanimous consent that this document be printed in the RECORD at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DORGAN. At the end of this process, they finally determined after about a month that this was not a credible threat. Dragonfire's report turned out not to be credible.

But at the time they took the report very seriously. They analyzed it this way: Was it possible that a Russian 10-kiloton nuclear weapon could have been stolen? Yes, it was possible. Is it possible a terrorist group could have acquired it? Yes. Is it possible it could have been smuggled into New York City? The answer was yes. And, if so, was it possible a terrorist group could detonate a nuclear weapon in a major American city? The answer was yes.

This is not fiction. I am reading an excerpt of a book of something that happened in October of 2001.

My greatest fear is that we do not yet understand the difference between what was and what is. What was, was a standoff called the cold war in which two major nuclear superpowers aimed massive numbers of nuclear warheads at each other, but understanding, under the concept of mutually assured destruction, called MAD, that if either attacked the other, the other would be literally vaporized by an avalanche of nuclear weapons. The result was that there was a standoff, a mutually assured destruction standoff, and although both sides in that Cold War—the United States and the Soviet Union—possessed the most unbelievably powerful killing machines known to humankind, they were not used. Neither side ever used them.

Fast-forward to today. The Cold War is over. President Bush, in fact, visited with the President Putin yesterday, in Russia. Times have changed, but this world still has somewhere between 25,000 and 30,000 nuclear weapons, the loss of one of which could be cataclysmic for this world. The detonation of one nuclear weapon in a major city will change everything—everything—and be a catastrophe unlike any we have previously known.

If we have 25,000 or 30,000 nuclear weapons on this Earth, what is the responsibility of this great country? What is our responsibility? What burden falls on our shoulders? I submit it is the burden to provide world leadership to stop the spread of nuclear weapons and to reduce the threat of nuclear weapons and to reduce the stockpile of nuclear weapons. That is our responsibility. That responsibility falls on us.

How do we do that? Listen, our country has provided leadership in a nonproliferation treaty, the Nuclear Non-Proliferation Treaty, the test ban treaty. Our country has been moving always, telling the rest of the world we aspire to stop the spread of nuclear weapons. Now we live in this age of terrorism where we see people who are perfectly content to kill themselves. They don't care. As long as they can take a weapon with them and kill themselves and many others with them, it doesn't matter to them. They are reaching for some higher glory, apparently.

In this age of terrorism, everything about nuclear weapons has changed. The loss of one nuclear weapon, the loss of one anywhere on this globe to a terrorist organization is going to be devastating.

So if that is the case, what does it have to do with what we are talking about today? We are now talking today about a country called India. India is quite a remarkable place—a wonderful country with wonderful people. It is a big country. It is trying to build an economy. You can read some books about what is going on in India and the discussions about progress—it is quite a remarkable place. Our country aspires to have a better relationship with India. I support that. I believe we ought to reach out to India and improve our relationship, cement our relationship.

I know there are some who see all of the geopolitical relationships on this Earth as aligning one way or the other. We align with this country to be a counterweight against this set of interests, and it is kind of akin to teams. So I confess to you, I come here today not perhaps understanding all of the sophisticated elements of counterweights and the nuances of why someone believes it is essential, at this point, to allow India to produce additional nuclear weapons in order to create some sort of counterweight to China, but I want to talk about this issue. I was unbelievably surprised to read in the newspaper of the travels of Ambassador Burns, someone for whom I have high regard, and of the interest of Secretary of State Condoleezza Rice in going to India and reaching a deal without consulting Congress that I think begins to unravel, and undermine several decades of efforts in our country to tell the world: It is our responsibility and our major goal to stop the spread of nuclear weapons and try to reduce the number of nuclear weapons and reduce the nuclear threat.

We would not be in this position today with this bill with India if India had followed the example, for example, of South Africa. They secretly had nuclear weapons by the 1980s. But South Africa dismantled them prior to the transfer of power to the postapartheid government. Ukraine, Kazakhstan, and Belarus had more than 4,000 nuclear weapons in those three countries when the Soviet Union was dissolved which they gave up in the years following. And I must say that my colleague Senator LUGAR and others had significant successes in working with those three countries to accomplish that. So Ukraine, Kazakhstan, and Belarus are all now free of nuclear weapons.

Any nuclear deal—any relationship we have with another country that deals with nuclear power and nuclear issues should be judged, in my opinion, on whether it reduces the number of nuclear weapons. Does it reduce the nuclear weapons that exist or increase them? It is quite clear that what we are debating will result in an increase in nuclear weapons in India. I don't think there is much doubt about that. This bill fails that test, in my judgment.

Experts have warned that there is enough weapons-usable fissile material in the world to make about 130,000 nuclear weapons. A working nuclear bomb, we are told, can be made with as little as 35 pounds of uranium-235 or 9 pounds of plutonium-239. And the acquisition of a nuclear weapon by a terrorist is, in my judgment, the greatest threat that exists in our country.

Retired GEN Eugene Habiger, who commanded America's nuclear forces, said that nuclear terrorism "is not a matter of if, it is a matter of when."

Henry Kissinger wrote in the Washington Post recently:

> The world is faced with the nightmarish prospect that nuclear weapons will become a standard part of national armament and wind up in terrorists' hands.

Former Senator Sam Nunn wrote in the Wall Street Journal:

> We know that terrorists are seeking nuclear materials—enriched uranium or plutonium—to build nuclear weapons. We know that if they get that nuclear material, they can build a nuclear weapon. We believe that if they build such a weapon, they will use it. We know terrorists are not likely to be deterred, and that the more this nuclear material is available, the higher the risks.

Osama bin Laden has been seeking nuclear components since the 1990s. In 1998, Osama bin Laden issued a statement entitled "The Nuclear Bomb of Islam," declaring:

> It is the duty of Muslims to prepare as much force as possible to terrorize the enemies of God.

And Osama bin Laden's spokesman announced that the group aspires "to kill 4 million Americans, including 1 million children," in response to casualties supposedly inflicted on Muslims by the United States and Israel.

The more countries there are with nuclear weapons and weapons-grade nuclear material and the more weapons each of them has, the greater the threat that one will be used by a rogue nation or will fall into the hands of terrorist groups.

Now, frankly, we have not been very aggressive as a country in recent years in stopping proliferation. Instead of talking about how we would reduce the number of nuclear weapons, we were on the floor of the Senate, during previous debates, talking about the fact that we need new nuclear weapons. Our country has said we need designer nuclear weapons; we need bunker-buster nuclear weapons. We have people openly speaking about the desire in this country to build additional nuclear weapons.

We attacked Iraq because we believed it possessed and was seeking nuclear weapons and weapons of mass destruction. We are spending $10 billion a year, as I said, on missile defense for fear that North Korea already has nuclear weapons. And we are talking about serious issues with Iran in order to try to stop its nuclear program. And the No. 1 nightmare is that a terrorist group may acquire a nuclear weapon. No one in my judgment can credibly say that a world that has more nuclear weapons is a safer world. It is just not.

Nowhere in the world is the threat of nuclear terrorism more imminent than in South Asia. It is the home to al-Qaida which seeks nuclear weapons. It is an area where relations among regional nuclear powers are always tense: China, India, and Pakistan. India and China fought a border war in 1962. India and Pakistan fought three major wars, had numerous smaller scale conflicts since the partition of British India in 1947. Both India and Pakistan detonated nuclear weapons in 1998 and declared themselves as nuclear powers. And after that, all of us in the world held our breath as they began fighting a limited war in Kashmir.

Now, it has traditionally been the case that the United States has led the international community in efforts to deny India, Pakistan, and other nonnuclear States access to nuclear technology. That has been our traditional role. We have always been the one who said: No, no, no. We can't do that. We need to limit the capability of nations that will not sign up to nonproliferation.

We pushed for the nonproliferation treaty, which prohibits nuclear assistance to these so-called nonnuclear States, unless they agree to put all of their nuclear facilities under international safeguards and to give up the option of developing a nuclear weapon. That has been our position. It has always been our position.

Article I of the nonproliferation treaty obligates the recognized nuclear weapons States, including the United States, to:

> Not in any way assist, encourage, or induce any non-nuclear weapons State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices.

That is Article I of the nonproliferation treaty. We signed it. We helped write it. We supported it. It is what we believe in.

The United States helped form the Nuclear Suppliers Group in 1975 to help prevent the misuse of peaceful nuclear technology. In 1978, we passed the Nuclear Non-Proliferation Act, which restricts nuclear commerce with States that don't agree to the full scope of the safeguards. We pushed for U.N. Security Council Resolution 1172 which condemned India's and Pakistan's 1998 nuclear tests and called upon them to cease their nuclear weapons programs and join the nonproliferation treaty as nonnuclear weapons states. We did that.

In 1998, President Clinton imposed sanctions on both India and Pakistan, under section 102 of the Arms Control Act, which requires sanctions on any non-nuclear weapons state that has detonated nuclear devices.

Now, these policies did not stop India's and Pakistan's nuclear weapons programs, but they did restrain them and they hindered them. In fact, that is precisely why we are here with respect to India.

The Bush Administration has taken a different tact now. Their proposal is to provide "full" assistance to India's civilian nuclear program, while India keeps its nuclear weapons, which represents a complete abandonment of our traditional approach to nonproliferation.

I don't think you can come to the floor and argue that this is part of an approach we have always taken. This is a U-turn. This is a 180-degree change from the approach we have always had. The Bush Administration formed an agreement that allows New Delhi to dramatically expand its stockpile of nuclear weapons and could ignite a regional arms race. That is what we have here. They can have reactors behind the curtain that will not be subject to inspection by anybody. That is part of the deal. It will undermine 30 years of nonproliferation efforts at the very time when we are engaged in these issues with North Korea and Iran.

It is a major, it seems to me, exception to the prohibition of nuclear assistance to any country that doesn't accept international monitoring of all of its nuclear facilities. This is a major exception to that. And it also is one that gives legitimacy to a nuclear arsenal that India secretly developed, and it is not going to help us in any way. It will hinder us in convincing others to give up their nuclear weapons.

Now, India never signed the nonproliferation treaty. Because of that, Pakistan never signed the treaty. In the 1960s, India used both American technology and also Canadian technology and the nuclear fuel provided under what was called the Atoms For Peace Program to secretly build nuclear weapons. By doing so, New Delhi broke an explicit pledge to both the United States and to Canada about the use of technology and nuclear fuel only for peaceful purposes. In 1974, India conducted its first nuclear weapons test. It denied that it had done so. It said it was a peaceful nuclear test.

In May, 1998, they conducted a series of nuclear tests and declared themselves as a nuclear weapons state. In response, Pakistan did exactly the same thing and declared themselves as a nuclear state.

Because India has a shortage of domestic uranium, the application of the U.S. and international laws that prevent the sale of nuclear fuel and other nuclear assistance to them has seriously constrained its nuclear power industry and nuclear weapons program. All of us understand that India has energy issues. It has an expanding population and it wishes to build additional powerplants, nuclear powerplants, but it also wishes to build additional nuclear weapons. India's power reactors, we are now told, are operating at less than capacity due to fuel shortages and their utilization rates are expected to decrease even further. Very little uranium is leftover from its domestic supplies for India to turn to nuclear weapons. So in the past year—couple of years—New Delhi has stepped up efforts to get our assistance in obtaining nuclear fuel and reactor components so it can increase its nuclear power. But the fact is, it will also increase its nuclear weapons programs.

Here is what the deal that is now brought to the floor of the Senate does: My understanding is that it obligates the United States to persuade the members of the Nuclear Suppliers Group to change their rules which bar sales to India. It allows India to buy sensitive nuclear technologies, now forbidden under the nonproliferation treaty. It includes nuclear fuel, nuclear reactors, and advanced technology. This agreement would open the door to India's cooperation with France, Japan, and others who want to do business with India and who now have not been doing business with India because of the NPT. In return, in this agreement, India has agreed to allow the IAEA inspections and safeguards at 14 of their 22 planned nuclear power reactors. But eight of their nuclear power reactors will be placed behind a curtain. No one will be able to inspect them. That is where they will be able to continue increasing the production of nuclear weapons, and it is not—you wonder, do they want to produce additional nuclear weapons? Let me quote directly from a senior adviser to India's nuclear program. December 2005, an article in The Times of India. Dr. Subrahmanyam says:

> Given India's uranium ore crunch and the need to build up our minimum credible nuclear arsenal as fast as possible, it is to India's advantage to categorize as many power reactors as possible as civilian ones to be refueled by imported uranium and conserve our native uranium fuel for weapons-grade plutonium production.

This is clear:

> Given India's . . . crunch and the need to build up our minimum credible nuclear deterrent arsenal. . . .

That is what this is about in India.

We have those who support this, who say it is not perfect, but it is not bad. I don't know whether the contention on the Senate floor is going to be that this will not result in additional warheads. But I am clear, and I think everybody should be clear, it will. India will produce additional nuclear weapons. We believe, if that makes the world safer, I guess that is what one can argue. I do not believe that at all. I think the addition of nuclear weapons to the stockpile that exists in this world is a serious danger to the world.

Pakistan has already said: If you are going to give this deal to India, how about giving this deal to us? We might want to look at what we are doing. The administration just proposed, by the way, a big arms package for Pakistan: 36 Lockheed F–16C/D fighter planes, 500 JDAM satellite-guided bomb kits, 700 bunker buster bombs, 1,600 laser-guided bombs, 800 conventional bombs, 500 AMRAAM air-to-air missiles, 200 Sidewinder air-to-air missiles, 130 Harpoon antiship missiles, 115 self-propelled howitzers.

That is an arms package to Pakistan. But Pakistan would say: We have nuclear weapons. We exploded them. We showed you we have nuclear weapons. You are going to give this deal to build more nuclear weapons to India. We want that deal for Pakistan. We want to build more nuclear weapons.

What will China say? What will China say when they see this agreement and decide that India is increasing its stockpile? China will say: We want to increase the stockpile of nuclear weapons.

India is in the process of becoming a full-fledged nuclear power with a triad, an emerging triad. Aircraft? They have a number of types of aircraft used to deliver a nuclear weapon, or that could be so used, and land-based missiles and naval weapons.

I do not allege that India is a country that is an aggressor. That is not my point. I think our relationship with India is important. I believe we ought to connect with India. We ought to reach out to India. We ought to have an improved relationship with India. I don't know, maybe it is advantageous to have India as a counterweight in the region to China.

But, look, do any of us really believe that an agreement that pulls the rug out from under decades of positions we have held in this country on nonproliferation that results in the building of additional nuclear weapons advances our interests? Advances the world's interests? Of course not.

It falls on our shoulders as the nuclear power in the world. It is our responsibility to stop the spread of nuclear weapons. Will our children or our grandchildren someday see a nuclear weapon detonated in a major American city? Will we see that? We didn't see it during the Cold War because we had mutually agreed destruction; that is, both countries, us and the Soviet Union, understood if one launched a missile or airplane containing a nuclear weapon to be detonated in our country, we would launch sufficient nuclear weapons to completely destroy their country and their society. Both sides understood that. Both sides understood we have arsenals that would destroy each other and neither side did. Neither side was an aggressor.

In an age of terrorism, all of that has changed. In an age of terrorism, if we do not embrace policies that stop the production of additional nuclear weapons, we have missed an enormous opportunity to prevent the detonation of a nuclear weapon in one of our cities. This agreement simply does not stop the spread of nuclear weapons. It doesn't prevent the production of additional nuclear weapons. This undermines that which we have described as our goal in the United Nations. It undermines that which we have for decades described as being our goal as a leader in nonproliferation. It provides the green light for India to produce additional nuclear weapons.

With all the sophisticated arguments in favor of this agreement, I fail to see how undermining decades of effort at nonproliferation and now providing a green light to India to produce new nuclear weapons, additional nuclear weapons, makes this a safer world. Quite the contrary. I think it is dangerous. I think this agreement is a horrible mistake. I think all of the sophisticated calculations mean very little when we have decided to send signals to the world that we do not oppose producing additional nuclear weapons; that we support that.

We are willing to decide to undermine the nonproliferation treaty. We are willing to ignore United Nations resolutions all because Ambassador Burns and Secretary Rice and the Bush Administration said: You know what, we have all these calculations about weights and counterweights and geopolitical strategies and here is our new one. It is a new strategy that undermines decades of what ought to be the best virtue of this country, and that is providing world leadership, real world leadership, aggressive world leadership to stop the spread of nuclear weapons and prevent the building of more nuclear weapons and begin reducing the number of nuclear weapons that exist in this world.

As I said when I started, I regret very much I am on the other side of this issue from Senator LUGAR. Senator LUGAR has great credibility on these issues because he has done a very substantial amount of good work. I am not quite sure how I should describe this. I was extraordinarily surprised when I read the first account in the newspaper that it was likely that this agreement was going to be supported by my colleague and friend. I would say the same with respect to Senator BIDEN. I have great respect for them. So I am someone who comes to the floor of the Senate in disagreement. That doesn't mean I in any way disparage their abilities or their intellectual honesty in pursuing strategies they believe are best for this country.

I have very strong opposition to those who believe, however, that this in any way represents our best interests. I wish I could come to the Senate floor with a better message, but I do not. I believe one day we will look back on this with great regret. We have seen that in this decade already with some other decisions, information provided us with respect to Iraq and other decisions we have made. We have already, in my judgment, had opportunities to understand regret about policies undertaken that turned out to be not in this country's best interests.

I believe if we open the floodgates with this agreement, we will seriously undermine this country's best interests.

EXHIBIT 1

[From Blueprint Magazine, October 7, 2004]

NUCLEAR TERRORISM—BOOK EXCERPT

(By Graham Allison)

On October 11, 2001, a month to the day after the terrorist assault on the World Trade Center and the Pentagon, President George W. Bush faced an even more terrifying prospect. At that morning's Presidential Daily Intelligence Briefing, George Tenet, the director of central intelligence, informed the president that a CIA agent code-named Dragonfire had reported that Al Qaeda terrorists possessed a ten-kiloton nuclear bomb, evidently stolen from the Russian arsenal. According to Dragonfire, this nuclear weapon was now on American soil, in New York City.

The CIA had no independent confirmation of this report, but neither did it have any basis on which to dismiss it. Did Russia's arsenal include a large number of ten-kiloton weapons? Yes. Could the Russian government account for all the nuclear weapon the Soviet Union had built during the Cold War? No. Could Al Qaeda have acquired one or more of these weapons? Yes. Could it have smuggled a nuclear weapon through American border controls into New York City without anyone's knowledge? Yes. In a moment of gallows humor, someone quipped that the terrorists could have wrapped the bomb in one of the bales of marijuana that are routinely smuggled into cities like New York.

In the hours that followed, national security adviser Condoleezza Rice analyzed what strategists call the "problem from hell" Unlike the Cold War, when the United States and the Soviet Union knew that an attack against the other would elicit a retaliatory strike for greater measure, Al Qaeda—with no return address—had no such fear of reprisal. Ever if the president were prepared to negotiate, Al Qaeda had no phone number to call.

Clearly no decision could be taken without much more information about the threat and those behind it. But how could Rice engage a wider circle of experts and analysts without the White House's suspicions leaking to the press? A CNN flash that the White House had information about an Al Qaeda nuclear weapon in Manhattan would create chaos. New Yorkers would flee the city in terror, and residents of other metropolitan areas would panic. The stock market, which was just then stabilizing from the shock of 9/11, could collapse.

American Hiroshima. Concerned that Al Qaeda could have smuggled a nuclear weapon into Washington as well, the president ordered Vice President Dick Cheney to leave the capital for an "undisclosed location," where he would remain for many weeks to follow. This was standard procedure to ensure "continuity of government" in case of a decapitation strike against the U.S. political leadership. Several hundred federal employees from more tan a dozen government agencies joined the vice president at this secret site, the core of an alternative government that would seek to cope in the aftermath of a nuclear explosion that destroyed Washington. The president also immediately dispatched NEST specialists (Nuclear Emergency Support Teams of scientists and engineers) to New York to search for the weapon. But no one in the city was informed of the threat, not even Mayor Rudolph Giuliani.

Six months earlier the CIA's Counterterrorism Center had picked up chatter in Al Qaeda channels about an "American Hiroshima." The CIA knew that Osama bin Laden's fascination with nuclear weapons went back at least to 1992, when he attempted to buy highly enriched uranium from South Africa. Al Qaeda operatives were alleged to have negotiated with Chechen separatists in Russia to buy a nuclear warhead, which the Chechen warlord Shamil Basayev claimed to have acquired from Russian arsenals. The CIA's special task force on Al Qaeda had noted the terrorist group's emphasis on thorough planning, intensive training, and repetition of successful tactics. The task force also highlighted Al Qaeda's strong preference for symbolic targets and spectacular attacks.

Staggering the imagination. As the CIA's analysts examined Dragonfire's report and compared it with other bits of information, they noted that the attack on the World Trade Center in September had set the bar higher for future terrorist spectaculars. Psychologically, a nuclear attack would stagger the world's imagination as dramatically as 9/11 did. Considering where Al Qaeda might detonate such a bomb, they noted that New York was, in the jargon of national security experts, "target rich." Among hundreds of potential targets, what could be more compelling than Times Square, the most famous address in the self-proclaimed capital of the world?

Amid this sea of unknowns, analysts could definitively answer at least one question. They knew what kind of devastation a nuclear explosion would cause. If Al Qaeda was to rent a van to carry the ten-kiloton Russian weapon into the heart of Times Square and detonate it adjacent to the Morgan Stanley headquarters at 1585 Broadway, Times Square would vanish in the twinkling of an eye. The blast would generate temperatures reaching into the tens of millions of degrees Fahrenheit. The resulting fireball and blast wave would destroy instantaneously the theater district, the New York Times building, Grand Central Terminal, and every other structure within a third of a mile of the point of detonation. The ensuing firestorm would engulf Rockefeller Center, Carnegie Hall, the Empire State Building, and Madison Square Garden, leaving a landscape resembling the World Trade Center site. From the United Nations headquarters on the East River and the Lincoln Tunnel under the Hudson River, to the Metropolitan Museum in the eighties and the Flatiron Building in the twenties, structures would remind one of the Alfred P. Murrah Federal Office Building following the Oklahoma City bombing.

On a normal workday, more than half a million people crowd the area within a half-mile radius of Times Square. A noon detonation in midtown Manhattan could kill them all. Hundreds of thousands of others would die from collapsing buildings, fire, and fallout in the ensuing hours. The electromagnetic pulse generated by the blast would fry cell phones, radios, and other electronic communications. Hospitals, doctors, and emergency services would be overwhelmed by the wounded. Firefighters would be battling an uncontrolled ring of fires for many days thereafter.

The threat of nuclear terrorism, moreover, is not limited to New York City. While New

York is widely seen as the most likely target, it is clear that Al Qaeda is not only capable of, but also interested in, mounting attacks on other American cities, where people may be less prepared. Imagine the consequences of a ten-kiloton weapon exploding in San Francisco, Houston, Washington, Chicago, Los Angeles, or any other city Americans call home. From the epicenter of the blast to a distance of approximately a third of a mile, every structure and individual would vanish in a vaporous haze. A second circle of destruction, extending three-quarters of a mile from ground zero, would leave buildings looking like the Murrah building in Oklahoma City. A third circle, reaching out one and one-half miles, would be ravaged by fires and radiation.

Uncontrollable blaze. In Washington, a bomb going off at the Smithsonian Institution would destroy everything from the White House to the lawn of the Capitol building; everything from the Supreme Court to the FDR Memorial would be left in rubble; uncontrollable fires would reach all the way out to the Pentagon.

In a cover story in the New York Times Magazine in May 2002, Bill Keller interviewed Eugene Habiger, the retired four-star general who had overseen strategic nuclear weapons until 1998 and had run nuclear antiterror programs for the Department of Energy until 2001. Summarizing his decade of daily experience dealing with threats, Habiger offered a categorical conclusion about nuclear terrorism: "it is not a matter of if; it's a matter of when." "That," Keller noted drily, may explain why he now lives in San Antonio."

In the end, the Dragonfire report turned out to be a false alarm.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. I want to say just one additional thing. I have two amendments that I intend to offer today. I do not intend to take a great amount of time with either of them. Both of them are very important. I wish to say to the chairman, I know he is working through this bill today. I want to be cooperative but not so cooperative that I do not have an opportunity to fully explain amendments that I think are very important relative to what I just described.

The amendments I will offer, one has to do with requiring India to comply with what the U.S. is already required to comply with, the second relates to a United Nations resolution, that our country pushed, that represents American policy that appears to be completely contradictory to the underlying bill on the floor of the Senate.

I say to the chairman, I will have two amendments. I am prepared in a reasonable period to offer the amendments. I do have, with Senator MCCAIN, an obligation at 12 o'clock for a few minutes off the Senate floor. We are going to be speaking to a group. But following that, I would be happy to come over and offer my two amendments if the Senator is willing to have me do that.

Mr. LUGAR. I would like to respond to my distinguished colleague. I appreciate the appointment that he has with our colleague from Arizona. My hope would be that the Senator would proceed with his amendments. It would be timely to do so at his earliest convenience. I encourage him to do so.

Mr. DORGAN. Mr. President, I missed the last point.

Mr. LUGAR. I just indicated as soon as you could proceed with your amendments, this would be timely, in terms of moving the progress of our bill today.

Mr. DORGAN. I will be off of the Senate floor for the other requirement that I have, but I will come back. My understanding is there is a proposal to perhaps try to modify one of my amendments?

Mr. LUGAR. That is correct. Staffs have been working on one of the amendments of the Senator with the hope it might be possible to accept that amendment. The other amendment would have to be offered and debated.

Mr. DORGAN. Yes. I intend to offer the other amendment, debate it, and ask for a recorded vote on it. I will take a look at the proposed modification to see what that modification is, but I will try to be back on the Senate floor as quickly as possible to accommodate the Senator's interests in getting it done.

Mr. LUGAR. I appreciate that and thank the Senator.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, I rise today in strong support of S. 3709, the United States-India Peaceful Atomic Energy Cooperation Act. This legislation has been thoughtfully crafted and will help cement an important partnership with a vitally important Nation in a part of the world that will become increasingly important for the future.

I first want to thank the chairman of the Foreign Relations Committee, Senator LUGAR, for his commitment to this agreement from the very beginning. Thoughtful, as he always is, I thank him for his knowledge, his expertise, his wisdom, trying to make sure this is appropriate for our country, as well as India, and making sure there are provisions in there that are beneficial to our country while also not harming the ability of our friends in India to pass it in their country as well.

There is no person in the Senate more knowledgeable on anti-proliferation issues than Senator LUGAR. His leadership was instrumental in developing a bill with protocols that met the commitments made by our President while also respecting the safeguard agreements that have protected this country for decades. I thank our chairman.

The hearings by Chairman LUGAR back in the spring, along with informative testimony of Secretary Nicholas Burns, were a necessary lesson for our colleagues on the committee, and I think the entire United States, that explained the benefits and also helped remove outstanding concerns about this historic pact. Chairman LUGAR, earlier speaking on this measure, along with the ranking member on the Foreign Relations Committee, Senator BIDEN, addressed the specific sections of the bill, so I will not recite all of those provisions again for my colleagues. I wish to provide the principles behind it, the strategic goals that are achieved in this United States-India civil nuclear pact. I want to focus on the big picture and the long-term impact of this cooperation agreement.

First and foremost, the United States-India civil nuclear cooperation agreement is a significant foreign policy achievement for the advancement of our security. It is a significant achievement for the advancement of jobs, and also a significant achievement in improving the environment—the air quality particularly, in India. This strategic partnership between the world's oldest democracy, the United States, and the world's largest democracy, India, is desirable, and it is possible because we share the same values. We both believe in representative democracy. We believe in and are girded by the rule of law. We respect human rights and religious tolerance. We share the same goals for Asia and for the world, which are freedom and peace.

This pact, this partnership, this agreement, in my view, can be the beginning of a blossoming marriage between the people of the United States and the people of India. India is a vital ally and a key global partner in the war on terrorism. They understand it. They have been threatened in India. In fact, India has been hit by terrorism in the name of religious fanaticism and religious extremism. This agreement is a step forward also regarding concerns with nuclear proliferation. Some critics will argue this agreement undermines the Nuclear Non-Proliferation Treaty, but when you look at the facts, India has no record of proliferating nuclear material, nuclear equipment, or technology to any other countries. In addition, India's nuclear weapons are there for self-defense and India has been a consistent practitioner of the "no first use" doctrine when it comes to nuclear weapons.

India has been an exception in this regard and, in my view, should be viewed differently than other countries that do not have such a record.

The fact is as a result of this agreement India will place a majority of its thermal power reactors under the International Atomic Energy safeguards for the very first time, and there also will be permanent inspections.

By contrast, Iran doesn't have the same sort of policy as India. Iran has kicked out the IAEA inspectors. This agreement helps bring India into the global nuclear mainstream where it is not right now.

It is very clear, whether it was Chairman LUGAR or Senator BIDEN and others, if you examine this agreement it is going to significantly increase transparency and oversight of its civilian nuclear program.

We also ought to look at the economic and energy benefits of this cooperation. India has tremendous energy needs that will only increase as their economy and country grows and increasingly prospers.

The United States-India nuclear agreement strengthens energy security for the United States and India by promoting the development and stable use of clean nuclear power, rather than relying on the Middle East for oil and gas, particularly from Iran. Obviously, India benefits through a reliable, affordable energy supply. United States companies will benefit from increased jobs and economic opportunity in the India energy market. Cooperation from this will also ensue, I believe, in clean coal technology and also biofuels.

Having been in India last November-December, the air quality there is awful. The coal they have in India is dirty coal. They have to import coal.

There are millions of people in India prospering as a country, and increasing. There are millions of people who do not have electricity. For India to have its energy needs met, they are going to have to be able to import more or they are going to have to come up with creative approaches.

The U.S.A. is far more dependent on foreign sources of energy. We need to have more exploration of oil and natural gas in our country. We ought to be using more clean coal technology since we are the Saudi Arabia of the world in coal for electricity and gasification and liquification of coal. We also need advanced nuclear, biofuels, solar—a diversity of fuels for our energy independence rather than being so dependent on foreign sources of energy from the Middle East and hostile dictators around the world.

India is in a similar situation. In fact, they are even more dependent than the United States. There are concerns they will have to have a pipeline from Iran for natural gas or for oil. We are trying to get Iran not to develop nuclear weapons. One of the reasons geopolitically why it is difficult to impose sanctions or any sort of efforts to get them to comply is there are other parts of the world that are so dependent on Iran for natural gas or for oil.

In a sense, the energy independence and energy security concerns that we have in our country are also brought about for the people in India which are even more dependent on foreign sources of energy than we are. If India can have clean nuclear for electricity generation, that is going to obviously help the people of India. It will improve their air quality, clearly. As you all know, a barrel of oil, wherever it is produced, has the same price.

With the increasing economies of China and India and elsewhere around the world, for every bit of oil that is produced, the whole global market is competing for that barrel of oil. To the extent that India's demands can be somewhat ameliorated as well as ours in coal liquification or biofuels or other renewable approaches, it is going to help our energy independence in this insofar as India is concerned.

Beyond energy and jobs, we have grave threats facing the United States and also our friends and allies insofar as security. We need to build new alliances, and we need to strengthen existing alliances as well.

With that in mind, I think we ought to be looking further into the 21st century to determine what U.S. policy will be in Asia. What should it be? Where can we reasonably expect support to come from, whether in Asia or the Western Pacific?

Presently, some of the key allies that share our values are South Korea, Japan, Singapore, the Philippines, and Australia. They are key leaders with us. Further positive concerted efforts need to be made with Pakistan and Indonesia. India has a key role in all of this. I think India is absolutely essential for our freedom and shared values but also our freedom advancement in innovation and our security.

As I mentioned, I was in India last fall. This was a key issue on the minds of Prime Minister Singh and other government leaders. India is a country with tremendous potential, amazing values, but also a lot of hardship, hard breaks, and poverty in that country. They need reliable energy. They are working in education. In fact, we can learn a lot from India insofar as education is concerned as young people in middle school are focused on high school exams to get into the India institutes of technology. We need to get more Americans from all backgrounds interested in engineering and science as India has done.

India is also so important to security—a country which will soon have well over 1.2 billion people, not only the world's largest democracy but the world's largest country in the next few years.

The challenges that face India's future development are making progress, but they are tremendous challenges. So while India is now a global economic power, it is going to be increasingly an economic power in the future. It is going to be a much more important voice in Asia as well.

So it is in the interest of the United States to engage India, to help it develop safe, clean, and reliable energy, and also further our existing ties with its leaders in government, especially the people of India who appreciate the United States. Of course, there is a great deal of trade between the United States and India. Many of the H–1B visa applicants are from India which are very important for Virginia's economy and for the economy of the United States.

I also believe that we need to—I urge my colleagues to—examine this in its totality. It is imperative that we pass this legislation and begin finalizing this agreement that was reached by the elected leaders of the United States and India. It is in our security interests. It is in our economic interests. It strengthens the alliance which will be vital for years ahead.

I believe very strongly that this United States-India pact will be a marriage which will benefit all of us, not just now but for generations to come.

I thank my colleagues. I urge most respectfully the passage of the United States-India Peaceful Atomic Energy Cooperation Act with no killer amendments and let's allow this marriage between the United States and India blossom for our security, for our jobs, and our best interests through the years to come.

I thank Chairman LUGAR again for his outstanding and remarkable wisdom and insight shepherding this measure through. I hope by the end of the day this will pass, and that this marriage will continue to bear fruit for generations to come.

I yield the floor.

Mr. LUGAR. Mr. President, I thank the distinguished Senator from Virginia for his very generous comments about my leadership and the work of the committee. But I want to say that I appreciated very much the Senator's diligent and thoughtful work on the committee. He will be missed. He has been a great leader in our efforts and has participated materially in the formation of the legislation he talked about today. I deeply appreciate the strength of his statement and his very thoughtful comments.

I understand the distinguished Senator from Kansas wishes to make a statement.

I yield the floor.

The PRESIDING OFFICER (Mr. ISAKSON). The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I thank my colleague from Indiana, Chairman of the Foreign Relations Committee. He has done an outstanding job. He has been a leader and a foreign policy voice on Capitol Hill. His leadership is measured, and he is very knowledgeable and quite good. I appreciate his wisdom, counsel, and leadership—and his leadership on this bill as well.

I recognize my colleague from Virginia who has done an outstanding job for many years in many capacities on foreign relations. I know that he knows the issues on the United States-India relationship. Many people I have worked with on India have worked with the Senator from Virginia. I deeply appreciated his work, knowledge, interest, and passion on pushing these issues. It takes people such as that to build relationships. You have to always be pushing people together. I appreciate his willingness to do that.

I rise in support of this bill. I rise, as my colleague from Virginia has done, in support of the bill but without debilitating killer amendments associated with it.

I rise as someone who has chaired the South Asia subcommittee for a period of time and worked in building relationships with India.

I rise as the Senator who carried the initial bill to allow the administration to lift sanctions against India when it tested nuclear weapons during the Clinton administration. It was a big brawl of discussion we had at that point in time.

Let me take my colleagues back a little bit. That was the point in time when India was starting to shift away from its former focus on the Soviet Union, then Russia, and whether it was going to join the West and work with us. There was a big debate going on within Indian society as to whether they were going to pull along alongside the United States. It was a very heated debate, a very important discussion. It became the signature moment as to whether the United States would be a partner with India.

You will recall that for many years the United States and India had what was best described as a prickly relationship. There was not an easy, favorable one even though the fundamentals underneath seemed like they were something that would be very good. India is equal. It has the largest democracy and we the oldest. We are the two largest democracies in the world. It would seem to be that this would be a very easy and logical relationship. Yet they had gone into the Soviet sphere. We had built more of a relationship with China than with India even though the fundamentals under India were much better for us than they were with China. There has been this separation and division for some period of time.

India decided they needed to have a nuclear basis. They tested. Pakistan tested in response to that. We had a series of sanctions that immediately kicked in with that testing. Then our entire relationship with India was viewed through the nuclear nonproliferation issue. We had all these other issues that we needed to discuss—economics, spread of terrorism, a series of issues, human rights items. Everything went through the nonproliferation portal. If you couldn't clear it through, we wouldn't be able to develop the rest.

Finally, we were able to provide the relationship, the administration, and the capacity to waive this series of sanctions. It was a difficult discussion and decision within the Congress. We were able to pass it through. Then let us get into a broader range—and the relationship flourished. It expanded enormously.

Now I think we are at another step. This is another one of those key junctures in the relationship as to whether this was going be a true and budding and future-oriented relationship. That is whether we can enter into this agreement that we are discussing here today. This is being watched very carefully in India as being a key view as to what the United States is going to do in its ongoing relationship with India.

I urge passage and strong support in building the fundamentals and strengthening a United States-India relationship. This agreement is not about sacrificing the nonproliferation regime on the altar of strategic cooperation. I want to emphasize that point. I think as people look at it, the initial question they would come up with is, I am fine with the strategic relationship; I will not sacrifice the nonproliferation issue. It is not about sacrificing that. It is about recognizing the reality of India's 30-year nuclear program. Engaged in peaceful civilian—as the chairman has said many times—nuclear cooperation with the world's largest democracy, securing commitments from India to implement the IAEA standard and safeguard and affirming India's longstanding commitment to democracy and its constructive role in shaping the world in decades ahead.

There is an environmental angle on this as we look at India as being a key economy in growth. That growth is consuming much more energy. That energy is generally in the form of fossil fuels which release a lot more CO_2. If we are concerned about the release and the impact and the accumulation of CO_2 in the atmosphere, one of the key things we should do from an environmental perspective is to engage in this agreement on civilian nuclear power. That is where we will reduce the CO_2 loading into the atmosphere.

From another nonstrategic, nonproliferation angle, from an environmental angle, this is a very positive agreement, a key agreement we can have with one of the fastest growing economies in the world that will be releasing a lot more CO_2 in the atmosphere unless they use a great deal of nuclear capacity in building that energy system.

Bringing India to the nonproliferation regime and forging a strategic partnership with the world's largest democracy makes America safer, as well. We have a common enemy in the war on terrorism around the world. India has been a key and strategic partner in their assistance in curbing the nuclear pursuits of Iran, a weaponized nuclear pursuit by Iran. We are getting help from India on that. We continue to work with Pakistan.

As a number have pointed out, either implicitly or explicitly, it is a balancing issue, a balance-of-power issue with China. I know everyone in this Senate thinks about that, even if it is not expressed often, but it is key that we build this balance of power in our balance with India in this region of the world as a democracy, as a country that is with us in the fight on terrorism.

India shares strategic interests; it also shares values. They have a commitment to democracy, with rules of law, transparency, a multireligious country. America and India, as I mentioned, are the world's two largest democracies, and India has had a functioning democracy for some period of time. Civilian nuclear cooperation is an important step in developing new and alternative energy sources.

Comparison with Iran and North Korea's nuclear programs are misleading. There are strict measures taken to ensure our cooperation will only be with India's civilian nuclear program. They have proven to be trustworthy. There is still reason to believe North Korea and Iran are clearly pursuing these for nuclear weapons and for purposes against us, very threatening to us and our interests. We need to look at the nature of the regimes. India is a peaceful, stable democracy versus authoritarian in Iran and North Korea.

Finally, this is just one of the key relationships at one of the key times. It is important we take the right steps during those points in time. I hope we have a very positive, robust debate and pass this bill by a very large margin, saying to the people of India and around the world: We are interested in partnering with you, we want to partner with you, we want to expand that partnership, and we see this as a key partnership for our future, for your future, and for global stability.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Indiana.

Mr. LUGAR. I thank the Senator from Kansas for a very strong endorsement of this legislation.

I note in the Senate the distinguished Senator from Georgia who would like to participate. I look forward to hearing from him.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I rise in full support of the United States-Indian nuclear agreement. I wish to share the two distinct reasons for my support.

First and foremost is the distinguished chairman from Indiana, Senator LUGAR. There is not an individual in this Senate and I say probably not an individual in this country who has committed more of their life to preventing nuclear disaster and its proliferation. There is perhaps no one who has worked harder to see to it that the U.S. agreements, as they relate to the security of nuclear power and the interest of our country, have always been nothing but in the best interest of the United States of America.

As a Senator from Georgia, I am well aware that Senator LUGAR partnered for many years and still partners today with our Senator, Sam Nunn, in seeking to ensure nuclear proliferation does not take place anywhere in the world and that nuclear materials from existing nuclear nations never fall in the hands of those who would use them in an act of terrorism. I place my confidence first and foremost in the distinguished chairman from Indiana.

There is a second, equally compelling reason; that is, my visit to India in April of this year, just shortly after the President announced the civilian nuclear deal with India. Quite frankly, my initial reaction before I went to India was one of significant concern. I think any time any of us look into nuclear agreements and the sharing of nuclear technology, we should have significant concern. However, I went to India and learned a number of things firsthand that I did not know. I share them with this Senate today because I believe they are important in whether we grant this agreement.

First, I learned quickly that in the 30-year history of involvement in the development of nuclear energy, India has never had a single deviation from its stated original purpose, which was civilian use, and in terms of military, only for minimal deterrence. They have clearly said from the beginning they would never be a first-strike nation, and they have always said that our motivation from a defensive mechanism is minimal deterrence. A 30-year consistent policy like that in any nation is good enough evidence for me in terms of the heart and the intent of that country.

Second, India is a democracy of 1.3 billion people in round numbers in a part of the world of significant importance to the United States of America. They have demonstrated in their cooperation with us in the global war on terror their interest only in peaceful operations of all nations and never in nuclear energy or technology falling into the hands of those who would use it in a devious way.

As the distinguished Senator from Virginia has said, India is a blossoming nation economically, but it suffers dramatically from the coal it has to burn and from the lack of efficient energy sources it now has. This civilian nuclear agreement allows them the opportunity to expand nuclear energy for the generation of electricity and to reduce the pollution in the atmosphere, which is not just India's atmosphere but is the world's atmosphere.

The distinguished chairman from Indiana has worked long and hard on this agreement. I am in full support of this agreement in its draft form and its presented form today. I hope the Members of the Senate will endorse and ratify without debilitating amendments. I have confidence in the chairman and his work. I have confidence in my visit to the people of India and Prime Minister Singh that they will continue to be what they have been: a burgeoning democracy and a great partner with the United States of America.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I thank the distinguished Senator from Georgia for visiting India, for his personal testimony on this issue, for strong support of the treaty, and for his very thoughtful personal comments.

I note the presence of the very distinguished leader in the Senate in fostering and strengthening India-United States relationships, the distinguished Senator from Texas.

Mr. CORNYN. Mr. President, I rise in strong support of the United States-India Peaceful Atomic Energy Cooperation Act. I particularly express my gratitude to the chairman of the Foreign Relations Committee, Chairman LUGAR, for his outstanding work on this bipartisan piece of legislation that advances our strategic relationship with India while also bringing India into the mainstream of international nonproliferation efforts.

I am delighted to be the cochair, along with Senator HILLARY CLINTON, of the United States-India caucus in the Senate, actually something we resurrected just a couple short years ago that had fallen by the wayside.

After my own visit to India and in consultation with a number of Indian-American constituents who live in Texas—about 200,000 live in my State alone—I became absolutely convinced that a closer relationship with the great nation of India and its people was essential to our security interests and essential to our economic interests.

As our colleagues know and as has been mentioned by a number of our Members, Prime Minister Singh visited Washington last summer and President Bush paid a visit to India this spring. These events mark a critical milestone in our improving relationship. Passage of this legislation will mark another significant step and I daresay cement what is a very important relationship to both nations.

President Bush made a fundamental foreign policy objective to move the United States-India relationship to a new level. As Secretary Rice has said, our relationship with India is one of the most important partnerships the United States can have in the 21st century.

As has been often noted, India is the world's largest democracy, while we are the world's oldest democracy, and our two great nations share so many common values and common beliefs. It is only appropriate that the United States and India become true strategic partners as we move into the 21st century. Fortunately, the days of the Cold War, when India was more aligned with the Soviet Union than with the United States, are in the long past. The United States and India share a common vision for our future. It is a peaceful vision where we battle terrorism together, the proliferation of weapons of mass destruction, HIV/AIDS, and a host of other challenges that face our world today.

While it is true that the agreement on Civil Nuclear Cooperation is a significant departure from previous U.S. policy, I strongly believe this legislation represents a positive step as we grow our strategic relationship.

For more than 30 years, the United States and India have disagreed over India's decision not to sign the Nuclear Non-Proliferation Treaty. As such, the United States has not cooperated with the Nation of India on any civilian nuclear technology to speak of. In short, we have been at a stalemate which has neither served our nonproliferation goals, nor helped India's vast needs for energy resources. Fortunately, this carefully crafted legislation will allow us to move forward in a responsible manner. The agreement, in fact, enhances our nonproliferation efforts.

It is correct to say that India is not a signatory to the nonproliferation treaty. They have decided for their own national security reasons that they will not become a party to the treaty, and no amount of international pressure is likely to change that conclusion. This is the reality we face, and the status quo for another 30 years is simply not acceptable. Recognizing this reality, we must ask ourselves, What can we do to promote nonproliferation efforts with India and bring them into the international nonproliferation regime? This legislation provides that answer.

Despite not signing the nonproliferation treaty, India, for the record, has an excellent nonproliferation record. They understand, perhaps as well as anyone, the danger of the proliferation of weapons of mass destruction. This is why India has agreed to adhere to key international nonproliferation efforts on top of their own stringent export control regime. This is a significant step forward which has been welcomed by the International Atomic Energy Agency Director General Mohamed ElBaradei, who understands India will not come into the nonproliferation treaty by traditional means but can be accommodated through this route.

I conclude by noting that the United States is fortunate, indeed, to have many Indian Americans who have helped bring our two nations closer together. As I have noted, many of them live in my State, as they do around this great country, contributing to our brainpower, to our economy. Frankly, this community is one of the hardest working, most accomplished communities in our Nation today. There are about 200,000 of them living in Texas, and nearly 80,000 Indian students are studying at our Nation's colleges and universities. Their contributions to our Nation and the United States-India relationship have been remarkably positive.

I encourage my colleagues to support this legislation, to advance our strategic relationship with India while also bringing India into the mainstream of international nonproliferation efforts.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. I thank the distinguished Senator for his leadership. His action with the distinguished Senator from New York, Mrs. CLINTON, is certainly timely for these important visits to occur and these negotiations. I think they have restored significance in our relationship. I thank the Senator for coming to the Senate and offering strong support for the treaty.

Mr. President, I note the presence of another distinguished member of the Senate Foreign Relations Committee, the distinguished Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. VOINOVICH. Mr. President, I rise today to offer my support for S. 3709, the United States-India Peaceful Atomic Energy Cooperation Act, of which I am a cosponsor. First, I congratulate Senators LUGAR and BIDEN for their excellent bipartisan effort to produce a quality piece of legislation. We can all be very proud of this product.

I have long believed the United States and India should expand its excellent friendship and embark upon a deeper, more strategic relationship. We now have that opportunity, and I urge my fellow Members of the Senate to pass S. 3709, a bill that will enable us to transform our relationship with India and initiate a solid partnership with great security, economic, and environmental returns for U.S. national interests.

As President Bush said when he met with Indian Prime Minister Manmohan Singh in New Delhi last spring:

> India in the 21st century is a natural partner of the United States because we are brothers in the cause of human liberty.

By expanding civil nuclear cooperation with India, the United States has an opportunity to bring India into an arms control regime that will guarantee greater oversight and inspection rights and which will allow us to make India's preexisting nuclear program safer and more transparent. At a time when we are facing many other nuclear power challenges, we should welcome this as a positive step in the world of nonproliferation.

It is not just the United States that supports civil nuclear cooperation with India. I was in Vienna in May, where I met with the International Atomic Energy Agency. During our meetings—we were talking primarily about Iran and what they were doing in terms of Iran's violation of the nuclear nonproliferation agreement. We also talked about India and how they felt about the proposal that was being entered into between the United States and India. And I was told, at that time, that India has been a more active and responsible partner, in terms of their cooperation with the IAEA, than many of the signatories to the nuclear nonproliferation agreement.

As was just pointed out by the Senator from Texas, later on Director General Mohamed ElBaradei called the idea that is contained in this agreement "a milestone" and "timely for ongoing efforts to consolidate the nonproliferation regime, combat nuclear terrorism and strengthen nuclear safety."

Furthermore, this agreement will allow us to form a critical strategic relationship with India. And from a point of view, it is long overdue. The geostrategic facts are that China and India are two rising powers in the industrialized world. As China expands its economic power and military strength, U.S. nuclear cooperation with India can help to even the international keel.

I am also referring to the fact that China, could pose a threat to U.S. national security in the future. We are working very carefully to make sure that does not happen, but it is something we should think about. But I am also thinking about the fact that India and China also have a good relationship. So the fact that we are entering into a new relationship with India, I think, also would be well received by the Chinese and other Asian countries and helpful to alleviating any tensions that exist.

For the past 30 years, we let differences in our domestic policies and our international intentions keep us from working together. But India is a unique democracy, a new shining city upon a hill, and we need this more than ever before. We need models such as this, where people of different faiths and ethnicities live together and where the government is open and accountable for its actions. It is the largest democracy that we have in the world today.

Following the end of the Cold War, new economic opportunities have created room for cooperation between the United States and India in agriculture, health care, commerce, defense, technology, and education. It is amazing to me the number of businesses I have in Ohio that have joint ventures in India and Indian investment in the State of Ohio.

In the aftermath of the September 11 attacks, India has been a leader in fighting terrorism and rooting out extremists from its society. It has a long record of responsible behavior on nonproliferation matters, and it is time we embrace India as part of that nonproliferation community.

I strongly encourage the Senate to pass S. 3907 and take the next step in bolstering our relationship with India. A democratic, economically sound, internationally integrated India will serve as a ballast in a region experiencing rapid, sweeping change.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. May I have recognition?

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I see the floor manager and the matter we have before us is of great importance and consequence. I know we have a variety of different amendments that are being considered and are being talked about, even as we are here now. I do not mean to interfere with the flow of this debate and reaching a timely conclusion of it, but I want to address the Senate for a few moments on what I consider to be sort of the important agenda for our committee, our HELP Committee, in this next session. I will cooperate, obviously, with the floor manager and ask that my remarks be printed in an appropriate place in the RECORD. And I will speak for just a few moments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. So others who want to continue the debate will have the opportunity to do so. And as one who has been a floor manager, I understand his desire to have focus and attention on the underlying matters. But I appreciate the courtesy and the understanding of the manager letting me talk briefly this afternoon.

(The remarks of Mr. KENNEDY are printed in today's RECORD under "Morning Business.")

AMENDMENT NO. 5173

Mr. LUGAR. Mr. President, I send an amendment to the desk that has been cleared on both sides of the aisle.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Indiana [Mr. LUGAR], for Mr. HARKIN, proposes an amendment numbered 5173.

The amendment is as follows:

(Purpose: To make the waiver authority of the President contingent upon a determination that India is fully and actively participating in United States and international efforts to dissuade, sanction, and contain Iran for its nuclear program consistent with United Nations Security Council resolutions)

On page 8, beginning on line 8, strike "Group; and" and all that follows through "Nuclear" on line 9 and insert the following: Group;

(8) India is fully and actively participating in United States and international efforts to dissuade, sanction, and contain Iran for its nuclear program consistent with United Nations Security Council resolutions; and

(9) the Nuclear

Mr. HARKIN. Mr. President, I thank the managers of this bill, Chairman LUGAR and Senator BIDEN, for accepting my amendment. I thank my colleagues.

My amendment is very simple and straightforward. It requires the President to determine that India was fully and actively participating in U.S. and international efforts to dissuade, sanction, and contain Iran's nuclear program consistent with United Nations Security Council Resolutions.

As my colleagues know, Iran is one of, if not the most, urgent nuclear nonproliferation challenges the world faces today.

For two decades Iran secretly built up its nuclear capabilities in violation of the safeguards commitments it made with the International Atomic Energy Agency, IAEA. To date, Iran has completed most of the construction of a massive uranium-enrichment facility at Natanz, opened a heavy-water production plant at Arak and began construction of a 40-megawatt reactor there. It also began construction on a fuel manufacturing plant at Isfahan; tested centrifuges with uranium hexafluoride, produced their first samples of low-enriched uranium; and nearly completed construction of their first nuclear power reactor at Bushehr, set to open in 2007.

Iran says these programs are for peaceful purposes, but experts agree and the Bush Administration believes, that Iran is on its way to acquiring the capability to produce large quantities of bomb grade nuclear material. Additionally, Iran has not fully answered numerous questions from the IAEA about activities that may be related to a weapons program. These activities are very concerning.

Earlier this year, the IAEA Board of Governors found Iran to be in violation of its safeguards commitments and reported Iran's file to the U.N. Security Council. The Security Council has demanded that Iran suspend its uranium enrichment program and construction of a heavy-water production reactor. These technologies can be used to make bomb-grade nuclear material.

However, Iran continues to stiff-arm the IAEA's investigation of its program. This week Iran again thumbed its nose at the international community boasting that the world would have to "live with a nuclear Iran." A new report this week from the IAEA says the agency found new traces of plutonium and enriched uranium at a nuclear research facility in Tehran.

As we are here debating this bill, U.S. diplomats are engaged with our partners in the U.N. Security Council on this very important issue. They are working to build support for a new resolution that would mandate targeted sanctions on Iran to help persuade its leadership to change course and halt its uranium enrichment work.

This diplomatic course of action is appropriate at this stage, and I fully support it. To succeed, any targeted sanctions policy must not only have the active support of Security Council member states, but also the cooperation of other member states of the international community. Targeted sanctions against Iran will not work unless they are fully and actively supported by states close to Iran and with ties to Iran, such as India. They will not work, I would add, without effective diplomatic engagement with Iran.

This is a time when we need to have the support of every country as the United States works with our allies to contain and constrain Iran's troubling nuclear program.

Now my colleagues may be wondering what this has to do with India.

India has a robust relationship with Iran. India actively engages in military-to-military cooperation with Iran and the two countries have a significant trade relationship. India plans to build a gas pipeline from Iran through Pakistan. India's leaders see Iran as a diplomatic partner on many issues. In fact, Iran's Foreign Minister will be visiting New Delhi today.

Given India's proximity to Iran, none of this is surprising, but it means that India has a particular responsibility to help contain Iran's nuclear and missile capabilities and support possible U.N. Security Council sanctions against Iran.

Obviously, India, like most other states, does not support a nuclear weapons option for Iran.

However, Indian views of the threat posed by the Iran nuclear program and its perspective on Iran's so-called "right" to peaceful nuclear technology differ significantly from U.S. views. Unfortunately, some of India's policies appear to embolden Iran's leaders to press forward with their ambitious nuclear plans.

As we move forward in our effort with the international community to deal, contain, and if necessary sanction Iran for its defiance of international demands to halt its sensitive nuclear activities, we will need greater support from all states, including India, in this effort.

Over a year ago, on September 24, 2005, India voted with the United States and 20 other states on the IAEA resolution which found Iran in compliance with its safeguards agreement. But the resolution did not refer the matter immediately to the Security Council and according to a recent report produced by the Congressional Research Service, India was one of a handful of countries seeking to avoid such a referral.

Disturbingly, India's official explanation of its vote highlights India's differences with the United States on how to deal with Iran's nuclear transgressions. It stated that:

In our Explanation of Vote (this is the Indian government), we have clearly expressed our opposition to Iran being declared as noncompliant with its safeguards agreements. Nor do we agree that the current situation could constitute a threat to international peace and security. Nevertheless, the resolution does not refer the matter to the Security Council and has agreed that outstanding issues be dealt with under the aegis of the IAEA itself. This is in line with our position and therefore, we have extended our support.

India again voted with the United States on February 4, 2006, when the IAEA Board of Governors voted to refer Iran's noncompliance to the U.N. Security Council. This was welcomed at the time. Yet the Indian Ministry of External Affairs responded to questions about its vote by noting that:

"While there will be a report to the Security Council, the Iran nuclear issue remains within the purview of the IAEA. It has been our consistent position that confrontation should be avoided and any outstanding issue ought to be resolved through dialogue. . . . Our vote in favour of the Resolution should not be interpreted as in any way detracting from the traditionally close and friendly relations we enjoy with Iran."

By keeping the issue under the purview of the IAEA Iran would not be subject to sanctions. The IAEA does not have that capability, the Security Council does.

In April 2006, the U.N. Security Council issued a statement calling for an immediate suspension of all Iranian enrichment activities. Iran responded by announcing that it had produced a small quantity of low-enriched uranium using a test assembly of centrifuges and noted it planned to expand the facility's production capacity.

What was India's response? On May 30, India signed onto a statement by the Non-Aligned Movement, which said that concerns surrounding Iran's nuclear program should be resolved at the International Atomic Energy Agency Board of Governors and not the U.N. Security Council, again seeking to avoid sanctions, contrary to what U.S. diplomats and others were urging at that time.

In July, the U.N. Security Council passed Resolution 1696, which gave Tehran until August 31 to suspend its uranium enrichment program and required Tehran to fully cooperate with the International Atomic Energy Agency's, IAEA, investigation of its nuclear programs.

Again what was India's response? Apparently, in an attempt to patch up relations with Tehran over its earlier votes at the IAEA Board of Governors, India added its name to the September 2006 joint statement on Iran's nuclear program released by the Non-Aligned Movement at its meeting in Havana. In this statement, India called nuclear research and development a "basic inalienable right" of Iran's, and said that nuclear "choices and decisions" of different countries "must be respected."

Newspaper headlines in Iran trumpeted the news. The Iran Times headline on September 18 read: "118 Countries Back Iran's Nuclear Program." Iran's President met with India's Prime Minister in Havana to discuss how to deepen Indo-Iranian ties.

Since then, talks between Iran and the EU to halt the Iranian nuclear program have broken down, and in October, Iran took additional steps to improve its enrichment capability and is now seeking IAEA nuclear safety assistance on its Arak heavy-water reactor. U.S. diplomats are working hard now to lobby fellow members of the IAEA Board of Governors to reject this request. We need India's active support when that happens.

In a recent report, the Congressional Research Service detailed some concerns about India's proliferation record with respect to Iran.

The U.S. Government, as a result of the Iran-Syria Nonproliferation Act, has sanctioned Indian companies for transferring WMD technologies and materials to Iran and other countries.

On August 4, the Bush administration publicly announced in the Federal Register sanctions on two Indian entities for transferring chemicals that can be used to produce missile propellant to Iran. The sanctions determination had been made July 25, a day before the House passed its version of the India bill.

For its part, India contended the sanctions were unwarranted. A Ministry of External Affairs spokesperson asserted on August 7th the transfers were "not in violation of our regulations or our international obligations."

This is deeply disturbing. What this means is that India's current export control laws are inadequate and do not meet the same high standards of U.S. export laws.

As we move forward in our effort with the international community to deal, contain, and if necessary, sanction Iran for its defiance of international demands to halt its sensitive nuclear activities, we will need greater support from a regional partner. We will need India to be more effective and diligent in preventing the proliferation of technologies, goods, and material that might be used by Iran to produce weapons of mass destruction or the means to deliver them.

I think that my colleagues would agree that the ties between India and Iran are troubling. That is why I believe we must—through my amendment—require the President to provide a determination that India is actively supporting efforts to contain Iran's nuclear program before he can waive existing restrictions on civil nuclear commerce with India.

I want to be clear—my amendment is not "anti-India." My amendment is a positive and vital step in safeguarding our own national security interests.

There are some in this body who have argued that this legislation, and the possible agreement for nuclear cooperation, will enhance our strategic relationship and improve India's nonproliferation record. Others have warned that this will damage the vital effort to reduce nuclear weapons dangers in South Asia and elsewhere if we don't make adjustments to strengthen the nonproliferation requirements in the package.

Whatever our differences may be regarding other aspects of this proposal, one issue that I hope we can agree on is the need to ensure we have India's full and active cooperation and support in the effort to prevent Iran or other states from acquiring the capability to produce bomb material.

As the Senate considers reversing 36 years of nuclear proliferation restrictions, it is important that we ensure that India is a true strategic partner in the effort to prevent Iran from acquiring nuclear weapons.

Again, I appreciate the support of my colleagues in accepting my amendment.

Mr. LUGAR. I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to amendment No. 5173.

The amendment (No. 5173) was agreed to.

Mr. LUGAR. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LUGAR. I note the distinguished Senator from New Mexico is present.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 5174

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 5174.

Mr. BINGAMAN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To limit the waiver authority of the President)

On page 6, after line 21, add the following:

(c) OPERATION OF WAIVERS.—Notwithstanding any waiver under subsection (a)—

(1) no nuclear equipment or sensitive nuclear technology may be exported to India unless the President has determined, and has submitted to the appropriate congressional committees a report stating, that both India and the United States are taking specific steps to conclude a multilateral treaty on the cessation of the production of fissile materials for use in nuclear weapons or other nuclear explosive devices; and

(2) no nuclear materials may be exported to India unless the President has determined, and has submitted to the appropriate congressional committees a report stating, that India has stopped producing fissile materials for weapons pursuant to a unilateral moratorium or multilateral agreement.

Mr. BINGAMAN. Mr. President, this amendment would establish a link between the export of nuclear fuel and equipment to India under the United States-India nuclear agreement and India's halting of the production of nuclear weapons material. More specifically, my amendment provides two separate tests, one for nuclear equipment and technology, and another for nuclear material.

As to the nuclear equipment and technology, my amendment would require the President to certify that both India and the United States are taking specific steps to conclude a verifiable fissile material cutoff treaty before the United States exports any nuclear equipment or technology to India. As to nuclear fuel, my amendment would require the President to certify that India has stopped producing fissile material for weapons, either unilaterally or as part of a multilateral agreement, again, before the United States exports nuclear material to India.

The purpose of the amendment is not to kill the bill or the agreement with India but, as I see it, to strengthen that agreement. It would allow nuclear trade with India to proceed but in a way that will be consistent with our nuclear nonproliferation goals and our security interests.

It imposes no unreasonable or unrealistic conditions on nuclear trade with India. It simply requires the President to determine that India has followed through on its stated agreement to work toward a fissile material cutoff treaty. Let me explain why I believe this amendment is necessary.

In 1974, India tested a nuclear weapon it built using technology that we had provided to it for peaceful purposes. The title of the pending bill is United States-India Peaceful Atomic Energy

Cooperation Act. So in 1974, India tested a nuclear weapon built using technology that we had given it for peaceful purposes. We responded then by strengthening our nuclear export laws in 1978 to ensure that that could not happen again. In 1980, we cut off nuclear cooperation with India, after India failed to meet the terms of the new law.

The bill before us would make it possible to resume nuclear cooperation with India by exempting India from certain requirements that we added to our nuclear export laws in 1978.

Proponents of the bill offer some strong arguments for going ahead. They say that we need to resume nuclear cooperation in order to cultivate closer ties with India. They say it is in our best interest to help India expand its civilian nuclear power program so that India might meet its growing energy needs with clean, environmentally friendly sources of power. They say it will help to bring India within the "nonproliferation mainstream." I don't quarrel with any of those arguments or with the goal of the legislation. I agree that our past policies to pressure India on nuclear nonproliferation have not worked. Compared to several of its neighbors, India has a relatively good nonproliferation record, and by improving cooperation with India, we may be able to make India a useful ally in our efforts to halt the spread of nuclear weapons in the Middle East and in Asia.

My quarrel is not with the goal of reopening nuclear cooperation with India but in the details of the bill and in the terms on which we propose to resume that cooperation.

Under current law, in order for the United States to resume nuclear trade with India, our two nations must enter into an agreement for cooperation under section 123 of the Atomic Energy Act. Section 123 of the Atomic Energy Act requires the agreement to meet eight specific conditions. One of those conditions is that India must sign an agreement with the International Atomic Energy Agency to safeguard all nuclear material under its jurisdiction. India has consistently and steadfastly refused to agree to these so-called full-scope safeguards.

Even if we were able to enter into an agreement for cooperation with India, the Nuclear Regulatory Commission would then have to license the export of specific nuclear material and facilities to India under the provisions of section 126 of that same Atomic Energy Act. And in order to license an export under those provisions, the Nuclear Regulatory Commission would first have to find that the statutory export licensing criteria of section 127 and 128 of the Atomic Energy Act are met. Among other things, section 128 requires the Commission to find that the full-scope IAEA safeguards will be maintained on all of India's nuclear activities.

Once again, though, of course, India has refused to agree to those full-scope safeguards. Even if India were to accept full-scope safeguards, there is the third problem.

Section 129 of the Atomic Energy Act prohibits the export of nuclear materials or equipment or sensitive nuclear technology to any nonnuclear weapons state that has detonated a nuclear explosive device, violated or abrogated IAEA safeguards, or engaged in activities directed toward making a nuclear explosive device. Even section 129—and since India tested a nuclear explosive device in 1974 and five times since then in 1998, it has clearly run afoul of this provision.

The Atomic Energy Act provides a way around all of these obstacles. It says that the President can waive the full-scope safeguard requirement and can enter into an agreement for cooperation, as he is here proposing to do, without full-scope safeguards if he determines that insistence on full-scope safeguards:

> Would be seriously prejudicial to the achievement of the United States nonproliferation objectives or otherwise jeopardize the common defense and security.

Similarly, the act allows the President to authorize exports without full-scope safeguards, and in spite of India's detonation of a nuclear explosive device, if the President:

> Determines that cessation of such exports would be seriously prejudicial to the achievement of the United States nonproliferation objectives or otherwise jeopardize the common defense and security.

President Carter used this authority in 1980 to export nuclear fuel to India. But the current administration has apparently concluded that President Bush cannot say that withholding nuclear exports from India would seriously prejudice our nonproliferation objectives or jeopardize our security.

So instead of relying on the existing waiver authority that is in the law, the administration has requested and the bill provides—the bill before us would provide a specific statutory waiver for India. This is a waiver from the full-scope safeguard requirements of sections 126, 128, and the nuclear weapons prohibition contained in section 129. So instead of applying full-scope safeguards to all peaceful nuclear activities in India, the bill only asks that India give the International Atomic Energy Agency and the United States a:

> Credible plan to separate its civil nuclear facilities, materials, and programs from its military facilities, materials, and programs, and that it only apply the IAEA safeguards to those civilian activities.

Let me just put up a chart up here to make the point as to what I think the bill contains. This is an important distinction for all of us to understand.

India has been called upon in this agreement to separate what they are going to open to safeguards from the portion of their nuclear program they are going to keep separate from any kind of a full-scope safeguard. So there are 14 power reactors and one fuel reprocessing plant they have identified as being subject to safeguards under this agreement. That is the so-called civilian side of what they are doing.

Then there is the nonsafeguarded area, and that, according to the Indians—and, of course, they are the ones who make this judgment and have under this agreement we are now considering, they have determined that there are eight power reactors for which they are not going to provide safeguards: their Fast Breeder program, which they are not going to provide safeguards for, and of course their entire military program, which is made up of two plutonium reprocessing plants, two uranium enrichment plants, and two heavy water plutonium production reactors. So it is clear that there is a substantial amount of their nuclear program that they have determined they will not open to inspection by the IAEA and will not open to these requirements which are contained in our own law.

There are major problems with this approach. First is that the partial safeguards are not full-scope safeguards. India produced its separation plan in March. It offers to place some of its civilian power reactors, some of its fuel cycle facilities, some of its research facilities under safeguards, but it leaves still others of its civilian power reactors, its fuel cycle facilities, its research reactors, and its military plants unsafeguarded. Many of the facilities that raise the greatest proliferation concerns, including the Fast Breeder Reactor program and its uranium enrichment plants and its spent fuel processing facilities, are placed beyond the reach of any international safeguards. India will be free to use these facilities to produce fissile material for nuclear weapons without any international inspection or control.

To make matters worse, by allowing India to buy civilian nuclear fuel on the international market, India will no longer have to choose between using its own limited uranium resources to supply its civilian power program or its weapons program. It will be able to buy nuclear fuel for its civilian power program and devote all its own uranium resources to its weapons program.

The other major problem with this approach is that it abandons the fundamental tenet of our nuclear nonproliferation policy; namely, that nations are required to renounce nuclear weapons in order to get our assistance. This simple bargain has been the cornerstone of our nonproliferation policy since President Eisenhower announced the Atoms For Peace program over a half a century ago. The bill before us abandons that policy. It offers U.S. assistance to India without any restraint or limitation on its existing weapons program. Making such an exception for India will, in my view, permanently weaken our nonproliferation policy and our credibility on this issue. Already there are other nations, including Pakistan, that have asked for similar treatment. We are signaling that there are no general rules that apply when it comes to nonproliferation; whether we will ship nuclear technology or nuclear fuel or materials to a country depends upon the circumstances of each case. That is what this agreement signals to the rest of the world. It is difficult to see how we can insist that China and Russia strictly enforce full-scope safeguards in their dealings with Iran and North Korea if we are not going to enforce full-scope safeguards in our dealings with other countries—India, in this case. That is not to say we should bar the door to further nuclear cooperation with India or vote down the bill. I think we should open up nuclear trade with India, but we should do it in a way that is in keeping with our broad nuclear nonproliferation policy.

I believe the bill before us, while seriously flawed as it now stands, can be fixed, can be salvaged, and that is the purpose of my amendment. The central issue, as I see it, is how to allow nuclear trade with India to proceed without aiding and abetting India's nuclear weapons program. India has dozens of nuclear weapons today. China has hundreds of nuclear weapons today. We do not want to see a race begin in Asia to see who can achieve the greatest capability in nuclear weapons. I believe the answer is to establish a link between our cooperation with India's civilian nuclear program and India stopping its production of nuclear materials for its weapons program.

What I am recommending is nothing more than what our former colleague, Senator Sam Nunn, suggested in the article which is on each Member's desk entitled "A Nuclear Pig In A Poke." It was an article in the Wall Street Journal on May 24, and I commend it to all of my colleagues for their consideration. Specifically, Senator Nunn in that article recommended that:

> Congress require a two-stage process. First, before any export of nuclear reactors, components, or related technology are provided to India, the President should have to certify that both India and the United States are taking specific steps to lead a serious and expedited international effort to conclude a verifiable fissile material cutoff treatment.

Continuing with his statement:

> Second, before any exports of nuclear reactor fuel or its components are provided to India, thereby freeing India to use its limited stocks to expand its nuclear weapons program, the President would be required to certify that India has stopped producing fissile materials for weapons, either as part of a voluntary moratorium or multilateral agreement.

That is precisely what the amendment does.

I have attached a letter to the opinion piece Senator Nunn wrote, a letter from Senator Nunn to me where he states that clearly the amendment I am offering today is trying to implement the recommendations he made in his earlier opinion piece. So this amendment is based squarely on Senator Nunn's proposal. It simply requires first that before nuclear equipment and technology can be exported, the President first should determine that both India and the United States are taking specific steps to conclude a fissile material cutoff treaty; second, that before any nuclear materials may be exported to India, the President must determine that India has stopped producing fissile materials for weapons.

Both the United States and India have already agreed to work toward a fissile materials cutoff treaty. The bill before us, in section 1055, already requires the President to determine that India is working with us toward such a treaty before he can use the waivers. All my amendment does is to require the President to determine and to report to Congress that specific steps are being taken before we export nuclear equipment and technology, and that India has, in fact, stopped producing weapons material before we export nuclear material to India. The amendment would simply implement Senator Nunn's recommendations.

As I indicated, there is a letter pointing out that this amendment would, in fact, accomplish that objective that is attached to the opinion piece.

Mr. President, I ask unanimous consent that Senator Nunn's May 24 op-ed in the Wall Street Journal and his letter to me dated September 28 of this year be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. VITTER). Without objection, it is so ordered.

(See exhibit 1).

Mr. BINGAMAN. Mr. President, the amendment I am proposing here is not a killer amendment. I know the traditional approach in the Senate is that any time an amendment is offered, it is characterized by its opponents as a killer amendment, so you could make the argument that anything we might change in the pending legislation would absolutely kill our prospects of getting anything done. But this amendment is not a killer amendment. As Senator Nunn has stated in his op-ed piece, it is not a killer amendment:

> Unless you believe that India will continue its weapons-usable nuclear material production, and that U.S. and Indian pledges to work for a fissile material cutoff treaty are insincere, meaningless gestures.

If those pledges are sincere and meaningful, as I trust they are, then this amendment simply says they should be fulfilled before exports begin.

Adoption of my amendment will significantly strengthen the agreement with India. As Senator Nunn has said:

> This two-stage approach would significantly strengthen the deal in a way that improves the protection of our core security interests, while ultimately allowing trade to proceed. By establishing a linkage between exports of nuclear material and the cessation of Indian production of nuclear weapons material, this amendment will maintain the integrity of an important U.S. security objective; that is, preventing the growth and spread of nuclear weapons-usable material around the globe.

Without this amendment I am offering, I fear the enactment of the bill pending before us would result in making the world a more dangerous place rather than a less dangerous place. This amendment will give us the advantages of the agreement but without the increased danger which all of us would like to see avoided.

Mr. LUGAR. Mr. President, I rise in opposition to the amendment offered by the Senator from New Mexico. This is a killer condition because it requires the President to make two determinations prior to the U.S.-India agreement being implemented that are at odds with the purpose of the pact.

First, under the Bingaman amendment a determination must be made that both India and the United States have taken specific steps to conclude a Fissile Material Cut-off Treaty, or FMCT, before the U.S. can export nuclear equipment and technology.

The amendment requires that a second determination be made that India has stopped the production of fissile material for weapons before the U.S. can export nuclear materials.

While I agree that an Indian commitment to abandon its nuclear weapons program would have been optimal, even in its absence this agreement serves U.S. national security interests. Members must consider whether this amendment and others like it advance U.S. national security. I believe that U.S. interests are served by greater IAEA oversight of India's nuclear program and I reject amendments that make the perfect the enemy of the good. I support this agreement and oppose amendments, like this one, that would derail its implementation.

By linking American exports of nuclear equipment and technology to U.S. and Indian progress on a multilateral FMCT holds New Delhi to a different and higher standard than any other country we have nuclear trade with, higher standards for example than we require of Beijing. A successful FMCT will only be concluded and implemented when every nation with fissile material production capabilities agrees and abides by its commitment. I worry that this amendment may provide countries who oppose this bilateral agreement with a backdoor veto. In other words, if another nation stymies progress on a FMCT, will India and the U.S. be penalized?

I share the strong support of the Senator from New Mexico for an FMCT. But a successful FMCT negotiation will require the assent of all nations, in particular China. Unlike the U.S., the United Kingdom, France, and Russia, China is assumed to have ceased fissile material production but has not made a public statement confirming this as the others have.

The report that accompanies the Lugar-Biden legislation, S. 3709, highlights the potential trouble with these kind of linkages. The Conference on Disarmament, the host of talks on a FMCT, has been unable to agree on a work program, in part because some countries—notably China—have refused to approve the beginning of FMCT negotiations unless the Conference on Disarmament also approves discussions of other issues, such as nuclear disarmament and banning weapons in outer space. For its part India has long supported conclusion of an effectively verifiable FMCT. This position reflects India's concern regarding fissile material production by its nuclear-armed neighbors, and it would be unrealistic to expect a precipitous change in India's position. It would be difficult to determine that the U.S. and India have taken specific steps to conclude an FMCT if Chinese interference didn't permit the negotiations at the Conference on Disarmament to start.

In testimony before the Committee on Foreign Relations, former Secretary of Defense William Perry addressed the danger of conditioning passage of the U.S.-India agreement on FMCT-related issues. In fact, Bill Perry stated that there were many things by which we could condition nuclear trade with India on, including "India tak[ing] a leadership position in promoting an international cutoff in the production of fissile material." But Dr. Perry concluded:

> I do not recommend that the Senate try to modify the agreement to include them. Instead, I recommend that the Senate task the Administration to vigorously pursue continuing diplomacy to facilitate these actions, and that should be as a follow-on to the agreement.

Secretary Perry's advice was good counsel and we adopted it in the Lugar-Biden bill. In our opinion, S. 3709 strikes the right balance in conditioning nuclear trade with India in areas consistent with the July 18, 2005, Joint Statement. India reiterated its support for an FMCT in that statement and our bill applies pressure and requires continue monitoring of future Indian and U.S. administrations to ensure full implementation of the decision by India to support such a treaty.

Section 105(5) of the Lugar-Biden bill requires an annual determination that India continues its support for an FMCT and is not preventing adoption of a negotiating mandate that leaves the issue of verification to be decided in the negotiations. If India is working with the United States to conclude an FMCT or a similar treaty, that would justify a presidential determination under this provision.

We reinforce these requirements with report language that reads that:

> the United States must now use the influence it has gained through efforts in both India and Pakistan, and with India in particular through its nuclear trade with that nation, to help them transition from nuclear build-ups to stability and arms reductions. This is nowhere more relevant than in the area of fissile material production.

In addition, this amendment requires the President to determine that India has ceased the production of fissile materials for nuclear weapons before the agreement can be implemented. India has long rejected calls for the cessation of fissile material production, pointing to rival nuclear weapons programs as justification.

India maintains that it cannot agree to a unilateral cap on fissile material production at this time. Pakistan continues to produce fissile material for weapons-related purposes, and China has not yet committed to a moratorium on such production. It is not in U.S. national security interests to threaten the significant nonproliferation gains afforded by this Initiative with India in order to seek a fissile material cap that India indicates it cannot agree to, absent a similar commitment by Pakistan and China.

As Secretary Rice testified on April 6, 2006, before the Committee on Foreign Relations:

> India would never accept a unilateral freeze or cap on its nuclear arsenal. We raised this with the Indians, but the Indians said that its plans and policies must take into account regional realities. No one can credibly assert that India would accept what would amount to an arms control agreement that did not include other key countries, like China and Pakistan.

In addition, Under Secretary of State for Arms Control and International Security Policy, Bob Joseph, and Under Secretary of State for Political Affairs, Nicholas Burns, stated on March 29, 2006:

> The curtailment of the production of fissile material for weapons was discussed as part of the Civil Nuclear Cooperation Initiative, but India maintained that it could not agree to a unilateral cap at this time. The U.S. has achieved an important objective by obtaining India's commitment to work toward the conclusion of a multilateral Fissile Material Cutoff Treaty (FMCT). Moreover, we remain willing to explore other intermediate options that might also serve such an objective. We also continue to call on all states that produce fissile material for weapons purposes to observe a voluntary production moratorium, as the United States has done for many years.

Senator BIDEN and I took a number of steps to address concerns about continued Indian fissile material production but we sought to do so in a manner that did not threaten the efficacy of the U.S.-India Agreement. In section 103(1) of our bill we make it the policy of the United States "to achieve as quickly as possible a cessation of the production by India and Pakistan of fissile materials for nuclear weapons and other nuclear explosive devices."

Section 108(a)(1)(A) requires an annual reporting requirement on Indian implementation and compliance with "the nonproliferation commitments undertaken in the Joint Statement of July 18, 2005, between the President of the United States and the Prime Minister of India."

Other subsections within section 108 of our legislation require: (1) annual reports on "significant changes in the production by India of nuclear weapons or in the types of amounts of fissile materials produced"; (2) whether India "is in full compliance with the commitments and obligations contained in the [U.S.-India] agreements and other documents": and (3) a requirement to identify and assess all compliance issues arising on India's commitments and obligations. These reporting requirements will ensure that Congress remains fully informed on developments related to the implementation of this agreement. As we all know, it is the prerogative of Congress to review these treaties and take action should we ever determine that Indian activities put the benefits of the agreement on U.S. national security interests in doubt.

In addition, the committee adopted an amendment offered by Senator CHAFEE during markup of S. 3709 making it the policy of the United States that peaceful atomic cooperation and "exports of nuclear fuel to India should not contribute to, or in any way encourage, increases in the production by India of fissile material for non-civilian purposes."

The administration is in the midst of negotiations with India on a 123 Agreement, and New Delhi is also negotiating a new safeguards agreement with the IAEA. The Nuclear Suppliers Group has yet to make a decision to embrace the U.S.-India Agreement and approve its 45 member states to engage in nuclear trade with India. If we accede to conditions such as the one contained in the Bingaman amendment, conditions that India has already rejected, we will severely limit our ability to influence India's nuclear program.

Moreover, the IAEA's ability to monitor India's activities will be further circumscribed and we will return to a time when India was a hindrance rather than a partner in international, multilateral nonproliferation and arms control efforts.

Senator BIDEN and I believe we have addressed this matter in a manner that does not threaten the viability of the agreement. The determinations I described above were carefully drafted to balance, and not upset, the ongoing negotiations in Vienna or those in the U.S. and India. We must not forget that Congress will have a chance to vote on the 123 Agreement. S. 3709 provides Congress with an up or down vote on this important agreement and fully protects Congress' role in the process and ensures congressional views will be taken into consideration.

In conclusion, the Bingaman amendment imposes an unacceptable precondition on civil nuclear cooperation with India. India will regard this as "moving the goalposts," an unacceptable renegotiation of the deal, and a bad-faith effort on our part.

As a consequence, this is a deal-killer that wrecks the balance that we sought between executive and legislative power, nonproliferation responsibilities, and the U.S.-India relationship. Killer conditions such as these forfeit the U.S. ability to influence Indian behavior. While I understand that this was not the intent of the Senator from New Mexico, in my view it is the practical effect.

In sum, the Lugar-Biden bill addresses the issues raised by this amendment without undercutting the agreement. Unfortunately, the Bingaman amendment is a killer amendment and I urge Senators to oppose it.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. I have two amendments to offer. I will be happy to offer and debate them in order and to work with the chairman on whatever arrangements he might wish for a vote on these amendments.

Mr. LUGAR. Let me respond to the Senator. I appreciate his willingness to offer the amendments in a timely fashion. We are in the process of debating one amendment, but I will ask unanimous consent it be temporarily laid aside so the Senator can offer his amendments to expedite this consideration.

The PRESIDING OFFICER. Without objection, the amendment is set aside.

The Senator is recognized to present his first amendment.

AMENDMENT NO. 5178

Mr. DORGAN. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 5178.

Mr. DORGAN. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To declare that it is the policy of the United States to continue to support implementation of United Nations Security Council Resolution 1172 (1998))

On page 5, beginning on line 15, strike "Treaty; and" and all that follows through "that exports" on line 16 and insert the following: "Treaty;

(9) to continue to support implementation of United Nations Security Council Resolution 1172 (1998); and

(10) that exports

Mr. DORGAN. Mr. President, this amendment is very simple and very short. Its brevity is contained in line 4 to line 6.

It is an amendment that says we will:

On page 5, beginning on line 15, strike "Treaty; and" and all that follows through "that exports" . . . and insert the following:

(9) to continue to support implementation of United Nations Security Council Resolution 1172.

Let me describe what this means and why I am offering it. In May of 1998, the United Nations Security Council unanimously passed Security Council Resolution No. 1172 after India and then Pakistan, detonated nuclear weapons. The Security Council unanimously passed a resolution.

The resolution I have in my hand, in part, says that the Security Council is gravely concerned at the challenge that the nuclear tests conducted by India and then Pakistan constitute to international efforts aimed at strengthening the global regime of nonproliferation of nuclear weapons and also gravely concerned at the danger to peace and stability in the region.

Continuing, it says that the resolution condemns the nuclear tests conducted by India on 11 and 13 May, 1998, and by Pakistan on 28 and 30 May, 1998, demands that India and Pakistan refrain from further nuclear tests, calls upon India and Pakistan immediately to stop their nuclear weapon development programs, to refrain from weaponization or from the deployment of nuclear weapons, to cease development of ballistic missiles capable of delivering nuclear weapons and any further production of fissile material for nuclear weapons; it says the Security Council recognizes that the tests conducted by India and Pakistan constitute a serious threat to global efforts toward nuclear nonproliferation and disarmament, urges India and Pakistan and all other states that have not yet done so to become parties to the Nuclear Non-Proliferation Treaty and to the Comprehensive Nuclear Test Ban Treaty without delay and without conditions.

That was the reaction of our country and of the United Nations in May of 1998, following the detonation of nuclear weapons by both India and Pakistan, a point in time in which the world was very concerned about those actions.

Our country then led a multinational effort to pass a resolution in the United Nations, Resolution 1172. That resolution, which passed unanimously and which has become a resolution that represents our policy and our support for these basic tenets, is at odds with the underlying legislation being considered by the Senate.

I offer a piece of legislation, an amendment, that says it is still U.S. policy to support the implementations of United Nations Security Council Resolution 1172.

How does this square with what is before the Senate?

Resolution 1172 demonstrated that our country, the United States, and the rest of the international community, agree there should be no further nuclear weapons testing in South Asia and there should be an end to dangerous nuclear arms competition and no additional nuclear weapons produced. That resolution is as relevant today as it was in 1998.

Both India and Pakistan have violated Resolution 1172. They continue to build nuclear weapons, they produce fissile material for weapons in both of those countries, they continue to develop new nuclear-capable missiles.

No one in this Chamber would like to see, in my judgment, India or Pakistan resume nuclear testing.

Now, the Bush administration wants to lift international restrictions on nuclear trade with India. It is as if the United Nations Security Council resolution doesn't exist, never happened, doesn't apply to our country, doesn't apply to India. What does that say to North Korea? What does that tell the country of Iran?

This past July, the United States convinced the Security Council of the United Nations to call upon Iran to fully cooperate with the IAEA and suspend its uranium enrichment program, stop work on a heavy water production. Iran has not complied and the U.S. working with other nation states on the Security Council to pass another resolution.

In October, the Security Council passed Resolution 1718, which condemns North Korea's nuclear test and demands that North Korea not conduct any further nuclear test or launch of a ballistic missile. It also calls on North Korea to abandon all nuclear weapons in existing nuclear programs in a complete, verifiable, and irreversible manner; also, to give up its ballistic missile program.

But these resolutions on Iran and North Korea will, in my judgment, mean far less if the United States does not reaffirm its commitment to Resolution 1172 with respect to India and Pakistan.

As the world watches our actions—and we have Ambassador Burns and Secretary of State Condoleezza Rice rushing to India to negotiate these kinds of agreements that begin to untie and unravel decades of leadership by our country against the proliferation of nuclear weapons. As the world watches our actions, what will they learn from this discussion, from these actions by the Senate? Will they learn today that we remain committed to Resolution 1172 of the United Nations?

It would be, it seems to me, a huge step backward for the Senate to say that Resolution 1172, which was our policy, which passed unanimously in the United Nations, which called for the cessation of the production of additional nuclear weapons by both India and Pakistan, if we were to tell the world that somehow that is no longer our policy, that is no longer operative—at least it is not operative with respect to India and Pakistan.

As I said earlier, the burden falls to us to stop the spread of nuclear weapons. It is our responsibility. We are the major nuclear superpower in the world. We inherit the requirement to stop the spread of nuclear weapons, keep nuclear weapons out of the hands of terrorists, try to prevent a cataclysmic terror attack anywhere in the world and especially against the cities of our country by a terrorist group who has a nuclear weapon. It is our responsibility to do that.

What then embraces that responsibility? What kind of things should we be doing in the Senate? Should we be deciding in the Senate that one way to do that is to allow the production of additional nuclear weapons on this Earth? Of course not, that is absurd. Will the underlying bill that is before the Senate allow the production of additional nuclear weapons? Of course, it will. Everyone agrees with that. We all understand that. If that weren't the case, there would not be a requirement to keep eight of the nuclear reactors behind a curtain that will never be inspected. We understand what is going on.

I read this morning the statement from one of the top advisers in India that said they have a responsibility to move quickly and aggressively to continue to build their nuclear deterrent. That is exactly what is at work here. Has our country now decided it is not our responsibility to stop this? Have we decided to be the green light to allow others to build additional nuclear weapons? Is that the junction we have reached? Not with my vote.

I understand all the arguments about the geopolitics and about India and China and counterweights and all of these issues. None of it, in my judgment, justifies a decision by the United States of America to send a signal to the world that we believe it is all right for anybody to begin producing additional nuclear weapons.

Our role, our responsibility, is to find ways today, on Thursday, November 16, 2006 to shut down the production of additional nuclear weapons, put pressure on those who want to build more nuclear weapons, to say to them it is not acceptable to us to have you building additional nuclear weapons.

Yes, that goes for India. It goes for Pakistan. It goes for China. It goes for all of those countries.

That ought to be our message. It ought to be unified. It ought not to be convoluted. It ought to be clear. Yet the underlying message with what is on the floor of the Senate—again, negotiated by Ambassador Burns and Secretary of State Condoleezza Rice, largely in secret; I read about it, by the way, in the Washington Post—the underlying message is we have decided to develop a relationship with India that is a counterweight to China in that region. One way to do that is to allow India to be able to purchase the things they need with which to produce additional nuclear power.

They have been prevented from doing that because they refused to sign the nonproliferation treaty. They refused to sign that treaty; therefore, they have had sanctions against them and resolutions at the United Nations enacted that have condemned the actions. And now, in one fell swoop, they are told: Never mind. It does not matter. We are friends, and that friendship transcends the sanctions that exist for those of you who have not signed the nonproliferation treaty.

I think this is a horrible mistake. Again, I do not question the motives of those who disagree with me. But we have made some very serious mistakes recently because some big thinkers made some big mistakes. This is a very big mistake. It is likely that the Senate will pass the underlying legislation today. I will regret that. But if it passes that legislation without reaffirming the basic support for Resolution 1172, this message today will have been a very destructive message to the rest of the world with respect to our country's leadership away from nuclear proliferation.

So, Mr. President, I would hope that we could have a vote on this resolution. I have a second resolution that I shall offer. But with that discussion of my resolution, I will yield the floor so my colleagues can respond to it.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

AMENDMENTS NOS. 5179 AND 5180

Mr. LUGAR. Mr. President, I send two amendments to the desk that have been cleared on both sides.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR], for Mr. BINGAMAN, proposes amendments numbered 5179 and 5180, en bloc.

The amendments are as follows:

AMENDMENT NO. 5179

(Purpose: To require as part of the implementation and compliance report an estimate of uranium use and an analysis of the production rate of nuclear explosive devices)

On page 18, beginning on line 7, strike "existing" and all that follows through "description" on line 9 and insert the following:

existing agreements;

(6) an estimate of—

(A) the amount of uranium mined in India during the previous year;

(B) the amount of such uranium that has likely been used or allocated for the production of nuclear explosive devices; and

(C) the rate of production in India of—

(i) fissile material for nuclear explosive devices; and

(ii) nuclear explosive devices;

(7) an analysis as to whether imported uranium has affected the rate of production in India of nuclear explosive devices; and

(8) a detailed description

AMENDMENT NO. 5180

(Purpose: To establish a United States-India scientific cooperative threat reduction program)

At the end of title I, add the following:

SEC. 114. UNITED STATES-INDIA SCIENTIFIC COOPERATIVE THREAT REDUCTION PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Energy, acting through the Administrator of the National Nuclear Security Administration, shall establish a cooperative threat reduction program to pursue jointly with scientists from the United States and India a program to further common nonproliferation goals, including scientific research and development efforts related to nuclear nonproliferation, with an emphasis on nuclear safeguards (in this section referred to as the "program").

(b) CONSULTATION.—The program shall be carried out in consultation with the Secretary of State and the Secretary of Defense.

(c) NATIONAL ACADEMIES RECOMMENDATIONS.—

(1) IN GENERAL.—The Secretary of Energy shall enter into an agreement with the National Academies to develop recommendations for the implementation of the program.

(2) RECOMMENDATIONS.—The agreement entered into under paragraph (1) shall provide for the preparation by qualified individuals with relevant expertise and knowledge and the communication to the Secretary of Energy each fiscal year of—

(A) recommendations for research and related programs designed to overcome existing technological barriers to nuclear nonproliferation; and

(B) an assessment of whether activities and programs funded under this section are achieving the goals of the activities and programs.

(3) PUBLIC AVAILABILITY.—The recommendations and assessments prepared under this subsection shall be made publicly available.

(d) CONSISTENCY WITH NUCLEAR NON-PROLIFERATION TREATY.—All United States activities related to the program shall be consistent with United States obligations under the Nuclear Non-Proliferation Treaty.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section for each of fiscal years 2007 through 2011.

Mr. LUGAR. I urge adoption of the amendments.

The PRESIDING OFFICER. Without objection, the amendments are adopted en bloc.

The amendments (Nos. 5179 and 5180) were agreed to.

Mr. LUGAR. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LUGAR. I would mention, Mr. President, the author of the amendments is Senator BINGAMAN, and one of the amendments is also in conjunction with Senator DOMENICI.

AMENDMENT NO. 5178

Mr. President, I want to respond to the distinguished Senator from North Dakota briefly. I oppose his amendment. While the amendment would merely state that it is U.S. policy to continue to support implementation of the Security Council resolution that was passed in June 1998 in response to the nuclear weapons tests in South Asia—a resolution we voted for—I believe the amendment casts us back to a very different time, well before the miraculous changes in India's relations with the United States and with the world that occurred as a result of the July 2005 Joint Statement and India's decision to turn the corner on nonproliferation policy generally.

I do not believe this bill is the right place to address ourselves to the past. This bill is about the future. We have taken adequate account in the bill of the concerns the Senator's amendment would address. Section 1033 of the Lugar-Biden bill makes it the policy of the United States that:

> India remains in full compliance with its non-proliferation, arms control, and disarmament agreements, obligations, and commitments.

Section 108(b) of our legislation requires annual reporting, including a detailed description of "United States efforts to promote national or regional progress by India and Pakistan in disclosing, securing, capping, and reducing their fissile material stockpiles, pending creation of a world-wide fissile material cut-off regime, including the institution of a Fissile Material Cut-Off treaty; the reactions of India and Pakistan to such efforts; and assistance that the United States is providing, or would be able to provide, to India and Pakistan" to promote such objectives.

In the context of this bill, I do not believe it is appropriate to return to the past in a way the Senator's amendment would, and I urge defeat of the amendment.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I rise to speak to the Dorgan amendment. I appreciate, respect, and share the sentiment and concern of the Senator from North Dakota who has been doggedly supportive of pushing nonproliferation and a nonproliferation regime. And if this were 1998 or 1999, I would support the Senator's amendment. But this is 2006, and a great deal has changed since India and Pakistan both exploded nuclear devices in 1998.

The Security Council resolution passed after those tests called for several things: one including for India and Pakistan to immediately stop their nuclear weapons programs and their ballistic missile programs. We wish they would have ceased their nuclear programs. They did not. We wish they had ceased their programs with regard to missiles. Well, they did not.

So the fact is, it is not realistic. We wish they would join the nuclear test ban treaty. But do we really think that is possible under this administration that is not supportive of a comprehensive nuclear test ban treaty?

In this legislation, and in the United States-India nuclear agreement, we are making clear that continued cooperation under this nuclear agreement and nuclear exports to India will cease if India, one, tests a nuclear device, terminates or materially violates its IAEA safeguards, materially violates its agreement with the United States, or engages in nuclear proliferation.

Further, the bill requires that India sign a safeguards agreement with the IAEA and negotiate an additional protocol. It also requires the President to certify that the safeguards agreement is in accordance with the IAEA standards, principles, and practices.

In sum, that is U.S. policy toward India and its nuclear program, and I do not see the purpose of revisiting the old history of 1998. We need to look forward, and that is what we are doing in this legislation. We are using this legislation and the agreement to build a new relationship with India on this issue, and also using it as a means to strengthen the bilateral relationship across the board. And in doing so, we have enshrined important nonproliferation principles into this legislation because we cannot turn back the history of 1998.

So at the appropriate time—and I think we are working now on a consent agreement—I would urge the defeat of the Dorgan amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, just a couple of——

Mr. DOMENICI. Mr. President, will the Senator yield just for a moment?

Mr. DORGAN. Yes.

Mr. DOMENICI. Mr. President, I ask the Senator, how long do you think it will take for you to discuss and dispose of your amendment?

Mr. DORGAN. Mr. President, it is my intention to respond briefly to a couple of comments that have been made in objection to my amendment, and then to offer my second amendment, per agreement with the chairman. That would probably take me about 10 minutes, and to speak in support of my second amendment.

Mr. DOMENICI. Mr. President, I thank the Senator, and I yield the floor.

Mr. DORGAN. Mr. President, I listened intently to my two colleagues who apparently cannot find the ability to support this amendment. I do want to make a couple of observations. One of my colleagues said that India is in full compliance with its commitments. Well, yes, that is true. And the reason they are in full compliance with their commitments is they do not have the commitments we have. They have not signed the nonproliferation treaty. They do not have the commitments that we would expect of them. So are they in full compliance with the commitments that do not exist? I do not know. I mean, I guess. It is not much of an excuse for India, in my judgment. I don't understand that objection.

The discussion of "this agreement would cease if the following" omitted one key issue: "This agreement will cease if India continues to produce additional nuclear weapons." No, that was not included in this bill. Why? Because this agreement allows India to continue to produce additional nuclear weapons. That is at the root of this agreement; otherwise why would you have nuclear facilities put off limits behind a curtain, behind which India can produce additional nuclear bombs?

So this issue of that we have safeguards, and this agreement will cease if the following exists, does not include that this agreement will cease if India continues to produce additional nuclear weapons. Why doesn't it include that provision? Because all of us here know what is going to happen. What is going to happen is this agreement is going to pass, and our ally, a wonderful country, India, is going to be told by this country: It is all right if behind a curtain uninspected facilities continue to produce additional nuclear bombs. That is all right with us. It works fine with us. It is not all right with me. It does not work fine with me.

The past versus the future? I am glad we are not debating the Constitution. That is the past. Man, that is a couple hundred years past. What are the virtues of the Constitution? How about the virtues of the past, the efforts in the past at nonproliferation, the efforts in the past when we were serious about these issues? Really serious. And this country took it upon themselves to say: We are going to lead the way. We, by God, are going to lead the way because it is our burden. It is our responsibility.

We inherit that requirement. Yes, that is the past, and I am proud of that past. In fact, this morning I described part of that past, credited, I might say, to my colleague from Indiana and my former colleague from Georgia, and my colleague from Delaware. I hold in my hand a wing strut from a Soviet bomber that likely carried a nuclear weapon, which could have been dropped on an American city.

That wing strut came from an airplane that was not shot down. That airplane was sawed up by an agreement. That sawing of that Backfire bomber, whose wing strut I now hold, was paid for by American taxpayers. We destroyed nuclear weapons, no, not by battle, not through firing our nuclear weapons. We destroyed them by saws and other methods of destruction, paid for by the American taxpayer.

We destroyed nuclear weapons. Four countries that possessed them are now free of nuclear weapons. We destroyed delivery systems, Backfire bombers, missiles. Yes, that is the past, a past I am enormously proud of, a past we need more of, a past we need to learn from.

The future? The future is a process here by which we say: Do you know what, India, you are a good country—and let me join in that description of the county of India. But we also say: We don't care so much anymore you didn't sign the nonproliferation treaty. We don't care that you violated Resolution 1172 of the United Nations. That is all OK. And, in fact, we are going to tell the suppliers of the world that can supply you with things you need to produce nuclear power go ahead and do that. The sanctions are off. We have decided that our position has changed. It used to be that we and the rest of the world would not allow you to purchase that because you would not sign the nonproliferation treaty. We have changed our minds. In fact, we are going to tell the suppliers to furnish that to you, and you can use it behind the curtain with some of your facilities to produce additional nuclear weapons. You can do it because there will be no inspections.

That, frankly, is the circumstance of this legislation. So we have disagreement. I regret that. But I feel very strongly. I know my colleagues feel strongly about their position on this issue. I would just say, I hope we will not decide today as a Senate to say that Security Council Resolution 1172 does not matter because it is old. It is timeless. It is not old. It is timeless in its position of what we should stand for as a country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I will be very brief.

As I said, I really admire, respect, and observe the passion of my friend from North Dakota on this issue. But I think the comparisons are not particularly apt. The wing strut the Senator has was able to be held in his hand because two countries—the United States and the Soviet Union—concluded that it was in their mutual interest to cease and desist and/or significantly reduce the threat each posed to the other. And they were the only threats that existed. The only threat to the United States from a nuclear capability of an ICBM or a Backfire bomber resided in the Soviet Union.

Now, we tried. I was the author of—and, as a matter of fact, there was a South Dakota Senator named Pressler, along with JOHN GLENN, who early on put in legislation relating to sanctions for India.

India obviously violated those sanctions and did not comply with the U.N. resolution. But there is a reason for that—not a justification, a reason. They looked across their borders north and west and saw two nuclear powers—one emerging nuclear power, one existing nuclear power—and they concluded, rightly or wrongly, from their perspective that they had to be a nuclear power.

It is clear nonproliferation does not work in a vacuum. Nonproliferation entreatments, requests, proddings to a nation that finds itself in a situation where it believes it is threatened by a nuclear neighbor have not worked particularly well, offering those two examples, for example.

It seems to me what we are attempting to do is the only route to get to the point where both India and Pakistan are part of a nonproliferation treaty; that is, we are trying to change the regional situation on the ground. It is not going to happen through a nonproliferation treaty. It is going to happen through a rapprochement between India and Pakistan. The idea that we would be able to, through any legislation, prevent India from moving forward to add additional nuclear weapons, if they so choose to do that—there is no legislation we can pass to do that.

What this legislation does is recognize the reality of the geopolitical situation in the region, set up safeguards to deal with the ability for India to use anything we are doing with them to be able to further advance their nuclear capability, give them a new buy-in to an international regime that will have the effect of putting pressure on them to move in the direction we and the Soviets moved on back when that Backfire bomber strut was sawed off a wing, and that is the route we choose. It is not pretty. It is not clear. It is no guarantee. It is not certain to succeed. But I do know one thing: Absent this agreement, there is a likelihood things get worse instead of better, beyond what may already occur.

I appreciate the Senator's comparisons, but I think they are not as apt as they might appear to be because, again, India's motivation, in terms of its viewing its need for a nuclear arsenal, is not unlike the motivation that existed with regard to the United States and the Soviet Union. It is going to take a geopolitical settlement of that, not a nuclear arms control agreement imposing a settlement on India and Pakistan at this moment, now that the genie is out of the bottle.

I appreciate my friend's point and respect his point of view, but I disagree that it is the best way to move forward.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Let me respond briefly. There is a very big difference between this and the agreement we had with the Soviet Union. In the Soviet Union agreement, both sides, the United States and the Soviet Union, decided they wished to reduce the number of nuclear weapons and the delivery systems of those weapons. As a result of that decision, both sides wishing to reduce both weapons and delivery systems, we embarked on a process that was very helpful to both countries and to the world and to world peace. This is very different. This is mutual interest.

But now, we are told it is in our mutual interest, us and India, to have India be allowed to produce additional nuclear weapons, not reduce nuclear weapons. Under this agreement, everyone will agree, India will be allowed to increase nuclear weapons. If India is allowed to increase nuclear weapons under this agreement, that is very different from the agreement we had with the Soviets by which we decided to reduce.

The point is, this agreement says it is in our mutual interest to allow India to increase its production of nuclear weapons. That is clearly not in our mutual interest, but that is what the resolution says.

Second, my colleague is right, none of this operates in a vacuum. This will not be in a vacuum, either. Pakistan will insist on producing more nuclear weapons. So will China. Pakistan has already told our country: If you are going to do this with India, we want you to do it with us. So this decision will not be made in a vacuum vis-a-vis India; this decision will have an impact regionally and around the world.

My colleague is very skillful in presenting his position. I admire both of my colleagues and their skill and determination as well. We just have a difference of opinion. I think this is a very significant mistake.

I have a second amendment which I will send to the desk and offer for its consideration and try to truncate the description of that very briefly, if that is appropriate to the chairman.

Mr. LUGAR. Mr. President, may I respond briefly to my colleague?

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. It would be my hope—and let me discuss this quickly—that the debate on the first amendment of Senator DORGAN is completed. Secondly, I want a short time for Senator

DOMENICI of New Mexico to make a statement. And then thirdly, we will proceed to the introduction of Senator DORGAN's second amendment. My hope would be that a unanimous consent will be formulated—I know staff from both sides are working on that—that will provide for rollcall votes on both Dorgan amendments and then, at the conclusion of the debate of the distinguished Senator from New Mexico, on the Bingaman amendment, perhaps a stack of three votes for the convenience of Senators. I am broaching that, not asking for everybody to agree, but I am hopeful that would be a general agreement of those who are around at this point.

It is my hope that the distinguished Senator from New Mexico might be recognized.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I thank the distinguished chairman, Senator LUGAR, for arranging for my few remarks before he proceeds.

After committing to a framework 16 months ago, President Bush and India's Prime Minister announced an agreement earlier this year on civil nuclear cooperation between our two countries. I believe they recognize this historic moment in our history, one that requires vision and foresight to anticipate the world as it will be rather than stuck in the past wishing things somehow would be different. Some will argue that we must pursue a better deal approaching perfection, but the deal that has been negotiated is a good one that we must pursue now and begin taking steps to strengthen the nonproliferation regime with India by our side.

Senators LUGAR and BIDEN and the Foreign Relations Committee have done an admirable job of striking a balance that anticipates this future. This strong, bipartisan bill represents a critical step toward strengthening an eroding nonproliferation framework. We only need look at North Korea and Iran for evidence that this erosion is taking place and as a wake-up call that fundamental change is needed. The global community must work together to assure the peaceful pursuit of civilian nuclear waste.

This historic agreement is a critical step that moves the United States and India toward a strategic relationship between our great democracies. Through this relationship, built on strength, we can jointly work toward a vision of a proliferation-free world. I understand that is a vision. It is not real even now. And while things might even look a little worse, the truth is, the relationship we are building with what we are agreeing to here on the floor, when that completes its course and becomes a reality, then that means we are building toward a proliferation-free world.

India is a worthy partner. That was one of the basic questions: Should you enter into this agreement with a partner that has not been part of the ordinary, agreed-upon, acceptable accords and agreements between countries heretofore? I would remind everyone that India is the largest democracy—a population currently over 1 billion and expected to surpass China in the next 50 years. It has a rapidly expanding economy with a growth rate of over 7 percent a year in 2005, a rapidly expanding economy that is the envy of almost all countries that have free and open democracies. This agreement with India brings global transparency to India's entire civilian nuclear program. We forget that India's civilian and military program still remains closed to global scrutiny. Under this agreement, the entire civilian program, 65 percent of all nuclear activity and eventually 90 percent of all nuclear activity, will open to monitoring by the IAEA. Obviously, we ought to start, if that is where we are going to end up, because that is as good as we are going to do. And certainly we ought to be grateful that through the leadership of the President and now the leadership of the Congress, we can get there.

The people are similar to the American people. They desire a better life for themselves and their children. Rapid economic growth that has led to improving their standard of living is projected to result in a doubling of the energy needs of their country in the next 25 years. India must make choices today that drive their energy mix in the future.

Like many countries, they have chosen nuclear power to improve their energy security while reducing reliance on imports. India currently has nine reactors under construction and plans to grow the nuclear share to 25 percent by 2050. That is 100 times the 2002 capacity. Cooperation with India will lead to significant opportunities for U.S. industry to help assure India's energy mix, including nuclear power, is clean, diversified, and proliferation-resistant.

I strongly support an evolving strategic U.S. relationship with India that this agreement promotes. We ought to be proud of it and move with dispatch. It is the world's largest democracy and a worthy partner that we can work with in our pursuit of global security. I have worked with Senator LUGAR in the past on nonproliferation measures that required vision and foresight. With India also, we must look to our future. I urge my colleagues to support this bill and urge dispatch in consideration of the balance of the subject matter.

I thank Senator LUGAR for obtaining time for me on the floor, and I yield the floor.

Mr. LUGAR. Mr. President, I thank the distinguished Senator from New Mexico, Mr. DOMENICI, for his very strong statement, and I simply want to mention again how much I appreciate working with him over the years. The Nunn-Lugar-Domenici legislation was extremely important throughout a good part of the last decade, and on the nonproliferation efforts he has been a champion in the Senate. We appreciate his contribution to this debate today.

Mr. DOMENICI. Thank you, Senator LUGAR.

Mr. LUGAR. I thank the Senator.

Mr. President, I note the presence of the distinguished Senator from North Dakota. We indicated that he would continue by offering his second amendment, and I would advise him to do so, if he is prepared.

AMENDMENT NO. 5182

Mr. DORGAN. Mr. President, I call up amendment No. 5182 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 5182.

Mr. DORGAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 5182

(Purpose: To require as a precondition to United States-India peaceful atomic energy cooperation a determination by the President that India has committed to certain basic provisions consistent with United States nonproliferation goals and the obligations and political commitments undertaken by State Parties to the Nuclear Non-Proliferation Treaty)

On page 8, beginning on line 8, strike "Group; and" and all that follows through "the Nuclear" on line 9 and insert the following:

Group;

(8) India has committed to—

(A) the development of a credible separation plan between civilian and military facilities by ensuring all reactors that supply electricity to the civilian sector are declared and are subject to permanent IAEA standards and practices;

(B) a binding obligation to the same extent as nuclear-weapon State Parties under the Nuclear Non-Proliferation Treaty—

(i) not to transfer to any recipient whatsoever nuclear weapons or nuclear explosive devices or control over such devices directly or indirectly; and

(ii) not in any way to assist, encourage, or induce any non-nuclear-weapon State Party to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices or acquire control over such weapons or explosive devices; and

(C) consistent with the Nuclear Non-Proliferation Treaty—

(i) pursuing negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, including ending fissile material production for nuclear weapons;

(ii) joining a legally-binding nuclear test moratorium;

(iii) verifiably reducing its nuclear weapons stockpile; and

(iv) eventually eliminating all nuclear weapons; and

(9) the Nuclear

AMENDMENT NO. 5178, AS MODIFIED

Mr. DORGAN. Mr. President, I ask unanimous consent to offer a modification to the first amendment I offered today. The amendment had two line numbers in it that were made to the original copy of the legislation. That legislation was subsequently changed. So let me ask unanimous consent that on the initial amendment I offered today, on line 1, the reference to line 15 be struck, and it is line 8; on line 2, the reference to line 15 be struck, and it is line 9.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5178), as modified, is as follows:

On page 5, beginning on line 8, strike "Treaty; and" and all that follows through "that exports" on line 9 and insert the following:

Treaty;

(9) to continue to support implementation of United Nations Security Council Resolution 1172 (1998); and

(10) that exports

Mr. DORGAN. Mr. President, the second amendment I have sent to the desk says that before this United States-India agreement can go into effect, the President must submit to the Congress a written determination that India has committed to certain basic provisions consistent with U.S. nonproliferation goals and with the NPT, the nonproliferation treaty. It requires the President to determine that India has committed to, for example, putting all of its reactors that supply electricity to the civilian sector under the IAEA inspection regime. This would close a loophole that exists in the proposed agreement, and that loophole allows India to keep electricity-producing reactors out of the IAEA inspection regime. Eight of them will be out of the regime, and those eight are going to be behind a curtain, unable to be inspected, and able to produce the materials to produce additional nuclear weapons. Fourteen of the existing and planned nuclear reactors would be inspected, and eight of them would not.

If those other eight reactors produce civilian electricity, my amendment would require that India allow inspection of them.

The bill as now written would allow India to produce energy with nuclear reactors that are closed to IAEA safeguards. My amendment says that is a loophole which should not be allowed. If India can keep energy-producing reactors outside of these safeguards, why shouldn't other countries be allowed to do so? How will our country say to others: Well, we have special deals. We have loopholes here for one, but we are not consistent. There is no consistency with respect to our position on these issues.

The amendment also requires India to undertake a binding obligation not to assist, encourage, or induce nonnuclear weapons states to manufacture or otherwise acquire nuclear weapons. That is what our country has obligated itself to do under the nonproliferation treaty. It is what other nuclear weapons states have done as well, including Russia, China, Britain, and France. They have all agreed to and signed the nonproliferation treaty and agreed to that basic provision, a binding obligation not to assist, encourage, or induce nonnuclear weapons states to manufacture or acquire nuclear weapons.

Lastly, my amendment requires the President to determine that India has committed itself to pursuing negotiations on measures directed at reducing nuclear stockpiles and eventually eliminating nuclear weapons. These are the same commitments, the very same commitments our country has made, the same commitments other nation states which have signed the nonproliferation treaty have made. So I believe it is appropriate that if we have this agreement with India dealing with the issue of nuclear weapons, they should be under the same obligations we are under. Even though they have not signed the nonproliferation treaty, we have. We have obligations under that treaty. They should accept the obligations under that treaty, in my judgment, even though they have not yet signed it.

This debate today has been interesting and, in many ways, very frustrating as well. I intend to support very aggressively the amendment offered by my colleague from New Mexico, Senator BINGAMAN. I believe that amendment is very important and at the root of much of what I have talked about today as well.

It seems to me this is a case for our children and our grandchildren about what kind of a world they are going to live in. It is interesting. If you just fast forward from 1960 to 1980 to 2000 and fast forward from 2001 to today, we went through a Cold War with the Soviet Union where we had heavy nuclear weapons, huge nuclear weapons with big bombers and powerful missiles aimed at each other, so we had a Cold War. Massive numbers of nuclear weapons were built. We had a standoff between our country and the Soviet Union. There was great concern and worry that somehow, something would happen in which someone would launch a missile or a submarine or an airplane would launch a missile with a nuclear weapon and we would start a nuclear war and our two countries would be obliterated. It didn't happen. Instead, we chose a much more constructive direction.

We and the Soviet Union began what is called arms control talks, and we reached arms control agreements. Those agreements began the destruction of weapons systems, delivery systems, nuclear weapons. I admit that a very small amount of those delivery systems and nuclear weapons were actually destroyed, but some of them were. It was actually moving in the right direction rather than the wrong direction. We developed a test ban treaty. We led the way. We said: We are going to no longer test nuclear weapons. We said that to the world. A nonproliferation treaty. We said this is important to do, and we were the leaders in saying this is the right course for the world. Now we are told: You know what, that is old-fashioned; that is the past; this is the future. I say that what we did then is timeless. These values don't change, the value of deciding that our future ought to be a future with fewer nuclear weapons rather than more nuclear weapons.

If anyone has listened closely, they will know there has been no refutation of the assertion that some of my colleagues and I have made that this agreement will mean we have more nuclear weapons produced. No one has disputed that. This agreement means we are signing up to have more nuclear weapons produced on this Earth. One—just one—nuclear weapon in the hands of a terrorist group pulling up to a dock in a major American city on a container ship at 2½ or 3 miles an hour can potentially kill hundreds of thousands of American citizens—just one—and there are 30,000 out there. Can anyone here tell me that every one of those 30,000 is safeguarded and that no terrorist organization will acquire one? Can anybody tell me that is going to be the case?

I started this morning talking about a CIA agent called Dragon Fire who reported 1 month after 9/11 that a Russian 10-kiloton nuclear weapon had been stolen by a terrorist group and taken into New York City and was about to be detonated. That episode has been written about in a book. Most of us have heard of it. It was a time when for a month we didn't know if it was true or not. It wasn't disclosed publicly because there would have been mass hysteria if it was thought that a 10-kiloton nuclear weapon had been stolen from Russia and was now in New York City about to be detonated. It eventually was discovered that had not happened. But when they did the postmortem on that situation, it was understood that it was clearly possible. Russia had those weapons. They were not safeguarded well. They are not, and they were not. They could have been stolen. It could have been smuggled into a major American city by a terrorist group and it could have been detonated, killing hundreds of thousands of people. That is the consequence of one nuclear weapon. Just one. We have 30,000 or so on this Earth. What are we doing today? We are saying it is all right if they build more—in this case, India. It is OK if they build more.

This is not going to be done in a vacuum. What we do here today will have consequences for Pakistan, it will have consequences for China. You think they won't decide if India is going to be allowed to build more nuclear weapons that they won't build more nuclear weapons? Of course they will. That is what this is about.

I understand it is argued that this is geopolitics; you don't understand it; you can't see over the horizon. Maybe not. What I do understand is that this world will be a safer place with fewer nuclear weapons, this world will be a safer place if we care about nonproliferation, if we reduce the number of nuclear weapons, and this world will not be safer if at the end of today we have decided that we have given a green light to a world with more nuclear weapons.

I hope my colleagues will agree with me and support my amendment.

I yield the floor.

Mr. LUGAR. Mr. President, I intend to offer a short statement opposing the amendment. I would ask Members to be alert to the possibility that following my statement, Senator BIDEN has indicated he would put his statement in the RECORD if this plan can then be accepted, and we would then proceed to three rollcall votes: an amendment offered by the distinguished Senator from New Mexico, Mr. BINGAMAN, and two amendments offered by the distinguished Senator from North Dakota, Mr. DORGAN. For the convenience of our colleagues, those three votes would come without pause, thus minimizing the dislocation of Members' schedules and accelerating our consideration of this debate.

I am certain the Chair has heard that Senator BIDEN and I, for many of our colleagues who were hopeful that we could proceed in a responsible way but conclude the debate today, on Thursday, are attempting to do that, and we appreciate the cooperation of our colleagues.

Having said that, Mr. President, let me state my opposition to the second amendment offered by the distinguished Senator from North Dakota. His amendment would, in fact, undo the entire effort we have achieved with India over the past year. Not only would he revise India's civilian military separation plan with his amendment, but he would require India to assume the obligations of a nuclear weapons state under the Nuclear Non-Proliferation Treaty, the NPT. This is, in effect, a perfect killer amendment. It should be strongly opposed by every Member of this body who supports an improved relationship with India.

The Senator's amendment adds two new determination requirements to our bill: first, that India's separation plan result in a situation wherein all reactors that supply civilian power are declared to the IAEA and under safeguards; and second, that India assume certain NPT obligations. This is unnecessary and would do us great harm. It adds a new element in the separation plan that the President did not negotiate and would undo the deal we have reached.

India's separation plan is credible and sound, according to criteria developed by the administration in its negotiations with India. As Secretary Rice stated last April:

> For the plan to be transparent, it had to be articulated publicly.

It has been.

> For it to be credible and defensible from a nonproliferation standpoint, it had to capture more than just a token number of Indian nuclear facilities—

Which it did——

> by encompassing nearly two-thirds of India's current and planned thermal power reactors, as well as all future civil, thermal, and breeder reactors. Importantly, for the safeguards to be meaningful, India had to commit to apply IAEA safeguards in perpetuity.

It did so.

> Once a reactor is under IAEA safeguards, those safeguards will remain there permanently and on an unconditional basis. Further, in our view, the plan also needed to include upstream and downstream facilities associated with the safeguarded reactors to provide a true separation of civil and military programs: India committed to these steps, and we have concluded that its separation plan meets the criteria established: it is credible, transparent, and defensible from a nonproliferation standpoint.

The amendment changes the metrics for a credible and defensible separation plan by including that such a plan must mean that any reactor supplying power must be declared. As Secretary Rice stated before the committee:

> Regardless of whether they might be used to generate electric power or not, reactors that are not declared civil, and thus are not under IAEA safeguards, cannot legitimately receive nuclear fuel or other nuclear cooperation from any State party to the NPT.

The second element in the Senator's amendment would require India to assume the obligations of a nuclear weapon state party to the NPT.

The administration was careful not to term India a "nuclear weapon state" with similar rights and obligations as those five nations in the NPT with status as lawful weapon states—France, Russia, China, the U.K., and the U.S.—and instead termed India in the July 2005 joint statement a "responsible state with advanced nuclear technology." This was necessary to do no harm to U.S. and other weapons states' status under the treaty.

The Senator's amendment would create obligations similar to those of weapon states for India through creating a determination requirement that the President must make wherein India has assumed the obligations of a nuclear weapon state under the NPT. I would argue that this is not necessary, since it could well provoke India to walk away from the obligations they would assume under our 123 Agreement with them and leave the restraint we might get through that deal on their weapons program on the negotiating table.

India has stated they have no intention to sign or become a party to the NPT, as a weapon state or otherwise. India's July 2005 joint statement commitments are significant, but they do not include NPT membership.

I urge defeat of the amendment; it is a killer.

Mr. BIDEN. Mr. President, I want to associate myself with the remarks made by the Senator from Indiana.

The amendment requires India to declare as civil reactors all reactors that supply electricity to the civil sector.

There is no way that India will accept this.

I might wish they would, but they will not.

That's because for decades, they have built reactors that can be either civil or military.

So India has reserved as military enough reactors to produce more plutonium for nuclear weapons—in case they decide they need to do that.

But India will also use those reactors for electric power.

If this amendment is enacted, India will have to choose to either make all its power reactors civil, and build new ones to produce plutonium; or waste the electric power capability of its current military reactors.

India will not do that.

So this is a killer amendment.

It's also a killer amendment because it requires India to commit to verifiably reduce its nuclear weapons stockpile.

I wish India would do that—but it will not.

India fears both Pakistan and China, which also have nuclear weapons.

The Dorgan amendment does not require Pakistan and China to reduce their stockpiles, only India.

This is a non-starter for India.

Finally, the amendment requires India to commit to "joining a legally-binding, nuclear test moratorium." I wish India would do that. I hope the administration will push for that.

But for now, there is only one "legally-binding, nuclear test moratorium." It is called the Comprehensive Test-Ban Treaty.

And I do not think this administration will press India to join that treaty.

So, I sympathize with all of the concerns raised by this amendment. But I know that it would kill the nuclear deal.

That is the bottom line: if we support the deal, we have to reject this amendment.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I ask unanimous consent that the Senate proceed to a series of stacked votes in relation to the following amendments: the Bingaman amendment No. 5174, the Dorgan amendment No. 5178, as modified and the Dorgan amendment No. 5182; further, that there be no second degrees in order to any of the amendments prior to the votes, that there be 2 minutes of debate equally divided before the second and third votes.

The PRESIDING OFFICER. Is there objection?

Mr. BIDEN. Mr. President, reserving the right to object, I think there is a need for a mild correction.

Mr. DORGAN. Mr. President, I ask unanimous consent that my second amendment be considered, notwithstanding the Harkin amendment that was previously offered.

The PRESIDING OFFICER. Is there objection to the primary request?

Mr. BINGAMAN. Mr. President, could I ask the floor manager? I would prefer if we had 2 minutes equally divided prior to the first vote as well since there has been some time since we debated it. I want the chance to explain it for 1 minute before we have a vote.

Mr. LUGAR. Mr. President, I amend the request to include 2 minutes of debate on the Bingaman amendment No. 5174 prior to the vote.

The PRESIDING OFFICER. Is there objection to the unanimous consent request, as amended?

Mr. DORGAN. Mr. President, let me ask the chairman. I wish to respond for 2 minutes to the comments which the chairman just made in opposition to my amendment prior to proceeding to the vote.

Mr. LUGAR. I have no objection to that. I amend the request to include 2 minutes of debate by Senator DORGAN.

The PRESIDING OFFICER. Is there objection, as amended? Without objection, it is so ordered.

AMENDMENT NO. 5182

Mr. DORGAN. Mr. President, I will try not to take the 2 minutes, but it is important to point out the chairman, in responding—and I suspect the ranking member in his response—is saying this is a killer amendment. It is not offered as a killer amendment, but it is the case that my amendment would impose upon India exactly the same burdens that exist upon our country. My colleague, the chairman, said the President "did not negotiate"—he started the sentence. That is what brings me to the floor—that the President "did not negotiate." What he did not negotiate was a requirement and a burden on India which clearly is a nuclear weapons state. He did not negotiate a requirement and a burden on them that we ourselves assume under the nonproliferation treaty. My amendment would simply provide that requirement and that burden to the country of India.

I come from a town of 300 people. I have to relearn always the lessons of the Senate—and not just the Senate but the way the Government works. In my hometown you always call things just the way they are. You saw it, you spoke it, and described it. In this body, however, now we know that India has a nuclear weapon—has many of them. We know they have detonated them, and we know they are a nuclear weapons state. So we have decided as a country officially to describe India as a responsible state with nuclear technology as opposed to a nuclear weapons state. I don't know; maybe it works here. It doesn't work in my hometown. We have to call things as we see them.

We have responsibilities—all of us do. Our responsibility is, I think, toward nonproliferation, to stop the spread of nuclear weapons, to reduce the number of nuclear weapons. I regret that the underlying piece of legislation is going to result in more nuclear weapons being built.

The second amendment I have offered is an amendment that simply says let us impose on those with whom we negotiate the same burdens we inherit ourselves. In fact, the United States negotiated with India in the way that exempts them from those burdens. I think that is fundamentally wrong.

I yield the floor.

The PRESIDING OFFICER. There is 2 minutes equally divided on the Bingaman amendment.

AMENDMENT NO. 5174

Mr. BINGAMAN. Mr. President, I will briefly describe the Bingaman amendment. It is an amendment that puts into effect the recommendations Senator Nunn made in his op-ed piece in the Wall Street Journal in May of this year. It says that as to nuclear equipment and technology, before we can export or reexport to India nuclear equipment or technology, the President must first determine that both India and the United States are taking specific steps to conclude a fissile material cutoff treaty.

Second, the amendment says that before any nuclear materials fuel can be exported to India, the President must determine that India has stopped producing fissile materials for weapons.

This is a reasonable amendment. This does not kill the deal, as I would see it. This is something which India has stated a willingness to generally abide by. I think this is the least we can insist upon. I hope very much my colleagues will support this amendment.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I will oppose this amendment as it goes significantly beyond the commitments India made in the joint statement. India will regard this particular requirement that India stop producing fissile materials for weapons as moving the goalposts and an unacceptable renegotiation of the deal—a bad-faith effort on our part. India maintains that they cannot agree to a unilateral cap at this time. We should not hold up the significant nonproliferation gains afforded by the initiative in order to seek a fissile material cap that India indicates it cannot agree to absent a similar commitment by Pakistan and China. Pakistan continues to produce fissile material for weapons-related purposes and China has not committed to a moratorium on such production. Unfortunately, in my judgment, this is truly a killer amendment. I strongly encourage that amendment be defeated.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LUGAR. Mr. President, I ask for the yeas and nays on the next two amendments.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time on the next amendment?

Mr. LUGAR. Mr. President, my impression was that the call was for the vote and then a 2-minute debate.

The PRESIDING OFFICER. The Senator from Indiana is correct.

The question is on agreeing to the Bingaman amendment. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Wyoming (Mr. THOMAS).

The PRESIDING OFFICER (Mr. ALEXANDER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 26, nays 73, as follows:

[Rollcall Vote No. 265 Leg.]

YEAS—26

Akaka
Baucus
Bingaman
Boxer
Byrd
Cantwell
Conrad
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Jeffords
Johnson
Kennedy
Lautenberg
Leahy
Lincoln
Menendez
Mikulski
Obama
Pryor
Reed
Salazar

NAYS—73

Alexander
Allard
Allen
Bayh
Bennett
Biden
Bond
Brownback
Bunning
Burns
Burr
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kerry
Kohl
Kyl
Landrieu
Levin
Lieberman
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Reid
Roberts
Rockefeller
Santorum

Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thune
Vitter
Voinovich
Warner
Wyden

NOT VOTING—1

Thomas

The amendment (No. 5174) was rejected.

Mr. LUGAR. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the next rollcall votes be 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 5178, AS MODIFIED

The PRESIDING OFFICER. There are now 2 minutes equally divided prior to a vote on the Dorgan amendment No. 5178, as modified.

The Senator from North Dakota.

Mr. DORGAN. Mr. President, my amendment, in light of the underlying bill brought to the floor of the Senate, would express that we would continue to support the implementation of the United Nations Security Council Resolution 1172.

The reason that is important is it had been the policy of this country to not only author but to support that resolution after India and Pakistan exploded their nuclear weapons.

It calls on them to immediately stop their nuclear weapons development programs, refrain from weaponization or deployment of nuclear weapons, cease the development of ballistic missiles, and so on.

That has been a very important tenet of this country in supporting that United Nations Resolution 1172. Despite what we are doing in the underlying bill, I would hope this country and this Senate would express our support for that which we drafted and that which we encouraged the rest of the world to support some while ago.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I ask that Members oppose the Dorgan amendment on the basis that the resolution he talks about is an important one, but it talks about a time in which our relationship with India was very different. It talks about the past. We have been very fortunate in this country to move into a better relationship with India, to a point where we are now going to be in India. The IAEA is going to be in India. We are going to be able to observe a bulk of the nuclear reactors and programs there and to work with India in peaceful development.

There was a time when we did not have that relationship. By "we," I mean the United States and the international community. The situation in India is constructive. This is a time to celebrate and to move on that momentum.

I ask that the Dorgan amendment be defeated.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified. The yeas and nays were previously ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Wyoming (Mr. THOMAS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 27, nays 71, as follows:

[Rollcall Vote No. 266 Leg.]

YEAS—27

Akaka
Bingaman
Boxer
Byrd
Clinton
Conrad
Dayton
Dodd
Dorgan
Durbin
Feingold
Harkin
Jeffords
Johnson
Kennedy
Kerry
Landrieu
Lautenberg
Leahy
Menendez
Mikulski
Nelson (FL)
Obama
Reid
Salazar
Schumer
Stabenow

NAYS—71

Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bond
Brownback
Bunning
Burns
Burr
Cantwell
Carper
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kohl
Kyl
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McConnell
Murkowski
Murray
Nelson (NE)
Pryor
Reed
Roberts
Rockefeller
Santorum
Sarbanes
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thune
Vitter
Voinovich
Warner
Wyden

NOT VOTING—2

McCain
Thomas

The amendment (No. 5178), as modified, was rejected.

Mr. LUGAR. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

AMENDMENT NO. 5182

Mr. DORGAN. Mr. President, the second amendment I had offered says that before the United States-India agreement can go into effect, the President must submit to the Congress a written determination that India has committed to certain basic provisions that are consistent with the U.S. nonproliferation goals and with the nonproliferation treaty. In other words, I would suggest that we should impose the same burdens on India as we have on ourselves. There is great reluctance to do that by this Chamber, but that was my amendment. I must say there is very little education in a third vote if I believe it weakens our efforts in nonproliferation nuclear weapons. So rather than have a third recorded vote, I will ask that we vitiate the recorded vote and vote on this amendment by voice.

The PRESIDING OFFICER. Is there objection?

Without objection, the yeas and nays are vitiated.

Is there further debate? If not, the question is on agreeing to the amendment, as modified.

The amendment, as modified, was not agreed to.

Mr. LUGAR. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LUGAR. Mr. President, I would like to indicate that the distinguished Senator from Nevada will offer an amendment. We will then proceed to the Old Senate Chamber for a debate on that amendment. I think we have an agreement that the extent of the debate will be no more than 60 minutes. We would return to this Chamber for the actual vote on the Ensign amendment, following the debate in the Old Senate Chamber. Therefore, the Senator from Nevada should be recognized so that he can start that process.

AMENDMENT NO. 5181

Mr. ENSIGN. Mr. President, I call up amendment No. 5181 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] proposes an amendment numbered 5181.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 5181

(Purpose: To ensure that IAEA inspection equipment is not used for espionage purposes)

Strike section 262 and insert the following:

SEC. 262. IAEA INSPECTIONS AND VISITS.

(a) CERTAIN INDIVIDUALS PROHIBITED FROM OBTAINING ACCESS.—No national of a country designated by the Secretary of State under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) as a government supporting acts of international terrorism shall be permitted access to the United States to carry out an inspection activity under the Additional Protocol or a related safeguards agreement.

(b) PRESENCE OF UNITED STATES GOVERNMENT PERSONNEL.—IAEA inspectors shall be accompanied at all times by United States

Government personnel when inspecting sites, locations, facilities, or activities in the United States under the Additional Protocol.

(c) USE OF UNITED STATES EQUIPMENT, MATERIALS, AND RESOURCES.—Any inspections conducted by personnel of the IAEA in the United States pursuant to the Additional Protocol shall by carried out using equipment, materials, and resources that are purchased, owned, inspected, and controlled by the United States.

(d) VULNERABILITY AND RELATED ASSESSMENTS.—The President shall conduct vulnerability, counterintelligence, and related assessments not less than every 5 years to ensure that information of direct national security significance remains protected at all sites, locations, facilities, and activities in the United States that are subject to IAEA inspection under the Additional Protocol.

Mr. LUGAR. Mr. President, I understand that the Senator from Delaware, as the ranking member, will offer the official motion sending us over to the Chamber.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, if I understand the parliamentary situation properly, and I am not sure I do, I ask unanimous consent that following the offering of the Ensign amendment, the Senate stand in recess subject to the call of the Chair so that it may reconvene pursuant to the previous order.

I further ask that the following Senate staff be permitted to attend the closed session, and I send the list to the desk.

The list is as follows:

Mike Disilvestro; Joel Breitner; Mary Jane McCarthy; Paul Nelson; Richard Verma; Stephen Rademaker; Marcel Lettre; Nancy Erickson; Lynne Halbrooks; Scott O'Malia; Pam Thiessen; Thomas Moore; Lynn Rusten; Ed Corrigan; Rexon Ryu; Ken Myers III; Ken Myers, Jr; Brian McKeon; Ed Levine; Madelyn Creedon; Nancy Stetson; Diane Ohlbaum; Anthony Blinken; Janice O'Connell.

Mr. BIDEN. Mr. President, before the Chair rules, I will remind Senators that those who attend the closed session are not permitted to bring any electronic devices into the Old Senate Chamber. Mr. President, I send to the desk the list of the names of the staff members that could be present.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. The Ensign amendment now being the pending question, the Senate stands in recess subject to the call of the Chair.

Whereupon, the Senate, at 3:43 p.m. recessed subject to the call of the Chair and reassembled at 4:59 p.m. when called to order by the Presiding Officer (Ms. MURKOWSKI.)

Mr. LUGAR. Madam President, we are now prepared to vote in relation to the Ensign amendment. I ask unanimous consent that following that vote, Senator FEINGOLD be recognized to offer his amendment and that there be 90 minutes equally divided on that amendment. I further ask unanimous consent that following the use or yielding back of time on that amendment, it be set aside, and Senator BOXER be recognized in order to offer her amendment; provided further that there be 45 minutes equally divided in relation to that amendment. Further, that following that time the Senate proceed to a vote in relation to the Feingold amendment, to be followed by a vote in relation to the Boxer amendment, with no second-degrees in order, and following these votes, the bill be read for a third time and the Senate proceed to a vote on passage of the House bill as provided in the previous order. I would also ask that there be 2 minutes equally divided for debate prior to each vote.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LUGAR. I thank the Chair. We are now prepared to vote in relation to the Ensign amendment.

The PRESIDING OFFICER. Do Senators yield time on the amendment?

Mr. LUGAR. Yes.

VOTE ON AMENDMENT NO. 5181

The PRESIDING OFFICER. All time is yielded. The question is on agreeing to the amendment. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Wyoming (Mr. THOMAS).

Mr. DURBIN. I announce that the Senator from Vermont (Mr. JEFFORDS) is necessarily absent.

The result was announced—yeas 27, nays 71, as follows:

[Rollcall Vote No. 267 Leg.]

YEAS—27

Allard
Bunning
Coburn
Coleman
Collins
Conrad
Cornyn
DeMint
Dole
Dorgan
Ensign
Enzi
Frist
Grassley
Gregg
Hutchison
Inhofe
Johnson
Kyl
Lott
McConnell
Menendez
Santorum
Sessions
Smith
Snowe
Sununu

NAYS—71

Akaka
Alexander
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Craig
Crapo
Dayton
DeWine
Dodd
Domenici
Durbin
Feingold
Feinstein
Graham
Hagel
Harkin
Hatch
Inouye
Isakson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCain
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sarbanes
Schumer
Shelby
Specter
Stabenow
Stevens
Talent
Thune
Vitter
Voinovich
Warner
Wyden

NOT VOTING—2

Jeffords
Thomas

The amendment (No. 5181) was rejected.

Mr. LUGAR. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. ISAKSON). Under the previous order, the Senator from Wisconsin is recognized. Will the Senator suspend?

Did the distinguished chairman wish to be recognized?

Mr. LUGAR. Mr. President, just for clarification, I ask unanimous consent that the Feingold and Boxer amendments be in order, notwithstanding adoption of the Harkin amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. I thank the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. LEAHY. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. FEINGOLD. I yield.

Mr. LEAHY. Mr. President, how long did we spend in that last 15-minute rollcall?

The PRESIDING OFFICER. We spent approximately 39 minutes.

Mr. LEAHY. Thirty-nine?

The PRESIDING OFFICER. Thirty-six. I apologize.

Mr. LEAHY. Thirty-six for a 15-minute rollcall. I am just curious, for those of us who might actually have a life after dark around this place, how much longer the rest will be.

I thank the Chair.

The PRESIDING OFFICER. The Chair would recognize that the distinguished majority leader's retirement recognition with the Vice President was being held, and that was probably the delay, for the meeting.

The Senator from Wisconsin.

Mr. FEINGOLD. Thank you, Mr. President.

AMENDMENT NO. 5183

Mr. President, I send an amendment to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 5183.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require as a precondition to United States-India peaceful atomic energy cooperation determinations by the President that United States nuclear cooperation with India does nothing to assist, encourage, or induce India to manufacture or acquire nuclear weapons or other nuclear explosive devices)

On page 8, beginning on line 17, strike "Group; and" and all that follows through "(8) the Nuclear" on line 18 and insert the following:

Group;

(8) the scope and content of United States nuclear cooperation with India in the proposed nuclear cooperation agreement pursuant to section 123 a. of the Atomic Energy Act of 1954 (42 U.S.C. 2153(a)) does nothing to directly or indirectly assist, encourage, or induce India to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices, specifically that—

(A) India cannot use United States-origin equipment, technology, or nuclear material in an unsafeguarded facility or nuclear weapons-related complex; and

(B) India cannot replicate and subsequently use United States-origin technology in an unsafeguarded nuclear facility or unsafeguarded nuclear-related complex, or for any activity related to the research, development, testing, or manufacture of nuclear explosive devices;

(9) India has provided sufficient assurances that the provision by the United States of nuclear fuel will not facilitate the increased production by India of fissile material in unsafeguarded nuclear facilities; and

(10) the Nuclear

Mr. FEINGOLD. Mr. President, the relationship between the United States and India is very important. As we look ahead to the coming decades, it is clear that United States-India relations will be integral to establishing a secure, sustainable, and prosperous international system—not only in the Asian region but around the world as India increasingly grows into its role as a global power.

And, of course, India, in many ways, is a natural ally of the United States. We share a great deal in common as ethnically diverse, religiously tolerant democratic societies. Our peoples are innovative, driven, and eager to participate in the global economy. We both face the threat of terrorism. India occupies an important position in an important part of the world, and by itself represents over 17 percent of the world's total population. We absolutely should be working to strengthen our relationship with this important partner, and seeking ways to deepen our strategic ties.

While I want to strengthen the relationship between the United States and India, this bill would do more than simply bring our two nations closer together. It would pave the way for civilian nuclear cooperation between the United States and India for the first time since India exploded a nuclear device in the 1970s. If this bill is passed, it will dramatically shift 30 years of nonproliferation policy. Specifically, this bill would have serious consequences for the Nuclear Non-Proliferation Treaty, the international nonproliferation regime, and U.S. national security. Such a fundamental change in policy should not be undertaken lightly, which is why it is crucial that this body fully discuss and understand the implications of this bill.

In my work on the Foreign Relations Committee, I have had a chance to study this issue and this legislation closely. I have talked to a number of people, on all sides of this issue: senior officials from the administration, business groups, nonproliferation and arms control experts, Indian officials, and concerned citizens in my home State of Wisconsin. The committee held a number of hearings to examine the issue, and the panelists we heard from represented a wide range of opinions on the prospect of nuclear cooperation with India. And after all of this careful consideration, I have to report that I am left with some deep concerns regarding what this legislation means for United States national security.

The primary consideration for us in the U.S. Senate as we debate this bill should be this: will this legislation make the citizens of the United States more secure or less? As we consider this fundamental shift in the international nonproliferation regime, we must make sure that we have adequate protections in place to guard against the further spread of nuclear weapons and weapons technology.

The threat of nuclear weapons to the United States and the spread of nuclear weapons and nuclear material are among the gravest dangers that our country faces. It is crucial to our national security that the nuclear nonproliferation framework remains strong. I want to make sure that the United States, as a signatory to the Nuclear Non-Proliferation Treaty, is working to strengthen the international treaties and regimes that have been designed to prevent the spread of nuclear weapons. A world with more nuclear weapons is, simply put, a more dangerous world.

So that is why I am offering an amendment to this bill that spells out in greater detail that nuclear cooperation between the United States and India will be only civilian in nature, and that none of the assistance the United States provides will be used for strengthening or further developing India's nuclear weapons arsenal. This is completely in line with President Bush's and Secretary Rice's statements about the deal, and is something the United States is already committed to under article I of the NPT. My amendment simply makes it a binding requirement: Before the nuclear cooperation agreement can go into effect, the President of the United States must certify that the scope and content of the agreement does nothing to contribute directly or indirectly to the development of India's nuclear weapons arsenal. This amendment will strengthen this bill. It will enhance transparency. And it will send a clear message to the world that the United States will, in fact, abide by its commitments and is working within the letter and spirit of the agreements and treaties to which it is party.

Allow me to quote from article I of the Nuclear Non-Proliferation Treaty, because I think it will help to set forth the obligations of the agreement the United States is a party to. Article I states that:

> Each nuclear-weapon State Party to the Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly; and not in any way to assist, encourage, or induce any non-nuclear weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices.

Let me repeat that second clause, because it is what my amendment intends to address: "not in any way to assist, encourage, or induce any non-nuclear weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices."

India is considered to be a non-nuclear weapon state for the purposes of the NPT, and we are therefore prohibited from assisting their nuclear weapons program. My amendment will require the President to make determinations to ensure that we are in line with that treaty obligation. First, the President would have to certify to Congress that the scope and content of the nuclear cooperation agreement that he negotiates will not contribute to India's nuclear weapons program—specifically that it does not: Allow for the use of U.S.-origin equipment, technology, or material in an unsafeguarded Indian nuclear facility; or allow for the replication and subsequent use of U.S.-origin technology for any activity related to nuclear explosive devices.

Second, the President would have to certify that he had received sufficient assurances from the Government of India that nuclear fuel provided by the United States will not facilitate the increased production by India of fissile material for weapons use.

Both India and the United States should feel comfortable with this amendment; it only requires that the United States certify that this deal is in line with our current commitments. It will go a long way to enhance transparency and reassure all sides that this civil nuclear cooperation agreement does not have any military aspects.

This is particularly important now, as we face nuclear crises in North Korea and Iran. While we are pressuring those countries to submit to international inspections and abide by the Nuclear Non-Proliferation Treaty, it is crucial that we not simultaneously be seen to undermine the NPT's foundations by our actions. My amendment sends a clear message that the United States stands by the spirit and the letter of the NPT. Rejecting my amendment would send a dangerous signal to Iran, North Korea and other states that we are not taking seriously our international commitments, and that the NPT is no longer relevant.

As you can see, my amendment is quite detailed in spelling out exactly how assistance to India's weapons program is defined, and what activities should be prohibited under the terms of the agreement. The second determination, which relates to the provision of nuclear fuel by the United States, is particularly important, because it gets to the heart of concerns about a possible buildup of nuclear weapons. Currently, India's production of weapons grade plutonium is constrained by its limited domestic supply of natural uranium. Experts, from former Senator Sam Nunn former Assistant Secretary of State for Nonproliferation Bob Einhorn, have expressed concern that by providing nuclear fuel to India through this agreement, India's domestic supply of uranium might be freed up in order to accelerate the production of nuclear weapons materials.

And in fact, the Indians themselves have expressed this possibility. Listen to the words of a former head of the Indian National Security Advisory Board, less than a year ago:

> Given India's uranium ore crunch and the need to build up our minimum credible nuclear deterrent arsenal as fast as possible, it is to India's advantage to categorize as many power reactors as possible as civilian ones to be refueled by imported uranium and conserve our native uranium fuel for weapons grade plutonium production.

This is from an article entitled "India and the Nuclear Deal," in the Times of India on December 12, 2005.

This is a former high-level Indian Government official, arguing less than a year ago that India should increase its production of weapons material through the provision of imported uranium. I am, frankly, concerned by that prospect. India has said that its strategic nuclear weapons program, and the production of fissile material, is unrelated to this deal. Secretary Rice and other members of the administration have assured us of the same thing. In fact, in its official response to one of Senator LUGAR's questions last year, the State Department noted that "nothing to be provided to India under the Initiative will be used to enhance India's military capability or add to its military stockpile."

If that is truly the case—and I believe both sides when they say that expanding India's nuclear weapons arsenal is not a goal of this agreement—then my amendment should be absolutely uncontroversial. It simply makes those claims binding, by requiring the President to make such a determination.

Some of my colleagues might ask, if we are already committed to non-assistance under the NPT, and if members of the administration have assured us that this is the case, why is this amendment necessary? After all, requiring a presidential determination is a big deal. My response is that this issue is a big deal. Nonassistance to India's nuclear weapons program is such a critical aspect of this agreement that it must be spelled out within the legislation in clear, concrete terms, leaving no question or ambiguity. It is an issue that demands the high bar of a presidential determination to Congress.

And there is a significant precedent for such determination The 1985 Agreement for Nuclear Cooperation Between the United States and China required a presidential determination on nonassistance to China's nuclear weapons program—one of only two binding presidential determinations included in that legislation. Specifically, the law stated that the U.S.-China nuclear cooperation agreement could not go into force until the President provided a certification to Congress that the agreement was designed "to be effective in ensuring that any nuclear material, facilities, or components provided under the Agreement shall be utilized solely for intended peaceful purposes as set forth in the Agreement."

In 1985, the Members of this body deemed that one of the two things the President of the United States should have to make a certification about prior to nuclear cooperation with another country was that our civilian cooperation would in no way assist that country's weapons program. My amendment is identical in scope and purpose, and should be passed. If anything, there are even more reasons to push for such a determination with regard to India, given that India is a nonsignatory to the Nuclear Non-Proliferation Treaty.

Some may argue that the President cannot make such a determination—that the President cannot know in advance what India will do with material we provide to them. But this amendment is about the scope and content of the agreement, and about assurances received from the Indian government. It is about our current actions, and the strength of the agreement that the President negotiates. And in fact, the President made exactly such a determination, in 1998, when he submitted Presidential Determination 98–10 to the U.S. Congress to enable nuclear cooperation with China to move forward under that agreement.

If this body is afraid that the President would be unable to make such a determination with respect to India, I ask one question: why then are we pursuing this deal? If we cannot be reasonably certain that this agreement will not help India to expand its nuclear arsenal, how good a deal is this? This should be a simple calculation based on the best interests of the United States.

My colleagues are aware that I voted against this legislation in committee. I stated at the time of my vote that I was not opposed to the deal in principle, but was committed to working constructively to strengthen this bill when it came to the floor, because I still had concerns that had not been addressed. I stand by that statement. I would like to see an agreement that brings our countries closer together strategically, while preserving our national security interests.

However, since the time of the committee hearing, more information has come to light that further justifies the concerns I expressed earlier, and which I would like to share with my colleagues.

First of all, since that time, the State Department released a report sanctioning two Indian firms for illicit missile-related transactions with Iran. This report was 10 months overdue and was not released until 1 day after the House voted on its version of this legislation. There are a number of things that I find troubling about this report and the way it was released, but the biggest is that it seems to contravene the Bush administration's assertions that India has a stellar nonproliferation record. At a minimum, this report demonstrates that there continue to be legitimate concerns about the spread of dangerous weapons technology, knowhow, and equipment—in India and elsewhere.

Secondly, there have been troubling signals coming from the Indian Government itself about its commitment to nonproliferation controls. In an August 17 speech to the Indian Parliament, Prime Minister Singh declared that India would not agree to any changes to the nuclear deal imposed by the U.S. Congress: "We will stick to the parameters of the agreement signed in Washington last year and this alone will be the basis of nuclear cooperation," he said. He specifically noted that India would not allow "external supervision" of its strategic nuclear programs, and argued that President Bush had committed to providing an "uninterrupted supply of fuel"—presumably, even if India were to detonate another nuclear device. Prime Minister Singh also stated that "there is no question of India being bound by a law passed by a foreign legislature." This raises significant concerns in my mind as to whether India would accept the important elements of this legislation that the U.S. Congress will put in place if it passes.

Finally, there have been signs of an increasingly warm official relationship between India and Iran. I note the irony of the timing: at the same time we are debating passage of a bill that will lend considerable assistance to India's nuclear program, we are doing everything in our power to prevent Iran from furthering its own nuclear program. I would like to read a couple of quotes from Indian Prime Minister Singh, who had a meeting with Iranian President Ahmadinejad on the sidelines of the Non-Aligned Movement Summit in Cuba in September. Following the meeting, Prime Minister Singh stated that "India is determined to consolidate cultural, economic, and political ties with Iran," and he expressed regret over the "misunderstanding caused about India's stance on Iran's peaceful nuclear program," stressing that India would "never join any efforts against Iran." I don't think it takes very much reading between the lines to doubt that India will support us in our efforts to curtail Iran's nuclear program—one of the most important national security challenges facing our country at this time.

As further evidence of the support for my amendment, I would like to submit for the RECORD a letter that was recently signed by a wide range of nonproliferation experts, former senior government officials, and respected scientists. I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FIX THE NUCLEAR TRADE DEAL WITH INDIA

NOVEMBER 13, 2006.

U.S. SENATE,
Washington, DC,
Attn: Foreign Affairs Staff.

DEAR SENATOR: We are writing again to urge you and your colleagues to support amendments that would address serious flaws that still plague the proposed U.S.-Indian nuclear trade legislation (S. 3709), which may be considered this month. Despite some important adjustments made to the administration's original proposal by the Foreign Relations Committee, the arrangement would have far-reaching and adverse effects on U.S. nonproliferation and security objectives. We believe the legislation must include further improvements in several key areas, among them:

A determination, prior to resumption of full nuclear cooperation, that India has stopped the production of fissile material (plutonium and highly enriched uranium) for weapons or else joined a multilateral fissile production cutoff agreement;

A determination and annual certification that U.S. civil nuclear trade does not in any way assist or encourage India's nuclear weapons program;

Measures to ensure that the United States does not continue to provide nuclear assistance directly or through other suppliers in the event that India breaks the nonproliferation commitments outlined on July 18, 2005; and

A determination that the Government of India (GOI) or GOI-affiliated entities are not engaged in illicit procurement of WMD-related items.

We believe these measures are necessary because India has neither joined the nuclear Nonproliferation Treaty (NPT), nor accepted safeguards on all of its nuclear facilities, and India's nonproliferation policy is not fully consistent with the nonproliferation practices and responsibilities expected of the original nuclear-weapon states.

Under the proposed nuclear cooperation deal, India has pledged to accept safeguards at only eight additional "civilian" nuclear facilities by 2014. India has not yet agreed that safeguards on these facilities would be permanent. Current and future military-related nuclear reactors, enrichment and reprocessing facilities, and weapons fabrication facilities would remain unsafeguarded. Partial International Atomic Energy Agency (IAEA) safeguards would do nothing to prevent the continued production of fissile material for weapons in unsafeguarded facilities. Consequently, foreign supplies of nuclear fuel to India could assist India's bomb program by freeing-up its existing limited capacity to support the production of highly enriched uranium and plutonium for weapons.

FISSILE MATERIAL PRODUCTION

To help ensure that U.S. civilian nuclear cooperation is not in any way advancing India's weapons program and is not contributing to nuclear arms competition with Pakistan and China, Congress should require that the President determines that India has stopped fissile material production for weapons or has joined a multilateral production ban before the United States resumes full civil nuclear assistance to India. Four of the five original nuclear-weapon states—France, Russia, the United Kingdom and the United States—have publicly declared that they have stopped fissile material production for weapons. China is also believed to have stopped such production.

India's commitment to support U.S. efforts to negotiate a global fissile material cutoff treaty (FMCT) is a laudable but somewhat hollow promise. Differences between the United States and most other states (including India) on whether such a treaty should be verified and competing priorities at the 65-nation Conference on Disarmament make the prospects for the conclusion of an FMCT difficult.

If India is truly committed to a "minimal credible deterrent," India should be able to declare as a matter of national policy that it has stopped fissile material production for weapons, or else join the United States, China, France, Pakistan, Russia, and the United Kingdom in a multilateral fissile cutoff agreement, pending the completion of a global, verifiable FMCT. The Congress should direct the President to actively pursue the early conclusion of such an interim cutoff agreement with India and other relevant parties, pending the entry into force of a global FMCT.

NONASSISTANCE TO INDIA'S NUCLEAR WEAPONS PROGRAM

The Senate bill should also require that prior to implementation of a U.S.-Indian nuclear cooperation agreement, the President make a determination that the proposed U.S. civil nuclear assistance will not, in any way, assist India's nuclear weapons program. Such a determination should take into account the possible replication and subsequent use of any U.S.-origin technology in an unsafeguarded nuclear facility and the provision of nuclear fuel in such a manner as to facilitate the increased production of highly enriched uranium or plutonium in unsafeguarded nuclear facilities for weapons purposes. Such a determination would help maintain confidence that the United States is complying with its NPT Article I commitment not to assist other states' nuclear weapons programs. The Senate should also agree to provisions in the House bill (H.R. 5682) requiring annual executive branch reports on whether any such assistance has occurred, and on India's uranium mining and fissile material production rates, and other related matters.

TERMINATION OF TRADE AND FUEL SUPPLY ASSURANCES

S. 3709 now makes clear that if India conducts another nuclear test explosion or otherwise violates the terms of an agreement for nuclear cooperation, U.S. nuclear assistance would be jeopardized. The bill also states that it is the policy of the United States not to facilitate nuclear trade by other nations with India if U.S. exports are interrupted.

However, India is insisting that the United States help provide an assured nuclear fuel supply, even in the event that the New Delhi government conducts a nuclear test explosion or otherwise violates the terms of a future agreement for nuclear cooperation with the United States. Such a guarantee would be unprecedented and unwise. Congress should further clarify that the United States shall not provide or facilitate the supply of nuclear fuel to India if the Government of India resumes nuclear testing or fails to meet other provisions in U.S. law.

GUARDING AGAINST ILLICIT PROCUREMENT

The Senate should also address the fact that some Indian government-affiliated enterprises have a history of attempting to bypass export laws designed to keep U.S. and other foreign technology from contributing to its weapons effort. Congress should require that before the implementation of any U.S.-Indian agreement for civil nuclear cooperation, the President must make a determination that the Indian government or entities under its jurisdiction are not engaged in the illicit procurement of commodities controlled under the guidelines of the Nuclear Suppliers Group (NSG) or the Missile Technology Control Regime (MTCR).

RETAIN USEFUL NONPROLIFERATION PROVISIONS

We also urge Congress to retain several important elements already included in S. 3709 that would help reduce the adverse impacts of the initiative. Among these are the provisions requiring that a new safeguards agreement between the IAEA and India has entered into force and that such safeguards are consistent with IAEA standards, principles, and practices, and that such safeguards are permanent before any expanded nuclear cooperation can take place. To date, India has not begun formal talks with the IAEA on such safeguards and is reportedly seeking "India-specific" safeguards that would be contingent on continued fuel supplies. This is not consistent with the IAEA safeguards applicable in the Indian case, which are known as INFCIRC/66.Rev.2 safeguards.

With respect to the Section 106 provision restricting the transfer of enrichment and reprocessing technologies, for 30 years U.S. nonproliferation policy has sought to discourage the spread of sensitive nuclear technology. As President Bush said in February 2004, "enrichment and reprocessing are not necessary for nations seeking to harness nuclear energy for peaceful purposes." Current U.S. nuclear cooperation agreements, including those with EURATOM, Japan, and China, expressly prohibit transfers of such technologies, which can be used to make nuclear bomb material. India should not in any way be an exception to that important policy.

To ensure that India is meeting other key obligations outlined in the July 18, 2005 Joint Statement, the Senate should retain language in the House bill requiring that a U.S. Indian agreement for nuclear cooperation shall be terminated if India makes a materially significant transfer that does not conform with the guidelines of the NSG or MTCR. Congress should recall that in the past 20 months, seven Indian entities have been sanctioned by the U.S. Government for transfers of weapons-related items to Iran, including sanctions announced in July for transfers of chemicals useful for missile propellant manufacture.

Finally, the legislation wisely codifies commitments made by senior Bush administration officials that before the United States may engage in wider nuclear trade with India, it must also secure the consensus approval of the 45-nation NSG. The group operates under guidelines established in 1992 that restrict trade with states (such as India) that do not accept full-scope safeguards on all of their nuclear facilities. If the United States or other states seek to sidestep the NSG's consensus decision-making process, the NSG may cease to function as an important barrier against the transfer of nuclear material, equipment, and technologies for weapons purposes.

Without the inclusion of the provisions we have described, the legislation for renewed nuclear cooperation with India will have far-reaching and adverse implications for U.S. nuclear nonproliferation and international objectives.

While we agree that building upon the already strong U.S.-Indian partnership is an important goal, we remain convinced that it can and should be pursued without undermining the U.S. leadership efforts to prevent the proliferation of the world's most dangerous weapons.

Sincerely,

Harold Bengelsdorf: Consultant, and former Director of the Office for Nonproliferation Policy at the Energy Department and former Office Director for Nuclear Affairs at the State Department; Joseph Cirincione, Senior Vice President for National Security and International Policy, Center for American Progress; Ralph Earle II, Former Director, U.S. Arms Control and Disarmament Agency; Robert J. Einhorn, Former Assistant Secretary of State for Nonproliferation; Lt. General Robert G. Gard, Jr. (USA, ret.); Ambassador Robert Grey, Director, Bipartisan Security Working Group, and Former U.S. Representative to the Conference on Disarmament; Frank von Hippel, Professor of Public and International Affairs, Program on Science and Global Security Princeton University; John D. Holum, Former Undersecretary of State for Arms Control and International Security Affairs and Former director of the U.S. Arms Control and Disarmament Agency; John D. Isaacs, President, Council for a Livable World; Spurgeon M. Keeny, Former Deputy Director U.S. Arms Control and Disarmament Agency; Daryl G. Kimball, Executive Director, Arms Control Association; Lawrence Korb, Former Assistant Secretary of Defense for Manpower, Reserve Affairs, Installations and Logistics;. Fred McGoldrick, Consultant, and Former Director of Nonproliferation and Export Policy at the State Department; Kelly Motz, Associate Director, Wisconsin Project on Nuclear Arms Control; Christopher Paine, Senior Nuclear Program Analyst, Natural Resources Defense Council; William Potter, Institute Professor, Monterey Institute of International Studies; Lawrence Scheinman, Distinguished Professor at the Center for Nonproliferation Studies, and former Assistant Director of the U.S. Arms Control and Disarmament Agency; Leonard Weiss, Former Staff Director of the Senate Subcommittee on Energy and Nuclear Proliferation and the Committee on Governmental Affairs.

Mr. FEINGOLD. Briefly, the letter notes that there are still flaws that remain in S. 3709, and urges the Senate to adopt at least four measures to address them. The second of their four recommendations for improvements is that there be "a determination and annual certification that U.S. civil nuclear policy does not in any way assist or encourage India's nuclear weapons program." My amendment is directly in line with the advice of these leading experts, and addresses an important shortfall in the legislation as it stands now.

I acknowledge that the U.S. business community has come out strongly in support of this legislation. I would only like to add a note of caution to their optimism. There is nothing in this deal that would secure U.S. contracts or guarantee an increase in U.S. business. The U.S. is not the only one in the nuclear market. Australia and Russia have already indicated they are working with India to sell fuel, and companies from Great Britain, France, and Russia have viable civil reactor technology that they will certainly pitch to India. It is far from a foregone conclusion that U.S. companies will directly benefit from the deal. In the 8 years that nuclear trade has been permitted with China, the United States has sold exactly zero nuclear reactors to China—zero. I bring this up to point out that some of the benefits of this deal may be exaggerated, and we should remember the overriding priority as we consider this legislation: whether it will make the citizens of the United States more safe, or less.

Mr. President, in closing, I would like to put in a brief word of appreciation for the substantial amount of work done on this bill by Senator LUGAR, Senator BIDEN, and their staffs. This bill is a real improvement over the original proposal put forward by the administration, but there are still a few shortcomings that remain. My amendment would address what I, and many others, see as one of the main outstanding concerns with the bill. It will ensure that this agreement is in line with our non-proliferation obligations and protects U.S. national security, without putting any undue burdens on the U.S. or our Indian partners. It is a nonpartisan, commonsense amendment, in line with previous legislation, and I hope that all of my colleagues will consider voting in favor of it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I thank the distinguished Senator from Wisconsin for his very important contributions to the Senate Foreign Relations Committee and the specific contributions he has made to the discussion of this legislation. Reluctantly, I rise in opposition to his amendment.

In my judgment—and I don't use the term unadvisedly—this is truly a killer amendment. If accepted, it would require the United States and India to renegotiate the civilian nuclear agreement on which we are having our debate this evening. I state categorically: India has nuclear weapons. Let me repeat that: India has nuclear weapons and has stated its intent to keep them. The critical issue we must consider in examining each of the amendments that have come before us is whether the U.S. national security is advanced by engaging India and by increasing the IAEA oversight of the India nuclear program. I believe the answer is yes, and as a result I support this agreement and I oppose amendments such as the one now before us that would require renegotiation or make implementation of the agreement impossible.

While the Feingold amendment appears harmless, it requires the President to certify that no form of the U.S. civilian nuclear cooperation with India will in any way assist, encourage, or induce India to manufacture or otherwise acquire more nuclear weapons in the future. This certification demanded by the amendment is impossible to make, and even if it could be made, it would be ineffective. How do we expect the President of the United States to predict the future? Clearly we do not expect, plan, or intend for this agreement to aid India's nuclear program. We have taken numerous steps to prevent this from happening. We are confident that we have already put the necessary provisions in place in this agreement.

A Presidential certification as required by the amendment is a legal pledge to Congress. Senate bill 3709 requires a number of certifications, but it does so based upon information in the President's possession. We do not ask the President to predict the future or make a judgment when the necessary information is unavailable.

This is not the first time the Senator from Wisconsin has offered this amendment. The Senate Foreign Relations Committee voted 13 to 5 to defeat the same amendment during our markup of S. 3709. During the markup, the administration strongly opposed the amendment and expressed its view that it was a killer amendment.

Senator BIDEN and I do not believe this amendment is necessary. We share the concerns Senator FEINGOLD has expressed, but we believe we have addressed them in the committee-passed bill in a manner consistent with our agreement with India and in a way that avoids renegotiation.

First, the United States is obligated by article I of the nonproliferation treaty not to engage in any nuclear cooperation that would assist India's nuclear weapons program. Nothing in the United States-India agreement violates this obligation. In reality, this agreement encourages India to produce fewer nuclear weapons by requiring more Indian facilities to be placed under IAEA safeguards. We must remember that the United States will not cooperate with any Indian facility, site, or location that is not under IAEA safeguards. In other words, the IAEA will have inspection rights at those places where U.S. exports are utilized.

Second, S. 3709 requires that the IAEA safeguards be supplemented by bilateral end-use monitoring requirements under section 107. In other words, if the IAEA were forced to suspend their oversight of India's commitments, the administration is required to have a backup plan in place to ensure that American technologies and materials are not misused or misdirected to India's nuclear program.

Third, the bill requires the President of the United States to inform Congress of any Indian violation of their commitments under the agreement. This preserves Congress's oversight role and permits us to act should Indian behavior require a reexamination of the cooperative agreement.

Fourth, section 109 states that no authority under S. 3709 can be used to violate U.S. commitments under the Nuclear Non-Proliferation Treaty. U.S. contributions to the Indian nuclear program would be a blatant violation of this treaty commitment. Senator BIDEN and I thought it was critically important to reinforce the Senate's strong support for the NPT by insisting that our country continue to comply with its requirements.

Lastly, sensitive transfers most likely to aid India's nuclear programs are prohibited by this bill. Section 106 forbids trade in enrichment, reprocessing, and heavy water technologies unless those transfers are under international supervision and then only to create proliferation-resistant versions. By prohibiting the transfer of these technologies, we ensure that U.S. assistance does not inadvertently assist India's weapons program.

India is not required to declare to the IAEA any information on the production of highly enriched uranium or plutonium. Its nuclear enrichment and processing plants will also be outside IAEA safeguards. Without access to this information, it will be impossible for the United States to evaluate Indian production of fissile material. Consequently, it is impossible to determine whether an increase in Indian military fissile material production occurred because of foreign nuclear reactor fuel supply. In fact, India's own uranium mining and milling will probably play a much larger role in any analysis on this subject.

In sum, it is simply not possible to verify the relationship between the delivery of foreign fuel exports to India and the possibility of increases in Indian production of highly enriched uranium or separated plutonium, nor is it possible to analyze the relationship between future exports and domestic production. India is not required to share this information. The IAEA does not have access to these facilities. Requiring the President of the United States to certify something he has insufficient information to determine is unwise and potentially harmful, and the amendment clearly demands that the President make that certification. Congress will be kept completely informed on developments in this area through the existing reporting requirements of S. 3709.

Mr. President, for all of these reasons, I oppose this amendment. I ask Senators to vote no when the roll is called.

I thank the Chair, and I yield the floor.

Mr. FEINGOLD. Mr. President, I thank the Senator from Indiana. It is late, and I think that people already have a sense of where they will go with this amendment, but I do want to make a couple of points for the record, given how important this amendment is and how important this agreement is.

The chairman suggests that what we would do here with this amendment would somehow force the renegotiation of the agreement. I don't accept that notion. But I would say, given the importance of making sure this isn't used for nuclear weapons, it is well worth renegotiating if it actually required that. But I don't think it does.

More importantly, it just doesn't make any sense to me that such an amendment would require the full renegotiation of the agreement when you look at the fact that the bill before us today already, in section 105, requires eight different Presidential determinations. I am just adding two additional ones. There are already Presidential determinations that have to be made, so how can it be that the additional requirement that there be determinations by the President of the United States, not by Indian officials—how can that force the renegotiation of this agreement? It doesn't direct the Indians to do anything. So I reject the notion that somehow this would require the renegotiation of the agreement, and if it did, I think it would be better than not changing it.

Now, the biggest problem with the chairman's argument is that he is relying on an earlier version of our amendment which we offered in committee, which I thought was worth passing. But the chairman correctly notes that we were defeated in the committee 13 to 5. One of the criticisms was that somehow this amendment would force the President to certify some facts, that he couldn't necessarily know for sure what the Indians were exactly doing or what they might do in the future. I recognize that point. That is why I drafted this amendment to only relate to the scope and content of the agreement. There is nothing in my amendment that requires the President to certify what might happen in the future. And this is the critical distinction. This amendment does not have the flaw that was argued in committee. It only talks about the President certifying with regard to the scope and content of this agreement and also getting assurances from the Indian Government that the purpose of this agreement is not about nuclear weapons but is about civil purposes. So it is, in fact, different from the amendment in committee, and that is an important distinction as Members think about whether they want to vote for this version on the floor of the Senate. It is more modest, but it still accomplishes an important goal.

This is not unheard of. This is exactly what was done in the China agreement in the 1980s. I described it in my original statement. The agreement called for a Presidential certification of this kind. It worked, and the President, in fact, made such a certification. So this is both necessary and practical from that point of view.

I believe I have responded to each of the arguments made by the Senator from Indiana. Obviously, I have enormous respect for him and his leadership of the committee, but I would urge my colleagues to join me in supporting this amendment which would allow me to feel comfortable supporting this agreement, because I do want us to have a good agreement with India. I just think we need to have this sort of an assurance that my amendment provides.

I yield the floor.

Mr. SCHUMER. Mr. President, would the Senator yield 4 minutes from his time?

Mr. FEINGOLD. I yield the Senator from New York such time as he needs.

Mr. SCHUMER. Mr. President, I rise to support the India nuclear trade agreement because it strengthens America's relationship with a critical ally, but it also creates strong incentives for other countries to support our nonproliferation efforts by rewarding them with our valuable nuclear technology.

Proliferation of nuclear technology is a very serious issue. Make no mistake about that. India has a good nonproliferation record and will be a true partner in our efforts to prevent nuclear weapons technology from falling into the wrong hands. India's history of nonproliferation of dual-use nuclear technology and its willingness to implement IAEA guidelines and standards at nuclear facilities make India a welcome member of the global nuclear community.

Of course, the devil is in the details. That is why it is so important that this bill preserves congressional oversight of any agreement the administration reaches with the Indian Government. It is carefully crafted so that the U.S. agreement will not undermine the Nuclear Non-Proliferation Treaty or our obligations to the Nuclear Suppliers Group.

Under this bill, cooperation would end if India tests a nuclear weapon, proliferates nuclear weapons or materials, or breaks an agreement with the United States or the IAEA. India's access to nuclear cooperation will depend on its continued participation as a good citizen of the global nuclear community.

A close relationship with India in general will help us to align our mutual goal of combating terrorism. Both our nations have been victims of serious attacks of terrorism, and we know that the greatest danger we face is a nuclear weapon falling into the wrong hands. Neither of us wants al-Qaida to gain a nuclear weapon. Neither of us wants Iran to go nuclear. The best way to ensure India's proper handling of its nuclear technology is not by distancing it but by working with it to address issues of mutual concern.

Economic ties continue to bind our two countries through an increasing flow of goods, services, and cultural exchange. It is vital that we recognize this improving relationship and work toward common goals for international policy standards. The buildup of nuclear weapons throughout the world is one of the most serious dangers humanity faces. Especially in today's world, we must ensure that nuclear technology is developed and used according to global standards as set forth by the International Atomic Energy Association for peaceful purposes. An agreement with the United States will also provide an incentive for India to refrain from conducting future nuclear weapon testing and to work with our Government to curtail proliferation of nuclear weapons. Most important, this legislation creates incentives for other countries that cooperate with our nonproliferation efforts. It will encourage other countries around the world to cooperate with the efforts of the United States to reduce the threat of nuclear weapons by rewarding those countries that behave responsibly with advanced American technology.

I yield the remainder of the time I have to my friend from Wisconsin.

Mr. LUGAR. Mr. President, we have had a good debate. I note the presence of the distinguished Senator from California on the floor, which prompts me to inquire of the distinguished Senator from Wisconsin whether he requires additional time? If the Senator is prepared to yield back his time, I will yield back time on our side, and then we could proceed to debate on the amendment of the Senator from California and maybe to a closer time for final passage, for Members who are requesting this of all of us.

Mr. FEINGOLD. I thank the Senator from Indiana. I yield back my time.

Mr. LUGAR. I will yield the time on our side.

The PRESIDING OFFICER (Mr. CHAFEE). All time is yielded back. The Senator from California is recognized.

AMENDMENT NO. 5187

Mrs. BOXER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California (Mrs. BOXER) proposes an amendment numbered 5187.

Mrs. BOXER. I ask unanimous consent the further reading of the amendment be dispensed with. I wanted the beginning read because this is a very simple amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make the waiver authority of the President contingent upon a certification that India has agreed to suspend military-to-military cooperation with Iran, including training exercises, until such time as Iran is no longer designated as a state sponsor of terrorism)

On page 8, beginning on line 8, strike "Group; and" and all that follows through "Nuclear" on line 9 and insert the following: "Group;

(8) India has agreed to suspend military-to-military cooperation with Iran, including training exercises, until such time as the Government of Iran no longer supports acts of international terrorism, as determined by the Secretary of State under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) and section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)); and

(9) the Nuclear

Mrs. BOXER. Mr. President, this is a very simple amendment. What we are saying is this deal should not go forward until India has agreed to cut off military-to-military ties with Iran and that the President so certifies.

The Nuclear Non-Proliferation Treaty is the keystone of our efforts to stop the spread of nuclear weapons throughout the world. Back in the 1960s, there was widespread concern that dozens of nations would have nuclear weapons within a decade. Just months before his death, President Kennedy warned of this dire threat, saying:

> I ask you to stop and think for a moment, what it would mean to have nuclear weapons in so many hands . . . that there would be no rest for anyone then, no stability, no real security, no chance of effective disarmament. There would only be the increased chance of accidental war, and an increased necessity for the great powers to involve themselves in what otherwise would be local conflicts.

But thanks to the Nuclear Non-Proliferation Treaty, there are less than 10 nuclear weapons states in the world today. In fact, since the Nuclear Non-Proliferation Treaty was first signed in 1968, more nations have ended nuclear weapons programs than have begun them. Countries such as Brazil, South Africa, and Japan decided to abandon their nuclear weapons program and join the Nuclear Non-Proliferation Treaty.

India did not sign the Nuclear Non-Proliferation Treaty, instead choosing to develop nuclear weapons outside of the NPT regime. India developed a nuclear weapon in 1974 using a research reactor and materials provided by Canada and the United States of America in the 1950s. India had pledged to use the reactor only for peaceful purposes, but it failed to keep that promise. So by giving India a special deal to both possess nuclear weapons and receive civil nuclear assistance, it will be harder to convince nonnuclear weapons states to keep their commitment to forgo nuclear weapons.

The timing could not be worse. Right now, the international community is trying to convince one nonnuclear member of the NPT, Iran, to cease uranium enrichment because the IAEA cannot verify that its program is for peaceful purposes. We are also trying to roll back North Korea's nuclear program and convince them to rejoin the NPT.

India is becoming a recognized de facto nuclear power, but it is not required to take on any of the commitments made by the five recognized nuclear powers.

As The Economist reported earlier this year:

> . . . the recognized nuclear powers—America, Russia, Britain, France and China—are committed under the NPT to curb their arsenals . . . on the way to eventual disarmament; the deal with America lets India build as many bombs as it chooses.

I think it is important to note what we are doing here. There is no limit on the number of bombs that India could build in this deal.

The Economist goes on to say that the five nuclear powers have:

> at least all signed the treaty banning further nuclear tests and have stopped producing more highly enriched uranium and plutonium; India flatly refuses to do either.

Experts believe that this deal could allow India to vastly increase its production of nuclear weapons from about 6 a year to about 50 a year. What a contribution this Senate is making to world peace. I am absolutely stunned. We are going to have 50 nuclear weapons, perhaps, made in India, touching off an arms race in the region. That would not be in any country's interests, including our own.

Secretary Rice has argued that we are not helping India's nuclear weapons program because only a small amount of India's indigenous uranium would be needed for India's military weapons program. But listen to what the Congressional Research Service says:

> The question for the United States is not whether India intends to ramp up its weapons program with freed-up uranium, but whether the U.S. and other states' actions create a new capability for India to do so.

We call this fungible—fungible uranium. This should concern every single Senator, but unfortunately it doesn't appear to. It should concern every Senator who believes that the proliferation of nuclear materials is the most dangerous issue facing the country today and that is why I have supported all the amendments. Unfortunately, these amendments were defeated. They would have required the President to certify that this deal does not assist or encourage India to produce additional fissile material for weapons.

The amendment I am offering addresses a second area where the administration has failed to receive commitments from India and that has to do with India's military-to-military relationships with Iran.

Last spring, at the very same time that the President, our President, was in India to sign the United States-India Civil Nuclear Cooperation Agreement, two Iranian warships were visiting the headquarters of the Indian Navy's Southern Command. At the very same time that President Bush was in India to sign the United States-India Civil Nuclear Cooperation Agreement, two Iranian warships were soliciting the headquarters of the Indian Navy's Southern Command. These warships were participating in a training program under the military cooperation agreement with Tehran that was signed in 2003.

The fact that India would conduct training exercises with the world's leading state sponsor of terrorism while the President of the United States is visiting New Delhi is simply unbelievable. My amendment says that the President may not provide civil nuclear assistance to India until he certifies that India has agreed to suspend military-to-military cooperation with Iran so long as the Government of Iran continues to support international terrorism.

My amendment does not say they can never have this deal. But it says they must not cooperate, military to military, with Iran until the day Iran is taken off the list of terrorists.

According to a March 2006 Defense News article:

> In 2003 India and Iran signed a strategic agreement to cooperate in defense and other matters. The deal was cemented by the visit of then Iran President Mohammed Khatami to the Republic Day parade in New Delhi, an honor usually reserved for key allies. India still considers Iran to be a key ally and this agreement on military cooperation is still in place, even though Iranian actions are leading to the deaths of American soldiers in Iraq as we speak.

General Casey has said that Iran is using surrogates to conduct terrorist operations, both against us and against the Iraqi people. He went on to say:

> We are quite confident that the Iranians, through the special operations forces, are providing weapons, IED technology and training to Shia extremist groups in Iraq.

Of particular concern is the fact that Iran is providing a type of IED, or roadside bomb, that has a shaped charge and is particularly deadly.

So don't you think that if we are giving India this deal of a lifetime to receive nuclear technology from us, the least they could do is sign an agreement not to have military-to-military exercises and relationships with a country that is, in essence, bringing death and destruction to our sons and daughters in the United States military?

For more than 20 years, Iran has been the world's leading state sponsor of terrorism. It supports Hezbollah, several Palestinian terror groups such as Hamas and, according to the State Department, Iran is also:

> . . . unwilling to bring to justice senior al-Qaida members it detained in 2003 and has resisted numerous calls to transfer custody of its al-Qaida detainees to their countries of origin or to third countries for interrogation and/or trial.

It seems to me we should convince our friend—India—to suspend its military-to-military cooperation with Iran. The Boxer amendment will have that result, because they want this deal and I believe they would act to cut off these military-to-military relationships.

It is also very important to point out that the United States has already sanctioned Indian entities and individuals for missiles and WMD-related transfers to Iran. In 2004, the United States imposed sanctions on two Indian scientists for nuclear-related transfers to Iran. Both scientists were high-ranking officials in the Nuclear Power Corporation of India, Limited. In December 2005, sanctions were imposed on two Indian chemical companies for transfer of chemical-related items to Iran, and as recently as last July, sanctions were imposed on two more chemical manufacturers in India for transfers to Iran. In May 2005, India passed a law on weapons of mass destruction and their delivery systems. But according to CRS, the administration has not yet assessed India's export control law and regulation, and

> . . . some observers have stated that India does not have the necessary regulations in place to implement the law, and that India's resources for implementation are remarkably limited.

In other words, they have a Weapons Control Act, but experts believe they are not enforcing it. History tells us that they, in fact, have acted wrongly, to pass on technologies that are harmful, to Iran. So it seems to me, with this history, my colleagues should be supporting this amendment. I believe they should be and I regret that I need to offer it. I thought it would be accepted. I thought it would not be a problem. That it would be treated in many ways is obvious. The President, it seems to me, should have made severing military ties with Iran a precondition to civil nuclear cooperation. But, unfortunately, the United States is giving away more than it received in this deal.

My friends who want to desperately see this passed tonight are voting down amendment after amendment. And we are taking a deal in which, as former Senator Nunn said, "India was a lot better negotiator than we were."

That is Sam Nunn. We know how hard he worked with the current chairman of this committee to stop nuclear proliferation. What did he say of this agreement? "India was a lot better negotiator than we were."

So those of us on the Senate floor who are trying to get a better deal, who are trying to change this deal, are being voted down—boom, boom, boom. We are taking a deal that Sam Nunn said essentially they "bested" us on.

I come from a State with a huge Indian population. Our Indo-Americans are prominent in our State. I support strong relations with India. India is the world's largest democracy. It is so important for us to work together to promote our mutual interests.

I am proud to be a member of the Senate India Caucus and have nothing but the utmost respect for the Indian people. But this deal is not a good deal for America. This deal is not a good deal for the world.

Proponents of this legislation say our bilateral relationship with India is important. I agree with them. I have great hopes for the future of our two nations. It is so important that we work together. But somebody tell me how we are better off when we have an India that can build up to maybe 50 bombs.

Somebody explain to me how we are better off when we don't even have a clause in here that says that India has to receive military-to-military relationships with Iran before this goes ahead. Somebody explain it to me. I don't think it has been explained.

I am happy the Harkin amendment was adopted. It says that India has to work with us to make sure Iran doesn't get a nuclear capability, as they are trying to do now. If we adopted that amendment, why can't you adopt this amendment which simply says shut off those military-to-military agreements between India and Iran before this goes forward?

I wish the administration would have worked harder to craft a better deal, a more balanced deal that would have been a net win for nonproliferation, while securing India's commitment to suspend its military relationship with Iran.

As Robert Einhorn, a nonproliferation expert at the Center for Strategic and International Studies, told the Senate Foreign Relations Committee on which I am so proud to serve, "the deal was concluded in great haste, driven by the calendar of the Bush-Singh meetings rather than by the seriousness and complexity of the task at hand." Everybody knows it. We knew it at the time. And I had hoped we could then make this a better deal.

I have worked hard. I have tried. We have lost amendment after amendment after amendment. It is so regrettable. It is regrettable that we rushed into this agreement. But we have a chance to improve this agreement in behalf of the Boxer amendment. I urge its adoption.

I retain the remainder of my time.

Mr. LUGAR. Mr. President, I have listened carefully, as all Members do, to the distinguished Senator from California, who is such a valuable member of the Senate Foreign Relations Committee. And she has expressed some of the views which are contained in her statement this evening during the very important hearings the committee conducted.

I will just say very clearly that Members on both sides of the aisle in committee felt that there were improvements that could occur with regard to the agreement, even if the agreement was negotiated in a fairly short period of time. The Senate Foreign Relations Committee has taken ample time to work through this with the administration as well as with each other. I regret that we did not have unanimity in the committee on final passage. A vote of 16 to 2, however, indicated a very strong coming together, which clearly has been expressed on the floor of the Senate today in the votes on various amendments.

But I must say that the amendment offered by the Senator from California is, in my judgment, a killer amendment. It goes far beyond the scope of the July 18 Joint Statement issued by President Bush and Prime Minister Singh.

The amendment as written would not permit the U.S.-India agreement to go into effect until India abandoned its military-to-military contacts with Iran. This is a killer condition that, if adopted by Congress, would require renegotiation of the agreement.

Few, if any, Members of Congress disagree with the sentiment expressed in this amendment; namely, that Iran is a destabilizing force in the Middle East. As former Secretary of State Henry Kissinger recently wrote in the Washington Post:

> Everything returns to the challenge of Iran. It trains, finances and equips Hezbollah, the state within a state in Lebanon. It finances and supports Moqtada al-Sadr's militia, the state within a state in Iraq. It works on a nuclear weapons program which would drive nuclear proliferation out of control and provides a safety net for the systemic destruction of at least the regional order.

Iran is a critical challenge to U.S. diplomacy and global security. In this difficult environment the U.S. must cultivate a strong multilateral response to Iran's pursuit of nuclear weapons and support for terrorism. An effective solution to the Iranian threat must include India. Holding New Delhi to a different standard than our closest allies or other nations we engage in nuclear commerce does not appear to be the best way to secure their support.

On April 5, 2006, Secretary Rice testified before the Committee on Foreign Relations that India has "low level military-to-military contacts." She noted "that there are a number of countries that have relations with Iran, and it's, of course, the sovereign right of a country to have relations with whomever they would like to have relations." She argues that the U.S. "is not going to do better in pulling India toward us by insisting that they cut off relations with other states." She concluded that she didn't "think that's going to work very effectively."

The Secretary of State argues that the international community is changing its approach to Iran. She cites the exodus of banking and financial institutions. Perhaps most importantly she points out that India was the only member of the non-aligned movement to vote for referral of the Iran to the U.N. Security Council for its illegal nuclear program. This was an important development because India was a founder and a longtime leader of the movement.

Let me be clear, this amendment will reverse the important trend of countries distancing themselves from Tehran and future Indian multilateral nonproliferation cooperation. Some experts have indicated that this amendment could very well have the opposite effect, forcing New Delhi away from the U.S.-Indian Agreement.

The administration has frequently made U.S. policy on Iran clear to the Indian Government. The U.S. has consistently expressed our desire for India's support of our efforts and policies. One of the unheralded diplomatic accomplishments of the 2005 Joint Statement is India's commitment to support international efforts to limit the spread of enrichment and reprocessing technologies, including to states such as Iran.

I emphasize that point. If, in fact, we are deeply concerned—and I am, and the Senator from California certainly is—about the developments in Iran of a nuclear program and the commitment of India to work with us, to limit that spread of enrichment and reprocessing is very important. To deliberately take action which scuttles this agreement and indicates to the Indians that they can look elsewhere for partnership is to court disaster.

I am pleased that India is committed to being a responsible member of the international community and it has made the decision that it is in its own national security interest to oppose Iran's weapons of mass destruction program.

On a number of occasions the Indian-Iranian military relationship has been greatly exaggerated. This year an article alleged that India was providing military training for Iranian sailors. Secretary Rice responded that while Iranian ships have made port calls at India ports, she reported that New Dehli had denied that Iranian sailors had been trained in India.

It is unfortunate that the Senator from California constructed the amendment in this manner. It would be more appropriate to address this issue in the sense of Congress section or as a statement of U.S. policy. If the amendment was modified in this manner, I am prepared to recommend that it be adopted by unanimous consent. Unfortunately, in its current form it makes it impossible for the President to meet the requirement and thus implementation is impossible.

If this amendment is adopted, in my judgment, the United States-India agreement will be scuttled. That, I believe, would be a tragedy.

I urge Senators to vote against the Boxer amendment.

The PRESIDING OFFICER. Who yields time?

Mr. BIDEN. Mr. President, how much time remains?

The PRESIDING OFFICER. Fourteen minutes.

Mr. BIDEN. I wonder if the Chair would give me 3 minutes.

Mr. LUGAR. I will yield whatever time the Senator will consume.

Mr. BIDEN. Mr. President, I will be very brief.

The Senator stated it well. And I don't like to argue with my friend from California; I seldom ever win, and I am very uncomfortable because I consider her one of my best friends in this body. So it is an uncomfortable position to be in.

I want to make three points. The first is that right now, if India were to engage in transferring any lethal weaponry to Iran, it would be in violation of our law. It would damage the relationship and fundamentally alter our relationship. It is existing U.S. law.

No country can transfer lethal weaponry to Iran and maintain our support. That is No. 1.

The second point I would like to make is with the underlying concern—I know it is much broader than this—of my friend from California. I think if I read her correctly—and I may not be—

somehow this agreement is going to yield the prospect that India will be in a better position to transfer some kind of technology in this military-to-military relationship to Iran that will help Iran get the nuclear capability.

The truth is, as the chairman has pointed out, they have entered into an agreement with us not to do that. But, secondly, they have voted in the IAEA with the Board of Governors to sanction Iran, to take issue with Iran, to report it to the U.N., and they voted with us in the U.N. So they are openly taking on Iran in terms of the thing of greatest concern to us all.

I know my friend spoke eloquently about the support of terrorism by Iran. The implication is that any military-to-military assistance goes directly to helping the capability of the Iranians to help support Hezbollah and other organizations that are terrorist organizations around the world.

I will make the following observation: She also stated accurately that Indian entities have been sanctioned for transferring materials to Iran. I must point out, so has Germany, so has the Spanish, so have European allies of ours. They also had entities sanctioned. It is not unique to India that an organization would, in fact, provide assistance to Iran in a way that would generate United States sanctions. Spain is the most recent offender.

I conclude by saying this is the hardest piece to swallow—not what the Senator said, but what I am about to say is the hardest piece to swallow. Palmerston had the famous expression that countries don't have permanent friends, they have permanent interests.

Look where India resides and look where Iran resides. One of the countries they are most concerned about is Pakistan. Now, it is not reasonable to assume that India and Iran would not want to have a military relationship where they shared information and/or concerns relative to Pakistan. So for them to forswear any kind of relationship at all with India that has a military or quasi-military relationship is to essentially suggest to them that they should not deal with a common enemy.

Look what we are doing. We are dealing with a country that we sanctioned before, that we have clearly decided is not a democratic country, that clearly has probably the largest percentage of jihadists residing in it, with, arguably, the least significant effort to deal with these jihadists—the country of Pakistan. What are we doing? Because we have permanent interests, and our interests are that we have support in the war against jihadists and al-Qaida and terrorist organizations, we are cooperating with a country we otherwise probably would not cooperate with.

How would we feel if a European country or any other country around the world said—or India said—we will not trade with you, the United States of America, as long as you continue to have a military-to-military relationship with Pakistan, a country that is, in fact, exporting—or if they are not exporting, at least cooperating with or turning a blind eye to the terrorist organizations that reside within their country? We would say, Wait a minute. You want to trade with us, trade with us. You want to tell us whether out of our self-interest we can cooperate with Pakistan—which is not what you call a model democracy—then we would say no.

The only generic point I want to make, I know of no evidence—it may exist, but I am unaware of it—where India is materially cooperating with Iran in order for Iran to be able to better supply, support, and/or encourage terrorism. I know of no such interest and no such circumstance. Maybe my friend may know what I do not. She may have gotten a recent briefing with the Intelligence Committee where somebody said that, but I am unaware of any such cooperation that has the net effect of promoting terror.

What I do know is we have built into the law now the ability to sanction India if, in fact, India does supply lethal weapons or was in any way cooperating with promoting Iran's nuclear program. Beyond that, it would break the spirit of the entire agreement we have with India. If it came to light that somehow there was evidence that India was in any way cooperating with Iran's nuclear program, this deal is done. This is over. It is finished. It is gone.

At the root of this overall agreement, which my colleague, understandably, does not like, the underlying issue here is this agreement between India and the United States. The underlying premise is based upon a notion of a maturing relationship based on trust that they will not only not violate the letter but will not violate the spirit of this agreement.

Let me conclude by saying what the spirit of the agreement is. The spirit of the agreement is we are not going to do anything, United States of America, that we would not otherwise be able to do; we will not do anything with what you provide for us that will increase our capacity, our ability, our desire, or our intent to deal with our nuclear program.

They have said straightforwardly at the same time, We are keeping our nuclear program. We ain't giving it up.

It is a little bit like us saying now—and this will be my last statement—you know, Pakistan violated the law, Pakistan violated our law. It went out and it broke the deal and it did what India did. On top of that, Pakistan was the largest proliferator in the history of the world of nuclear capability through A.Q. Khan. And guess what. We are going to bite our nose off to spite our face. Now that we need Pakistan in dealing with this war on terror, we are going to sanction Pakistan, we are not going to cooperate with Pakistan, we are going to do nothing with Pakistan even though we acknowledge that might give greater sustenance to al-Qaida, bin Laden, the Taliban, et cetera.

Countries make hard choices. They are not neat and clean. I suggest if we are going to impose upon India a requirement to cease and desist with any military-to-military relationships notwithstanding they have common enemies and common concerns with Iran, as bad as Iran is, notwithstanding the fact that there is no evidence that they are promoting and/or giving the ability to support terrorism's greater thrust, notwithstanding the fact they have agreed to do everything they can to prevent Iran from becoming a nuclear power, if we are going to sanction them this way, I ask the rhetorical question: Why wouldn't the rest of the world sanction us for our relationship with Pakistan. And why are we cooperating with Pakistan? If anybody in the deal is not the ideal partner right now, it is Pakistan.

But what do we do? To steal a phrase from a former President that I often hear, comments we hear on CNN all the time, his comment always is "you got to accept life in the world as you find it." I am paraphrasing a former President. I think it is close to a quote. We have to accept the world as we find it, make the best out of it, and promote our interest to the greatest extent. Sometimes it means we make less than perfect deals.

Had Chairman LUGAR been President Lugar, had Senator BOXER been Senator BOXER, had I been their Secretary of State, I believe I could have gotten a better deal than we got. But the fact is, we are where we are, as the old trade expression goes, and I believe the downside of rejecting this treaty is so much further down than any downside that flows from supporting this changed law allowing this to go forward. In that sense, it is not a close call.

I suggest to my friend, I think everything she says has merit in the abstract. But we are living in the world we live in now based on the parameters we are looking at. I think this amendment, which would kill the agreement, is not worth the candle because it would do that—not because it doesn't have underlying merit.

I yield the floor.

Mr. LUGAR. Do we have any time remaining on the opposition side?

The PRESIDING OFFICER. Two minutes.

Mr. LUGAR. I yield 2 minutes to the distinguished Senator from Missouri.

Mr. BOND. Mr. President, I thank the distinguished chairman. Let me summarize by saying I visited Delhi in

March right after the President had signed the historic agreements. I walked into a meeting of distinguished Indian officials asking if we could possibly confirm this treaty, this agreement.

I knew nothing about it, so I did a tremendous amount of quick work with our agency to check out what the dangers might be. They came back and they told me India was the one most' least likely to engage in nuclear proliferation. They saw this as a tremendous opportunity for us to improve on our relations with a country that had for too long been in the Soviet/Russian sphere.

We have an opportunity to help them. They are a growing country. They have many needs. Civil nuclear power is the one most important thing they need because of their tremendous pollution problems. This enables us to help them reduce pollution. Not only are we interested in nuclear nonproliferation, we are interested in pollution nonproliferation. This moves us forward.

Beyond that, securing a close relationship with India is one of our most important steps toward developing a peaceful environment and prosperity in south Asia. This opportunity cannot be wasted.

This particular amendment, as has been stated, which is well-intentioned and reflects understandable concerns, is, nevertheless, a poison pill. Many countries have relations with Iran. We do not like them. But many of those countries with which we have good working relationships don't like our relations with Israel. We are not going to change our relations with Israel. We are not going to stop helping them. But we are going to continue to work with those countries.

As the Senator from Delaware has pointed out, we have relations with Pakistan and there are lots of questions about that. If we want to work with the Indians and develop a good relationship so they will not deal with Iran, the best thing we can do is to defeat these poison pill amendments and confirm the treaty so we will bring India and the United States together.

I urge my colleagues to oppose the amendments and to support the treaty.

I yield the floor.

Mrs. BOXER. How much time do I have remaining?

The PRESIDING OFFICER. Six minutes.

Mrs. BOXER. I will try not to take the full time, but I want to respond to my colleagues.

The debate has been much ado about a very straightforward and simple amendment. My amendment has nothing to do with the transfer of lethal weapons. My colleague Senator BIDEN talked about that. Nothing to do with that. My amendment, in the real world, I don't believe could be seen as a killer amendment. It is a simple amendment.

My colleague Senator BOND is right. He says a lot of other countries have relationships with Iran. No other country gets a deal like this where we give nuclear technology and there is absolutely no control on the number of bombs India could build. Experts tell us it could be as many as 50 a year. I don't think that makes the world safer.

But to help me with this treaty, to give my constituents a feeling that we are protecting them, at the least, say you are getting this deal, you are going to be able to build a lot of weapons with it, then cut off your military-to-military ties with the leading terrorist nation in the world—Iran—a nation that is at this very moment hurting our troops in the field in Iraq.

Now, my colleague Senator BIDEN, I agree with completely when he says—and I do believe this—Senator LUGAR, if President, would have cut a better deal. I could say Senator BIDEN, if President, could have cut a better deal, but we don't have a better deal. And I don't live in a world where you sit back and say, oh, too bad. This isn't about buying a piece of cake. We are not going to the store and buying a toy. It is about giving nuclear technology to a country that has, in fact, been called out by our own country because it has in the past transferred information about WMDs, nuclear weapons, missiles, to Iran. We have called them out on that. So why can't we ask them simply to stop these military-to-military programs they have with Iran?

Again, when we stand up and say, gosh, this is a killer amendment, they will walk away, it sounds weak to me. It does not sound as though we are the strongest nation in the world. Who would walk away from this deal? India is not a member of the NPT, not a signatory, and they are getting all this information from the United States of America on nuclear civilian technology, with no cap on the number of bombs they can build, and they are going to walk away from this because we simply ask them not to have military-to-military cooperation with the world's leading sponsor of terrorism?

I don't get it. So I think my colleagues have made this complicated when it is really very simple. We do this deal with India, the least they can do is cut off their military-to-military cooperation with Iran.

With that, Mr. President, I conclude my remarks. I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I would inquire of the Chair if the existing order now calls for a 2-minute debate on the Feingold amendment prior to a rollcall vote on that amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. LUGAR. Further, I would ask the Chair for clarification: Does the 2-minute debate then occur on the Boxer amendment, after the rollcall vote on Feingold?

The PRESIDING OFFICER. The Senator is correct.

Mr. LUGAR. Then, finally, an additional 2-minute debate before final passage of the bill, after the Boxer amendment is voted on?

The PRESIDING OFFICER. The Senator is correct.

Mr. LUGAR. I thank the Chair for that clarification.

Mr. President, I ask unanimous consent that—the first rollcall vote, we understand, is 15 minutes—the subsequent rollcall votes be 10 minutes each.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

Mr. LUGAR. I thank the Chair.

Senator FEINGOLD is now recognized.

The PRESIDING OFFICER. The Senator from Wisconsin.

AMENDMENT NO. 5183

Mr. FEINGOLD. Mr. President, I would like to briefly recap what my amendment does and why I believe it is important for the Senate to adopt it.

The amendment is very simple. It will require the President to make determinations that nothing in the nuclear cooperation agreement he negotiates with India will contribute to India's nuclear weapons program. Both the United States and India have stated that expanding India's nuclear arsenal is not an objective of this agreement, and my amendment simply makes those claims binding.

The United States is prohibited under our current obligations in the Nuclear Non-Proliferation Treaty to directly or indirectly assist the nuclear weapons programs of other states. My amendment simply makes clear that the United States is actually abiding by its international commitments. It does not require the President to guarantee what India will do; he simply must certify that he is satisfied the agreement will not contribute to India's nuclear weapons program.

I urge my colleagues to support the amendment.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, let me, in brief response, say I understand the intent of the amendment. But the amendment uses the words, for example, "India cannot use United States-origin equipment . . . ." "India cannot replicate and subsequently use. . . ." No one can certify they cannot. It is possible they could. The question is whether we are insisting that they not use it. We are insisting they are not using it, and we have built into this agreement a requirement on the part of the administration to look at whether they are, in fact, doing it.

So the question is not whether they can or cannot. Anything can happen. A President cannot certify it is not possible. That is what "cannot" says. But he can certify to the best of his knowledge it is not occurring. That is what we require. "Cannot" makes this a deal-breaker. No President could certify it. "Cannot" translates into "it is not possible to replicate, it is not possible to . . . ," and no one can certify to that.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. LUGAR. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The clerk will please call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Oklahoma (Mr. INHOFE), the Senator from Arizona (Mr. McCAIN) and the Senator from Wyoming (Mr. THOMAS).

Mr. DURBIN. I announce that the Senator from Vermont (Mr. JEFFORDS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 25, nays 71, as follows:

[Rollcall Vote No. 268 Leg.]

YEAS—25

Akaka
Bingaman
Boxer
Byrd
Cantwell
Clinton
Conrad
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Johnson
Kennedy
Lautenberg
Leahy
Lincoln
Menendez
Mikulski
Obama
Pryor
Reed
Salazar

NAYS—71

Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bond
Brownback
Bunning
Burns
Burr
Carper
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inouye
Isakson
Kerry
Kohl
Kyl
Landrieu
Levin
Lieberman
Lott
Lugar
Martinez
McConnell
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thune
Vitter
Voinovich
Warner
Wyden

NOT VOTING—4

Inhofe
Jeffords
McCain
Thomas

The amendment (No. 5183) was rejected.

Mr. LUGAR. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 5187

The PRESIDING OFFICER. There is now 2 minutes equally divided on the Boxer amendment.

The Senator from California.

Mrs. BOXER. Mr. President, I will be very brief. We are giving India a one-of-a-kind deal that no one else gets: civilian nuclear technology and no cap on the number of bombs they can build.

The least we can do is ask them to cut off their military ties with the biggest state sponsor of terrorism—Iran. Iran is building the IEDs that are killing our soldiers in Iraq. The least we can do is ask the President to certify that they have cut off military-to-military relationships with Iran.

Why is it important? Look at this Defense News: "Indian Navy Trains Iranian Sailors."

We know they have these ties. If we really believe we are doing something good, we should at least expect India to cut off military ties with the leading state sponsor of terrorism—Iran. I urge an "aye" vote.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, Iran is a critical challenge to the United States, our diplomacy, our global security, but in this very difficult environment the United States must cultivate a strong multilateral response to Iran's pursuit of nuclear weapons in support of terrorism.

I simply point out that India was the only member of the nonaligned movement to vote for referral of Iran to the U.N. Security Council for its illegal nuclear program. Holding India to a different standard than all of our other closest allies or nations with whom we engage in nuclear commerce does not appear to be a good way to secure their support.

Let me be very clear: If this amendment is adopted, the India nuclear agreement is kaput. This is it. This is a killer amendment, and I ask for Senators to vote no.

Mrs. BOXER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 5187. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Oklahoma (Mr. INHOFE) and the Senator from Wyoming (Mr. THOMAS).

Mr. DURBIN. I announce that the Senator from Vermont (Mr. JEFFORDS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 38, nays 59, as follows:

[Rollcall Vote No. 269 Leg.]

YEAS—38

Akaka
Bingaman
Boxer
Byrd
Cantwell
Clinton
Coleman
Collins
Conrad
Dayton
DeWine
Dorgan
Durbin
Ensign
Feingold
Feinstein
Harkin
Johnson
Kennedy
Kyl
Lautenberg
Leahy
Lincoln
Menendez
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reid
Salazar
Santorum
Schumer
Smith
Snowe
Specter
Stabenow
Wyden

NAYS—59

Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bond
Brownback
Bunning
Burns
Burr
Carper
Chafee
Chambliss
Coburn
Cochran
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inouye
Isakson
Kerry
Kohl
Landrieu
Levin
Lieberman
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Reed
Roberts
Rockefeller
Sarbanes
Sessions
Shelby
Stevens
Sununu
Talent
Thune
Vitter
Voinovich
Warner

NOT VOTING—3

Inhofe
Jeffords
Thomas

The amendment (No. 5187) was rejected.

Mr. LUGAR. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NONPROLIFERATION CONSEQUENCES

Mr. OBAMA. Mr. President, I rise today to express my support for the United States-India Peaceful Atomic Energy Cooperation Act, S. 3709. As I have said before, I believe strengthening the relationship between our two nations is an important strategic goal and this legislation helps us take a dramatic step in this direction.

However, like many of my colleagues, I have concerns with potential nonproliferation consequences of this agreement. Much to my disappointment, the administration has done very little to address these concerns, instead, sending draft legislation to the Congress that was essentially a blank check.

The managers of the bill, Senators LUGAR and BIDEN, have done a tremendous job taking the administration's proposal and shaping it into meaningful, bipartisan legislation. The bill now before the Senate helps move us closer to India while addressing some key nonproliferation issues.

However, I remain concerned about the issue of nuclear testing. A decision by the Indian Government to conduct such a test could trigger an arms race in South Asia that would be extremely dangerous and destabilizing.

The good news is that the joint statement between President Bush and

Prime Minister Singh of July 18, 2005 declared that India's unilateral moratorium on nuclear testing will continue. I take Prime Minister Singh at his word, but also believe in following President Reagan's mantra of "trust but verify."

To this end, I am wondering if the chairman will take a few moments to clarify a couple matters concerning this legislation. Is it the managers' belief that section 129 of the Atomic Energy Act, AEA, will apply prospectively to India—aside from the sections of the AEA that are explicitly amended by S. 3709?

Mr. LUGAR. Mr. President, the Senator is correct. Under our bill, the full force of section 129 would apply to any Indian detonation of a nuclear explosive device, any termination or abrogation of IAEA safeguards by India, and material violation of IAEA safeguards by India, all would result under section 129 in the termination of nuclear exports to India.

Mr. OBAMA. On a related note, is it the chairman's interpretation of the legislation that, in the event of a future nuclear test by the Government of India, nuclear power reactor fuel and equipment sales, and nuclear technology cooperation would terminate; other elements of the United States-India nuclear agreement would likely terminate; and the United States would have the right to demand the return of nuclear supplies?

Mr. LUGAR. Yes, under our bill, the only requirement which is waived is that in section 123.a(2) of the Atomic Energy Act of 1954, for full-scope safeguards. India's 123 agreement would still have to meet the requirement of section 123.a(4), which requires that in the event of a test by India of a nuclear explosive device the United States shall have the right to request the return of supplies as you have stipulated.

Mr. OBAMA. I offered an amendment that the managers have already accepted pertaining to the supply of nuclear power reactor fuel in safeguarded, civilian nuclear facilities. To further clarify this issue, is it the managers' understanding that provision of a fuel to the Government of India should be sized in a way to maintain a deterrent to Indian nuclear testing, while also providing protections against short-term fluctuations in the supply of nuclear fuel? In other words, is it your understanding that providing a fuel reserve to India is not intended to facilitate a resumption in nuclear testing?

Mr. LUGAR. Yes, that is our understanding.

Mr. OBAMA. Does the chairman believe that, as this agreement moves forward to the Nuclear Suppliers Group, NSG, the United States should work to ensure that other nations provide nuclear power reactor fuel in a similar fashion?

Mr. LUGAR. Yes, I hope that would be the case.

Mr. OBAMA. Finally, would the managers agree that section 105 of S. 3709 requires that the President determine, prior to exercising the waivers in section 104, that "an agreement between India and the IAEA requiring the application of safeguards in perpetuity in accordance with IAEA standards, principles, and practices to civil nuclear facilities, programs, and materials . . . has entered into force," and that the most logical approach, as U.S. officials have stated for the record, would be to use the IAEA INFCIRC/66, Rev. 2 agreement as the model for India's safeguards agreement?

Mr. LUGAR. My understanding is that the administration, the IAEA, and participating governments in the NSG have all stated that they would prefer that any new Indian safeguards agreement be modeled on INFCIRC/66 Rev. 2.

Mr. OBAMA. I thank the managers.

Mr. KENNEDY. Mr. President, I intend to oppose this legislation.

One of the many lessons of the tragedy of September 11 is that America's overarching national security interest is keeping nuclear material and weapons out of the hands of terrorists. Nothing is more important for our national security than achieving this goal.

The international nuclear nonproliferation regime flawed though it may be is our best hope of achieving this goal. While I believe America has a clear interest in strengthening our relationship with India, I do not believe it can, or should, be achieved by sidestepping nearly half a century of international nonproliferation agreements. In the long run, doing so will make America and the world more vulnerable to the perils of nuclear weapons.

One of the defining goals of my years in the Senate has been to support the important advances made by our country and the international community in limiting the perils of nuclear weapons across the globe.

President Kennedy considered the Limited Test Ban Treaty, which represented an early and historic advance in nuclear nonproliferation, as one of his greatest accomplishments. On signing the documents of ratification on October 7, 1963, President Kennedy said, "This small step toward safety can be followed by others longer and less limited, if also harder in the taking. With our courage and understanding enlarged by this achievement, let us press onward in quest of man's essential desire for peace."

Since that agreement, further progress was made with the Nuclear Non-Proliferation Treaty, NPT, the SALT and START agreements, as well as the Comprehensive Test Ban Treaty. These agreements although far from perfect are essential to limiting the spread and use of nuclear weapons. They are the bedrock of our effort to ensure that the world will never, ever again know the horrors of the use of nuclear weapons. They took years to negotiate and implement, and we must be exceedingly careful about dismantling or carving out exceptions to them for any country.

Supporters of this agreement argue that the international nonproliferation regime has not proved successful in every case—just look at Iran and North Korea. And I accept the premise of the administration's argument that the international arms control regime may need to be modified or adapted to fit current times, and that we need to find a way to address India.

However, we need to recognize that commitments under the NPT made by virtually every nonnuclear state play an essential role in assisting the international community in keeping a check on their nuclear programs. And, before we make significant changes to the nonproliferation regime, we must be absolutely confident that we are doing more good than harm and that we will be more likely not less likely to limit the spread of nuclear weapons across the globe. I do not believe that running roughshod over these agreements by carving out an exception for India is the way to achieve these goals.

General Brent Scowcroft cautioned that, "I am concerned about a trend that we see reflected in the United States-India nuclear deal where we try to address proliferation risks by assessing the character of regimes and governments. Such an approach also opens up divisions among the world's nuclear powers, with each making a list of "friends" who can be trusted with nuclear technology and 'foes' who are dangerous risks."

Further, Robert Gallucci, the Dean of Georgetown University's School of Foreign Service, pointed out that, if we do approve this arrangement with India, "we will put at risk a world of very few nuclear weapon states, and open the door to the true proliferation of nuclear weapons in the years ahead."

Certainly, there are some advantages to the nonproliferation regime under the proposed agreement. India would place a majority of its current and future civilian reactors under international safeguards. India has agreed to abide by the guidelines of the Nuclear Suppliers Group, and to abide by the Missile Technology Control Regime. India has agreed not to test another nuclear device and has indicated that it will work with the United States on concluding an international regime to stop the production of fissile material for nuclear weapons. These are definitely positive steps.

However, India will not sign the Nuclear NonProliferation Treaty and subject its military facilities to international inspection, and this remains a major concern. Until now, as part of an effort to limit the spread of nuclear weapons across the globe, international arms control agreements and U.S. law have required full international safeguards on civilian and military reactors before civilian nuclear energy could be provided. These requirements exist to ensure that by assisting a country's civilian program, we are not freeing up supplies for an unsafeguarded nuclear weapons program. Under this agreement, however, none of India's military reactors would be put under international safeguards, but it would receive civilian nuclear energy anyway. In other words, India will obtain the benefits of the NPT, without the obligations required by it.

Additionally, despite India's stated commitment to conclude an international agreement to cut off the production of fissile material—the essential component for making nuclear weapons—there is no timeframe for concluding such an agreement, nor is there any binding commitment for India to do so. United States, Russia, Great Britain, and France have agreed to a fissile material production cut-off for nuclear weapons, and India should as well. So we will knowingly permit a country to benefit from civilian nuclear energy cooperation and maintain an active, unsafeguarded program to construct, develop, and build nuclear weapons.

If we provide India with the benefits of nuclear nonproliferation agreements without requiring them to sign the NPT nuclear agreement or, at least, cease the production of fissile material for nuclear weapons, there would be significant and harmful consequences for our global nonproliferation efforts.

It will embolden Iran to flout the will of the international community. There could not be a worse moment to give India the green light to build weapons with the blessing of the United States and the international community. The Iranians see a clear double standard. As Iran's national security adviser said in March, "The United States is imposing a contradictory theory of dual standards: though our NPT membership entitles us to access to nuclear science and technology, it claims that we will never have that right, whereas it cooperates with India, which does have the bomb but is not an NPT member." The Iranians will undoubtedly use the double standard of India in Iran's efforts to break the will of the international community to achieve its nuclear aims.

Former Senator Sam Nunn stated that "the U.S. India deal will likely make it more difficult to get other nations to join us in stopping threatening nuclear programs in Iran and North Korea." Similarly, Zbigniew Brzezinski, points out that this deal "will complicate the quest for a constructive resolution of the Iranian nuclear problem."

Furthermore, this agreement will put the United States in the position of indirectly supporting an arms race in South Asia. If the Indians or the administration could assure us that India had agreed, like the United States, Russia, Great Britain, and France, to a fissile material production cut-off for nuclear weapons, the concern would diminish. We know that India currently has very limited uranium resources, which it now must dedicate to generating electric power. It is so short of uranium that it can only run its reactors at about two-thirds capacity. But that will change once India gains access to foreign uranium supplies for its civilian uses. The agreement would provide India with sufficient uranium to supply its civilian reactors, freeing up domestic supplies for military purposes. Former Senator Sam Nunn warns that "India will no longer be forced to choose whether its own limited uranium stocks should be used to support its civilian nuclear program or its nuclear weapons program."

Some experts estimate that India could increase production from a handful of weapons a year to 50 or more, if it could use its domestic production for its weapons program. How will China and Pakistan react to India's increasing nuclear stockpile, as well as to the enhanced potential to produce fissile material as a result of this new cooperation? India states it only wants to build up its nuclear arsenal to the "minimum credible deterrence" level before it stops building nuclear weapons, but we don't really know what India is likely to do. How many more weapons will it need to reach that minimum credible deterrence? 50? 100? 500? Will Pakistan and China respond by building more weapons, too? Will the mad race for nuclear arms take on a life of its own, continuing to escalate with reckless abandon?

And what will happen with our other allies who are members of the nonproliferation regime? There is no doubt that the Nuclear Nonproliferation Treaty has played an essential role in the decisions of countries such as South Africa, Brazil, Argentina, and South Korea all allies of the United States—to stop pursuing their own nuclear weapons programs. But if we allow India to build nuclear weapons and enjoy civilian nuclear cooperation, will other U.S. friends and other countries in the future follow India's lead and demand the same? If we argue that the decision about India was based on trust, how on Earth will we be able to argue otherwise with these allies? They will accuse us rightly of having a double standard. I think we can all agree that the fewer the countries with nuclear weapons the better for U.S. national security, even if those aspiring countries are friendly toward the United States.

President Jimmy Carter said in March that "there is no doubt that condoning avoidance of the NPT encourages the spread of nuclear weaponry. Japan, Brazil, Indonesia, South Africa, Argentina and many other technologically advanced nations have chosen to abide by the NPT to gain access to foreign nuclear technology. Why should they adhere to self-restraint if India rejects the same terms."

And what will happen to the international supply of material to India if it does test another weapon? While I am reasonably confident that the United States would terminate supplying nuclear materials and technology to India, there is a question whether the international regime particularly the Nuclear Suppliers Group would cease cooperation. Once the door to cooperation is opened to India, it may be difficult to get other countries to agree to shut it again. The Indian press has suggested that if India tests again it would likely lose the United States as a supplier but would retain access to uranium from other sources. In fact, Indian Prime Minister Singh told his Parliament in August that if there were a disruption of uranium supplies to India, such as in result of India testing another device, that "the United States and India would jointly convene a group of friendly supplier countries, Russia, France and the United Kingdom, aimed at restoring fuel supplies to India." This certainly should raise alarm bells. I know Senator OBAMA has tried to address that problem with his amendment to the Senate bill, but all should be asking whether we should open the international spigot if we are uncertain about whether we can shut it off.

Much has been made of the foreign policy benefit to America of this agreement, but I reject fully—the notion that America's relationship with India or the Indian American community—can or should be defined by this vote.

The United States and India have a multitude of ties, which are growing ever closer, ever stronger. In the last decade we have seen a dramatic improvement in bilateral relations.

India and America are the two largest democracies in the world. We share deeply held, common values, including respect for human rights, the rule of law, promoting peace, and prosperity in the world.

My family and I have long had an interest in India. My brothers—John and Bobby visited in 1951, and I am a friend of India. I work closely with the Indian-American community to address hate crimes, immigration, and other issues that affect their daily lives.

President Kennedy was right when he characterized India as a "great and vital hope of democracy in Asia." He rightfully exclaimed that "no thoughtful citizen" could fail to recognize that India was a great and vital hope of democracy in Asia.

Today, India is the world's largest democracy and soon will be the world's largest country. It has one of the fastest growing economies and plays a leading role in global affairs.

The United States and India are seeking to improve trade and investment ties. We are cooperating in key areas such as agriculture, technology, energy, and the environment. India's green revolution came from America and proved essential to ending massive starvation in India. Today, our countries are cooperating on the next green revolution, to increase agricultural productivity and to help the environment.

Defense cooperation is increasing. Our militaries are conducting more joint exercises, India is purchasing more U.S. counterterrorism and defense equipment, and in June 2005, the United States and India signed a 10-year defense pact.

India, in recent years, has been the leader in sending students to study in the United States. Cultural links—whether food, movies, music or literature—are growing, too.

After September 11, the United States cooperated with India in dealing with international terrorism threats.

We are also working closely with India on public health threats, including HIV/AIDS and avian influenza.

Our relationship is strong today and will continue to grow. These ties can and should continue to grow regardless of this agreement because it is in the interests of both of our countries.

But we need to be realistic about the foreign policy benefits of this agreement.

Naturally, we want the Indian Government to work with the United States to advance our foreign policy objectives. But we need to be realistic enough to know that India will follow a foreign policy that suits its interest. We should not and cannot expect India to pursue a policy that diverges from its national interests or not to pursue a policy that is in its national interests.

Fortunately, India's national interests converge with ours on the vital national security issues. Neither country wants to see Iran acquire nuclear weapons and both are profoundly concerned by the terrorist threats. The tragic bombing in Mumbai in July where more than 200 people were killed by terrorists underscored to Indians that terrorism is a real and present danger.

But we would be fooling ourselves if we thought that concluding a nuclear cooperative agreement with India will make it adopt policies regarding China, Iran, or others in the region or the world that are contrary to its national interest.

Conversely, not concluding an agreement will not mean that India will forsake its national interests to spite the United States. India will not confront China or Iran or any other country merely because the United States asks it to do so. India will do so only if it is in India's national interests. This is independent of whether or not there is nuclear cooperation in place.

Further, many have suggested that the U.S. nuclear industry will benefit from this agreement with increased reactor sales to India. However, this is not the case. Neither the United States nor India has ratified an international agreement to limit the civil liability for nuclear reactors.

Until both nations agree to limit the liability, the U.S. nuclear industry will be hesitant to sell reactors to India. However, France and Russia have no such hesitations. Both have state-owned nuclear industries, so it is much less likely that victims of a nuclear reactor failure would be able to successfully sue for damages.

As we have seen at Three Mile Island, Chernobyl, and Bhopal, the liability exposure for such accidents can be overwhelming, resulting in thousands of deaths and radiation exposure for millions of people. Understandably, the U.S. nuclear industry is reluctant to sell reactors to another country until their liability for such an accident is limited.

If we support this agreement without accompanying limitations on liability, we open the door for the French and the Russians to sell nuclear reactors to India but not for our own industry.

I also do not believe this is an issue the Congress should be voting on now.

President Bush is asking us to trust him that the risks of this agreement will not materialize and that additional benefits will follow—especially that India will cease fissile material production as a result of a new treaty.

But with so many details unresolved and much up in the air, I see a vote for this legislation, which will permanently change U.S. law, as giving the administration a blank check in concluding the negotiations with India on a nuclear cooperation agreement and with the terms of safeguard agreements with the International Atomic Energy Agency and revisions to the Nuclear Suppliers Group's guidelines.

Nuclear nonproliferation is too important to our national security to take unnecessary risks. We should wait until the whole package has been negotiated and until we have better answers to the questions I have raised about the implications of this agreement before we take this step; for once we take the step of carving up the international nonproliferation regime, it is no easy matter to return if we find out we have erred. This genie cannot be put back in the bottle.

I am particularly concerned that unpleasant answers will come out after we have voted on the legislation. In an action that was eerily reminiscent of the White House's decision to withhold until after the vote on the Iraq war North Korea's admission about its nuclear weapons program, the State Department delayed a report on proliferation with Iran until after the House had already approved this agreement. It turned out that there were two Indian companies on that report. Further, the administration kept quiet on Pakistan's constructing a nuclear reactor that could be used in a regional arms race, making India more likely to ramp up its production of fissile material, using the domestic production freed up by this agreement. And, as we learned this week, Ambassador Negroponte has not yet provided answers to the Foreign Relations Committee's questions on India's nonproliferation activities.

We have the time and we have the responsibility to get this right. Let's be sure of what we are getting ourselves into.

If it can be shown with enough confidence that India will take steps to become a full-fledged member of the nonproliferation community and has agreed to cut off production of fissile material, then I would certainly vote in favor of the cooperation agreement. Until then, I will be reserving my vote, looking for answers, and waiting to see the final agreement.

Mr. REED. Mr. President, today the Senate is undertaking an important debate on the India Agreement for Civil Nuclear Cooperation.

On July 18, 2005, President Bush and Indian Prime Minister Manmohan Singh signed an agreement to resume full civilian nuclear cooperation for the first time since India conducted its initial nuclear test in 1974. Such an agreement will require changes to U.S. law and accommodations with the international community.

The Atomic Energy Act of 1954 assures the proper management of source, special nuclear, and byproduct material. Several sections of the AEA are at issue in this agreement, so I would like to take a moment to explain the pertinent provisions.

Section 123 of the AEA limits the ability of the United States to enter into agreements with nonweapons states unless the agreement meets a minimum of nine criteria, including a requirement that the recipient country has in place an agreement with the International Atomic Energy Agency, IAEA, to safeguard in perpetuity nuclear material, equipment, and technology so that it will not be diverted for weapons use. This type of agreement is known as a "full-scope safeguards" agreement. A 123 Agreement is the precursor to any export license for the nuclear materials, equipment and technology.

Section 128 requires that any export license for nuclear materials, technology or equipment contain a requirement that the recipient nonnuclear weapons state maintain IAEA safeguards.

Section 129 of the AEA requires that any 123 Agreement or export license be terminated if the nonnuclear weapons state recipient detonates a nuclear explosive device, terminates, abrogates, or violates IAEA safeguards, or engages in activities that support development of a nuclear explosive device. Section 129 would also prohibit entrance into a section 123 Agreement with any nonnuclear weapons state that detonated a nuclear explosive device after 1978.

S. 3709, the bill we are considering today, establishes a mechanism whereby the President may submit a 123 Agreement for civil nuclear cooperation with India, a nonweapons state under the Nuclear Non-Proliferation Treaty, to Congress for approval. However, this bill would allow the President to waive certain requirements of section 123, section 128, and portions of section 129, as long as the President makes certain determinations that are set out in the bill.

India is the largest democracy in the world. Its economy is growing by 8 percent annually. Since the beginning of this century, United States-India relations on issues from trade to defense have been growing stronger each year. The United States also benefits from a large Indian-American population. Rhode Island is home to a vibrant Indian community who contribute greatly to the State. I believe that the United States should do all that it can to assist India and further strengthen the partnership between the two countries.

However, this agreement does raise significant concerns. I believe that proliferation of nuclear material is the greatest threat facing our country today. North Korea recently conducted its first nuclear test. Iran seems intent on pursuing a nuclear program. Even efforts to reduce the overall size of the U.S. and Russian nuclear weapons stockpiles have stalled. While there has been some small progress in reducing the number of deployed nuclear warheads there has been no progress in reducing the overall size of the U.S. nuclear weapons stockpile. There is great concern, therefore, that this agreement strikes a blow to what remains of the international nuclear nonproliferation regime.

I, too, would share that concern, if the Senate had adopted the bill the administration proposed. However, I believe that the Foreign Relations Committee, under the leadership of Senators LUGAR and BIDEN, who are certainly experts on these matters, have crafted a bill which, I believe, has sufficient safeguards. I think that they are trying to adapt the nonproliferation regime, not destroy it.

First, section 105 of this bill sets out a series of determinations the President must make in writing when he submits the 123 Agreement. I believe these determinations will both provide a reasonable equivalent of full-scope safeguards and address several other concerns with respect to the Indian nuclear program, including concerns that the agreement not facilitate or assist the Indian nuclear weapons program. For the most part, the determinations reflect what India has committed to do in the July 2005 joint statement.

Probably the most important of the determinations in section 105 is the fifth, which states, "India is working with the United States to conclude a multilateral treaty on the cessation of the production of fissile materials." This determination breathes new life into efforts to achieve a Fissile Materials Cutoff Treaty, even driving the United States back to the negotiating table. Determination number 5 is the one single element in this bill that could prevent further growth in India's nuclear weapons stockpile and could lead to real reductions. In addition, this certification may also work to eliminate the impasse between India and Pakistan whereby neither wants to be the first to adopt a Fissile Material Cutoff Treaty.

Section 106 of S. 3709 would prohibit the export of equipment, materials and technologies related to uranium enrichment, spent nuclear fuel reprocessing, and the production of heavy water, unless the user is a multinational facility participating in IAEA approved reactor fuel program or the President "determines that the export or reexport will not improve India's ability to produce nuclear weapons or fissile material for military uses." On several occasions administration witnesses clearly stated to the Foreign Relations Committee that the U.S. would not provide such technologies to India. As a result, it is not anticipated that the presidential exemption will be used.

Section 107 of the bill requires a program, which would include end-use monitoring conditions as appropriate, to maintain accountability with respect to nuclear materials, equipment, and technology sold, leased and exported, or re-exported to India. This provision would enhance confidence in India's efforts to ensure separation of its civilian and military nuclear programs, facilities, materials and personnel and also further ensure U.S. compliance with Article I of the Nuclear Non-Proliferation Treaty.

S. 3709 also requires the President to provide the Senate Foreign Relations Committee and the House International Relations Committee with updated information regarding India's compliance with nonproliferation commitments. Specifically, it would require the President to keep these committees informed of any material violation of India's nuclear nonproliferation commitments, the construction of any nuclear facilities in India, any significant changes in India's production of nuclear weapons or fissile materials, or changes in the purpose or status of India's non-declared facilities. The bill also requires the President to submit an annual report on the implementation of civil nuclear commerce, India's compliance with its nonproliferation commitments, and U.S. efforts and progress toward achieving India's full participation in the Proliferation Security Initiative and adherence to the guidelines and policies of the Australia Group and the Wassenaar Arrangement.

It is important that this bill would waive section 129 applicability for any actions taken before July 18, 2005. If India detonated a nuclear device after the date of enactment the waiver authority would cease to be effective and the exports would be prohibited.

Another vitally important provision of S. 3709 is that it follows current law and requires Congress to have a vote to approve any final 123 Agreement. The House bill also has an approval process, but it is not clear if that process requires a vote. The administration had proposed that a 123 Agreement with India would only require congressional notification and a waiting period.

Because of the provisions I have just discussed, I believe I can support this bill. I would also note that passage of this bill is simply the first step on a long road. If this bill passes the Senate, it must be conferenced with the House bill, which has different provisions. If the conference report comes back with the Senate provisions weakened, or absent, I may be obligated to vote against that report.

Much more important is the substance of the 123 statement the President ultimately submits. I understand that this is an attempt to adapt the nonproliferation regime to a changing world. I will carefully examine any 123 Agreement to ensure that it adequately addresses vital proliferation concerns.

But at this first step, I have hope that this agreement will lead to greater cooperation on nonproliferation rather than less. With that hope, I will support S. 3709.

Mr. ALEXANDER. Mr. President, I am here to support the Lugar-Biden legislation that would implement changes in law necessary to secure our Nation's civil-nuclear agreement with India.

This is very important to our future for two reasons: No. 1, India is one of the great powers of the 21st century, and this agreement represents an important step toward a new strategic partnership between our two countries; and No. 2, nuclear power is a source of clean energy that is good for us, and it is good for India.

As we look at the beginning of this new century, we have witnessed the emergence of three great powers or influences in the world—three major shifts that will help define the many years to come.

One is the rise of China. One is the emergence of a new political Islam. And the third is the arrival of India as a great power.

I asked Secretary Rice about these three new forces shaping the coming century at the Foreign Relations Committee hearing on the United States-India Civil Nuclear Agreement, and she agreed with my assessment.

And if you look at those three emerging forces, one presents the greatest opportunity for us to be a partner, and that one is India: India, the largest democracy in the world; India, where English is an official language; India, where the legal system, like ours, is descended from that of the British; and India, where a diverse ethnic and religious population has joined together to form one nation with a democratic government. India.

I was fortunate to travel to India earlier this year with a group of Senators led by Senator ENZI. We went to look at what India is doing to improve its economic standing by improving its brainpower through better education and research and an emphasis on science and technology. And we saw a country that is rapidly advancing.

Both our President and this Congress, in a bipartisan fashion, are showing real vision by recognizing that in this new century there may be no more important two-country relationship than the one between the United States and India.

And we share an important strategic interest: we are facing the same sort of energy and environmental issues. India's needs are even more acute.

When I was there a few months ago, I was told that India hopes to bring online 50,000 MW over the next 10 years in order to meet demand.

That is an incredible figure. If each power plant has a capacity of 500 MW, that is 100 new power plants. And they are going to build them with us or without us.

The question for us is: What kind of power plants will they build? From an environmental perspective, the only technology that is ready to go, today, to provide large amounts of reliable power without emitting noxious gases into the air is nuclear power.

As new studies are emerging that India's air pollution and China's air pollution is also our air pollution because air pollution both deposits locally and moves around the globe and that their greenhouse gases cause just as much global warming as our greenhouse gases, then it is in our interest for India to build nuclear power plants rather than more dirty coal power plants that emit sulfur and nitrogen and mercury and carbon.

Seventy-two percent of India's electricity needs are currently provided by coal-burning plants. Gas provides 12 percent; oil, 2 percent; nuclear, 3 percent; hydro, 10 percent, and renewables, 1 percent.

This agreement won't radically shift those numbers overnight, but each new nuclear powerplant is a powerplant that is not emitting noxious gases into the air. It is one more powerplant that is not putting out sulfur or nitrogen or mercury or even carbon.

So, Mr. President, before us is legislation to implement the United States-India Civil Nuclear Agreement. This is not an agreement about nuclear weapons—it is about cooperation for nuclear power. This is an agreement that puts us on the path to a new strategic partnership with India—one of the three great rising forces in this new century. And this is an agreement that meets energy needs while being good for the environment.

I am glad that we have taken this matter up in a bipartisan manner and look forward to its passage today.

Mrs. CLINTON. Mr. President, today, the Senate has begun debate on S. 3709, the United States-India Peaceful Atomic Energy Cooperation Act, which will help pave the way for our Nation to assist India in fulfilling its energy needs. I intend to vote in support of this legislation.

The United States and India are bound together by deep mutual respect and our common efforts to work towards a democratic, free, and secure world. As cochair of the Senate India Caucus, I have sought to strengthen the ties that bind our two nations.

The legislation that emerged from the Senate Foreign Relations Committee is a significant improvement over the implementing legislation put forward by the administration in March. The administration's initial proposal sought to undercut Congressional authority by asking us to effectively approve an agreement before it had even been negotiated with India and before India had reached its nuclear safeguards agreement with the International Atomic Energy Agency, IAEA.

I carefully followed the Senate Foreign Relations Committee's consideration of this agreement. Senator RICHARD LUGAR, the Foreign Relations Committee chairman, and Senator JOSEPH BIDEN, the Foreign Relations Committee ranking member, are to be commended for the seriousness with which they exercised their jurisdiction over this legislation. Because of the efforts of Chairman LUGAR and Ranking Member BIDEN, the bill before us today is much improved. This legislation not only retains congressional prerogatives, but it also ensures that Congress will not have to vote to approve a final agreement until every single nation in the Nuclear Suppliers Group, NSG, the global regime given the charge for ensuring the responsible trade of nuclear technology, has agreed to permit the transfer of peaceful nuclear technology to India. By working through the NSG, we will help strengthen both that group, as well as the greater international nonproliferation regime that is center stage as we address the threats posed by the nuclear weapons programs of Iran and North Korea.

As India continues to grow stronger and to shoulder more of the responsibilities that come with being a leading nation in the world, we must continue to work towards greater cooperation with our Indian friends to deal with our common challenges in security, energy, economics, and health. I hope that this agreement is just one step on that journey that our countries, and our people, are taking together.

Mr. DODD. Mr. President, I rise today in full support of S. 3709. The passage of this bill and the ultimate conclusion of the U.S.-India nuclear agreement will be instrumental in bringing our countries closer together after decades of estrangement. This outcome is not just desirable but essential for U.S. national interests.

It is hard to overemphasize the importance of India's role in the world today. Not only is India one of the most populous countries and fastest growing economies in the world, it is also the world's largest democracy that has long demonstrated a commitment to pluralism and rule of law and a rich intellectual and civilization heritage.

I applaud the efforts of both the Clinton and Bush administration in strengthening our ties with India. Their efforts reflect the bipartisan spirit with which America extends its hand of friendship to India and the importance that it places in getting this relationship right.

The U.S.-India nuclear deal significantly benefits both our countries. It will help India meet its growing energy needs, fueling its economic growth and reducing the global demand and cost of fossil fuels. It will enhance U.S.-Indian technological and commercial cooperation with significant dividends for U.S. companies. And it will bolster our strategic partnership with India in Asia and beyond.

It also opens the window for greater oversight over India's civil nuclear program, drawing an important non-signatory to the Nonproliferation Treaty into the broader nonproliferation system. This is a positive step for the U.S. in controlling the spread of nuclear materials and weapons and gaining an important ally in that fight.

But the flip side of this coin is that we are doing business with a non-nuclear weapon state as defined by the NPT that does not have full-scope safeguards.

In doing so, the U.S. has overstepped domestic and international non-proliferation laws and norms. It has sent a signal that countries can pursue and test nuclear weapons, as India did in 1998, and wear out U.S. opposition. And it may trigger a low-level arms race between India and Pakistan as India's uranium reserves are freed up for diversion to its weapons program.

Moreover, at a time when we are trying to roll back North Korea and Iran's nuclear program, cutting a deal with India suggests that if you are on America's side, you can keep your nuclear weapons. Such double standards are detrimental to America's interests and image.

What we ultimately need is not a country-specific approach to civil nuclear cooperation but a criteria-specific one. India has agreed to meet some of these criteria but not all. Its nonproliferation record is infinitely better than that of its neighbors, but far from perfect.

For now, the bill that is before the Senate carves out an exception for India. As I said earlier, I will vote for this bill because I think our relationship with India is critical.

It is also important to highlight what should be one vital outgrowth of this relationship: halting the global production of fissile material that can be used in a nuclear device.

S. 3709 calls for U.S.-Indian cooperation in pursuit of a multilateral fissile material cutoff treaty. However, the reality is that negotiations on such a treaty at the Geneva Conference on Disarmament have long been at a standstill due to many factors. These include linkages that countries have imposed with issues such as the militarization of space.

The proliferation dangers of increased fissile material stockpiles are well understood. Yet the current approach has failed to stop production.

That is why the United States needs to sit down with India and the other key handful of countries that have produced and are producing fissile material, and make a hard push for an interim non-discriminatory moratorium on fissile material production that is applicable to this grouping of states. This moratorium would remain in effect pending the entry into force of a multilateral treaty.

The advantage of this new format is that it allows for a smaller, more relevant grouping with a singular agenda where the U.S. can immediately introduce proposals it has already drafted for discussion.

If we are to seriously address the nuclear challenges we face today, we need to break the deadlock in Geneva, think outside the box and focus on this issue like a laser beam. We simply cannot have countries churning out fissile material because it increases the chances of it falling into the hands of terrorists and the buildup of nuclear arsenals.

In this bill, the Senate calls for the President to make several determinations on whether India has taken certain steps before we can proceed with an agreement. The Senate must also set certain benchmarks for our own government and ensure that it is upholding its responsibilities as a global leader and a nuclear weapon state.

I can think of no better way of doing this than calling for fresh and meaningful negotiations on halting fissile material production. Moving in this direction will strengthen the U.S.-India nuclear deal and make it a catalyst for positive change in the nonproliferation system.

In the end, the goal should be a strong U.S. India relationship and a nuclear deal that provides momentum toward strengthening the nuclear nonproliferation system.

Mr. KERRY. Mr. President, last year President Bush and Indian Prime Minister Manmohan Singh ushered in a new era of cooperation between the United States and India on civilian nuclear energy. President Bush promised to seek the necessary changes in U.S. laws and policies to allow full cooperation and commerce in this area. In return, Prime Minister Singh has committed India to specific steps strengthening its adherence to various elements of the global nonproliferation regime. This agreement marks a historic milestone for U.S. relations with India, one of our most important friends, a natural ally, and a country that can be a close partner on a number of key issues including nuclear nonproliferation.

The legislation pending before us today is critically important because it sets the framework for Congress to consider a formal peaceful nuclear cooperation agreement with India under section 123 of the Atomic Energy Act. The Foreign Relations Committee passed this bill with strong bipartisan support shortly before the July 4th recess, and I hope the full Senate will follow suit. By passing this legislation, we will not only move the United States and India one step closer to energy cooperation but also send a clear message that a strong United States-India relationship is vital to both of our nations.

More and more, this bond is built on the bedrock of natural affinities—on shared interests and shared values. And it is no wonder—our two countries are natural partners. We should be partners in the war on terror, in the spread of democracy, in religious tolerance, in advancing technology, and in bringing stability and balance to Asia. In the post-9/11 world, we share interests and we share threats. India after all sees more terror attacks every year than any other country.

For a long time, South Asians and Americans have been extremely close—thanks to so many families spilt between the two countries and such a vibrant Indian-American community here at home. But now at last our Governments are finally catching up to our people and bringing our countries together.

I have long believed that it is in the interest of the United States and India to expand our strategic relationship. In 1994 I took a trade delegation from my home State of Massachusetts to India. It was clear to me that Cold War tensions had created a gulf between our nations that didn't serve either country. I believed then that India could and should be a critical American partner in South Asia. My subsequent trips in 1999 and again earlier this year have only reinforced that view.

With its strategic location in South Asia and its experience in maintaining a stable and religiously diverse democracy—India has nearly 150 Muslim citizens—India can be an important partner on a range of issues, from combating the threat of terrorism and proliferation to promoting democracy and regional security. Cooperating on the civilian nuclear front can help move this essential partnership forward.

I know from my discussions in India this past January with Prime Minister Singh and his National Security Adviser that they want our help in meeting India's energy needs. This is crucial if India is to continue to expand its economy and increase its stature as a major regional and global power. And they see this nuclear initiative, as we do, as an important foundation for our bilateral relationship.

And everywhere I went, I kept hearing from political leaders and businessmen just how important they consider American investment in India's economic future—and not just in technology. India wants our help. They see this nuclear initiative as a cornerstone of economic development and sensible energy policy, and I see it as a great chance for our countries to work together.

Civil nuclear cooperation is in India's interest, but it is also in ours. That is why during my trip to India in January I was one of the first Senators to express my support for the civil nuclear initiative in principle. Since then, I have been committed to working with my colleagues to find a way to make this deal work for all our interests. I am pleased that we have accomplished that with the legislation approved by the committee.

Obviously, there are ramifications for our nonproliferation efforts because for the first time we are agreeing to engage in nuclear cooperation with a country that has a nuclear weapons program but is not a party to the Nuclear Non-proliferation Treaty or bound by its obligations. We cannot gloss over the fact that this is an unprecedented step. But it is not one taken lightly. I am convinced that this exception for India makes sense, despite its real costs, given India's record as a trustworthy steward of nuclear materials and technologies.

India can be an important ally in our global nonproliferation efforts, as demonstrated by their voting with us in the International Atomic Energy Agency to try to curb Iran's nuclear ambitions. And, of course, India is critical to any regional effort to cap fissile material production. India has made a number of positive commitments with respect to its nuclear program, such as separating its civil and military facilities, putting more of its civilian facilities under IAEA safeguards, and working with the United States to achieve a multilateral fissile material cutoff treaty.

I believe this bill we are considering today will encourage India to fulfill these commitments while still allowing for timely consideration by Congress of the bilateral nuclear cooperation agreement—the so-called section 123 agreement—when it is concluded by Indian and American negotiators. As I said when Secretary Rice testified before the committee on this deal in early April, it is critical for us to see the safeguards agreement that India reaches with the IAEA before taking action on the section 123 agreement between us and India. This bill ensures that we will. I am pleased that it includes my language clarifying that India's safeguards agreement with the IAEA must provide for safeguards "in perpetuity," as India has said it would.

Arthur Vandenberg, a Republican Senator from Michigan, used to say that partisan politics ought to stop at the water's edge. Crafting this legislation was not easy, but I am pleased to say that we have thus far met Vandenberg's challenge. And we must continue to do so.

To reach agreement, we had to balance a number of critically important interests: building a strong and comprehensive relationship with India, furthering our global nonproliferation efforts, and protecting congressional prerogatives to act on nuclear cooperation agreements between the United States and other countries. I recognize that there are aspects of this legislation that some on both sides of the debate wish had come out differently, but on the whole, I believe the legislation the committee has sent to the Senate is a good-faith—and ultimately successful—effort to meet those needs.

One of the most important aspects of the balance in the bill before us is the requirement that Congress review the formal peaceful nuclear cooperation agreement with India, which must be submitted under section 123 of the Atomic Energy Act. The bill passed by the House includes procedures which would deny Congress a full right of review. Such an approach would undermine the balance we have struck in this bill. I believe it is essential that the Senate conferees insist upon the procedures in the Senate bill for the consideration of the 123 agreement. The Senate bill is a good bill, and our goal should be to enact as much of it as possible.

We have taken an important step forward for one of our most promising and important relationships in the years to come.

Mr. ROCKEFELLER. Mr. President, I rise to express my strong support for this bill.

The proposed agreement will mark a momentous change in U.S. and global nuclear policy, in my view for the better. It will give India due recognition as a global power, and it will deepen the bilateral commercial and strategic relationship that the United States enjoys with the world's largest democracy.

Beyond these commercial and strategic benefits, this deal will bring India into the mainstream of the global nonproliferation system for the first time in its nuclear history. This bill includes a number of nonproliferation-related provisions, including a requirement that the U.S.-India agreement will not enter into force unless and until India and the International Atomic Energy Agency negotiate and conclude an inspection agreement. It also includes a requirement that the U.S.-India agreement will not enter into force unless and until India and the IAEA negotiate and conclude a safeguards agreement. Further, it requires that the U.S.-India agreement will not enter into force unless and until the Nuclear Suppliers Group reaches consensus on nuclear trade with India and bans U.S. export of uranium enrichment and reprocessing technologies under any U.S.-India agreement.

This agreement will benefit the economic, strategic, and security interests of the United States, and I offer my strong support for it and congratulate my colleagues, Senator LUGAR and Senator BIDEN, for completing this important legislation.

Mr. McCONNELL. Mr. President, I rise in support of S. 3709, the United States-India, Peaceful Atomic Energy Cooperation Act, legislation which will permit the United States to export nuclear material to India for peaceful purposes.

I applaud President George W. Bush and Secretary of State Condoleezza Rice for taking this bold, new and welcome approach to America's bilateral relations with India. For too long our relations with India and Pakistan have resembled a zero-sum game—by helping one nation, we have been perceived as hurting the other.

This agreement helps to liberate U.S. policy from this false choice; the United States can and should enjoy positive relations with both nations. This bill will broaden and deepen America's emerging strategic partnership with India.

This legislation is also part of a broader framework for the United States and India to work together on many issues, including energy, defense cooperation, anti-terrorism efforts and the promotion of democracy. S. 3709 will strengthen the world's security by expanding the reach of international non-proliferation efforts, and will increase transparency about India's civilian nuclear program.

In addition, this bill will boost America's energy security by helping India meet its growing energy needs with nuclear power. With a population over one billion, India has greatly increased the demand for energy, helping to raise energy prices on the world market. The more power India can get from other sources, the less Americans will have to pay for energy here at home.

This bill will also foster economic growth in America by opening up new opportunities for American companies to do business in India's civilian nuclear sector. By passing this legislation, my colleagues will help create new jobs for Americans and new markets for American firms.

I want to commend my good friend from the neighboring State of Indiana, Senator LUGAR, for his sponsorship of this bill and his successful shepherding of it through the Senate.

Mr. President, improving U.S.-Indian ties is long overdue. After all, America and India are the worlds two largest democracies. As President Bush continues to champion the spread of democracy abroad, it is entirely fitting that our two countries should continue to strengthen our strategic partnership, as a model for the world of what democracies can accomplish when they work together in peace.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, the unanimous consent order provides for 1 minute on each side. I will forego my minute, but I would like to yield to the distinguished leader, who is here. He wants to make a comment.

Mr. FRIST. Mr. President, just for the information of my colleagues, this will be the last rollcall vote tonight. The plans will be on Monday, December 4, to be back in session, and in all likelihood we will not be voting until the late afternoon of December 5. Everybody stay posted. We will keep you apprised of the future plans.

Mr. LUGAR. Mr. President, we relinquish all time.

The PRESIDING OFFICER. If there is no further debate, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of H.R. 5682, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 5682) to exempt from certain requirements of the Atomic Energy Act of 1954 a proposed nuclear agreement for cooperation with India.

The PRESIDING OFFICER. Under the previous order, all after the enacting clause is stricken, and the text of S. 3709, as amended, is inserted in lieu thereof.

The question is on third reading of the bill.

The bill (H.R. 5682), as amended, was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Oklahoma (Mr. INHOFE) and the Senator from Wyoming (Mr. THOMAS).

Mr. DURBIN. I announce that the Senator from Vermont (Mr. JEFFORDS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 85, nays 12, as follows:

[Rollcall Vote No. 270 Leg.]

YEAS—85

Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bond
Brownback
Bunning
Burns
Burr
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dodd
Dole
Domenici
Durbin
Ensign
Enzi
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inouye
Isakson
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thune
Vitter
Voinovich
Warner
Wyden

NAYS—12

Akaka
Bingaman
Boxer
Byrd
Conrad
Dayton
Dorgan
Feingold
Harkin
Johnson
Kennedy
Leahy

NOT VOTING—3

Inhofe
Jeffords
Thomas

The bill (H.R. 5682), as amended, was passed, as follows:

H.R. 5682

Resolved, That the bill from the House of Representatives (H.R. 5682) entitled "An Act to exempt from certain requirements of the Atomic Energy Act of 1954 a proposed nuclear agreement for cooperation with India.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

TITLE I—UNITED STATES-INDIA PEACEFUL ATOMIC ENERGY COOPERATION

SECTION 101. SHORT TITLE.

This title may be cited as the "United States-India Peaceful Atomic Energy Cooperation Act".

SEC. 102. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) strong bilateral relations with India are in the national interest of the United States;

(2) the United States and India share common democratic values and the potential for increasing and sustained economic engagement;

(3) commerce in civil nuclear energy with India by the United States and other countries has the potential to benefit the people of all countries;

(4) such commerce also represents a significant change in United States policy regarding commerce with countries not parties to the Nuclear Non-Proliferation Treaty, which remains the foundation of the international non-proliferation regime;

(5) any commerce in civil nuclear energy with India by the United States and other countries must be achieved in a manner that minimizes the risk of nuclear proliferation or regional arms races and maximizes India's adherence to international non-proliferation regimes, including, in particular, the Guidelines of the Nuclear Suppliers Group (NSG); and

(6) the United States should not seek to facilitate or encourage the continuation of nuclear exports to India by any other party if such exports are terminated under United States law.

SEC. 103. DECLARATION OF POLICY CONCERNING UNITED STATES-INDIA PEACEFUL ATOMIC ENERGY COOPERATION.

It shall be the policy of the United States with respect to any peaceful atomic energy cooperation between the United States and India—

(1) to achieve as quickly as possible a cessation of the production by India and Pakistan of fissile materials for nuclear weapons and other nuclear explosive devices;

(2) to achieve as quickly as possible the Government of India's adherence to, and cooperation in, the full range of international non-proliferation regimes and activities, including India's—

(A) full participation in the Proliferation Security Initiative;

(B) formal commitment to the Statement of Interdiction Principles;

(C) public announcement of its decision to conform its export control laws, regulations, and policies with the Australia Group and with the Guidelines, Procedures, Criteria, and Controls List of the Wassenaar Arrangement; and

(D) demonstration of satisfactory progress toward implementing the decision described in subparagraph (C);

(3) to ensure that India remains in full compliance with its non-proliferation, arms control, and disarmament agreements, obligations, and commitments;

(4) to ensure that any safeguards agreement or Additional Protocol thereto to which India is a party with the International Atomic Energy Agency (IAEA) can reliably safeguard any export or reexport to India of any nuclear materials and equipment;

(5) to meet the requirements set forth in subsections a.(1) and a.(3)–a.(9) of section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153);

(6) to act in a manner fully consistent with the Guidelines for Nuclear Transfers and the Guidelines for Transfers of Nuclear-Related Dual-Use Equipment, Materials, Software and Related Technology developed by the multilateral Nuclear Suppliers Group and the rules and practices regarding NSG decision-making;

(7) given the special sensitivity of equipment and technologies related to the enrichment of uranium, the reprocessing of spent nuclear fuel, and the production of heavy water, to work with members of the Nuclear Suppliers Group, individually and collectively, to further restrict the transfers of such equipment and technologies, including to India;

(8) to maintain the fullest possible international support for, adherence to, and compliance with the Nuclear Non-Proliferation Treaty; and

(9) that exports of nuclear fuel to India should not contribute to, or in any way encourage, increases in the production by India of fissile material for non-civilian purposes.

SEC. 104. WAIVERS FOR COOPERATION WITH INDIA.

(a) WAIVER AUTHORITY.—If the President submits a determination under section 105 to the appropriate congressional committees and makes available to such committees the text of the agreement described in paragraph (3) of such section, the President may—

(1) subject to subsection (b), exempt a proposed agreement for cooperation with India arranged pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) from the requirement of subsection a.(2) of such section;

(2) waive the application of section 128 of the Atomic Energy Act of 1954 (42 U.S.C. 2157) with respect to exports to India; and

(3) waive the application of any sanction with respect to India under—

(A) section 129 a.(1)(D) of the Atomic Energy Act of 1954 (42 U.S.C. 2158(a)(1)(D)); and

(B) section 129 of such Act (42 U.S.C. 2158) regarding any actions that occurred before July 18, 2005.

(b) JOINT RESOLUTION OF APPROVAL REQUIREMENT.—An agreement for cooperation exempted by the President pursuant to subsection (a)(1) shall be subject to the second proviso in subsection d. of section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153(d)), applicable to agreements exempted by the President pursuant to subsection (a) of such section.

SEC. 105. DETERMINATION REGARDING UNITED STATES-INDIA PEACEFUL ATOMIC ENERGY COOPERATION.

The determination referred to in section 104 is a written determination by the President, which shall be accompanied by a report to the appropriate congressional committees, that—

(1) India has provided to the IAEA and the United States a credible plan to separate its civil nuclear facilities, materials, and programs from its military facilities, materials, and programs;

(2) India has filed a complete declaration regarding its civil nuclear facilities and materials with the IAEA;

(3) an agreement between India and the IAEA requiring the application of safeguards in perpetuity in accordance with IAEA standards, principles, and practices to civil nuclear facilities, programs, and materials described in paragraph (2) has entered into force;

(4) India and the IAEA are making substantial progress toward implementing an Additional Protocol;

(5) India is working with the United States to conclude a multilateral treaty on the cessation of the production of fissile materials for use in nuclear weapons or other nuclear explosive devices;

(6) India is supporting international efforts to prevent the spread of enrichment and reprocessing technology to any state that does not already possess full-scale, functioning enrichment or reprocessing plants;

(7) India has secured nuclear and other sensitive materials and technology through the application of comprehensive export control legislation and regulations, including through effective enforcement actions, and through harmonization of its control lists with, and adherence

to, the guidelines of the Missile Technology Control Regime and the Nuclear Suppliers Group;

(8) India is fully and actively participating in United States and international efforts to dissuade, sanction, and contain Iran for its nuclear program consistent with United Nations Security Council resolutions; and

(9) the Nuclear Suppliers Group has decided to permit civil nuclear commerce with India pursuant to a decision taken by the Nuclear Suppliers Group that—

(A) was made by consensus; and

(B) does not permit nuclear commerce with any non-nuclear weapon state other than India that does not have IAEA safeguards on all nuclear materials and all peaceful nuclear activities within the territory of such state, under its jurisdiction, or carried out under its control anywhere.

SEC. 106. PROHIBITION ON CERTAIN EXPORTS AND REEXPORTS.

(a) PROHIBITION.—

(1) NUCLEAR REGULATORY COMMISSION.—Except as provided in subsection (b), the Nuclear Regulatory Commission may not authorize pursuant to part 110 of title 10, Code of Federal Regulations, licenses for the export or reexport to India of any equipment, materials, or technology related to the enrichment of uranium, the reprocessing of spent nuclear fuel, or the production of heavy water.

(2) SECRETARY OF ENERGY.—Except as provided in subsection (b), the Secretary of Energy may not authorize pursuant to part 810 of title 10, Code of Federal Regulations, licenses for the export or reexport to India of any equipment, materials, or technology to be used for the enrichment of uranium, the reprocessing of spent nuclear fuel, or the production of heavy water.

(b) EXCEPTIONS.—Exports or reexports otherwise prohibited under subsection (a) may be approved if—

(1) the end user—

(A) is a multinational facility participating in an IAEA-approved program to provide alternatives to national fuel cycle capabilities; or

(B) is a facility participating in, and the export or reexport is associated with, a bilateral or multinational program to develop a proliferation-resistant fuel cycle; and

(2) the President determines that the export or reexport will not improve India's ability to produce nuclear weapons or fissile material for military uses.

SEC. 107. END-USE MONITORING PROGRAM.

(a) IN GENERAL.—The President shall ensure that all appropriate measures are taken to maintain accountability with respect to nuclear materials, equipment, and technology sold, leased, exported, or reexported to India and to ensure United States compliance with Article I of the Nuclear Non-Proliferation Treaty.

(b) MEASURES.—The measures taken pursuant to subsection (a) shall include the following:

(1) Obtaining and implementing assurances and conditions pursuant to the export licensing authorities of the Nuclear Regulatory Commission and the Department of Commerce and the authorizing authorities of the Department of Energy, including, as appropriate, conditions regarding end-use monitoring.

(2) A detailed system of reporting and accounting for technology transfers, including any retransfers in India, authorized by the Department of Energy pursuant to section 57 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2077(b)). Such system shall be capable of providing assurances that—

(A) the identified recipients of the nuclear technology are authorized to receive the nuclear technology;

(B) the nuclear technology identified for transfer will be used only for peaceful safeguarded nuclear activities and will not be used for any military or nuclear explosive purpose; and

(C) the nuclear technology identified for transfer will not be retransferred without the prior consent of the United States, and facilities, equipment, or materials derived through the use of transferred technology will not be transferred without the prior consent of the United States.

(3) In the event the IAEA is unable to implement safeguards as required by an agreement between the United States and India arranged pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153), arrangements that conform with IAEA safeguards standards, principles, and practices that provide assurances equivalent to that intended to be secured by the system they replace, including—

(A) review in a timely fashion of the design of any equipment transferred pursuant to the agreement for cooperation, or of any facility that is to use, fabricate, process, or store any material so transferred or any special nuclear material used in or produced through the use of such material and equipment;

(B) maintenance and disclosure of records and of relevant reports for the purpose of assisting in ensuring accountability for material transferred pursuant to the agreement and any source or special nuclear material used in or produced through the use of any material and equipment so transferred; and

(C) access to places and data necessary to account for the material referred to in subparagraph (B) and to inspect any equipment or facility referred to in subparagraph (A).

(c) IMPLEMENTATION.—The measures described in subsection (b) shall be implemented to provide reasonable assurances that the recipient is complying with the relevant requirements, terms, and conditions of any licenses issued by the United States regarding such exports, including those relating to the use, retransfer, safe handling, secure transit, and storage of such exports.

SEC. 108. IMPLEMENTATION AND COMPLIANCE.

(a) INFORMATION ON NUCLEAR ACTIVITIES OF INDIA.—The President shall keep the appropriate congressional committees fully and currently informed of the facts and implications of any significant nuclear activities of India, including—

(1) any material non-compliance on the part of the Government of India with—

(A) the non-proliferation commitments undertaken in the Joint Statement of July 18, 2005, between the President of the United States and the Prime Minister of India;

(B) the separation plan presented in the national parliament of India on March 7, 2006, and in greater detail on May 11, 2006;

(C) a safeguards agreement between the Government of India and the IAEA;

(D) an Additional Protocol between the Government of India and the IAEA;

(E) a peaceful nuclear cooperation agreement between the Government of India and the United States Government pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) or any subsequent arrangement under section 131 of such Act (42 U.S.C. 2160);

(F) the terms and conditions of any approved licenses; and

(G) United States laws and regulations regarding the export or reexport of nuclear material or dual-use material, equipment, or technology;

(2) the construction of a nuclear facility in India after the date of the enactment of this Act;

(3) significant changes in the production by India of nuclear weapons or in the types or amounts of fissile material produced; and

(4) changes in the purpose or operational status of any unsafeguarded nuclear fuel cycle activities in India.

(b) IMPLEMENTATION AND COMPLIANCE REPORT.—Not later than 180 days after the date on which an agreement between the Government of India and the United States Government pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) enters into force, and annually thereafter, the President shall submit to the appropriate congressional committees a report including—

(1) a description of any additional nuclear facilities and nuclear materials that the Government of India has placed or intends to place under IAEA safeguards;

(2) a comprehensive listing of—

(A) all licenses that have been approved by the Nuclear Regulatory Commission and the Secretary of Energy for exports and reexports to India under parts 110 and 810 of title 10, Code of Federal Regulations;

(B) any licenses approved by the Department of Commerce for the export or reexport to India of commodities, related technology, and software which are controlled for nuclear non-proliferation reasons on the Nuclear Referral List of the Commerce Control List maintained under part 774 of title 15, Code of Federal Regulations;

(C) any other United States authorizations for the export or reexport to India of nuclear materials and equipment; and

(D) with respect to each such license or other form of authorization described in subparagraphs (A), (B), and (C)—

(i) the number or other identifying information of each license or authorization;

(ii) the name or names of the authorized end user or end users;

(iii) the name of the site, facility, or location in India to which the export or reexport was made;

(iv) the terms and conditions included on such licenses and authorizations;

(v) any post-shipment verification procedures that will be applied to such exports or reexports; and

(vi) the term of validity of each such license or authorization;

(3) any significant nuclear commerce between India and other countries, including any such trade that—

(A) does not comply with applicable guidelines or decisions of the Nuclear Suppliers Group; or

(B) would not meet the standards applied to exports or reexports of such material, equipment, or technology of United States origin;

(4) either—

(A) a certification that India is in full compliance with the commitments and obligations contained in the agreements and other documents referenced in subparagraphs (A) through (F) of subsection (a)(1); or

(B) if the President cannot make such certification, an identification and assessment of all compliance issues arising with regard to the adherence by India to its commitments and obligations, including—

(i) the steps the United States Government has taken to remedy or otherwise respond to such compliance issues;

(ii) the responses of the Government of India to such steps; and

(iii) an assessment of the implications of any continued noncompliance, including whether nuclear commerce with India, if not already terminated under section 129 of the Atomic Energy Act of 1954 (42 U.S.C. 2158), remains in the national security interest of the United States;

(5) a detailed description of—

(A) United States efforts to promote national or regional progress by India and Pakistan in disclosing, securing, capping, and reducing their fissile material stockpiles, pending creation

of a world-wide fissile material cut-off regime, including the institution of a Fissile Material Cut-off Treaty;

(B) the reactions of India and Pakistan to such efforts; and

(C) assistance that the United States is providing, or would be able to provide, to India and Pakistan to promote the objectives in subparagraph (A), consistent with its obligations under international law and existing agreements;

(6) an estimate of—

(A) the amount of uranium mined in India during the previous year;

(B) the amount of such uranium that has likely been used or allocated for the production of nuclear explosive devices; and

(C) the rate of production in India of—

(i) fissile material for nuclear explosive devices; and

(ii) nuclear explosive devices;

(7) an analysis as to whether imported uranium has affected the rate of production in India of nuclear explosive devices; and

(8) a detailed description of efforts and progress made toward the achievement of India's—

(A) full participation in the Proliferation Security Initiative;

(B) formal commitment to the Statement of Interdiction Principles;

(C) public announcement of its decision to conform its export control laws, regulations, and policies with the Australia Group and with the Guidelines, Procedures, Criteria, and Controls List of the Wassenaar Arrangement; and

(D) demonstration of satisfactory progress toward implementing the decision described in subparagraph (C).

(c) SUBMITTAL WITH OTHER ANNUAL REPORTS.—

(1) REPORT ON PROLIFERATION PREVENTION.—Each annual report submitted under subsection (b) after the initial report may be submitted together with the annual report on proliferation prevention required under section 601(a) of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3281(a)).

(2) REPORT ON PROGRESS TOWARD REGIONAL NON-PROLIFERATION.—The information required to be submitted under subsection (b)(5) after the initial report may be submitted together with the annual report on progress toward regional nonproliferation required under section 620F(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2376(c)).

(d) FORM.—Each report submitted under this section shall be submitted in unclassified form but may contain a classified annex.

SEC. 109. UNITED STATES COMPLIANCE WITH ITS NUCLEAR NON-PROLIFERATION TREATY OBLIGATIONS.

This title shall not be deemed to constitute authority for any action in violation of any obligation of the United States under the Nuclear Non-Proliferation Treaty.

SEC. 110. INOPERABILITY OF DETERMINATION AND WAIVERS.

A determination under section 105 and any waiver under section 104 shall cease to be effective if the President determines that India has detonated a nuclear explosive device after the date of the enactment of this Act.

SEC. 111. MTCR ADHERENT STATUS.

Congress finds that India is not an MTCR adherent for the purposes of Section 73 of the Arms Export Control Act (22 U.S.C. 2797b).

SEC. 112. TECHNICAL AMENDMENT.

Section 1112(c)(4) of the Arms Control and Nonproliferation Act of 1999 (title XI of the Admiral James W. Nance and Meg Donovan Foreign Relations Act, Fiscal Years 2000 and 2001 (as enacted into law by section 1000(a)(7) of Public Law 106–113 and contained in appendix G of that Act; 113 Stat. 1501A–486)) is amended—

(1) in subparagraph (B), by striking "and" after the semicolon at the end;

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following new subparagraph:

"(C) so much of the reports required under section 108 of the United States-India Peaceful Atomic Energy Cooperation Act as relates to verification or compliance matters; and".

SEC. 113. DEFINITIONS.

In this title:

(1) The term "Additional Protocol" means a protocol additional to a safeguards agreement with the IAEA, as negotiated between a country and the IAEA based on a Model Additional Protocol as set forth in IAEA information circular (INFCIRC) 540.

(2) The term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(3) The term "atomic energy" has the meaning given the term in section 11 c. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(c)).

(4) The term "dual-use material, equipment, or technology" means those items controlled by the Department of Commerce pursuant to section 309(c) of the Nuclear Nonproliferation Act of 1978.

(5) The term "IAEA safeguards" has the meaning given the term in section 830(3) of the Nuclear Proliferation Prevention Act of 1994 (22 U.S.C. 6305(3)).

(6) The term "nuclear materials and equipment" has the meaning given the term in section 4(5) of the Nuclear Nonproliferation Act of 1978 (22 U.S.C. 3203(3)).

(7) The term "Nuclear Non-Proliferation Treaty" means the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (21 UST 483).

(8) The terms "nuclear weapon" and "nuclear explosive device" have the meaning given the term "nuclear explosive device" in section 830(4) of the Nuclear Proliferation Prevention Act of 1994 (22 U.S.C. 6305(4)).

(9) The terms "reprocessing" and "reprocess" refer to the separation of nuclear materials from fission products in spent nuclear fuel.

(10) The term "source material" has the meaning given the term in section 11 z. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(z)).

(11) The term "special nuclear material" has the meaning given the term in section 11 aa. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(aa)).

(12) The term "unsafeguarded nuclear fuel-cycle activity" means research on, or development, design, manufacture, construction, operation, or maintenance of—

(A) any existing or future reactor, critical facility, conversion plant, fabrication plant, reprocessing plant, plant for the separation of isotopes of source or special fissionable material, or separate storage installation with respect to which there is no obligation to accept IAEA safeguards at the relevant reactor, facility, plant, or installation that contains source or special fissionable material; or

(B) any existing or future heavy water production plant with respect to which there is no obligation to accept IAEA safeguards on any nuclear material produced by or used in connection with any heavy water produced therefrom.

SEC. 114. UNITED STATES POLICY REGARDING THE PROVISION OF NUCLEAR POWER REACTOR FUEL RESERVE TO INDIA.

It is the policy of the United States that any nuclear power reactor fuel reserve provided to the Government of India for use in safeguarded civilian nuclear facilities should be commensurate with reasonable reactor operating requirements.

SEC. 115. UNITED STATES-INDIA SCIENTIFIC COOPERATIVE THREAT REDUCTION PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Energy, acting through the Administrator of the National Nuclear Security Administration, shall establish a cooperative threat reduction program to pursue jointly with scientists from the United States and India a program to further common nonproliferation goals, including scientific research and development efforts related to nuclear nonproliferation, with an emphasis on nuclear safeguards (in this section referred to as the "program").

(b) CONSULTATION.—The program shall be carried out in consultation with the Secretary of State and the Secretary of Defense.

(c) NATIONAL ACADEMIES RECOMMENDATIONS.—

(1) IN GENERAL.—The Secretary of Energy shall enter into an agreement with the National Academies to develop recommendations for the implementation of the program.

(2) RECOMMENDATIONS.—The agreement entered into under paragraph (1) shall provide for the preparation by qualified individuals with relevant expertise and knowledge and the communication to the Secretary of Energy each fiscal year of—

(A) recommendations for research and related programs designed to overcome existing technological barriers to nuclear nonproliferation; and

(B) an assessment of whether activities and programs funded under this section are achieving the goals of the activities and programs.

(3) PUBLIC AVAILABILITY.—The recommendations and assessments prepared under this subsection shall be made publicly available.

(d) CONSISTENCY WITH NUCLEAR NON-PROLIFERATION TREATY.—All United States activities related to the program shall be consistent with United States obligations under the Nuclear Non-Proliferation Treaty.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section for each of fiscal years 2007 through 2011.

TITLE II—UNITED STATES ADDITIONAL PROTOCOL IMPLEMENTATION

SEC. 201. SHORT TITLE.

This title may be cited as the "United States Additional Protocol Implementation Act".

SEC. 202. FINDINGS.

Congress makes the following findings—

(1) The proliferation of nuclear weapons and other nuclear explosive devices poses a grave threat to the national security of the United States and its vital national interests.

(2) The Nuclear Non-Proliferation Treaty has proven critical to limiting such proliferation.

(3) For the Nuclear Non-Proliferation Treaty to be effective, each of the non-nuclear-weapon State Parties must conclude a comprehensive safeguards agreement with the IAEA, and such agreements must be honored and enforced.

(4) Recent events emphasize the urgency of strengthening the effectiveness and improving the efficiency of the safeguards system. This can best be accomplished by providing IAEA inspectors with more information about, and broader access to, nuclear activities within the territory of non-nuclear-weapon State Parties.

(5) The proposed scope of such expanded information and access has been negotiated by the member states of the IAEA in the form of a Model Additional Protocol to its existing safeguards agreements, and universal acceptance of Additional Protocols by non-nuclear weapons states is essential to enhancing the effectiveness of the Nuclear Non-Proliferation Treaty.

(6) On June 12, 1998, the United States, as a nuclear-weapon State Party, signed an Additional Protocol that is based on the Model Additional Protocol, but which also contains measures, consistent with its existing safeguards agreements with its members, that protect the right of the United States to exclude the application of IAEA safeguards to locations and activities with direct national security significance or to locations or information associated with such activities.

(7) Implementation of the Additional Protocol, in the United States in a manner consistent with United States obligations under the Nuclear Non-Proliferation Treaty may encourage other parties to the Nuclear Non-Proliferation Treaty, especially non-nuclear-weapon State Parties, to conclude Additional Protocols and thereby strengthen the Nuclear Non-Proliferation Treaty safeguards system and help reduce the threat of nuclear proliferation, which is of direct and substantial benefit to the United States.

(8) Implementation of the Additional Protocol by the United States is not required and is completely voluntary given its status as a nuclear-weapon State Party, but the United States has acceded to the Additional Protocol to demonstrate its commitment to the nuclear non-proliferation regime and to make United States civil nuclear activities available to the same IAEA inspections as are applied in the case of non-nuclear-weapon State Parties.

(9) In accordance with the national security exclusion contained in Article 1.b of its Additional Protocol, the United States will not allow any inspection activities, nor make any declaration of any information with respect to, locations, information, and activities of direct national security significance to the United States.

(10) Implementation of the Additional Protocol will conform to the principles set forth in the letter of April 30, 2002, from the United States Permanent Representative to the International Atomic Energy Agency and the Vienna Office of the United Nations to the Director General of the International Atomic Energy Agency.

SEC. 203. DEFINITIONS.

In this title:

(1) ADDITIONAL PROTOCOL.—The term "Additional Protocol", when used in the singular form, means the Protocol Additional to the Agreement between the United States of America and the International Atomic Energy Agency for the Application of Safeguards in the United States of America, with Annexes, signed at Vienna June 12, 1998 (T. Doc. 107–7).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate and the Committee on Armed Services, the Committee on International Relations, and the Committee on Appropriations of the House of Representatives.

(3) COMPLEMENTARY ACCESS.—The term "complementary access" means the exercise of the IAEA's access rights as set forth in Articles 4 to 6 of the Additional Protocol.

(4) EXECUTIVE AGENCY.—The term "executive agency" has the meaning given such term in section 105 of title 5, United States Code.

(5) FACILITY.—The term "facility" has the meaning set forth in Article 18i. of the Additional Protocol.

(6) IAEA.—The term "IAEA" means the International Atomic Energy Agency.

(7) JUDGE OF THE UNITED STATES.—The term "judge of the United States" means a United States district judge, or a United States magistrate judge appointed under the authority of chapter 43 of title 28, United States Code.

(8) LOCATION.—The term "location" means any geographic point or area declared or identified by the United States or specified by the International Atomic Energy Agency.

(9) NUCLEAR NON-PROLIFERATION TREATY.—The term "Nuclear Non-Proliferation Treaty" means the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (21 UST 483).

(10) NUCLEAR-WEAPON STATE PARTY AND NON-NUCLEAR-WEAPON STATE PARTY.—The terms "nuclear-weapon State Party" and "non-nuclear-weapon State Party" have the meanings given such terms in the Nuclear Non-Proliferation Treaty.

(11) PERSON.—The term "person", except as otherwise provided, means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, any State or any political subdivision thereof, or any political entity within a State, any foreign government or nation or any agency, instrumentality or political subdivision of any such government or nation, or other entity located in the United States.

(12) SITE.—The term "site" has the meaning set forth in Article 18b.. of the Additional Protocol.

(13) UNITED STATES.—The term "United States", when used as a geographic reference, means the several States of the United States, the District of Columbia, and the commonwealths, territories, and possessions of the United States and includes all places under the jurisdiction or control of the United States, including—

(A) the territorial sea and the overlying airspace;

(B) any civil aircraft of the United States or public aircraft, as such terms are defined in paragraphs (17) and (41), respectively, of section 40102(a) of title 49, United States Code; and

(C) any vessel of the United States, as such term is defined in section 3(b) of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903(b)).

(14) WIDE-AREA ENVIRONMENTAL SAMPLING.—The term "wide-area environmental sampling" has the meaning set forth in Article 18g. of the Additional Protocol.

SEC. 204. SEVERABILITY.

If any provision of this title, or the application of such provision to any person or circumstance, is held invalid, the remainder of this title, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Subtitle A—General Provisions

SEC. 211. AUTHORITY.

(a) IN GENERAL.—The President is authorized to implement and carry out the provisions of this title and the Additional Protocol and shall designate through Executive order which executive agency or agencies of the United States, which may include but are not limited to the Department of State, the Department of Defense, the Department of Justice, the Department of Commerce, the Department of Energy, and the Nuclear Regulatory Commission, shall issue or amend and enforce regulations in order to implement this title and the provisions of the Additional Protocol.

(b) INCLUDED AUTHORITY.—For any executive agency designated under subsection (a) that does not currently possess the authority to conduct site vulnerability assessments and related activities, the authority provided in subsection (a) includes such authority.

(c) EXCEPTION.—The authority described in subsection (b) does not supersede or otherwise modify any existing authority of any Federal department or agency already having such authority.

Subtitle B—Complementary Access

SEC. 221. REQUIREMENT FOR AUTHORITY TO CONDUCT COMPLEMENTARY ACCESS.

(a) PROHIBITION.—No complementary access to any location in the United States shall take place pursuant to the Additional Protocol without the authorization of the United States Government in accordance with the requirements of this title.

(b) AUTHORITY.—

(1) IN GENERAL.—Complementary access to any location in the United States subject to access under the Additional Protocol is authorized in accordance with this title.

(2) UNITED STATES REPRESENTATIVES.—

(A) RESTRICTIONS.—In the event of complementary access to a privately owned or operated location, no employee of the Environmental Protection Agency or of the Mine Safety and Health Administration or the Occupational Safety and Health Administration of the Department of Labor may participate in the access.

(B) NUMBER.—The number of designated United States representatives accompanying IAEA inspectors shall be kept to the minimum necessary.

SEC. 222. PROCEDURES FOR COMPLEMENTARY ACCESS.

(a) IN GENERAL.—Each instance of complementary access to a location in the United States under the Additional Protocol shall be conducted in accordance with this subtitle.

(b) NOTICE.—

(1) IN GENERAL.—Complementary access referred to in subsection (a) may occur only upon the issuance of an actual written notice by the United States Government to the owner, operator, occupant, or agent in charge of the location to be subject to complementary access.

(2) TIME OF NOTIFICATION.—The notice under paragraph (1) shall be submitted to such owner, operator, occupant, or agent as soon as possible after the United States Government has received notification that the IAEA seeks complementary access. Notices may be posted prominently at the location if the United States Government is unable to provide actual written notice to such owner, operator, occupant, or agent.

(3) CONTENT OF NOTICE.—

(A) IN GENERAL.—The notice required by paragraph (1) shall specify—

(i) the purpose for the complementary access;

(ii) the basis for the selection of the facility, site, or other location for the complementary access sought;

(iii) the activities that will be carried out during the complementary access;

(iv) the time and date that the complementary access is expected to begin, and the anticipated period covered by the complementary access; and

(v) the names and titles of the inspectors.

(4) SEPARATE NOTICES REQUIRED.—A separate notice shall be provided each time that complementary access is sought by the IAEA.

(c) CREDENTIALS.—The complementary access team of the IAEA and representatives or designees of the United States Government shall display appropriate identifying credentials to the owner, operator, occupant, or agent in charge of the location before gaining entry in connection with complementary access.

(d) SCOPE.—

(1) IN GENERAL.—Except as provided in a warrant issued under section 223, and subject to the United States Government's rights under the Additional Protocol to limit complementary access, complementary access to a location pursuant to this title may extend to all activities specifically permitted for such locations under Article 6 of the Additional Protocol.

(2) EXCEPTION.—Unless required by the Additional Protocol, no inspection under this title shall extend to—

(A) financial data (other than production data);

(B) sales and marketing data (other than shipment data);

(C) pricing data;

(D) personnel data;

(E) patent data;

(F) data maintained for compliance with environmental or occupational health and safety regulations; or

(G) research data.

(e) ENVIRONMENT, HEALTH, SAFETY, AND SECURITY.—In carrying out their activities, members of the IAEA complementary access team and representatives or designees of the United States Government shall observe applicable environmental, health, safety, and security regulations established at the location subject to complementary access, including those for protection of controlled environments within a facility and for personal safety.

SEC. 223. CONSENTS, WARRANTS, AND COMPLEMENTARY ACCESS.

(a) IN GENERAL.—

(1) PROCEDURE.—

(A) CONSENT.—Except as provided in paragraph (2), an appropriate official of the United States Government shall seek or have the consent of the owner, operator, occupant, or agent in charge of a location prior to entering that location in connection with complementary access pursuant to sections 221 and 222. The owner, operator, occupant, or agent in charge of the location may withhold consent for any reason or no reason.

(B) ADMINISTRATIVE SEARCH WARRANT.—In the absence of consent, the United States Government may seek an administrative search warrant from a judge of the United States under subsection (b). Proceedings regarding the issuance of an administrative search warrant shall be conducted ex parte, unless otherwise requested by the United States Government.

(2) EXPEDITED ACCESS.—For purposes of obtaining access to a location pursuant to Article 4b.(ii) of the Additional Protocol in order to satisfy United States obligations under the Additional Protocol when notice of two hours or less is required, the United States Government may gain entry to such location in connection with complementary access, to the extent such access is consistent with the Fourth Amendment to the United States Constitution, without obtaining either a warrant or consent.

(b) ADMINISTRATIVE SEARCH WARRANTS FOR COMPLEMENTARY ACCESS.—

(1) OBTAINING ADMINISTRATIVE SEARCH WARRANTS.—For complementary access conducted in the United States pursuant to the Additional Protocol, and for which the acquisition of a warrant is required, the United States Government shall first obtain an administrative search warrant from a judge of the United States. The United States Government shall provide to such judge all appropriate information regarding the basis for the selection of the facility, site, or other location to which complementary access is sought.

(2) CONTENT OF AFFIDAVITS FOR ADMINISTRATIVE SEARCH WARRANTS.—A judge of the United States shall promptly issue an administrative search warrant authorizing the requested complementary access upon an affidavit submitted by the United States Government—

(A) stating that the Additional Protocol is in force;

(B) stating that the designated facility, site, or other location is subject to complementary access under the Additional Protocol;

(C) stating that the purpose of the complementary access is consistent with Article 4 of the Additional Protocol;

(D) stating that the requested complementary access is in accordance with Article 4 of the Additional Protocol;

(E) containing assurances that the scope of the IAEA's complementary access, as well as what it may collect, shall be limited to the access provided for in Article 6 of the Additional Protocol;

(F) listing the items, documents, and areas to be searched and seized;

(G) stating the earliest commencement and the anticipated duration of the complementary access period, as well as the expected times of day during which such complementary access will take place; and

(H) stating that the location to which entry in connection with complementary access is sought was selected either—

(i) because there is probable cause, on the basis of specific evidence, to believe that information required to be reported regarding a location pursuant to regulations promulgated under this title is incorrect or incomplete, and that the location to be accessed contains evidence regarding that violation; or

(ii) pursuant to a reasonable general administrative plan based upon specific neutral criteria.

(3) CONTENT OF WARRANTS.—A warrant issued under paragraph (2) shall specify the same matters required of an affidavit under that paragraph. In addition, each warrant shall contain the identities of the representatives of the IAEA on the complementary access team and the identities of the representatives or designees of the United States Government required to display identifying credentials under section 222(c).

SEC. 224. PROHIBITED ACTS RELATING TO COMPLEMENTARY ACCESS.

It shall be unlawful for any person willfully to fail or refuse to permit, or to disrupt, delay, or otherwise impede, a complementary access authorized by this subtitle or an entry in connection with such access.

Subtitle C—Confidentiality of Information

SEC. 231. PROTECTION OF CONFIDENTIALITY OF INFORMATION.

Information reported to, or otherwise acquired by, the United States Government under this title or under the Additional Protocol shall be exempt from disclosure under sections 552 of title 5, United States Code.

Subtitle D—Enforcement

SEC. 241. RECORDKEEPING VIOLATIONS.

It shall be unlawful for any person willfully to fail or refuse—

(1) to establish or maintain any record required by any regulation prescribed under this title;

(2) to submit any report, notice, or other information to the United States Government in accordance with any regulation prescribed under this title; or

(3) to permit access to or copying of any record by the United States Government in accordance with any regulation prescribed under this title.

SEC. 242. PENALTIES.

(a) CIVIL.—

(1) PENALTY AMOUNTS.—Any person that is determined, in accordance with paragraph (2), to have violated section 224 or section 241 shall be required by order to pay a civil penalty in an amount not to exceed $25,000 for each violation. For the purposes of this paragraph, each day during which a violation of section 224 continues shall constitute a separate violation of that section.

(2) NOTICE AND HEARING.—

(A) IN GENERAL.—Before imposing a penalty against a person under paragraph (1), the head of an executive agency designated under section 211(a) shall provide the person with notice of the order. If, within 15 days after receiving the notice, the person requests a hearing, the head of the designated executive agency shall initiate a hearing on the violation.

(B) CONDUCT OF HEARING.—Any hearing so requested shall be conducted before an administrative judge. The hearing shall be conducted in accordance with the requirements of section 554 of title 5, United States Code. If no hearing is so requested, the order imposed by the head of the designated agency shall constitute a final agency action.

(C) ISSUANCE OF ORDERS.—If the administrative judge determines, upon the preponderance of the evidence received, that a person named in the complaint has violated section 224 or section 241, the administrative judge shall state his findings of fact and conclusions of law, and issue and serve on such person an order described in paragraph (1).

(D) FACTORS FOR DETERMINATION OF PENALTY AMOUNTS.—In determining the amount of any civil penalty, the administrative judge or the head of the designated agency shall take into account the nature, circumstances, extent, and gravity of the violation or violations and, with respect to the violator, the ability to pay, effect on ability to continue to do business, any history of such violations, the degree of culpability, the existence of an internal compliance program, and such other matters as justice may require.

(E) CONTENT OF NOTICE.—For the purposes of this paragraph, notice shall be in writing and shall be verifiably served upon the person or persons subject to an order described in paragraph (1). In addition, the notice shall—

(i) set forth the time, date, and specific nature of the alleged violation or violations; and

(ii) specify the administrative and judicial remedies available to the person or persons subject to the order, including the availability of a hearing and subsequent appeal.

(3) ADMINISTRATIVE APPELLATE REVIEW.—The decision and order of an administrative judge shall be the recommended decision and order and shall be referred to the head of the designated executive agency for final decision and order. If, within 60 days, the head of the designated executive agency does not modify or vacate the decision and order, it shall become a final agency action under this subsection.

(4) JUDICIAL REVIEW.—A person adversely affected by a final order may, within 30 days after the date the final order is issued, file a petition in the Court of Appeals for the District of Columbia Circuit or in the Court of Appeals for the district in which the violation occurred.

(5) ENFORCEMENT OF FINAL ORDERS.—

(A) IN GENERAL.—If a person fails to comply with a final order issued against such person under this subsection and—

(i) the person has not filed a petition for judicial review of the order in accordance with paragraph (4), or

(ii) a court in an action brought under paragraph (4) has entered a final judgment in favor of the designated executive agency,

the head of the designated executive agency shall commence a civil action to seek compliance with the final order in any appropriate district court of the United States.

(B) NO REVIEW.—In any such civil action, the validity and appropriateness of the final order shall not be subject to review.

(C) INTEREST.—Payment of penalties assessed in a final order under this section shall include interest at currently prevailing rates calculated from the date of expiration of the 60-day period referred to in paragraph (3) or the date of such final order, as the case may be.

(b) CRIMINAL.—Any person who violates section 224 or section 241 may, in addition to or in lieu of any civil penalty which may be imposed under subsection (a) for such violation, be fined under title 18, United States Code, imprisoned for not more than five years, or both.

SEC. 243. SPECIFIC ENFORCEMENT.

(a) JURISDICTION.—The district courts of the United States shall have jurisdiction over civil

actions brought by the head of an executive agency designated under section 211(a)—

(1) to restrain any conduct in violation of section 224 or section 241; or

(2) to compel the taking of any action required by or under this title or the Additional Protocol.

(b) Civil Actions.—

(1) In general.—A civil action described in subsection (a) may be brought—

(A) in the case of a civil action described in paragraph (1) of such subsection, in the United States district court for the judicial district in which any act, omission, or transaction constituting a violation of section 224 or section 241 occurred or in which the defendant is found or transacts business; or

(B) in the case of a civil action described in paragraph (2) of such subsection, in the United States district court for the judicial district in which the defendant is found or transacts business.

(2) Service of process.—In any such civil action, process shall be served on a defendant wherever the defendant may reside or may be found.

Subtitle E—Environmental Sampling

SEC. 251. NOTIFICATION TO CONGRESS OF IAEA BOARD APPROVAL OF WIDE-AREA ENVIRONMENTAL SAMPLING.

(a) In General.—Not later than 30 days after the date on which the Board of Governors of the IAEA approves wide-area environmental sampling for use as a safeguards verification tool, the President shall notify the appropriate congressional committees.

(b) Content.—The notification under subsection (a) shall contain—

(1) a description of the specific methods and sampling techniques approved by the Board of Governors that are to be employed for purposes of wide-area sampling;

(2) a statement as to whether or not such sampling may be conducted in the United States under the Additional Protocol; and

(3) an assessment of the ability of the approved methods and sampling techniques to detect, identify, and determine the conduct, type, and nature of nuclear activities.

SEC. 252. APPLICATION OF NATIONAL SECURITY EXCLUSION TO WIDE-AREA ENVIRONMENTAL SAMPLING.

In accordance with Article 1(b) of the Additional Protocol, the United States shall not permit any wide-area environmental sampling proposed by the IAEA to be conducted at a specified location in the United States under Article 9 of the Additional Protocol unless the President has determined and reported to the appropriate congressional committees with respect to that proposed use of environmental sampling that—

(1) the proposed use of wide-area environmental sampling is necessary to increase the capability of the IAEA to detect undeclared nuclear activities in the territory of a non-nuclear-weapon State Party;

(2) the proposed use of wide-area environmental sampling will not result in access by the IAEA to locations, activities, or information of direct national security significance; and

(3) the United States—

(A) has been provided sufficient opportunity for consultation with the IAEA if the IAEA has requested complementary access involving wide-area environmental sampling; or

(B) has requested under Article 8 of the Additional Protocol that the IAEA engage in complementary access in the United States that involves the use of wide-area environmental sampling.

SEC. 253. APPLICATION OF NATIONAL SECURITY EXCLUSION TO LOCATION-SPECIFIC ENVIRONMENTAL SAMPLING.

In accordance with Article 1(b) of the Additional Protocol, the United States shall not permit any location-specific environmental sampling in the United States under Article 5 of the Additional Protocol unless the President has determined and reported to the appropriate congressional committees with respect to that proposed use of environmental sampling that—

(1) the proposed use of location-specific environmental sampling is necessary to increase the capability of the IAEA to detect undeclared nuclear activities in a non-nuclear weapons state;

(2) the proposed use of location-specific environmental sampling will not result in access by the IAEA to locations, activities, or information of direct national security significance; and

(3) with respect to the proposed use of environmental sampling, the United States—

(A) has been provided sufficient opportunity for consultation with the IAEA if the IAEA has requested complementary access involving location-specific environmental sampling; or

(B) has requested under Article 8 of the Additional Protocol that the IAEA engage in complementary access in the United States that involves the use of location-specific environmental sampling.

SEC. 254. RULE OF CONSTRUCTION.

As used in this subtitle, the term "necessary to increase the capability of the IAEA to detect undeclared nuclear activities in the territory of a non-nuclear-weapon State Party" shall not be construed to encompass proposed uses of environmental sampling that might assist the IAEA in detecting undeclared nuclear activities in the territory of a non-nuclear-weapon State Party by—

(1) setting a good example of cooperation in the conduct of such sampling; or

(2) facilitating the formation of a political consensus or political support for such sampling in the territory of a non-nuclear-weapon State Party.

Subtitle F—Protection of National Security Information and Activities

SEC. 261. PROTECTION OF CERTAIN INFORMATION.

(a) Locations and Facilities of Direct National Security Significance.—No current or former Department of Defense or Department of Energy location, site, or facility of direct national security significance shall be declared or be subject to IAEA inspection under the Additional Protocol.

(b) Information of Direct National Security Significance.—No information of direct national security significance regarding any location, site, or facility associated with activities of the Department of Defense or the Department of Energy shall be provided under the Additional Protocol.

(c) Restricted Data.—Nothing in this title shall be construed to permit the communication or disclosure to the IAEA or IAEA employees of restricted data controlled by the provisions of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), including in particular "Restricted Data" as defined under paragraph (1) of section 11 y. of such Act (42 U.S.C. 2014(y)).

(d) Classified Information.—Nothing in this Act shall be construed to permit the communication or disclosure to the IAEA or IAEA employees of national security information and other classified information.

SEC. 262. IAEA INSPECTIONS AND VISITS.

(a) Certain Individuals Prohibited From Obtaining Access.—No national of a country designated by the Secretary of State under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) as a government supporting acts of international terrorism shall be permitted access to the United States to carry out an inspection activity under the Additional Protocol or a related safeguards agreement.

(b) Presence of United States Government Personnel.—IAEA inspectors shall be accompanied at all times by United States Government personnel when inspecting sites, locations, facilities, or activities in the United States under the Additional Protocol.

(c) Vulnerability and Related Assessments.—The President shall conduct vulnerability, counterintelligence, and related assessments not less than every 5 years to ensure that information of direct national security significance remains protected at all sites, locations, facilities, and activities in the United States that are subject to IAEA inspection under the Additional Protocol.

Subtitle G—Reports

SEC. 271. REPORT ON INITIAL UNITED STATES DECLARATION.

Not later than 60 days before submitting the initial United States declaration to the IAEA under the Additional Protocol, the President shall submit to Congress a list of the sites, locations, facilities, and activities in the United States that the President intends to declare to the IAEA.

SEC. 272. REPORT ON REVISIONS TO INITIAL UNITED STATES DECLARATION.

Not later than 60 days before submitting to the IAEA any revisions to the United States declaration submitted under the Additional Protocol, the President shall submit to Congress a list of any sites, locations, facilities, or activities in the United States that the President intends to add to or remove from the declaration.

SEC. 273. CERTIFICATION REGARDING VULNERABILITY AND RELATED ASSESSMENTS.

Concurrently with the submission to Congress of the initial declaration list under section 271 and each list update under section 272, the President shall submit to Congress a report certifying that—

(1) each site, location, facility, and activity included in the list has been examined by each agency with national security equities with respect to such site, location, facility, or activity; and

(2) appropriate measures have been taken to ensure that information of direct national security significance will not be compromised at any such site, location, facility, or activity in connection with an IAEA inspection.

SEC. 274. REPORT ON EFFORTS TO PROMOTE THE IMPLEMENTATION OF ADDITIONAL PROTOCOLS.

Not later than 180 days after the entry into force of the Additional Protocol, the President shall submit to the appropriate congressional committees a report on—

(1) measures that have been or should be taken to achieve the adoption of additional protocols to existing safeguards agreements signed by non-nuclear-weapon State Parties; and

(2) assistance provided by the United States to the IAEA in order to promote the effective implementation of additional protocols to existing safeguards agreements signed by non-nuclear-weapon State Parties and the verification of the compliance of such parties with IAEA obligations.

SEC. 275. NOTICE OF IAEA NOTIFICATIONS.

The President shall notify Congress of any notifications issued by the IAEA to the United States under Article 10 of the Additional Protocol.

Subtitle H—Authorization of Appropriations

SEC. 281. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title.

Mr. LUGAR. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment and requests a conference with the House, and the Chair is authorized to appoint conferees. S. 3709 is returned to the calendar.

Mr. LUGAR. Mr. President, the Senate has taken a historic step in approving the United States-India Peaceful Atomic Energy Cooperation Act. This is critically important. Passage of the bill takes one more important step toward a vibrant and exciting relationship between our two great democracies. I thank all Senators for their cooperation in completing the Senate's consideration in such a short period of time. I thank especially Senator BIDEN for his strong support and cooperation. This has been truly a bipartisan effort from the beginning until final passage. We are committed to continuing this effort through the conference process.

Before yielding the floor, let me publicly thank Tom Moore of the majority staff and Ed Levine of the minority staff. They have become experts on the United States-India Peaceful Atomic Energy and Cooperation. Act. They have assisted the committee professionally and skillfully in helping craft the bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to make some brief comments congratulating the chairman and ranking member.

I think this is a big deal. I think it will be seen as a big deal. I think it is an enormously positive step forward on our relationships.

I commend the chairman and ranking member and the leader for bringing up this topic. I believe this is going to help us cement the relationship back and forth with us and India. It is important that we do this. It will help environmentally and help energy-wise but, more importantly, I believe it will be a very important strategic relationship. This is a key movement forward. I hope we can move it forward through the conference committee. I hope we can get it to the President in short order and show India and the rest of the world this budding, growing, strengthening relationship back and forth.

I commend Chairman LUGAR for such insightful and supportive leadership on such an important topic.

I suggest the absence of quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

SERGEANT FIRST CLASS ROBERT LEE "BOBBY" HOLLAR, JR.

Mr. CHAMBLISS. Mr. President, it is my honor and privilege today to pay tribute to Sergeant First Class Robert Lee "Bobby" Hollar, Jr. Sergeant Hollar served his country as a civilian and soldier and ultimately gave his life to protect our Nation. Sergeant Hollar served in E Troop, 108th Cavalry, 48th Brigade of the Georgia National Guard, and was deployed to Iraq in May 2005 in support of Operation Iraqi Freedom.

On September 1, 2005, an improvised explosive device struck Sergeant Hollar's vehicle while he was on patrol outside of Baghdad, and he died of severe injuries later that day. Sergeant Hollar is survived by his wife Amanda and two sons.

Throughout Sergeant Hollar's 10 years of courageous service in the U.S. Air Force, and during his service in Operations Desert Storm and Desert Shield, he was awarded numerous service and achievement medals. Also, Sergeant Hollar was posthumously awarded the Purple Heart and the Bronze Star.

Sergeant Hollar's duties in Iraq went beyond the daily routine of a soldier. Sergeant Hollar was a pen pal with the fourth grade class at Crescent Middle School in Griffin, GA. To these students, Sergeant Hollar was a real-life "G.I. Joe," and his letters and visits with them have forever touched their lives.

When Sergeant Hollar wasn't on active duty, he lived with his family in Thomaston, GA, and was employed by the United States Postal Service as a postal carrier.

Sergeant Hollar made his community and Nation better through selfless dedication to his career in public service with the Georgia National Guard and the U.S. Post Office. I have been contacted by many members of his community, and I am proud to join in as part of their campaign to name the Thomaston Post Office in his honor, and to be an original cosponsor of S. 4050, a bill to designate the facility of the Postal Service located at 103 East Thompson Street in Thomaston, GA, as the "Sergeant First Class Robert Lee 'Bobby' Hollar, Jr. Post Office Building".

I believe this is a simple yet lasting, way to recognize Sergeant Hollar's service and sacrifice to our country.

(The remarks of Mr. CHAMBLISS pertaining to the submission of S. Res. 615 are printed in today's RECORD under "Submitted Resolutions.")

(The remarks of Mr. CHAMBLISS pertaining to the submission of S. Res. 617 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

The PRESIDING OFFICER (Mr. SESSIONS). The majority leader.

MODIFICATION OF UNANIMOUS CONSENT ORDER

Mr. FRIST. Mr. President, I ask consent that the order with respect to the agriculture appropriations bill be modified to allow for the Senate to proceed at 2 o'clock on Tuesday, December 5, and for Senator CONRAD to be recognized following the statements of the two managers; further, that following the remarks of Senator CONRAD, Senator DORGAN be recognized to speak, and that following those comments, Senator LANDRIEU be recognized to speak for 10 minutes. It will be our intention to vote around 5 or 5:15 on that Tuesday and that will be the next vote.

The PRESIDING OFFICER. Is there objection?

The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank the majority leader for putting this together. It has been difficult. We understand that. I very much appreciate his steadfast effort to make this happen.

On a bipartisan basis, many Senators in this Chamber appreciate very much the opportunity to bring disaster assistance to the Senate and to get a vote next Tuesday.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio.

HONORING OUR ARMED FORCES

SERGEANT MARK T. SMYKOWSKI

Mr. DEWINE. Mr. President, I rise today to pay tribute to an extraordinary young man who gave his life in service to our Nation—Marine Sgt Mark T. Smykowski from Mentor, OH. On June 6, 2006, Sergeant Smykowski died when a roadside bomb exploded near his military vehicle in Fallujah, Iraq. He was 23-years-old.

Mark was an outstanding marine who had a true sense of compassion for others. He cared deeply for his family and friends, and they remember him as someone who struck a chord with everyone he met. Although Mark was only 23-years-old when he died, he unquestionably lived life to the fullest.

Mark grew up in Mentor, OH, graduating from Mentor High School in 2000. He was the oldest member of a group of young Marines known as the "Mentor Seven." The seven of them were a close and tight-knit group, and all but one had skated together on the Mentor High School hockey team.

Mark inspired his fellow marines from Mentor, and they in turn inspired him.

Friend, Brian Halan describes Mark as someone who was simply "cut from a different cloth." He said:

> I'll always remember that no matter what we were doing, Mark could make the best of anything.

According to Jack Smeltz, Mark's hockey coach at Mentor High School, Mark was "an example of what a young person should be, as far as appreciation of freedom and all it stands for."

Mark's father, Bert, recalls that when it came time to get things done, no one was more diligent and focused than Mark. As a marine, he took the toughest assignments—paratrooper school and sniper school. And, after enlisting for a second time, he began training with a reconnaissance unit. Reconnaissance is one of the most difficult jobs in the military, involving scout swimming, helicopter and submarine insertion and extraction techniques, and assault climbing. But for Mark, it was just another challenge—and another opportunity to serve his Nation.

Those who knew Mark all agree that he was the model of what a marine should be. Fittingly, that is what he actually became—after boot camp he was selected to be a poster model for the Marines Corps. Naturally, his younger brothers teased him ruthlessly about it.

According to his mom, Mark was good looking—and knew it. During a career fair in high school, Diana saw two Marines recruiters, "Couldn't you just see Mark in that uniform?" she asked her husband, Ken. Apparently, Mark could because by the time Diana and Ken reached the table, he had already signed up.

Mark was so much more, though, than an outstanding marine and a handsome face. His compassion for others was unparalleled. He was simply one of those people who cares deeply and passionately about the needs of those around him. His comrades in Iraq recall the special bond he formed with Iraqis—particularly the Iraqi children. He became something of an ambassador and would distribute toys and clothes to the Iraqi children. His unit often joked that when it came time for the Iraqi elections, it would be Mark's name at the top of the ballot.

"Mark was one of those marines who cared about the impact he had on the people of Iraq," said 1LT Craig Q. Reese, Mark's platoon commander. "I cannot count the number of times when I was with him when an Iraqi would recognize him from his last deployment and smile. I saw first hand the influence he had on this culture. He was truly attempting to make a difference."

Mark's mother Diana has pictures of Mark with his arms around Iraqis, and one in which he is surrounded by almost 25 children. But, what she recalls most is a moment that she calls "life changing." Worried about Mark's safety, she had demanded to know "what the plan is over there?"

Mark's reply had been quiet and confident. "This mission is going to take us years, Mom," he'd said. "These people have been brutalized for years. We have to work with the children. We have to get the kids to trust us."

Mark's friends gave him many nicknames—"Tango" because he was tall and gangly and "Jacks" because he always wore a jacket of the Cleveland Lumberjacks, the city's International Hockey League team. But, perhaps the most meaningful name is the one given to him by the Iraqi children. To them, he was simply "Mr. Ski."

Throughout his time in Iraq, Mark was undoubtedly supported by his strong sense of faith. The last time Diana spoke with her son, she asked him if he were scared, and he said yes. She then asked, "Mark, are you OK with God?" He replied, "Mom, you don't have to worry. I'm good to go with God."

Mark will be missed by all who knew him. His friends and family repeatedly describe him as an extraordinary individual, who was so devoted to the Marines Corps. Pastor Tim Davis, speaking at Mark's memorial service, described him as "a gentleman who loved his country and really believed in what he did."

Mark's service to our Nation earned him many awards, such as the Navy and Marine Corps Achievement Medal with Combat Distinguishing Device, Combat Action Ribbon, and the Meritorious Unit Commendation. But, the highest honor he earned was the respect and admiration of those who knew him. Mark's life has truly been an inspiration for others. His younger brother, Darren, a Marine scout sniper, said, "I always did everything he did and went everywhere he went." And just this past summer, Mark's younger brother Kenny followed in his footsteps and also enlisted in the Marines.

Indeed the world is a better place because Mark Smykowski was in it, and I am honored that I was able to attend his burial service at Arlington National Cemetery. He will forever be known for his sincere desire to help others, his willingness to act, and his dedication to his friends, family, community, and country.

I conclude with the words of Mark's close friend, Matthew Neath:

> I know if he had to do it all over again, regardless of the outcome, he wouldn't change a thing.

My wife Fran and I will continue to keep Mark's family in our thoughts and in our prayers.

PRIVATE FIRST CLASS TIMOTHY J. HINES, JR.

Mr. President, this evening I rise to remember a brave young man, who gave his life in service to our Nation—Army PFC Timothy J. Hines, Jr., from Fairfield, OH. Private First Class Hines was wounded on June 19, 2005. He was riding in a military vehicle when a roadside bomb exploded near his convoy in Baghdad, Iraq. Severely injured, he was transferred to the Walter Reed Army Medical Center in Washington, DC, for treatment. Tragically, he passed away from his injuries a month later on July 14, 2005. He was 21 years of age at the time.

Growing up in Fairfield, Tim, as he was known by friends and family, came to love two things: basketball and Katy Wessel. He and Katy met while they were both high school freshmen at Cincinnati Christian School. Katy's father Jim remembers that when he first met Tim, he could immediately tell that the boy was "smitten" with his daughter. In Jim's words, that made Tim "public enemy number one."

But, that didn't stop Tim. Before long, he and Katy were high school sweethearts. And Jim, himself, came to view Tim as a friend and as a son.

Tim graduated from Cincinnati Christian School in 2002. Headmaster Wayne Beaver remembers that he was always positive—someone whose "classmates all liked him." Tim and Katy got married after graduation, and Tim then enlisted in the Army in 2003. He was assigned to the 720th Battalion, 89th Military Police Brigade, 64th Military Police Unit, based in Fort Worth, TX.

Tim's unit shipped out to Iraq in February 2005. Although he found it hard to leave his family and friends, he knew he was doing the right thing. According to Katy, "he knew the obligation he had to his country."

Indeed, Tim was a soldier devoted to his mission and to our Nation. But, he also joined the Army out of a desire to protect those whom he loved. In the words of a sergeant in Tim's unit:

> I knew that I'd come upon a special soldier with great potential, whose character and values were rooted in his love of his family, god, and friends. I believe he wanted to go to Iraq not out of duty, but out of love for others.

Tim's twin sister, Jenni, remembers that he was a great brother and friend—someone who was always looking out for her. And that is also what Tim was doing as a soldier—looking out for his friends, his family, and his country. His service to our country earned him the Bronze Star, the Purple Heart, and the Army Good Conduct Medal.

Those who knew Tim remember him as someone who always wanted to make others laugh. His wife Katy says that he packed a lot of love into his life and simply had a spark that drew people close to him. In photos, you can see he was always smiling or trying to make someone else smile.

Tim enjoyed playing basketball. It was a passion he shared with his best friend, Tim Hester. While in Iraq, Tim would e-mail Hester about the one-on-one games they would play when he returned. Hester describes Tim as someone who was funny, kind, and loving. He said:

> Tim was always making people laugh. He was always joking around. That was one of my favorite parts about Tim. We could always just joke around. But, we also had serious times together. You know, when things were going wrong, we were there for each other.

Tim's father-in-law says it was a treat to watch Tim with the family he loved so much. He said:

> Timothy James Hines, Jr. was a true hero. He's my hero. His faith in God, his dedication to his family, his love of life, his courage and strength, and his service to his country have profoundly and forever impacted me.

Even in Tim's darkest hour, he was thinking of his family first. His mother-in-law Kathi tells the story of when Tim was wounded in Iraq:

> A buddy who stayed with him while they waited for help said all he talked about was [his wife] Katy, [his 2 year-old daughter] Lily, and the coming baby. He's very devoted to his family. He's the kind of young man any mother would want her daughter to marry.

Tragically, Tim died before the birth of his son, Noah.

As Ohioans have done so often in the past, the community has rallied around Tim's family, offering comfort and support. More than 400 mourners attended his funeral to pay their respects to this fallen soldier. And an anonymous donor gave a full scholarship to Cincinnati Christian School, Tim and Katy's alma mater, for the education of their children.

I would like to share with my colleagues the words of Army BG Patrick O'Reilly, who spoke at Tim's funeral. This is what he said:

> It's soldiers like Timothy Hines who serve and guard our way of life. But, it's not just the soldier who pays the price for freedom. The families also give so much, and you too have sacrificed.

I would also like to share what Tim's wife Katy has said about her husband—truly the love of her life:

> Tim was a fighter. He fought hard for his country, family, and ultimately, his life. He was a loyal husband and father and an incredible American. There is a price for freedom, and Tim paid the ultimate price. Now he is in the loving arms of God.

I am honored that I had the opportunity to attend Tim's funeral, where his family and friends talked about his warmth, his humor, and his desire to protect those he loved. He was a man we all aspire to be—someone devoted to his family, his community, and his country. My wife Fran and I will continue to keep his family in our thoughts and in our prayers.

LANCE CORPORAL WILLIAM BRETT WIGHTMAN

Mr. President, this evening I rise to honor a fallen hero who gave his life during Operation Iraqi Freedom—LCpl William Brett Wightman, from Sabina, OH. He died on August 3, 2005, when a roadside bomb exploded under his military vehicle in Iraq. He was 22 years of age at the time.

Brett—as he was called by family and friends—was a true example of what it means to be a "hometown hero." Sabina is a small village in Clinton County, OH, not too far from my home. The high school Brett attended—East Clinton High School—is carved out of surrounding fields, fields of farmland. Brett will never be forgotten there. He was prom king, a star on the basketball and track and field teams, and captain of the school's football team, the Astros. He played fullback. He wore No. 44.

Everyone who knew Brett agrees that he died doing what he wanted to do—serving our Nation. Becoming a member of the military had been his dream ever since he was a little boy. Brett's aunt Missy said that Brett "would play with those G.I. Joes and he'd say 'I'm going to grow up and be one of those guys.' All of his life, that's all he would talk about."

Brett joined the Marines while he was still a junior in high school—young enough that he needed his parents to come with him to enlist and give their permission. The Reserves' unit Brett served with was Lima Company—Marine Force Reserve's 3rd Battalion, 25th Marine Regiment, 4th Marine Division, based in Columbus, OH. Their story, of course, is one that I have talked about on this Senate floor before and one that has touched hearts in Ohio and all across our country. On the day Brett died, 13 other men in his unit died alongside him. It was a tragedy felt by the entire State, and by our Nation.

Family members said Brett was proud of being a marine and was planning to reenlist. His goal was to rise to the very top of the service. As his stepsister Stephanie Finley said:

> When I talked to him a month ago, he said he loved what he was doing. He said he would go back if he had to.

According to his mother, Pam, she received a letter from her son that she will cherish forever. In it, he described finding a child while searching Iraqi houses for material to make improvised explosive devices. The child was chained to the wall, and it was Brett and his fellow marines who rescued him. It was a day of the utmost importance for Brett, and this is how he described it:

> One of the kids was chained up to a wall by his ankle with a dead lock. He looked like he had been there for months. If anyone tells you we shouldn't be over here they should have seen how happy this kid was when I cut him loose.

After signing his letter, Brett wrote "P.S.—Hang in there." This was typical of Brett, according to his family. Even while serving his country overseas, he was more concerned about others than himself. Brett's friends and former teammates describe him as a person who would do anything for you. His stepsister Stephanie said:

> It didn't take Iraq for him to be a hero to me. He'll always be my hero.

Brett was committed to the Corps and the other marines in his unit. While serving in Iraq, he received the news that his grandmother had passed away. Although deeply saddened, Brett wrote that he would have to wait to take the time to grieve. In his words, he had "to watch out for my Marines." According to his mother, this letter encapsulated everything that Brett was about. "He would do anything for anybody at any time," she said.

Brett's father, Keith, agreed:

> Things like that just make you feel that your child has grown up to be responsible," he said. "He did what he had to do. Not many kids his age take on the responsibilities of the world. Every man and woman in the service is taking that on.

Brett's Aunt Missy said that Brett's life "was just beginning, with a lot of ambition and a lot of hope. Unfortunately, it's been cut short . . . [but] we know that he [was] happy, doing what he wanted to do all his life."

Mr. President and Members of the Senate, Brett's death was truly a loss for the entire Sabina community, the entire Clinton County community. In a local bar named The Crow Bar, a lone can of beer stands on a shelf. "This beer is for Brett," reads an attached sign.

Before his Reserve unit was activated, Brett was working as a carpenter for a local home construction company. He was close to his coworkers, one of whom was a fan of Michigan-Ohio State's football team. Before a Michigan/Ohio State game, Brett made a bet with him that the Buckeyes would win. They did win, and Brett enjoyed his winnings—the privilege of frying his friend's Michigan shirt on the grill.

Barb Howard is the mother of one of Brett's hometown friends. She remembers Brett and other neighborhood youngsters lounging around her house after their pee-wee sports games, eating food and watching movies. This group of boys remained friends while playing high school sports, and Brett became like a son to her. "It's like a piece of you is gone," Barb reflected.

Justin Stewart plays football for the Astros. He said he had admired Brett ever since the third grade, when the older Brett would help him with his pee-wee football drills. "I am proud of him," Justin said. "I am just happy he was over there fighting."

As captain of the East Clinton football team, Brett was more than a supportive teammate—he was a leader with responsibility. This focus on teamwork and this commitment to helping others explain Brett's desire to become a marine, and also explains what kind of marine he became.

Brett's funeral was on the football field at East Clinton High School, and over 1,000 mourners attended to salute the young marine. Rev. Carey Hilterbran, who had known Brett since he was a boy, assured the crowd that it was not a day for sorrow—Brett had died living his dream. "[Brett] wasn't afraid," he said. "He had a good mindset, and he knew what he wanted to do." While Reverend Hilterbran was speaking, the members of the Astros football team—wearing their red and white jerseys—stood silently at attention.

Schuyler Streber was one of Brett's football teammates. In his words, the world is going to be a lesser place without Brett Wightman in it. Standing on the East Clinton football field, Schuyler said that "sometimes you want to laugh because of some of the things we did out here together, and [sometimes] you want to cry because of the more emotional times. And to think I'm here right now and he's not—that's something that's hard to face. . . . We'll all miss him very much."

Duane Richard is a young artist who did not personally know Brett Wightman. But he was so moved by the young Marine's sacrifice that he painted a 30-foot-wide mural of Brett on the side of Duane's parents' barn. He lined the image with 13 American flags—one for each of the Lima Marines killed during the roadside bombing. The barn is along Snow Hill road in Sabina, and people stop everyday to gaze at the mural and take pictures.

The artwork reflects Brett's honor and courage, as well as the great respect that his fellow Americans have for his sacrifice. In Duane's words, Brett was a "true American hero."

Brett Wightman put his life on the line to preserve the freedoms that we Americans hold dear. He cherished hometown values and the importance of helping those around him. His family and friends will never forget him. "Brett will never be in the past," as his mother Pam so beautifully said.

Indeed, Brett will never be forgotten. My wife, Fran, and I continue to keep Brett and his family in our thoughts and prayers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, those were three of the most beautiful tributes I have heard any of our colleagues give about the men and women who have died in service to this country. It was truly a testament to the strength of the Senator from Ohio, his caring and compassion for the people of Ohio that he and his team would take the time to compile such beautiful memories of these three young men and to share them with us in the CONGRESSIONAL RECORD as he did. I thank him for those beautiful tributes.

ROYALTY RELIEF

Ms. LANDRIEU. Mr. President, I rise to speak about amendment No. 5189 that is pending to the Agriculture Appropriations bill.

According to the unanimous consent agreement entered into a few moments ago, when we return in December we will take up an amendment by Senator CONRAD and I will have time after that amendment to speak again about this issue. It is an issue that I believe we have an opportunity to resolve before this Congress comes to an end. According to the schedule we are operating under, we only have a few more weeks to get our work done. There is a great deal of work that has to be done and a few things that can in fact be done on a bipartisan basis. This is one of them.

Both leaders have expressed their commitment to helping the Senate resolve the issue of expanded offshore drilling so we can provide more oil and gas for a country that is running short.

Four States—Louisiana, Texas, Mississippi, and Alabama, America's energy coast—have been proudly hosting this industry for over 60 years. We have contributed literally billions of barrels of oil, trillions of cubic feet of gas, and much money from the royalties paid has gone to the Treasury. But this is a problem we have to solve. It goes back to the 1998–1999 lease arrangements entered into by Minerals Management. This has been widely reported. It has also been the subject of several hearings in the Senate and the House.

Very simply, the Department made a series of mistakes. Those mistakes are being looked at to determine how and when and under what circumstances. But the fact is, although all the facts are not out yet, we do know that a serious mistake was made. When these contracts were entered into, there was no price threshold in them. When my predecessor Bennett Johnston wrote the Royalty Relief Act, which he did with some of his colleagues, it was always intended to be an incentive if the price of oil was low. At the time the bill was written, the price of oil was $17 a barrel. We wish that were true today. But it was true back in the early to mid-1980s, when this bill was written.

As the process went on and these leases were entered into, the price threshold was left out. So now the price of oil is $70 a barrel, or it has been recently, and what happened was, because the thresholds were not in there, the companies didn't have to pay royalties. The bottom line is, we have lost to date $1.3 billion. It is estimated that we could lose as much as $10 to $12 billion: that is, the Federal Treasury.

My amendment has already been filed. If the Senate agrees to the amendment, it will fix that situation without violating contracts. We have established a way for Minerals Management to basically renegotiate the contracts. The taxpayers could then recover that money, and a portion of the money would then be used for the coastal restoration efforts so desperately needed in Texas, Louisiana, Mississippi, and Alabama in the next few years. If this amendment is passed, coupled with the bill we have already passed, we will have some immediate funding to begin the project of saving our wetlands and securing the energy infrastructure that is a tremendous asset to the Nation. This isn't just about helping Louisiana, Texas, Mississippi, and Alabama. This is about protecting a great coastal wetland that came under tremendous challenge with Katrina and Rita and will come under challenges again. We most certainly can recover this money, $11 billion, that does belong to the taxpayer. It was a mistake, a very bad mistake that was made. We can recover some of that money and most of it can go to deficit reduction. If anyone hasn't noticed lately, we have quite a deficit to tackle. Some of this money could go to deficit reduction, and some of it could go to the States under a program already authorized, already supported in a bipartisan way, already in the law, called the OCS Program where this money would be directed.

I thank my colleagues for allowing me to speak tonight. I have filed the amendment so Members could consider it on our break through the holiday and come back and try to restore this money to the Treasury, help take the deficit down, and let's get started saving these wetlands and protecting the coast which is so vital to the economic future of the Nation.

I thank my colleagues for their patience.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent to be recognized as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I thank the Senator from Louisiana. I hope the people of her home State are watching carefully. Senator LANDRIEU, even before Hurricanes Katrina and Rita, worked very hard for her State. But since then, it has been nonstop. She is not the only one. There are many elected officials who are doing everything they can to help the families and businesses and others who were devastated. But I commend her to be here so late at night speaking up for her State again. I hope she is successful with her amendment which would bring resources to her State that are badly needed as post-Katrina construction continues.

SENATOR MIKE DEWINE

Mr. DURBIN. Mr. President, a few moments ago, our colleague from the State of Ohio, Senator MIKE DEWINE, gave tribute to three Ohioans who lost their lives in Iraq. I listened to these carefully and I hope others did as well. They were beautiful life stories, beautifully written, beautifully spoken by the Senator. I went up to him afterwards and asked him how many Ohioans had lost their lives in Iraq. He said the number was 140. He has given 90 tributes on the floor and hopes before he leaves the Senate in a few weeks to finish the last 50. He is determined to get it done as a tribute to these families. He said: It is about all we can do, isn't it? He is right. It says a lot about MIKE DEWINE, a lot that many of us already knew.

I came to Congress with MIKE in 1982. I recall we were both elected to the House of Representatives. I was from the central part of Illinois and he was from Ohio. We had a dinner at the White House. I recall that his wife Fran, who had just had a baby a few days before, came in her beautiful gown with her husband MIKE in a tuxedo, carrying a basket with their baby in it. They sat down next to Loretta and myself for dinner with President Reagan that night. I have joked about that because I met that little girl recently. She has grown up now, and we remembered the first time we ever laid eyes on her.

MIKE and I have worked on so many things—the global AIDS epidemic. He has been my go-to guy on the Republican side of the aisle. When I had absolutely given up any hope of passing legislation for hundreds of millions of dollars to save hundreds of millions of lives, MIKE managed to help out in many different ways.

He invited me once to travel to Haiti with him. Haiti is a DeWine family project. MIKE and Fran have made over 15 trips to that poor island and have met with so many people there in orphanages and on streets trying to help them. There is a little school in Port-au-Prince, the Becky DeWine school, named after MIKE and Fran's late daughter. They have poured more love and resources into that school for some of the poorest kids on this planet than we could ever count. They worked together with Father Tom of Hands Together and so many other great charities that have done such work.

As I listened to MIKE tonight give his tributes to these Ohio soldiers, I was reminded what a quality individual he is. Elections come and go. People win and people lose. But the quality of MIKE DEWINE's service to the Senate on behalf of the people of Ohio is written large in the history of this institution.

I thank him for his friendship and for his leadership. I wish him, Fran, and the entire family the very best in whatever their future endeavors might entail.

SENATOR PAUL WELLSTONE

Mr. DURBIN. Mr. President, in a few moments there will be a number of resolutions offered on the floor of the Senate on a variety of different issues. Some of them have been spoken to. A resolution which I have offered is related to the fact that we are in the fourth year of an anniversary of the death of our colleague Senator Paul Wellstone of Minnesota.

I look back on a career of service in the House and Senate and remember a handful of very special people who passed on or left this institution. One of those was Paul Wellstone. What an extraordinary fellow. The most unlikely Senator you would ever see. He just didn't look the part at all. Maybe that is why he did so well in Minnesota and was so effective here. He was cut from a different mold. He used to sit back here in the last row, and he would stand and speak. He would stand in the middle of the aisle as he spoke and would kind of saunter around. He had a back injury from wrestling. He loved wrestling; not the kind you see on television but real collegiate wrestling. His involvement in wrestling cost him some back injuries that haunted him his entire life. So he would walk with a kind of a cantered gait as he went back and forth on the aisle and all around the Senate.

But people didn't remember that part. They remembered what he had to say and they remembered what was in his heart. Paul Wellstone used to say that he thought there were two necessary ingredients for success in public service. One was hard work; the other was passion. He had both of them. Nobody worked harder for everything he believed in and for his State of Minnesota, and nobody came to these issues with more passion.

I can recall the last time I saw him. He was a few feet away from me here. It was the night we cast our vote on the Iraqi war. It was a vote that was a hard one. Nobody cared for Saddam Hussein. Nobody wanted to see him continue in power. We certainly wanted to protect our country. But there were genuine concerns felt by many of us as to whether we really understood what lie ahead in that war, the threat to the United States, and whether we were being told everything we needed to know.

Twenty-three of us voted against the war that night. I was one, Paul Wellstone was another. It was even later than now that night, and I came to the well on the floor to say goodbye to Paul because we were both off for the reelection campaigns of 4 years ago. I came over to wish him well, and I said, "Paul, I hope that vote doesn't cost you the election." He said, "You know, it is OK if it does because that is what I believe and that is who I am. The people of Minnesota would expect nothing less from me." It was the last time I ever saw him. He went home, and within 2 weeks he was killed in a plane crash with his wife and staff members.

I went up to the memorial service for Paul. There was an amazing turnout at the University of Minnesota in tribute to this small-in-stature but great-in-service Senator from Minnesota. The one thing that he returned to over and over again was the issue of fairness and equal treatment for those suffering from mental illness. Paul's family had been stricken with mental illness, and hardly any family in America has been spared. He knew firsthand what it meant to suffer from mental illness and not be able to afford a doctor's care or the medicine needed by people who are suffering from it. He worked with Senator DOMENICI from New Mexico, a Republican, on passage of legislation for equal treatment under health insurance for those suffering from mental illness.

The Surgeon General determined in a 1999 report that mental illness is largely biologically based and effective treatments exist. It is a disease that can be treated. In 1996, Senators DOMENICI and Wellstone championed a bill requiring insurers to offer mental health care and to offer comparable benefit caps for mental health and physical health. But there was a big loophole in the bill, and they knew it. The bill didn't require group health plans to include mental health coverage as a benefit. Even with the 1996 law in place and 22 States mandating full parity, mental health services continued to be subject to higher limitations than other health treatments.

The parity law in place that I referred to expires at the end of this year. I hoped 4 years ago, when we were caught up in the emotions of Paul's death, that we would come back and pass legislation that he called for and worked for with Senator DOMENICI. Four years have passed and it hasn't happened. Many people continue to suffer, continue to go without the basic care they need.

Resolutions come and go, and very few people pay much attention to them. I don't think this will be a lead line in any newspaper in America, but the purpose of this resolution is to put the Senate on notice that it has been the fourth anniversary of the death of a man we loved in the Senate, Paul Wellstone, and also to urge us to remember his mission in the Senate when it came to mental health. The purpose clause of this resolution reads:

> Congress should act to end discrimination against citizens of the United States who live with a mental illness by enacting legislation to provide for the coverage of mental health benefits with respect to health insurance coverage.

I would like the language to be stronger, but I understand this was the best we could do this evening. We can prove that Paul Wellstone was right and that we care about his legacy by enacting this legislation when we return. I will be working with Senator KENNEDY, Senator ENZI, and all of my colleagues to do our best to make sure that does occur.

DARFUR

Mr. DURBIN. Mr. President, I come to the floor tonight because during the break, I sat and watched "60 Minutes" with my wife one evening. During the course of the program, there was a segment on the horrible situation that is now occurring in Darfur in the nation of Sudan on the continent of Africa. I have been blessed and lucky to visit Africa several times. I am drawn back every time I leave. I think I have to get back there; there is so much more I need to see. I don't know whether it is that it is the cradle of civilization and that is where the first remnants of early human life have been found, but Africa draws you back to those roots and origins.

The last time, I took a trip with Senator BROWNBACK of Kansas. We went to Rwanda, which, of course, is a country that conjures immediately an image of horrible death and suffering. Over 10 years ago, genocide occurred in Rwanda. We look back now on the deaths of hundreds of thousands of innocent people and realize that the United States basically stood by idly and watched that occur. President Bill Clinton was in office at the time and was urged by many Members of Congress, including my predecessor, Senator Paul Simon of Illinois, to send some type of military force to try to stop the killing.

When we visited Rwanda, Senator BROWNBACK and I stayed in the now famous Rwanda Hotel, known as Des Mille Collines, which means a thousand hills. It is in the city of Kigali in Rwanda. As we stayed there and I saw this hotel, having seen the movie, I was haunted by the images of that movie, how that hotel had become a refuge during the genocide and people streamed in from all over Rwanda because they knew this hotel manager was doing his best to protect them. They were drinking water, after the regular supplies were cut off, out of the swimming pool because it was the only place to turn. As I looked down at the pool, I could not imagine people scrambling along the edges of the pool to find water for themselves and their children. As you walked through the halls, you thought of the people huddling there and praying they would not be beaten or macheted to death at any given moment.

Down the hill from the hotel is a Catholic church—a red brick church, simple and plain. I went in there early in the morning and looked inside as those who were waiting for mass gathered. I thought: This is an interesting gathering place at 6 a.m. I went back to the hotel and asked about it. It turns out that 1,200 people were killed in that church. They were seeking asylum and refuge in the church, and the people who were determined to kill them came in and hacked them to death on the stones of the very church I visited. That was 10 years ago. We did nothing. We could not even bring ourselves in America to use the word "genocide" to describe what was going on.

I think President Clinton would be the first to admit that this is one of the chapters of his Presidency that he is not proud to recount. He has personally gone there to apologize that the United States didn't do more.

Mr. President, let's fast-forward to today. Today is not Rwanda. Today it is Darfur. I come to the floor today to talk about the ongoing tragedy in Darfur, Sudan, and to report that amidst all of the sad comments about what is happening there, a ray of hope broke through today.

Darfur is in a distant corner of the world, but it is familiar to millions of us in America. It has come home to many of us through news stories and photos about women being brutalized, families murdered, and villages being burned. The violence has gone on for over 3 years.

The U.N. news service reports from yesterday describe more attacks by the jingaweit militia in south Darfur. More villages were burned and more crops were destroyed. The U.N. news reports describe how humanitarian personnel in west Darfur had to be evacuated because of growing threats to their safety. And violence in Darfur has spread to neighboring eastern Chad and the Central African Republic. At least 200,000 people have died. More than 2 million people have been displaced from their homes. Today, 4.5 million people are at risk in Darfur and eastern Chad. Hundreds of thousands are in desperate need but beyond the reach of humanitarian organizations. As I said, this has gone on for more than 3 years.

Last May, the Sudanese Government signed a peace agreement with one of the major rebel groups that it had been battling, but violence since then has only increased. In that agreement, the Khartoum Government promised to disarm the jingaweit, which have terrorized Darfur. Instead of disarming them, the Government in Khartoum is remobilizing and rearming the militias. They have even given these militiamen, who were killing and burning and raping and pillaging, uniforms to wear.

On November 5, a reporter for Reuters news organization described the impact of this remobilization of the militia:

> Arab militias on horses and camels wearing pristine uniforms and carrying brand new guns attacked three villages, killing dozens, mostly children. One witness told the reporter, "They took the babies and children from their mother's arms, beat the women and shot the children. . . ." And they said to the mothers, "We are killing your sons and when you have more, we will come and kill them, too."

The U.N. Security Council has passed resolutions condemning the violence and authorizing a U.N. peacekeeping mission of more than 20,000 troops. But the Government of Sudan has refused to allow the peacekeepers in the country. Presently, there are 7,000 African Union monitors in Darfur, but they are outnumbered by Sudanese forces by 200 to 1. The African Union forces do not have the mandate or the means to protect people, although some commanders have tried to make a difference in their local areas.

Rwandan peacekeepers have been among the most effective in Darfur. Maybe the memory of their own genocide brings them to this mission of mercy. They are also among the most frustrated that they cannot do more and the world refuses to engage.

Twelve years ago, Canadian General Romeo Dallaire was a U.N. commander stationed in Rwanda during the genocide I have described. He begged for more troops from all over the world. He begged for more ammunition. He begged for the authority to stop the killing in Rwanda. He was ignored. He got nothing. Hundreds of thousands of people died needlessly. He managed to save some, but for the most part he could only stand helplessly watching as a witness to the slaughter.

Today, Rwandan peacekeepers lack the means and the authority to stop another genocide. Like Dallaire, they need the world to act. What is needed is a much larger, more robust peacekeeping force, and it is needed urgently right now.

Eric Reeves, a professor of literature who has become the unofficial chronicler and probably the foremost expert on the genocide in Darfur, writes:

> The people of Darfur have been abandoned. Given how clearly and predictably genocidal events have unfolded over most of the past three and a half years, this failure now exceeds in all too many ways the shameful international acquiescence before the 1994 genocide in Rwanda.

Those are the words of Mr. Reeves.

U.N. Secretary General Kofi Annan today convened a high-level meeting in Ethiopia to find a way beyond this impasse and to finally break through with help for these people. U.S. Special Envoy to Sudan, Andrew Natsios, is there. So are representatives from the other permanent members of the Security Council, the Arab League, and the European Union. The Sudanese Government is also officially attending. They are there to find a way to get peacekeepers on the ground in Sudan in a section of that country as large as the State of Texas.

Whether the peacekeepers come under the U.N. title or through some other combination with the African Union, they are desperately needed. The title doesn't mean much; it is the mission that counts. It must be large enough, well equipped enough, and with the mandate and authority to protect the people of Darfur.

The latest news reports indicate that they may have made progress in their meeting, and we pray to God they did. Kofi Annan announced today that Sudan has accepted in principle a United Nations-African Union mission in Darfur, but there has been no agreement as to the number of troops that will be accepted and deployed.

I hope this is truly a breakthrough and not more empty rhetoric from the Government of Sudan.

Today's news reports are full of new killings in Darfur. The Darfur peacekeeping force must have the capability, the numbers, and the authority to preempt, prevent, deter, and respond to attacks on civilians and to protect the camps of those who have been displaced. There must be a clear timetable to make this happen, and it must start now. The violence in Darfur has spilled beyond its borders. Villages in Chad are burning.

For too long the world has done too little. I hope today's reports represent a breakthrough that Sudan will, indeed, accept the peacekeeping mission that is so badly needed in Darfur.

Mr. President, we never know if any word spoken on the floor of the Senate or even heard or noticed will make a difference. I guess the purpose of my speech this evening is for my own satisfaction. I sat there with my wife, and we watched that "60 Minutes" program about these helpless people who are the victims of this genocide in Darfur, and she turned to me and said: Isn't there something you can do?

Well, I gave a speech. I wish I could do more. I wish I had the power of the President. I wish I had the power of the United Nations. I wish I had the power to send the troops to protect these poor people. But when the record is written of this time, I hope it is written that at least we spoke up, at least we spoke the word "genocide," a word we were even afraid to mouth during the Rwandan crisis.

We know what is happening. In just a few short days, many of us will be sitting around with our families giving thanks for all the blessings we have in this great country, and we have so many: our wealth, our prosperity, our happiness, our families. I hope for a moment that the people of this country will reflect on the less fortunate and remember this tiny country, Sudan, and this great continent of Africa that is now sadly the site of the first serious genocide of the 21st century. We need to do so much more.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO EULA HALL

Mr. McCONNELL. Mr. President, I rise before you today to honor a great humanitarian and fellow Kentuckian, Eula Hall.

Over 30 years ago Ms. Hall opened a medical clinic in Pike County, KY, at a time when very few people had medical insurance. Such is her dedication to the people of eastern Kentucky she soon gave up her home to house the expanding clinic, moving herself and her young family into much smaller housing.

At 78 years old Ms. Hall continues to work in the clinic every day, usually starting at 8 in the morning and going late into the evening.

Recently the Kentucky General Assembly passed a resolution to rename Kentucky highway 979 the Eula Hall Highway. On October 24, 2006 The Pike County News Express profiled Eula Hall and her accomplishments and sacrifices for the people of Kentucky.

I ask unanimous consent that the full article be printed in the RECORD and that the entire Senate join me in paying respect to this beloved Kentuckian.

There being no objection, the material was ordered to be printed in the RECORD as follows:

[From the Pike County News Express, Oct. 24, 2006]

KY 979 THROUGH MUD CREEK TO BE RENAMED "EULA HALL HIGHWAY"

Friday, October 27, at 1:30 in the afternoon, friends and colleagues of Eula Hall are invited to gather at the Mud Creek Clinic on KY 979 at Grethel to celebrate the life and accomplishments of a brave mountain woman. As a result of a resolution passed unanimously by the Kentucky General Assembly the entire road KY 979 from Harold to Hi Hat—will be re-named Eula Hall Highway. The resolution was introduced by State Rep. Chuck Meade and State Senator Johnny Ray Turner.

For the past 40 years, Eula Hall had probably traveled Mud Creek—Kentucky Route 979—more than anyone else. She was a woman with a mission to bring quality health care to people who had no medical insurance and not enough money to pay for things like visits to the doctor, shots, prescription medicine, much less surgery, physical therapy, and other more expensive treatments and procedures. She's made it her life's work to make sure that no one within her reach goes without the basic health care they need to live full productive lives.

And now that road where it all started, the two-lane state highway that runs through Mud Creek from Harold to Hi Hat, will be renamed Eula Hall highway in honor of the woman who brought hope and healing to thousands. "She had little education. 'She had no financial resources of her own. She had five children to raise by herself. By all accounts her life should have barely been noticed outside of the family and close friends," said Sara George, Information Officer for Highway District 12. "But if you think like that, you don't think like Eula Hall. She never met a problem she couldn't face head on, never met a person she couldn't relate to, and never took 'no' for an answer when it came to the health and well being of the people of her neck of the woods. She is humble, yet tough; gracious yet tenacious; and she is probably the most revered, respected, and loved person in Mud Creek, and rightly so."

Eula looks at her life from a practical viewpoint. "Nothing won't happen if you sit back and watch the suffering of other people." It's a simple motto and one that she lives by.

More than 30 years ago, Hall opened the Mud Creek Clinic in Floyd County to serve the needs of people without health insurance or money to pay their doctors' bills. "I seen so much suffering, since I was a little girl. There was no affordable health care at all for people without health insurance, people without money. We just stayed home, sick or whatever. People died for lack of a tetanus shot or something," she told the Courier Journal last year.

The Kentucky Transportation Cabinet's Executive Director for Highway District 12, Danl Hall, will emcee a ceremony that will feature speakers such as Senator Turner, Rep. Meade, Social Security Administration Area District Manager Jim Kelly and Big Sandy Health Care CEO Ancil Lewis. U.S. Congressman Hal Rogers will be represented by Tonya Conn.

Born in Greasy Creek in Pike County, Eula didn't start school until she was nine years old. She remembers crying on her last day of the eighth grade because she knew she couldn't continue her education. The closest high school was about 20 miles away, and there was no school bus that came that far out in the county. She had six brothers and sisters; her parents didn't have a car; and as farm workers they certainly didn't have the money for boarding school or college.

Years later, as a young mother raising five children on her own, she realized anew the terrible toll that lack of proper health care took on people without money or insurance. She organized screening using medical students from UK and Vanderbilt as well as volunteer nurses and physicians. They found undiagnosed tuberculosis, pneumoconiosis (black lung), diabetes, heart disease, and high blood pressure. In 1973 she managed to get a clinic licensed to operate on Mud Creek in Floyd County. The Mud Creek Clinic opened in a rented house on Tinker Fork, which it quickly outgrew. Hall moved the facility to her own home on Mink Branch. Her house was bigger and easier to get to. But it meant moving her family into a mobile home.

Eula Hall picked up patients and took them home because many of them had no transportation, or at least none that was reliable. She delivered food and medicine. Now she even works to get people their rightful Social Security and other benefits, winning more cases than some attorneys, according to many observers.

By 1977 the clinic merged with Big Sandy Health Care, which remains its parent organization today.

Five years later, the clinic burned to the ground. "We didn't miss a day," Hall recalled. "We set up shop on a picnic table under the trees."

The new Mud Creek Clinic opened in 1984, thanks to $320,000 from the Appalachian Regional Commission and dozens of quilt raffles, chicken and dumpling dinners, a radiothon, and other local fundraising efforts.

Now there are 24 employees, including two full-time physicians, a full-time certified physician assistant, and a part-time doctor. The clinic is housed in a modern brick building with another facility behind it that houses a dental clinic and food pantry. Eula Hall is 78 years old, but still goes to work at 8 o'clock every morning.

Last year Eula was presented an honorary doctorate from Berea College at the same ceremony which honored Archbishop Desmond Tutu, a winner of the Nobel Peace Prize. She also holds an honorary doctorate from Trinity College, Harford, Connecticut, and one from the Pikeville College School of Osteopathic Medicine.

"I appreciate (the awards)," she said. "But I never done anything to get awards. I do it because I need to. Somebody needs to."

Clinic patients, neighbors and friends, and many local elected and appointed government officials will come together on Friday to honor Eula Hall once again, this time by naming in her honor the road she's traveled so many years. The public is invited to attend and join Eula afterwards for a reception hosted by Big Sandy Health Care.

TRIBUTE TO SELDON SHORT

Mr. McCONNELL. Mr. President, I rise today to honor a good friend and fellow Kentuckian, Seldon Short, who with his wife Janet has worked for the Kentucky Mountain Holiness Association for the past 49 years and in radio for the past 55.

Mr. Short began his career in broadcasting in 1951 at WMTC–AM, a small radio station in Vancleve, KY. Throughout his time in radio Mr. Short ran the gauntlet of progress, keeping up with the technological changes of the last half century from 78-rpm vinyl records to cassette tapes to satellite delivery, while also expanding his own radio station. After Mr. Short became general manager in 1978, his small AM station grew from 1000 watts to 5000 watts, and in 1991 switched over to the FM dial.

Upon his retirement from WMTC–FM this October, Mr. Short was awarded the J.T. Whitlock Life Member Award from the Kentucky Broadcasters Association for his commitment and dedication to the field of broadcasting.

On October 12, 2006, The Breathitt County Voice published an article highlighting Mr. Short's contributions to his community. I ask unanimous consent that the full article be printed in the RECORD and that the entire Senate join me in paying respect to this beloved Kentuckian.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The Breathitt County Voice, Oct. 12, 2006]

"A BLESSING TO BREATHITT COUNTY"—SELDON & JANET SHORT RETIRE

(By Jeff Noble)

All around the room Seldon Short could see friends. Dozens of them came out on a Friday night to say "thank you" to him and his wife Janet. Even after he suffered crippling injuries in a horrible car crash a few years back, he smiles. Even after Janet suffered debilitating illness from an operation some time ago, she remains upbeat.

And they're not bitter. Because of their resiliency, Seldon and Janet Short's faith and love of people keeps them above the rollercoaster that is life. "It does our hearts good to see all these people we've served," Seldon said during a retirement party for him and his wife inside the dining hall of Mt. Carmel High School. "You look around and it's amazing how wonderful life really is. Janet and I will be married 50 years next June. We've been blessed with four children and six grandchildren. And we have a lifetime of memories. God's been good to us, and because of that, we keep going."

Janet gently squeezed her husband's hand as she spoke of the outpouring of love their friends provided at the party. "It's so nice to see all these people. People I've worked with, people who helped babysit for my children when I was on the radio, people who we love and cherish. I'm just thankful the Lord has seen us through during this time, and sometimes, it was rough." Then she looked admiringly at Seldon and spoke softly with a smile. "Seldon, he's a great guy. I don't know what I'd do without him. He's wonderful. I can't brag on him enough."

Neither could some in the room, like his old friend Robert Cundiff. "Seldon loves people. But he is also a shy person," getting a laugh out of the crowd as he spoke. He then told a story about his old buddy, who, like Cundiff, graduated from Mt. Carmel and the former Kentucky Mountain Bible Institute (now Kentucky Mountain Bible College). "For instance, in the cafeteria, Seldon was so shy, he wouldn't even say 'Pass the biscuits.' Can you imagine Seldon doing that?" It was a remark that brought the house down. Cundiff then thanked Seldon for being the "founding father of the Mt. Carmel Former Students Association—our alumni association. Thank you, my old friend."

Not to be outdone, several of Janet's friends and co-workers came to bring yellow roses to her, and to spin some stories about Mrs. Short and her work she and her husband did at WMTC Radio. "While I played piano, I remember Janet reading poems over the radio station," said Donna Woodring. "Sometimes they would be quite inspiring, sometimes they would be whimsical. She was always delightful." Carlene Light recalled another moment. "Janet loved to cook, and she loved to watch you eat. That's why I'm overweight." After getting laughs from the audience, Carlene went on to say, "What's so great about this couple is that Seldon and Janet are focused on people." It was a statement echoed by Faith Amspaugh. "In fact, my children, who are all grown, still call them Uncle Seldon and Aunt Janet."

For many years, Seldon and Janet wore many hats working for the Kentucky Mountain Holiness Association. He was with KMHA for 49 years, while Janet worked for 40 years. Of that time, Seldon served as Vice-President of KMHA, as well as positions on the Jackson Kiwanis Club, the Jackson Independent School board, the pastor of two churches (Wolverine for 23 years and Bach Memorial for 18 years), and as a board member of the Kentucky Broadcasters Association (KBA). From his humble beginnings as a part-time announcer in 1951, Seldon returned to WMTC full-time in 1954–55. After going to Asbury College, he came back for good to the radio station in 1958.

He and Janet had a heart for radio, and remained with the station for many years. Seldon became General Manager of WMTC in 1978, saw the station's signal on 730 AM go from 1,000 watts to 5,000 watts, and was at the creation of WMTC-FM, as it went on the air at 99.9 in 1991. "I did a lot of live programs back then. There was no tape as we know it today. Recorded shows were on big, heavy 78 RPM vinyl discs. Then we got old-fashioned recorders that weren't plastic, but paperback. Then we went to reel-to-reel tape recorders, cassette recorders, CD's and satellite delivery. Today is all computerized." Then Short pointed his finger up at the sky and said, "What hasn't changed is the commitment to serving people. I still think trying to be of service to the area you cover is still the most important thing you can do as a broadcaster. You still need to respond to their wants, their needs, their requests and their hunger for information."

That same hunger for service came to his successor, Jennifer Cox. "The Shorts welcomed me to WMTC. I had never worked at a family environment. And I learned from a reliable source." Cox, who succeeded Seldon as General Manager in June of this year, got misty-eyed when she spoke of him. "He did live radio and has gone through the computer age. Everything I know he taught me. Because of Seldon and his vision, we at WMTC are where we are today. I thank him for his leadership and kindness." At that point, Cox presented Seldon with the J. T. Whitlock Life Member Award from the Kentucky Broadcasters Association. "J. T. was a great friend of mine," Seldon said of the late, long-time Executive Secretary-Treasurer of the KBA. "He was a great friend of the small broadcaster, like us, and he had a great heart for people, and serving those people who listened to him."

As some 50 of their friends munched on cake and refreshments in the dining hall, the Shorts listened as the current President of KMHA reminded the crowd that despite their adversities, Seldon and Janet were not bitter about their experiences. "Both of them are not quitters," said Dr. Philip Speas. "The Shorts are made out of good stuff. They're made of good metal. They've been a real illustration of patience. They are a blessing to Breathitt County."

Toward the end of the reception, Seldon got up out of his wheelchair and looked at the room again. His friends, like Rev. and Mrs. Wilfred Fisher, and his children and grandchildren, were all standing and applauding. The cheering died down. His wife was in tears. He was too, as he softly told them, all his friends for life. "Thank you. God has really blessed us through these long, wonderful years, and all of you have graced us with your friendship. Despite our difficulties, we'd do it all over again. God's grace has been sufficient. It's been a good life."

THANKSGIVING 2006

Mr. BYRD. Mr. President, next week, Americans across our great land will be celebrating one of our oldest and most beloved holidays, Thanksgiving.

What a great and glorious holiday this is—a truly and uniquely American holiday. It is a day for giving thanks. A day devoted to family, to country, and to God. A day of eating turkey, sweet potatoes, mashed potatoes, cranberry sauce, dressing, and pumpkin pie. It is a day of parades, football games, and the beginning of the Christmas holiday season.

It is a day of family gatherings. Unfortunately, in too many homes this year, and as in the past 5 years, there will be too many empty seats at the dinner table. I hope everyone listening will join me in praying for our sons and daughters who are in harm's way in Iraq and Afghanistan, in praying for the eternal salvation of those who have died in these costly conflicts, and in praying for the speedy recovery of those who have been wounded. While we cannot hope to fill those empty chairs, we can hope that our prayers and our love and support will help to ease the sorrow at those tables.

Even with the turmoil of the past year and with so many of our sons and daughters in faraway lands, we still have so much for which to be thankful.

We are thankful for the Pilgrims—that courageous group of men and women who, in 1621, left their homes, crossed a mighty ocean, and settled in a strange, unknown wilderness so they could go to church so they could worship God as they pleased.

After months of privation, suffering, hunger, sickness and death, these men and women had a great feast to thank God for being good to them. Think about it. With all the brutal hardships they had endured, with all the death and suffering they endured, they took time to have a great feast to thank Almighty God for being good to them. In the process, they gave us our first Thanksgiving

We are thankful for the heritage of liberty bequeathed to us by our ancestors. We are thankful for the wisdom and the foresight of our Founding Fathers who bestowed to us a form of government unique in history, with its three strong pillars of executive, legislative, and judicial branches, each balanced and checked against one another.

In fact, Mr. President, that is the very point I want to emphasize. The very first national observance of Thanksgiving, which came in 1789, was to thank Almighty God for His role in creating our great country, and His assistance in the forming of our Constitution.

This happened when, in the very first Congress in 1789, Representative Elias Boudinot of New Jersey moved that a day of thanksgiving be held to thank God for giving the American people the opportunity to create a Constitution to preserve their newly won freedoms.

The resolution, as approved by both Houses of the Congress, requested that a "joint committee of both Houses be directed to wait upon the president of the United States, to request that he recommend to the people of the United States a day of public thanksgiving."

On September 26, 1789, the first Senate agreed to the House resolution, and a few days later a joint congressional committee delivered to President Washington a resolution "desiring the president of the United States to recommend a day of general thanksgiving."

Within a few days, on October 3, President Washington issued the first national thanksgiving proclamation. Our first and perhaps our greatest President proclaimed Thursday, November 26, 1789, to be a day of national thanksgiving.

That proclamation is a fascinating and informative document. It begins by proclaiming that, "it is the duty of all nations to acknowledge the providence of Almighty God, to obey His will, to be grateful for His benefits, and humbly implore His protection and favor."

The Father of our country left no doubt about his belief that our Nation was not simply the creation of mere mortals but was, in fact, guided by a Divine Hand. As if to emphasize this point, his proclamation went on to praise "that great and glorious Being who is the beneficent author of all the good that was, that is, or that will be." He exhorted the people of his young Republic to express their gratitude to Almighty God for his protection of them through the Revolutionary War. He wrote: "We may then all unite in rendering unto Him our sincere and humble thanks for His kind care and protection of the people of this country previous to their becoming a nation."

That was George Washington. That was the basis of our first national Thanksgiving.

But he was not through. This was a Thanksgiving proclamation, so he proceeded to give thanks. He asked the American people to be thankful to Almighty God for "the civil and religious liberty with which we are blessed."

And he asked the American people to be thankful "for the peaceable and rational manner in which we have been enabled to establish constitutions of government for our safety and happiness, and particularly the national one now lately instituted."

I hope everyone caught that. President Washington was thanking the Good Lord for the Constitution that created the American Government.

At the request of our first President, citizens throughout the land assembled in churches on November 26, 1789, and thanked God for their government and asked Him for His Guidance in the years ahead. As for President Washington, he spent the day worshiping at an Episcopal church in Manhattan.

As you celebrate this Thanksgiving, enjoy your families. Enjoy your Thanksgiving feasts. Enjoy your football games and your parades.

But like President Washington, you might want to think about attending church on this great and glorious day and give thanks for our many blessings. Like President Washington, you may want to thank God for watching over the United States and for His assistance in the creation of our Constitution, our Nation's most basic and sacred document, which has guided and protected our country for more than 200 years, through world wars, great depressions, and bitter, divisive elections.

HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS JEFFREY SHAFFER

Mrs. LINCOLN. Mr. President, it is my honor to rise today to pay tribute to one of Arkansas' fallen heroes, PFC Jeffrey Shaffer, who gave his life serving our country in Operation Iraqi Freedom.

By all accounts from family and friends, Private First Class Shaffer lived his life to the fullest. For this young man, that meant caring for others, having fun, and making people laugh, even when confronted with life's challenges. The image of a tough soldier masked the side most familiar to his loved ones, that of a more playful young man who pulled pranks and brought laughter to lives of others. His stepfather, Mark Adams, recalls a golf outing where neither he nor Jeff was playing particularly well. Rather than suffer through the rest of the game, and to the surprise of Mark, Private First Class Shaffer jumped in the water and began collecting golf balls. Mark had never had more fun playing golf. The day was a testament to the effect Private First Class Shaffer often had on others.

But he also had a humble, more serious side and a deep sense of commitment to his country. While working for his uncle's masonry contracting business in Harrison, AR, he took time to earn his GED. Shortly thereafter, and to the surprise of many in his family, he joined the U.S. Army in February 2005. The tragic events of September 11 changed how he viewed the world and motivated him to serve in the military. For Private First Class Shaffer, serving in the Army was a way he could contribute to the safety of his family and security of all Americans.

The 20-year-old was assigned to the 2nd Battalion, 6th Infantry Regiment, 1st Armored Division. After being stationed in Germany, Private First Class Shaffer was deployed to Kuwait and later Iraq. Witnessing close friends lose their lives in Iraq, he was never naive about the dangerous realities of war. He believed whatever happened to him was God's will and often told this to his mother to calm her fears. Private First Class Shaffer's life ended on September 13, 2006, after a roadside bomb detonated near his Bradley assault vehicle.

On September 16, family, friends, and fellow soldiers gathered at Calvary Baptist Church in Waco, TX, to pay tribute to the life and legacy of Jeffrey Shaffer. I am proud to pay tribute to him today and am thankful for his service to our country. He leaves behind a 2-year-old daughter, Makayla Grace, who I hope will one day know that her father took full advantage of what life had to offer and brought untold happiness to those around him. My thoughts and prayers are with her, Jeffrey's parents, his aunt and uncle, and all those who knew and loved him.

LANCE CORPORAL KYLE WESLEY POWELL

Mr. SALAZAR. Mr. President, I want to bring to the Senate's attention the loss of a young man of great promise from my home State of Colorado: Marine LCpl Kyle Wesley Powell. A member of Unit C Co. 1st Combat Engineer Battalion, 1st Marine Division, I Marine Expeditionary Force out of Camp Pendleton, Lance Corporal Powell was killed earlier this month in Fallujah, Iraq.

Kyle Powell was a native of Colorado Springs. He was an Eagle Scout who graduated from Cheyenne Mountain High School, and joined the Marine Corps in September 2003. Lance Corporal Powell was on his third tour as a marine in Iraq. During his second tour, he received the Navy Achievement Medal after a bunker which he had designed and constructed absorbed an attack of several enemy rocket-propelled grenades, protecting the marines within it.

In fact, just a few days before his passing, Lance Corporal Powell had saved the life of another fellow marine, applying a tourniquet and firing his weapon at the enemy until they could be rescued.

What jumps out about Lance Corporal Powell is that when people speak of him, one word keeps coming up: leader.

"He was always, always ready to go and lead from the front," said LTC Wayne Sinclair, commander of the 1st CEB.

In fact, at the time of his untimely loss, Lance Corporal Powell was leading a convoy moving to help extract a group of fellow marines from hostile territory. He was conducting a mine sweep when he was killed, likely saving the lives of five other marines who were behind him in a humvee.

I noted before that Lance Corporal Powell was on his third tour in Iraq. But it should be noted that he went on this third tour by choice: in August, he chose to lead by example. He volunteered to go to Iraq because his unit was short of others to send overseas.

At a time when so many of our young men and women are preoccupied with the coming course schedules at colleges and universities, Kyle Powell was focused on helping the people of Iraq.

Kyle's parents, Nancy and David are former Army officers, and they know firsthand the dangers their son faced. They know the same pride he felt in doing the work that by all accounts he truly loved.

Nancy and David, our Nation mourns the loss of your son with you. We celebrate his service to our Nation, his willingness to always selflessly step to the front and lead so that others, be they in his unit or half a world away in his hometown, would be safer. Our Nation is humbled by his heroism, and we hope your grief is soothed by knowing that his sacrifice is forever appreciated by every American.

LIEUTENANT COLONEL ERIC J. KRUGER

Mr. President, I wish to take a moment to recall the life and service of Army LTC Eric J. Kruger, who was killed near Baghdad earlier this month. He was the highest-ranking officer from Fort Carson, CO, to be killed in Iraq and had only been there a few days.

Colonel Kruger was deputy commander of the 2nd Brigade Combat Team out of Fort Carson, which has recently been deployed to Iraq. Previously, Colonel Kruger had served a year in Afghanistan and less than 10 months after returning to the States and connecting with 2BCT was redeployed as part of an advance team to prepare for 2BCT's deployment to the area.

Colonel Kruger was a graduate of North Garland High in Texas and earned a bachelor's degree in political science and master's degree in liberal arts from Southern Methodist University in his home State before joining the U.S. Army in 1989. Colonel Kruger completed airborne and Ranger training.

As a soldier, Eric Kruger was of notable and rare distinction: during his service he had earned the Bronze Star, numerous Meritorious Service Awards and an Army Commendation medal. He was a man of deep patriotism and conviction in his job. He believed in making the world a better place and acted to help make that vision a reality.

But it is the testimony of those with whom he served that helps illuminate the extraordinary character of Colonel Kruger. One fellow soldier from Fort Carson remembered him as "a wonderful man and a great leader. Everyone who knew him loved him." A staff sergeant who served under him said that Colonel Kruger was "one of the few leaders" who helped her realize her life's path was with the U.S. Army: "Sir, your excitement, passion, and outstanding leadership moved me in my military career," she wrote. Another staff sergeant spoke of Kruger's respect for his fellow man, remembering that when he first met Colonel Kruger, "Even though he vastly outranked me, he always treated me and all others with a vast respect and kindness."

A fellow officer who served with Colonel Kruger in Afghanistan recalled his commitment to his family. "Eric was a good man, a fine soldier and a loving father. We often spoke of our families, and I remember being struck by his dedication to his family and his concern for their wellbeing." There is no doubt: Colonel Kruger cared deeply about his fellow man and dedicated his life to serving others.

To Colonel Kruger's wife Sara and their four children, Caitlin, Joshua, Christian, and Elise: You and Eric are in our prayers, today and always. May you find peace and solace in this time of grief, knowing that Eric's service to this Nation will not be forgotten. The many lives he positively shaped as an officer and American are tributes to his leadership and to your support of his efforts. For this, our entire Nation is grateful.

Colonel Eric Kruger was an unquestionable hero, a leader whom each of us can admire and who can inspire every Member of this body to redouble our efforts on behalf of him and every one of our Nation's veterans and men and women serving in uniform.

CALIFORNIA CASUALTIES

Mrs. BOXER. Mr. President, today I rise to pay tribute to 47 young Americans who have been killed in Iraq since July 18. This brings to 639 the number of soldiers who were either from California or based in California who have been killed while serving our country in Iraq. This represents 22 percent of all U.S. deaths in Iraq.

LCpl Geofrey R. Cayer, 20, died July 18 from a nonhostile incident in Al Anbar province, Iraq. He was assigned to 3rd Battalion, 5th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

SPC Joseph A. Graves, 21, died on July 25 in Baghdad, Iraq, from injuries sustained when his military vehicle encountered a vehicle-borne improvised explosive device and small arms fire. He was assigned to the 110th Military Police Company, 720th Military Police Battalion, III Corps, Fort Hood, TX. He was from Discovery Bay, CA.

LCpl James W. Higgins, 22, died July 27 from wounds received while conducting combat operations in Al Anbar province, Iraq. He was assigned to 1st Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Cpl Phillip E. Baucus, 28, died July 29 while conducting combat operations in Al Anbar province, Iraq. He was assigned to 3rd Light Armored Reconnaissance Battalion, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA.

Sgt Christian B. Williams, 27, died July 29 while conducting combat operations in Al Anbar province, Iraq. He was assigned to 3rd Light Armored Reconnaissance Battalion, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA.

LCpl Anthony E. Butterfield, 19, died July 29 while conducting combat operations in Al Anbar province, Iraq. He was assigned to 3rd Light Armored Reconnaissance Battalion, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA. He was from Clovis, CA.

PFC Jason Hanson, 21, died July 29 while conducting combat operations in Al Anbar province, Iraq. He was assigned to 3rd Light Armored Reconnaissance Battalion, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA.

LCpl Kurt E. Dechen, 24, died August 3 from wounds received while conducting combat operations in Al Anbar province, Iraq. He was assigned to 1st Battalion, 25th Marine Regiment, 4th Marine Division, while attached to Regimental Combat Team 5, I Marine Expeditionary Force, Camp Pendleton, CA.

Petty Officer 2nd Class Marc A. Lee, 28, was killed on August 2 during combat operations while on patrol in Ramadi, Iraq. Lee was an aviation ordnanceman and a member of a SEAL team based in the San Diego area.

LCpl Jeremy Z. Long, 18, died August 10 while conducting combat operations in Al Anbar province, Iraq. He was assigned to 1st Battalion, 7th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA.

SGT Jeffrey S. Brown, 25, died on August 10 in Rutbah, Iraq, of injuries sustained on August 8, when his helicopter crashed. He was assigned to the 82nd Medical Company, Fort Riley, KS. He was from Trinity Center, CA.

Hospitalman Chadwick T. Kenyon, 20, died on August 20 from wounds sustained when his Light Armored Vehicle struck an improvised explosive device while on combat patrol in Rawah, Iraq. He was assigned to the 3rd Light Armored Reconnaissance Battalion, 1st Marine Division, 1st Marine Expeditionary Force, Twentynine Palms, CA.

LCpl Randy L. Newman, 21, died August 20 while conducting combat operations in Al Anbar province, Iraq. He was assigned to 3rd Light Armored Reconnaissance Battalion, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA.

Cpl Adam A. Galvez, 21, died August 20 while conducting combat operations in Al Anbar province, Iraq. He was assigned to 3rd Light Armored Reconnaissance Battalion, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA.

Chief Petty Officer Paul J. Darga, 34, died August 22 when his Explosive Ordnance Disposal Team was struck by an improvised explosive device while responding to a previous strike in the Al Anbar province, Iraq. Darga was assigned to Explosive Ordnance Disposal Mobile Unit Two, serving with the 1st Marine Logistics Group, Camp Pendleton, CA.

SGT David J. Almazan, 27, died on August 27 in Hit, Iraq, of injuries suffered when an improvised explosive device detonated near his vehicle during combat operations. Almazan was assigned to the 1st Battalion, 36th Infantry Regiment, 1st Brigade Combat Team, 1st Armored Division, Friedberg, Germany. He was from Van Nuys, CA.

LCpl Shane P. Harris, 23, died on September 3 while conducting combat operations in Al Anbar province, Iraq. He was assigned to 3rd Light Armored Reconnaissance Battalion, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA.

Hospital Corpsman 2nd Class Christopher G. Walsh, 30, died on September 4 from wounds sustained when his vehicle struck an improvised explosive device while on combat patrol in Al Anbar, Iraq. His Navy Reserve Unit was attached to the I Marine Division in Camp Pendleton, CA.

PFC Hannah L. Gunterman, 20, died on September 4 in Taji, Iraq, of injuries sustained when she was struck by a vehicle. She was assigned to the 542nd Maintenance Company, 44th Corps Support Battalion, 593rd Corps Support Group, Fort Lewis, WA. She was from Redlands, CA.

SGT Luis A. Montes, 22, died on September 7 in Brooke Army Medical Center, San Antonio, TX, of injuries suffered on September 1 in Abu Ghraib, Iraq, when an improvised explosive device detonated near his vehicle during combat operations. He was assigned to the 1st Battalion, 22nd Infantry Regiment, 1st Brigade Combat Team, 4th Infantry Division, Fort Hood, TX. He was from El Centro, CA.

Cpl Johnathan L. Benson, 21, died September 9 from wounds suffered on June 17 while conducting combat operations in Al Anbar province, Iraq. He was assigned to 3rd Battalion, 5th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

SPC Harley D. Andrews, 22, died on September 11 in Ar Ramadi, Iraq, of injuries suffered when an improvised explosive device detonated near his vehicle during combat operations. He was assigned to the 54th Engineer Battalion, 130th Engineer Brigade, Warner Barracks, Bamberg, Germany. He was from Weimar, CA.

CPL Cesar A. Granados, 21, died on September 15 of injuries sustained in Baghdad, Iraq, when an improvised explosive device detonated near his vehicle during combat operations. He was assigned to the 2nd Battalion, 8th Infantry Regiment, 3rd Brigade, 4th Infantry Division, Fort Hood, TX. He was from Le Grand, CA.

Petty Officer 2nd Class Michael A. Monsoor, 25, died September 29 while conducting combat operations against enemy forces in Ramadi, Iraq. He was a SEAL assigned to a San Diego-based command. He was from Garden Grove, CA.

SGT Joseph W. Perry, 23, died on October 2, in Muhallah, Iraq, when his mounted patrol came in contact with enemy forces using small arms fire during combat operations. He was assigned to the 21st Military Police Company, 16th Military Police Brigade, XVIIIth Airborne Corps, Fort Bragg, NC. He was from Alpine, CA.

SSG Daniel Isshak, 25, died on October 3 in Tikrit, Iraq, from injuries suffered when his vehicle received enemy small arms fire at Hawija, Iraq, during combat operations. He was assigned to the 2nd Battalion, 27th Infantry, 3rd Brigade, 25th Infantry Division, Schofield Barracks, HI. He was from Alta Loma, CA.

CPL Luis E. Tejeda, 20, died on September 30 in Hit, Iraq, of injuries sustained when his military vehicle encountered an improvised explosive device. He was assigned to A Company, 1st Battalion, 36th Infantry Regiment, 1st Armored Division, Friedberg, Germany. He was from Huntington Park, CA.

PFC Kenny F. Stanton, Jr., 20, died on October 13 in Baghdad, Iraq, when his military vehicle encountered an improvised explosive device. He was assigned to the 57th Military Police Company, 728th Military Police Battalion, Yong San, Korea. He was from Hemet, CA.

Sgt Jonathan J. Simpson, 25, died October 14 while conducting combat operations against enemy forces in Al Anbar province, Iraq. He was assigned to 1st Reconnaissance Battalion, 1st Marine Division, Camp Pendleton, CA.

PFC Keith J. Moore, 28, died October 14 in Baghdad, Iraq, of a noncombat-related injury. He was assigned to the 2nd Battalion, 14th Infantry Regiment, 2nd Brigade Combat Team, 10th Mountain Division, Fort Drum, NY. He was from San Francisco, CA.

CPT Mark C. Paine, 32, died October 15 in Taji, Iraq, from injuries suffered when an improvised explosive device detonated near his vehicle. He was assigned to the 1st Battalion, 66th Armor Regiment, 1st Brigade, 4th Infantry Division, Fort Hood, TX. He was from Rancho Cucamonga, CA.

SGT Lester D. Baroncini, Jr., 33, died on October 15 in Samarra, Iraq, when his military vehicle encountered multiple landmines. He was assigned to A Company, 2nd Battalion, 505th Parachute Infantry Regiment, 82nd Airborne Division, Fort Bragg, NC. He was from Bakersfield, CA.

SPC Jose R. Perez, 21, died October 18 in Ar Ramadi, Iraq, from injuries suffered from enemy small arms fire. He was assigned to the 1st Battalion, 6th Infantry Regiment, 2nd Brigade Combat Team, 1st Armored Division, Baumholder, Germany. He was from Ontario, CA.

SGT Norman R. Taylor III, 21, died on October 17 in Baqubah, Iraq, when his military vehicle encountered an improvised explosive device. He was assigned to Headquarters and Headquarters Company, 1st Battalion, 68th Armor Regiment, 4th Infantry Division, Fort Carson, CO. He was from Blythe, CA.

SPC Matthew W. Creed, 23, died on October 22 in Baghdad, Iraq, of injuries sustained from small arms fire. He was assigned to Headquarters and Headquarters Company, 1st Battalion, 22nd Infantry Regiment, 4th Infantry Division, Fort Hood, TX. He was from Covina, CA.

Hospital Corpsman Charles O. Sare, 23, died October 23 from enemy action while conducting combat operations in the Al Anbar Province, Iraq. He was assigned to Naval Ambulatory Care Center, Port Hueneme, CA. He was from Hemet, CA.

PFC Jason Franco, 18, died October 31 from a nonhostile incident in Al Anbar province, Iraq. He was assigned to Marine Aviation Logistics Squadron 11, Marine Aircraft Group 11, 3rd Marine Aircraft Wing, Miramar, CA. He was from Corona, CA.

PVT Michael P. Bridges, 23, died November 2 in Taji, Iraq, from a noncombat-related incident. He was assigned to the 1st Battalion, 66th Armor Regiment, 1st Brigade, 4th Infantry Division, Fort Hood, TX. He was from Placentia, CA.

SSG Joseph A. Gage, 28, died November 2 in Baghdad, Iraq, of injuries suffered when an IED detonated near his vehicle. He was assigned to the 1st Battalion, 506th Infantry Regiment, 4th Brigade Combat Team, 101st Airborne Division, Fort Campbell, KY. He was from Modesto, CA.

Cpl Jose A. Galvan, 22, died November 5 while conducting combat operations in Al Anbar province, Iraq. He was assigned to the 1st Combat Engineer Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Cpl Kyle W. Powell, 21, died November 4, from wounds suffered while conducting combat operations in Al Anbar province, Iraq. He was assigned to the 1st Combat Engineer Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

SSG Richwell A. Doria, 25, died on November 7 in Kirkuk, Iraq, after being struck by small arms fire during an air assault mission. He was assigned to the 2nd Battalion, 35th Infantry Regiment, 3rd Brigade, 25th Infantry Regiment, Schofield Barracks, HI. He was from San Diego, CA.

SFC Rudy A. Salcido, 31, died on November 9 in Baghdad, Iraq, after an improvised explosive device detonated near his convoy vehicle. Salcido was assigned to the Army National Guard's 1114th Transportation Company, Bakersfield, CA. He was from Ontario, CA.

SGT Angel De Lucio Ramirez, 22, died on November 11 in Ar Ramadi, Iraq, when his military vehicle encountered an improvised explosive device. He was assigned to the 16th Engineer Battalion, 1st Brigade, 1st Armored Division, Giessen, Germany. He was from Pacoima, CA.

LCpl Timothy W. Brown, 21, died November 14 while conducting combat operations in Al Anbar province, Iraq. He was assigned to the 2nd Battalion, 3rd Marine Regiment, 3rd Marine Division, III Marine Expeditionary Force, Kaneohe Bay, HI. He was from Sacramento, CA.

PFC Jang H. Kim, 20, died on November 13 when his military vehicle encountered an improvised explosive device. He was assigned to Headquarters and Headquarters Company, 1st Battalion, 26th Infantry Regiment, 1st Infantry Division, Schweinfurt, Germany. He was from Placentia, CA.

LCpl Mario D. Gonzalez, 21, died November 14 while conducting combat operations in Al Anbar province, Iraq. He was assigned to 2nd Battalion, 3rd Marine Regiment, 3rd Marine Division, III Marine Expeditionary Force, Kaneohe Bay, HI. He was from La Puente, CA.

I would also like to pay tribute to the four soldiers from or based in California who have died while serving our country in Operation Enduring Freedom since July 18.

SPC Andrew Velez, 22, died on July 25 in Sharona, Afghanistan, of a noncombat-related injury. He was assigned to the 699th Maintenance Company, Corps Support Battalion, Theater Support Command, Fort Irwin, CA.

SFC Merideth L. Howard, 52, died in Kabul, Afghanistan, on September 8, when a vehicle-borne improvised explosive device detonated near her vehicle. She was assigned to the Army Reserve's 405th Civil Affairs Battalion, Fort Bragg, NC. She was from Alameda, CA.

SPC Fernando D. Robinson, 21, died on October 2 in Korengal, Afghanistan, from injuries sustained when his patrol came under attack by enemy forces using small arms fire and rocket propelled grenades. He was assigned to the 1st Battalion, 32nd Infantry Regiment, 3rd Brigade Combat Team, 10th Mountain Division, Light Infantry, Fort Drum, NY. He was from Hawthorne, CA.

PFC Alex Oceguera, 19, died on October 31 in Wygal Valley, Afghanistan, of injuries suffered when an IED detonated near his vehicle. He was assigned to the 1st Battalion, 32nd Infantry Regiment, 3rd Brigade Combat Team, 10th Mountain Division, Fort Drum, NY. He was from San Bernardino, CA.

INTERNET GAMBLING

Mr. KYL. Mr. President, I would like to address the recent enactment of the Unlawful Internet Gambling and Enforcement Act of 2006. Due to procedural considerations at the end of the regular session, this law was enacted as title VIII of H.R. 4954, a bill focused on port security. But I want the record to show that I have been working to pass this law for more than 10 years, with the support of many colleagues. Indeed, the Senators serving as conferees for the port security bill accepted including the Internet gambling title, as did the leadership on both sides of the aisle. And this July, the House of Representatives voted 317–93 in favor of a bill containing not only identical enforcement measures to those that were recently enacted, but also including the more controversial Wire Act amendments.

Over the last five Congresses, a stand-alone Internet gambling bill has been passed by at least one Chamber of Congress, every time by overwhelming bipartisan votes. The last time an Internet gambling bill came before the whole Senate, it was passed by unanimous consent. Unfortunately, the Jack Abramoff scandal corrupted the process for that bill in the House of Representatives. Since then, the full Senate has not had the opportunity to vote on more recent legislation repeatedly passed by more than three-quarters of the House. So I greatly appreciate the assistance of the majority leader and the conferees in finally getting this long-overdue law to the President's desk.

The National Association of Attorneys General—NAAG—first approached me in 1995 about the problem of Internet gambling. The State attorneys general were concerned about the evasion and erosion of State laws by gambling websites operating beyond the reach of State law enforcement. I heeded NAAG's request and introduced the first Internet gambling bill late that year to increase Federal enforcement of gambling laws.

Over the next 10 years, Senate and House Committees repeatedly held hearings and markups. We listened to the experts about what types of enforcement would be effective or impractical, and revised the legislation in response. In 1999, the congressionally commissioned National Gambling Impact Study Commission Report recommended that law enforcement target the payment systems to combat illegal offshore gambling, so that is the approach we adopted.

I have worked closely with Representative JIM LEACH, former chair of the House Financial Services Committee, a very capable and thoughtful colleague who will be greatly missed in future Congresses. Representative MIKE OXLEY, who succeeded Mr. LEACH as Financial Services chairman a few years ago, Representative JIM SENSENBRENNER, chairman of the House Committee on the Judiciary, and Representative BOB GOODLATTE, who sponsored the bill scuttled by Jack

Abramoff, have all helped shape Internet gambling legislation over the last several years.

Why has Congress been so supportive of Internet gambling legislation for so long? Because offshore operators have been flouting American laws for personal gain. They have been giving Americans the false impression that these activities are legal. They have been profiteering from this. The Federal Government has long given States the right to prohibit or limit gambling activities for the protection of the public, but offshore Web sites have been ignoring and circumventing the State laws. State law enforcement officials and Congress refused to stand idly by as our laws were evaded and eroded.

How could an illegal activity become so pervasive? Knowing that their businesses are illegal in the United States and many other countries, Internet-gambling businesses have set up shop in countries with very few gambling regulations, such as Antigua and Costa Rica. These small countries benefit from the billions of dollars of profit generated by their local gambling operators. So when the United States tries to prosecute a criminal violation of its gambling laws, these countries are not interested in extraditing their wealthiest residents. The United States is thwarted in its efforts to enforce its criminal laws against offshore gambling businesses.

Some say that, instead of trying to enforce the law, we should legalize and regulate online gambling. Why does this approach have so little support in Congress? Because Internet gambling is a scourge to society, leading to addiction and bankruptcy, and enticing young people into a gambling lifestyle.

Internet gambling is highly addictive. Online gambling is available 24/7 from almost any location. Fast and continuous play, often financed by credit, allows online gamblers to rapidly lose tens of thousands of dollars, leading to bankruptcy, family devastation, and criminal activity. It is easy to conceal the addiction because an online gambler does not need to leave home or the office to gamble, and shows no physical signs of addictive behavior like an alcohol or drug addict does.

Various recent studies show that Internet gamblers are two to three times more likely to become addicted than brick-and-mortar gamblers. One study of students at the University of Connecticut found that 74 percent of Internet gamblers were problem or pathological gamblers. The Annenberg Public Policy Center's 2005 National Annenberg Risk Survey of Youth—NARSY—surveyed 900 young people between 14 and 22 and found that 54 percent of youth who gamble online at least once a week are problem gamblers, and that card players exhibit the most symptoms of gambling addiction.

Internet gambling entices young people into a gambling lifestyle. Young people who are accustomed to playing video games for hours on end are particularly likely to be enticed by the games and to lack a realistic perception of the consequences of gambling for money. Conversely, traditional casinos appeal to mature adults: according to a recent survey by the American Gaming Association, 75 percent of casino customers are over 40 years old. Internet gambling appeals to the opposite demographic: at least 70 percent of Internet gamblers are under 40 according to the AGA, and they did not even count the millions of online gamblers who are under 21. Also, Internet gambling appears to be a gateway drug. According to that same survey, Internet gamblers are twice as likely to engage in traditional gambling than the general population. So the rise of online gambling is fertilizing the soil for an explosion of gambling addictions in this country.

The United Kingdom is in the midst of an effort to legalize and regulate online gambling, including efforts to prevent youth and problem gambling. This effort is not going well. A report commissioned by the British Government was issued a few weeks ago. The report admits that most gambling operators choose jurisdictions where there is very little regulation on their activities. This creates a race to the bottom, where gambling operators in a few countries can offer services that flout the laws of almost every other jurisdiction.

The new law confronts the problem of online gambling in three ways. First, it transforms violations of State gambling laws into a Federal crime as soon as the gambling operator receives money for the transaction. Second, it authorizes Federal and State attorneys general to enjoin persons who enable violations of the law, such as a person running advertisements for illegal Web sites. Third, it requires payment systems to block payments for illegal online gambling.

The new Federal criminal law is already having a positive effect. The publicly traded online gambling companies, who have to answer to financial institutions and other investors, have quickly withdrawn from the U.S. market.

Some Web sites continue to deceive the American public about the legality of online gambling. State and Federal law enforcement are now empowered to enjoin advertising for these illegal websites, and any other support services within their reach. Payment blocking is necessary to reduce Internet gambling and make it clear to the American public that this activity is illegal.

The payment blocking requirements will not become effective until the Treasury Department and the Federal Reserve issue regulations. The statutory deadline for these regulations is August 10, 2007. I urge the Treasury Department and the Federal Reserve to issue these regulations on time, and to make them strong.

Most online gambling websites use third-party offshore payment systems to receive money from U.S. customers, because many U.S. financial institutions have already been blocking payments to these Web sites for years. When a U.S. credit card or bank sends money to one of these services, the U.S. financial institution does not know how the money will be used. On the other hand, the third-party payers know the money in their accounts is being used for online gambling by U.S. customers. Therefore, these third-party payers are knowingly aiding and abetting a criminal act when they send funds from U.S. customer accounts to online gambling companies.

Firepay has appropriately chosen to stop making these illegal payments for American customers, even though it operates out of Ireland. The regulations need to make sure that law-abiding companies such as Firepay are protected, while third-party payers who knowingly aid and abet criminal activity are effectively sanctioned.

I would also note that this law empowers payment systems to make strong efforts to stop the use of their systems for online gambling. To that end, section 5364(d) of the new law protects entities from civil liability for blocking restricted transactions, or if they mistakenly block, prevent, or prohibit legal transactions when attempting, in good faith, to comply with the law. At the same time, section 5364(b)(4) clarifies that the government will attempt to draft the regulations to catch as few legal transactions as possible.

The key is implementing the most effective and efficient enforcement measures that are reasonably possible. We have not sat idly by while unscrupulous operators profiteer from evading our laws and perpetrating fraud on the public. We have worked long and hard to defend the letter and the purpose of State and Federal gambling laws, and now we ask the executive branch to help us finish the job. Strong regulations for payment systems will cut off most fund transfers to offshore online gambling operators and destroy U.S. markets. By drastically reducing the availability of Internet gambling in the U.S., we will reduce new addictions and violations of the law.

This is why, this year, 49 State attorneys general, as well as the National District Attorneys Association, Federal Criminal Investigators, and Fraternal Order of Police wrote in support of this law. These law enforcement groups were not alone. They were joined by extraordinarily diverse groups that are concerned about the effect that online gambling has on society and the rule of law.

First, sports organizations are concerned about preserving the integrity of athletic competitions, and want to protect them from perceptions of corruption or a culture of gambling. This is why the National Football League, National Collegiate Athletic Association, Major League Baseball, National Basketball Association, and National Hockey League all actively supported the law.

Second, financial institutions are concerned about Internet gambling's association with money laundering, uncollectible consumer debt, and use of their systems for criminal activity. This is why the American Bankers Association, America's Community Bankers, and Securities Industry of America, joined by individual companies such as American Express, Citigroup, and PayPal, wrote in support of the law.

Third, religious groups and family welfare groups are concerned about the devastating effects that gambling addiction can have on families. This is why this law was supported by a broad range of civic organizations, from mainline churches such as the United Methodist Church and the National Council of Churches, to coalitions such as the National Coalition Against Gambling Expansion, to conservative family groups such as the Family Research Council and Concerned Women for America.

This is why I am proud that this legislation was finally enacted. As all these diverse groups recognized, online gambling is a threat to civic society for many reasons. Failing to enforce laws that are meant to diminish this threat undermines the rule of law itself. But today we stand ready to reclaim the power to enforce the law, and I ask for the help of the Treasury Department and other executive agencies to secure this victory.

WORLD WAR II VETERANS OF FRANKFORT, KANSAS

Mr. ROBERTS. Mr. President, I rise today to recognize the valor and great sacrifice of the citizens in Frankfort, KS. Frankfort is a small town in northeast Kansas. It is a thriving rural community of approximately 855 people. In the early 1940s, just as today, Frankfort was teeming with good Americans, Americans who answered the call of duty and fought so that their fellow Americans could live in freedom.

But that alone is not what makes Frankfort notable. Brave men and women from small towns, big cities, and everywhere in America have served our Nation in the Armed Forces. Many have made the ultimate sacrifice.

What makes this town, then home to approximately 1,800 people, notable is the solemn fact that 32 brave men from Frankfort and the surrounding farmland gave their lives in World War II. Based on records from local county newspapers of that time, it is concluded that the Frankfort community lost more men in World War II than any other town of similar size. This fact imparts both a deep sense of pride for the bravery and commitment of these young Kansans and also sadness for the great loss of life that is inherent in times of war.

During my years in public service, I have experienced many opportunities to meet some amazing people and hear the incredible stories that truly define America. This is exactly how I have come to learn of this incredible contribution to our Nation's security. Frank Benteman, a World War II Army veteran, shared this story. Mr. Benteman, now 80 years old, is from Frankfort and was part of this "greatest generation" who served. It was Mr. Benteman who continues to honor those who went before by remembering their sacrifice and honoring their memory. I am pleased to work along with Frank Benteman to honor the heroes of Frankfort, KS, by entering their names into the CONGRESSIONAL RECORD in recognition of their ultimate sacrifice to a grateful nation.

The brave men from Frankfort, KS, who gave their lives in the great Second World War include Willard A. Backman, Fred Bentsen, Lloyd C. Blackney, Leland Cook, Melvin Cope, Elmer Crumpton, Kenneth DeWalt, Robert Emmingham, Victor Feldhausen, Peter Fiegener, William R. Gibson, Don Hockensmith, Jr., Dale C. Hooper, Milan E. Jester, Koester Johnston, Donald E. King, Vern F. Long, Weldon Maneval, Matt McKeon, Carl O. Nord, Aloysius Noud, Howard Olson, Paul A. Paden, Charles Poff, Charles L. Punteney, Theodore Rhodes; David L. Shyne, James Stoffel, Clifford Watson, Robert B. Welsh, Charles F. Zinn, and Munro Zoellner.

Semper fi.

THE SATELLITE CONSUMER PROTECTION ACT

Mr. ENSIGN. Mr. President, I would like to note that while I am cosponsoring S. 4067, there are some outstanding issues that I believe need to be addressed before we proceed with this legislation. It is critical to my rural consumers that they continue to have access to distant network signals that they have come to enjoy and depend on, and through no fault of their own now face losing on December 1st, 2006. I want to ensure that all of my constituents are protected. Accordingly, I look forward to working with the bill sponsors to improve the language when the Senate reconvenes in December. In Nevada we have over 5,000 consumers that will be shut off if action is not taken to restore these signals.

MARINE CORPS BIRTHDAY

Mr. WARNER. Mr. President, I want to take a moment to commemorate an important event that took place on Veterans Day weekend. On November 10, the Marine Corps Birthday, I was privileged to give the annual address at the revered Iwo Jima Memorial, and then to attend the dedication of the National Museum of the Marine Corps in Quantico, VA.

This marvelous dedication featured remarks from President Bush, President of the Marine Corps Heritage Foundation General (Ret.) Ron Christmas and the distinguished news anchor and former marine, Jim Lehrer. They were joined by thousands of fellow marines—past and present—including Chairman of the Joint Chiefs, GEN Pete Pace, Commandant of the Marine Corps Michael Hagee and former Senators John Glenn and Chuck Robb.

Especially moving was President Bush conferring our Nation's highest military decoration, the Medal of Honor, posthumously, on Cpl Jason Dunham, who was tragically killed outside the Iraqi town of Karabilah in 2004.

For all who worked tirelessly to construct this wonderful museum that highlights the Marine Corps experience, that dedication ceremony became a tribute of a lifetime for all marines.

On this week of Veterans' Day, and the Marine Corps Birthday, we remind ourselves that we are here solely because of the sacrifices of men and women who for 231 years now have worn our Nation's uniform to preserve our freedoms against outside enemies.

Like the "Devil Dogs" of Belleau Wood, today's generation of Leathernecks—from the Commandant to the newest recruit at Parris Island—have answered one of the highest callings: serving as a marine for the greatest Nation on Earth.

As President Reagan famously observed, "some people spend an entire lifetime wondering if they have made a difference. Marines don't have that problem."

My good friend of many years, Jim Lehrer, gave a particularly inspired speech at the museum dedication that captured the fundamental nature of what it means to be a marine, and how that experience shaped him, as it did all of us, in our lives.

I ask unanimous consent that his inspiring speech be printed in the RECORD as a tribute to all marines, former or current, around the world.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TRIBUTE TO MARINES

(By Jim Lehrer)

Mr. President, generals, colonels, majors, captains, lieutenants, warrant officers, sergeants, corporals, privates, ladies and gentlemen.

We are the Marines. And in this museum, our story is told. It is a single, monumental story, made up of 231 years of many separate stories of heroism and courage, of dedication and sacrifice, of service to our country and to our corps, of honor and loyalty to each other in war and in peace; 231 years of professionalism and pride, of squared corners and squared-away lockers, perfect salutes and good haircuts, well-shined shoes, and eyes right, 231 years of Semper Fis and DIs.

First time I came to Quantico was 51 years ago. I came as an officer candidate, a PLC on the train from Washington, having just traveled from Texas on the first airplane ride of my life. On the orders of a drill instructor, a DI, I fell in at attention with 40 other candidates on the platform at the train station over at Quantico.

And the DI told us to answer up, "Here, sir!" when our name was called. And he got to mine, and he said, "Le-here-er-er." And, like some kind of idiot, I blurted out, "It's pronounced Lehrer, sir!"

There was silence, absolute silence. And then I heard the terrifying click, click, click of leather heels on the deck of that train station platform coming in my direction. And suddenly there he was, the DI, right in front of me, his face right up in mine. And I paraphrase and cleanse it up a bit, but he said, "Candidate, if I say your name is Little Bo Peep, your name is Little Bo Peep!"

"Do you hear me?" Oh, I heard him all right. And I think it was at that very moment that I really became a United States Marine.

I'm still one today, and I will remain one forever, as did my late father, and as is my older and only brother.

I came from a family of Marines into the family of Marines. My father served in the 1920s under the great Smedley Butler right here at Quantico. He saw combat in Haiti and came out a corporal. My brother and I were both 1950s Cold War Marines in the Third Marine Division in the Far East.

Since our corps was founded on this day in 1775, there have been more than 4 million men and women who have worn the uniform of a United States Marine. This museum is about all of them, including us three "Le-here-er-ers," and even the Little Bo Peeps. That's because this museum is about what it means to be a Marine, no matter the time, the length, place, rank, or nature of the service.

It's about the shared experience and the shared knowledge that comes from being a U.S. Marine, such as knowing that you are only as strong and as safe as the person on your right and on your left; that a well-trained and motivated human being can accomplish almost anything; that being pushed to do your very best is a godsend; that an order is an order, a duty is a duty, that responsibility goes down the chain of command, as well as up, as do loyalty and respect; that leadership can be taught, so can bearing, discipline and honor; that "follow me" really does mean "follow me"; and that that Semper Fidelis really does mean "always faithful"; and that the Marines hymn is so much more than just a song.

My Marine experience helped shape who I am now personally and professionally, and I am grateful for that on an almost daily basis. And I often find myself wishing everyone had a similar opportunity, to learn about shared dependence, loyalty, responsibility to and for others, about mutual respect and honor, and about the power of appealing to the best that's in us as human beings, not the worst.

As a journalist, there has been one overriding effect of my Marine experience: While debates over sending Americans into harm's way are always about issues of foreign policy, geopolitics and sometimes even politics-politics, for me, they are also always about young lance corporals and second lieutenants and other very real people in all branches of the U.S. military, people with names, ranks, serial numbers, faces, families, and futures that may never be.

When Marines stand for or sing the Marines' hymn, as we will at the conclusion of this ceremony, it's never for ourselves personally. It's always for the Marines who went before us, with us, and after us, first and foremost for those who gave their lives, their health, their everything at places such as Tripoli, Belleau Wood, Haiti, Wake Island, Guadalcanal, Peleliu, Iwo Jima, Chosin, Inchon, Danang, Khe Sahn, Beirut, and Baghdad, Fallujah and Ramadi.

The death rate among Marines in Iraq has been more than double that of the other services. That's a first-to-fight, first-wave pattern that has pretty much held since the Revolutionary War, when 49 of the very first U.S. Marines of our country died in combat. Their mission was aboard ship; there are still Marines who serve at sea.

There are others who fly and maintain jets and helicopters, man the artillery, operate tanks and trucks, feed and supply the troops, compute and collate, train and inspect, march and make music, recruit, guard and escort, radio and communicate, patrol and snipe, as well as save tsunami, earthquake and other disaster victims around the world, collect toys at Christmastime for American kids in need, stage a marathon run through Washington, D.C., for charity, or do whatever else needs to be done, particularly if the need is for it to be done well and be done immediately.

We are the Marines. And in the language of the rifle range, we are always ready on the right, ready on the left, all ready on the firing line, whatever kind of firing is required, and wherever that line may be.

CELEBRATING THE 99TH INFANTRY

Mr. WARNER. Mr. President, this past August, the surviving members of the 99th Infantry Division met together in Fort Mitchell, KY. Of this division, only a few remain. But the survivors and their widows gathered in August to complete the final chapter of the story of this exceptional group of Americans.

The Battle of the Bulge is well known to most Americans, but the efforts and triumphs of the 99th Infantry are less well recognized. These men played a crucial role in the eventual Allied victory, though few knew it at the time. This battle is best described by Professor Stephen Ambrose, the preeminent World War II historian who provides a snapshot of their efforts in an article in the Military History Quarterly. Ambrose describes the scene along Elsenborn Ridge:

> To the north, between Monschau and Losheim, the U.S. 99th Infantry Division, newly arrived in Europe, and the 2nd Infantry Division . . . did not simply delay the German advance but stopped it along the critical point of the whole battle, Elsenborn Ridge. The low ridge . . . was the main objective of Sepp Dietrich's 6th Panzer Army. Elsenborn Ridge was the Little Round Top of the battle. The German General Dietrich drove his units mercilessly, but he could not take it due to the steadfastness of the American resolve and the sheer courage of these brave men facing the ultimate test in brutal conditions.

Ambrose adds,

> "In the vast literature of the Battle of the Bulge, Elsenborn Ridge always yields pride of place to the far more famous action . . . at Bastogne. Everyone knows about the 101st Airborne at Bastogne; almost no one knows even the names of the 99th and 2nd Infantries. Yet it was along Elsenborn Ridge . . . that these two ordinary infantry divisions, largely out of touch with their commands, outnumbered 5 to 1 and worse, outgunned and surprised, managed to stop the Germans in their main line of advance. The Germans never did take the Ridge.

Their heroic stand at Elsenborn Ridge helped turn the tide at the Battle of the Bulge, where we suffered some 80,000 casualties. Although many of the 99th have passed on, their tradition remains strong, especially among their descendents.

Mr. George Pedersen, a distinguished Virginia businessman, is the nephew of 99th Infantry soldier, SGT Arnie Goa. Like most of his fellow soldiers of this little known but critically important action, Sergeant Goa has passed into history, but his legacy lives on, and George Pedersen thought it important to commemorate his uncle and the soldiers of the 99th, so he volunteered to underwrite the reunion, paving the way for the remaining soldiers and their families to meet, exchange stories, and complete that final chapter of distinguished service to their Nation.

Many of these fine men may have passed, but in a very real sense, Sergeant Goa's spirit, and the spirit of his fellow soldiers, lives on in the lives and sacrifices of our young men and women in uniform who serve our country today. I know that these veterans of that long ago battle would all be immensely proud of those who now follow in their footsteps. I commend these veterans and their families for their great contribution to each of us, and I commend Mr. Pedersen for his contribution to their memories.

SUBMITTAL OF INTELLIGENCE COMMITTEE REPORT

Mr. ROBERTS. Mr. President, I ask unanimous consent to have printed in the RECORD a letter dated November 16, 2006.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, November 16, 2006.

DEAR MR. PRESIDENT: As chairman and vice chairman of the Select Committee on Intelligence, we submit to the Senate the report of the Senate Select Committee on Intelligence regarding its activities during the 108th Congress from January 7, 2003, to December 8, 2004. The committee is charged by the Senate with the responsibility of carrying out oversight of the intelligence activities of the United States. While much of the work of the committee is of necessity conducted in secrecy, the committee believes that the intelligence community and this committee should be as accountable as possible to the public. This unclassified, public report to the Senate is intended to contribute to that objective.

Sincerely,

PAT ROBERTS,
Chairman,
JOHN D. ROCKEFELLER IV,
Vice Chairman.

NATIONAL ADOPTION DAY

Mrs. LINCOLN. Mr. President, today I rise to commemorate National Adoption Day.

As a mother, I understand the joy and the meaning that raising a child can bring to one's life. I also understand the importance that a stable home can play in a child's development. Each year, National Adoption Day offers us all an opportunity to not only reflect on the benefits that adoption can bring but also to raise awareness of the thousands of children across our Nation who are still awaiting stable, nurturing, and loving homes and families.

Last year, 227 events were held on National Adoption Day in 45 States. In the process, over 3,000 adoptions were finalized. At Saturday's celebration in Hot Springs, AR, and at similar events across the country, we all hope to build on that success as hundreds of volunteers take time out of their schedules to help place children in permanent homes.

In my State of Arkansas, our judges, courts, and child advocates have worked tirelessly on behalf of our State's foster children. In consultation with them and in cooperation with my colleagues, I have done all I can to ensure our adoption process is as efficient as possible. With an estimated 118,000 children across our country in foster care and awaiting adoption, I urge my colleagues to continue working together on behalf of these children. The opportunity to grow up in a nurturing, loving, and stable family is something that none of us should take for granted. It is our duty in this Congress to ensure that these children are not denied this opportunity but given timely placement with the home and the family that each and every one of them deserve.

I would also like to once again express my support and offer my heartfelt gratitude not only to the volunteers in Arkansas and across the country who make National Adoption Day the success it is but also to the selfless men and women who work every day on behalf of America's children.

INFLAMMATORY BREAST CANCER

Mrs. MURRAY. Mr. President, I rise today to make my colleagues aware of inflammatory breast cancer, IBC, the least common but most aggressive type of breast cancer. Although IBC accounts for 1 to 5 percent of all breast cancer cases in the United States, it is an especially aggressive and rare form of breast cancer.

The unique symptoms of IBC can result in misdiagnoses or late diagnoses. IBC often presents with similar symptoms as mastitis, a type of breast infection. The disease also occurs more frequently in younger women. Physicians may believe these young women are at lower risk for breast cancer and might misdiagnose their symptoms. Unfortunately, these delays in correct diagnosis result in the sad fact that IBC is more likely to have metastasized at the time of diagnosis than non-IBC cases. IBC is also an especially aggressive form of breast cancer. As a result, the survival rate for patients with IBC is significantly lower than those with non-IBC breast cancer.

These sobering facts tell us that education and awareness about this rare cancer are desperately needed so that women are quickly and properly diagnosed. My home State of Washington is making important strides in this direction. In fact, Washington State recently celebrated Inflammatory Breast Cancer Awareness Week, thanks to the foresight of Governor Christine Gregoire and the hard work of Washington's IBC advocates. This special observance goes a long way in raising awareness about IBC in my home State.

Efforts such as Washington State's awareness week are a good start, but more education and awareness are needed for both patients and their physicians. We also must increase access to screening, especially for low-income women. One important step that Congress can take to increase these efforts is to pass S. 1687, the National Breast and Cervical Cancer Early Detection Program Reauthorization Act of 2005. For all types of breast cancer—but especially for IBC—early detection is critical to catching cancer early before it spreads. I am working with Chairman ENZI and Ranking Member KENNEDY to bring this bill up for a vote in the Health, Education, Labor, and Pensions Committee, and it is my hope that we can pass this bill before the end of the 109th Congress.

In closing, I commend the efforts of Governor Gregoire and the IBC advocates in Washington State. I am committed to making the Federal Government a strong partner in these efforts by increasing awareness and access to screening. Together, we can help ensure that every woman gets screened for breast cancer and that she and her doctor have access to the latest medical research.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the proclamation from Washington State to which I referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PROCLAMATION

Whereas, except for nonmelanoma skin cancers, breast cancer is the most common cancer among woman, and is the second leading cause of cancer death in women, exceeded only by lung cancer; and

Whereas, Inflammatory Breast Cancer (IBC) is the most aggressive form of breast cancer and has a faster doubling time than other breast cancers; and

Whereas, the total number of breast cancer cases diagnosed for 2005 was 210,000, and of that number, six percent were IBC; and

Whereas, symptoms of IBC are similar to those of mastitis, a benign breast infection, and because IEC usually grows in nests or sheets rather than a solid tumor, it can spread throughout the breast without a detectable lump. It is usually not detected by mammograms or ultrasounds unless there is a defined tumor; and

Whereas, laboratory based research on IBC has been limited because little, if any, pretreatment tumor tissue is available for research; and

Whereas, we recognize the courage and strength of women battling IBC, and the families and friend's who love and support them, and our state is grateful for the hard work and commitment of our dedicated researchers and medical professionals; and

Whereas, with continued effort, we can raise any awareness of IBC and find new ways to prevent and treat this deadly disease;

Now, therefore, I, Christine O. Gregoire, Governor of the state of Washington, do hereby proclaim October 1–7, 2006, as Inflammatory Breast Cancer Awareness Week in Washington State, and I urge all citizens to join me in this special observance.

PRESERVING CRIME VICTIMS' RESTITUTION ACT

Mr. SESSIONS. Mr. President, I am pleased to join with Senator FEINSTEIN and cosponsor the Preserving Crime Victims' Restitution Act of 2006.

When a criminal defendant pleads guilty or is found guilty by a jury of his peers but dies before sentencing or while his case is on appeal, the defendant's victims should not sustain a financial loss and the defendant's estate should not profit from his crimes. The judicially created doctrine of abatement provides, however, "that the death of a criminal defendant pending an appeal of his or her case abates, ab initio, the entire criminal proceeding."

In its most extreme form, the scope of the doctrine can be breathtaking. As the U.S. Court of Appeals for the Fifth Circuit held in United States v. Parsons:

> [T]he appeal does not just disappear, and the case is not merely dismissed. Instead, everything associated with the case is extinguished, leaving the defendant "as if he had never been indicted or convicted."

Common sense requires that punishments like imprisonment or probationary supervision terminate once a defendant dies. But when a criminal conviction involves remedial measures such as restitution to the victims of the crime or implicates civil forfeiture of property connected with the crime, we shouldn't pretend that nothing ever happened. A convicted defendant's death while his case is pending may cheat the hangman, and it may cheat the jailer—but it shouldn't cheat the victims.

Taking a criminal case to trial and obtaining a conviction can involve thousands of hours of work and a huge commitment of resources. In the recent conviction of Ken Lay, for example, the trial took nearly 4 months and cost the taxpayers millions of dollars. When a criminal conviction involves financial restitution to the victims of the crime or when the conviction could be used in a later civil law suit, those effects of the conviction should not be erased by the death of the defendant. It is wrong to force the victims or the government to start over from scratch.

The Preserving Crime Victims' Restitution Act addresses the unnecessary and unfair effects of the abatement doctrine. It preserves restitution and the potential use of a criminal conviction. in later civil proceedings such as civil forfeiture, while protecting a defendant's rights.

If a defendant dies after pleading guilty or being found guilty by a jury, restitution and the use of the conviction in civil proceedings will be permitted. In such cases, the bill allows the defendant's estate to step into his shoes and continue to defend the conviction. The estate can appear on behalf of the defendant at sentencing, and it can file post-trial motions. The estate can also appeal the conviction.

This assures that the integrity of the criminal and appellate process is preserved and that there is an adequate opportunity to challenge the validity of a conviction and ensure that justice has been done. Basically, under this bill, the criminal and appellate process move forward with respect to restitution and use of a conviction in later civil proceedings just as though the defendant were still alive.

Ultimately, the Preserving Crime Victims' Restitution Act is about fairness. It is fair to victims—who too often get overlooked in the criminal process. It is fair to the Government—which may have committed enormous time and resources to obtaining a conviction. And it is fair to the defendant's estate—which should be allowed to represent the defendant's interests and contest the Government's case but should not be allowed to profit from crime simply because a defendant dies.

I hope we can move quickly to pass the Preserving Crime Victims' Restitution Act of 2006, and I urge my colleagues to support it.

HELP COMMITTEE AGENDA

Mr. KENNEDY. Mr. President, the message from this election is clear. There is little doubt that the American people want a change of course in Iraq. But they also want a government that stands with them and their families as they look to the future—jobs that reward their hard work, health care that is good and affordable, and education that continues to open the door to the American dream for all of our citizens.

That was the agenda of the voters in this election and it will be the agenda of our Health, Education, Labor, and Pensions Committee when we convene in the new year. And with Senator REID as our majority leader, America's families will see great progress on the issues that they care most about.

Yesterday, Democrats selected the membership of our committee. Every member is an experienced legislator with a deep commitment to working families and a solid record for getting things done.

So I welcome back Senator DODD, Senator HARKIN, Senator MIKULSKI, Senator BINGAMAN, Senator MURRAY, Senator JACK REED, and Senator CLINTON. And I welcome our new members: Senator OBAMA, Senator-elect SANDERS, and Senator-elect BROWN.

I am also grateful to continue working together with Chairman ENZI. The gavel may change hands, but our partnership will not. He is a true leader and has set the standard for fairness and statesmanship, and I look forward to working with him on the many issues before the committee in the next Congress.

My first priority will be to increase the minimum wage. Americans are working harder than ever, but millions of hard-working men and women across the country aren't getting their fair share. We are not rewarding work fairly anymore, and working families are falling behind.

The minimum wage has been stuck at $5.15 an hour for almost 10 years. A minimum wage worker who works 40 hours a week, 52 weeks a year still makes just $10,700 a year—$6,000 below the poverty line for a family of three. In this era of skyrocketing costs, these hard-working Americans are forced to make impossible choices—between paying the rent or buying food, between paying for gas or paying the doctor.

Americans understand fairness, and they know this is unfair. That is why the American people took the battle into their own hands this year. They pounded the pavements for months to put minimum wage increases on the ballot in six States this year. And all six of these ballot initiatives passed by decisive margins. If there is one message from this election that emerged loud and clear, it is that no one who works for a living should have to live in poverty.

Raising the minimum wage to $7.25 an hour will benefit almost 15 million Americans. It will help more than 7.3 million children whose parents will receive a raise.

Minimum wage workers serve in many of the most difficult and most important jobs in our society. They care for children in day care centers, and for the elderly in nursing homes. They clean office buildings, hotel rooms, and restaurants across the country. They are men and women of dignity, and they deserve a fair wage that respects the dignity of their work. It is long past time to give minimum wage workers a raise.

Another high priority is to remove the barriers to lifesaving stem cell research.

We are in the era of the life sciences, and no area of medical research has more promise than stem cell research to speed the search for new cures for diabetes, Parkinson's Disease, cancer, and many other serious illnesses.

Thanks to the courage of leaders such as Michael J. Fox, the people of Missouri last week chose hope over fear by approving a constitutional amendment to allow stem cell research.

Congress should learn from that example. Last year, a broad bipartisan majority approved legislation to tear down the barriers that have kept NIH scientists from realizing the full potential of this research. That bill was rejected by the President, but hope can never be vetoed.

We will be back again and again next year until we succeed in overturning the restrictions on stem cell research that hinder the search for new cures, and delay the day when the hope of a better future becomes a reality for patients across America.

We must also address the crisis in college affordability that affects every low and middle income family and that threatens our economic progress. It is more important than ever for our citizens to have a college education so they can compete in the global economy and have a fair chance at the American Dream. But because of soaring college costs, stagnant student aid and heavy student loan debt, it is becoming increasingly difficult for our citizens to get such an education.

Today, students and families are pinching every penny to save for college—but it is not enough. Each year, 400,000 low-income students do not attend a 4-year college because of cost factors. Student debt is also a barrier to the pursuit of vital but lower-paying professions like teaching, public health, and social work.

Last year, we passed an increase in student aid through the Senate only to see our proposals die in the House. With the House and Senate under new management, next year we will provide needed help to families struggling to put their children through college.

We will increase Pell Grants from $4,050 to $5,100. We will cap college loan payments to no more than 15 percent of your income. We will cut student loan interest rates. We will reform the student loan program so it works for students and not just the banks. And we will use the savings to increase student aid.

And at long last, we can no longer ignore the need for health care reform. We must reduce the cost of health and we must make it available to each and every American.

Every Member of the Senate, and their staffs, and every Federal employee has a sense of security about health care that is denied to millions of Americans. Members of Congress know that if we get sick, or if our children need medical care, our health insurance plan will cover virtually all of the costs.

Tens of millions of our fellow citizens have no such guarantee. Nearly 50 million Americans lack health care coverage entirely, and tens of millions more have inadequate coverage. In a nation with the best doctors and finest hospitals in the world, it is profoundly wrong that so many Americans suffer from illnesses that could have been prevented or treated more effectively—if only health care had been available and affordable.

The time is long overdue to address the crisis in health care. Bipartisan health care reform is possible, and our first step toward it should be effective legislation to strengthen and reauthorize CHIP, the program that provides quality health care for 4 million children.

But our experience with health reform in Massachusetts showed that we can do more. We proved that people from all parts of the political spectrum can come together to provide health care for all. So this, too, is one of our top goals for the coming Congress.

Together, we can—we must—make the promise of this century of the life sciences a reality for all Americans by seeing that every American has quality, affordable health care.

These are our top priorities for the new year, but they are not our only priorities.

We must pass the CLASS Act and create a long-term care infrastructure in this country that will support every American's choice to live at home and be part of their community. Every older or disabled American has this right, and it is our job in Congress to provide them with the support they need to make this a reality.

We will strengthen early learning opportunities, starting at birth, for each of our children. Prevention works in health care and it can work in education as well.

We must also ensure that our schools are equipped to meet the challenges of the global economy. Our Nation's future depends on many things, but certainly one of the most important measures of the strength of our democracy is the excellence of our public schools. This year, we will revisit the reforms contained in the No Child Left Behind Act.

The law charted a sound course for American education four years ago, but it is time for us to reshape our commitment and provide better solutions for schools to respond to the challenges identified by the law. These reforms are right and we're ready to work with President Bush, as we did 5 years ago. But given the many failures of implementation by his administration and the meager commitments to education reform in his budgets, the President has a high hurdle to cross to demonstrate that he is seriously committed to these reforms.

In addition, we must give workers a stronger voice in their own futures and in meeting the needs of their families. We must protect workers' right to join together and fight for better wages and working conditions, free from employer intimidation. Workers need opportunities to improve their skills through job training programs. And families deserve paid sick days to care for loved ones without fear of losing their jobs.

Americans who have worked a lifetime to provide for their families deserve to retire in dignity, not in poverty. We must ensure our retirement system works for all Americans, not just corporate executives.

We can make bipartisan progress, too, on measures that will improve health care and reduce costs—not by denying services to patients, but by improving efficiency and effectiveness. Congress should aid doctors, hospitals, and patients to improve their use of electronic medical records, and we should explore responsible ways to reward the quality of health care, not just the quantity of care.

And we must fulfill our duty through our hearings and our legislative program to ensure that Government is working for the people, that we have strong laws to keep workers safe on the job and that workers are fairly paid, that student loans work for students and not just the banks, that students are protected from exploitation in the private student loan market, that prescription drugs we rely on and the food we eat are safe, that the workers that risked their lives for others on 9/11 are cared for as they deal now with the illness and injury.

These will be my priorities as chairman of the Health, Education, Labor, and Pensions Committee next year. They come directly out of this election where the American people spoke loud and clear. And I look forward to working with my colleagues to make important progress for America's families.

SOMALIA

Mr. FEINGOLD. Mr. President, I remain deeply concerned about rising instability and growing tension in Somalia. It is becoming clear that efforts to date have failed to sufficiently address the stand off between the Islamic courts and the transitional federal government, TFG, and now new tension between Ethiopia and Eritrea is threatening to engulf the entire region in a costly and devastating conflict. Unfortunately, rising instability in Somalia is having a direct effect on stability throughout the region and, if left unchecked, will have a significant impact on our national security and the security of our friends and allies.

As I have said many times before, it is imperative that the U.S. Government begin playing a leadership role in helping to stabilize Somalia and the region and that it do so immediately. We need a comprehensive approach to engaging with regional actors, the international community, and the U.N. to find a permanent solution to this crisis. Such an approach will contribute to stability throughout the Horn of Africa and to our national security.

We can't do this successfully, of course, unless we create a comprehensive approach and apply sufficient resources and attention to this growing problem. I was pleased when the Senate passed an amendment I offered to the Defense authorization bill a few months ago that calls for a comprehensive strategy for establishing long-term stability in Somalia. I believe, as do a number of colleagues on both sides of the aisle, that the United States must develop a comprehensive strategy for Somalia that utilizes all facets of its power and capability and must ramp up its diplomatic efforts throughout the region and the international community to bring this crisis to an end.

Unfortunately, the administration has yet to appoint a senior coordinator for Somalia to pull together a strategy and to engage fulltime with international and regional partners in addressing this crisis. There also appears to be a reluctance to put in place additional personnel and resources needed to help execute this strategy and to contribute to international efforts to bring about a lasting peace throughout the region. Frustratingly, there has been reluctance among administration officials to work closely with Congress to identify what additional resources are needed to address changing conditions in Somalia. I have asked repeatedly for a description of needed resources and support that we in the U.S.

Congress can provide to help address instability in Somalia and have yet to receive a sufficient response.

Meanwhile, conditions in Somalia are becoming more complex and more troubling. According to a new United Nations report released this week, both the ICU and the TFG are obtaining support from a range of outside actors. If this is true, it signals a dangerous mix of regional and international meddling that could ignite the entire region into a devastating conflict. Recent statements by leaders throughout the region, too, suggest that specific countries may be prepared to intervene outside of the context of a political solution or coordinated international intervention.

Our objectives must not be too lofty: we cannot hope to turn Somalia into a peaceful and established democracy overnight. But we do need to establish realistic goals and objectives and address this problem with aggressive diplomacy and engagement—in Somalia, Nairobi, Addis Ababa, New York, Brussels, Asmara, and throughout the Middle East. We must work diligently to establish a robust political framework within which both Somalia-specific and regional concerns can be addressed, and that will help facilitate a broader arrangement that takes into account the range of actors involved in this crisis. This framework must be supported by the international community and key regional actors. It must also take into consideration the very real security concerns of Somalia's neighbors.

Unfortunately, we have very little time. Conditions continue to deteriorate, and we can't count on weak diplomatic efforts to get us what we need. Instability in Somalia has very real national security implications for our country. Somalia remains what it has been for years: a haven for known al-Qaida operatives and terrorist networks and criminal networks that threaten U.S. interests. As we learned in Afghanistan, we cannot ignore the conditions that breed and empower extremist and terrorist organizations. Accordingly, it is essential that we treat instability in Somalia like the true threat that it is. We need to act quickly and decisively and as if American lives depend on it. They do.

CELEBRATION OF THE 80TH BIRTHDAY OF EARL HOLDING

Mr. HATCH. Mr. President, I rise today to pay tribute to a dynamic man, my constituent, a loyal friend, loving husband and father, and a highly successful businessman—Mr. Earl Holding. Earl is reaching a wonderful milestone, his 80th birthday, and I couldn't let this occasion pass without honoring him for the good he has accomplished throughout his life.

Earl has accomplished feats in business in Utah and throughout our Nation that few have ever achieved. He has made a lasting imprint on many industries including petroleum, ranching, and the travel and hotel industry. His work ethic, and inspirational leadership has literally transformed the business landscape of our State. His acumen and tenacity are legendary and are admired by many.

Earl has not been alone in his success. In 1949, Earl married his business partner, Carol Orme, and together they embarked on a remarkable life journey. These two humble individuals worked together to forge something real and lasting in all aspects of their lives. A story is told of their early years that I believe poignantly displays the dedication they both have always demonstrated. Their wedding night at the Temple Square Hotel in Salt Lake City reached an early end when they left at 5:00 a.m. to take their irrigation turn at their orchard.

In 1952, Earl and Carol accepted the responsibility of managing and investing in Little America, a service station and motel located in a remote area of western Wyoming. At the time Little America was unprofitable. In just 2 short years, through hard work, perseverance, and tenacity, the Holdings were able to turn Little America into the largest and highest volume service station in the United States.

From this beginning, the Little America Hotels and hotel properties led by Earl have became a favorite place for thousands of travelers throughout the Western United States. In fact, in preparation for the 2002 Winter Olympic Games, Earl personally undertook a mission to build the first five-star hotel in Utah. His dream became a reality with the development and building of the Grand America Hotel in Salt Lake City. This property is truly "grand." It is beautiful from the top to the bottom and is a wonderful testament to Earl's dedication to quality and service.

Earl's contribution to the travel and recreation arena doesn't end with his hotel properties. He also owns and manages the Snowbasin ski area in Utah, the home of several Olympic races during the 2002 Olympic Winter Games; and the Sun Valley resort in Idaho, repeatedly named the No. 1 ski resort in America.

Earl's business holdings also include a large petroleum portfolio anchored by his purchase of Sinclair Oil in 1976. His innovative leadership in the petroleum industry has enabled Sinclair Oil to grow and is now one of the largest privately held, full integrated oil companies in America.

His leadership and dedication have been recognized many times through numerous awards and honors, including an honorary doctorate degree from the University of Utah, the Woodrow Wilson International Center for Scholars of the Smithsonian Institution's Award for Corporate Citizenship, appointments to the U.S. Postal Commission and the Salt Lake Olympic Organizing Committee, and as president of the American Independent Refiners Association.

Another hallmark of Earl's life has been his commitment to the thousands of employees he has hired throughout the years. Each Christmas season, Earl and Carol take the time to express personally their gratitude to each one of their 7,000 employees.

A famous orator, John Wesley, once stated: "Do all the good you can, by all the means you can, in all the ways you can, in all the places you can, at all the times you can, to all the people you can, as long as ever you can."

This describes Earl Holding. His good works accomplished through 80 years will be acknowledged and felt for generations to come. He is a living example of courage, commitment, and dedication. Hard work has never deterred him, and integrity has always been his guiding beacon.

Mr. President, I consider it a great honor to call Earl Holding a friend. He is an exceptional human being whose footprints will last for years. His success has not been achieved with one single magnificent accomplishment but through a journey of good work and exceptional leadership. I pay tribute to him today and hope my colleagues will join with me in wishing him a very happy 80th birthday!

ADDITIONAL STATEMENTS

RECOGNITION OF PROFESSORS OF THE YEAR

• Mr. ALLARD. Mr. President, I rise today to congratulate the winners of the United States Professor of the Year Award. Since 1981, this program has saluted outstanding undergraduate instructors throughout the country. This year, a State Professor of the Year was also recognized in 43 States, the District of Columbia and Guam.

This award is recognized as one of the most prestigious honors bestowed upon a professor. To be nominated for this award requires dedication to the art of education and excellence in every aspect of the profession. Professors personally vested in each student shape the leaders of tomorrow. These individuals should be proud of their accomplishment.

I commend and thank all the winners for your leadership and passion for educating. No doubt you have inspired an untold number of students. I wish you the very best in all your endeavors. Congratulations and best regards.

The four national award winners are:

Outstanding Baccalaureate Colleges Professor: K.E. Brashier, associate professor of religion and humanities, Reed College, Portland, Ore.

Outstanding Community Colleges Professor: **Mark Lewine**, professor of anthropology, Coyahoga Community College, Cleveland, Ohio

Outstanding Doctoral and Research Universities Professor: Alex Filippenko, professor of astronomy, University of California, Berkeley

Outstanding Master's Universities and Colleges Professor: Donna C. Boyd, professor of anthropology, Radford University.

State Winners:

Alabama: Scott Stephens, Professor of Art, University of Montevallo.

Arizona: Rene Diaz-Lefebvre, Professor of Psychology, Glendale Community College.

Arkansas: Catherine Bordeau, Associate Professor of French, Lyon College.

California: David Paddy, Associate Professor of English Language and Literature, Whittier College.

Colorado: Daniel Miller, Associate Professor of Astronautics, United States Air Force Academy.

Connecticut: Scott Plous, Professor of Psychology, Wesleyan University.

Delaware: Alan Fox, Associate Professor of Philosophy, University of Delaware.

District of Columbia: Elizabeth Chacko, Associate Professor of Geography and International Affairs, The George Washington University.

Florida: William F. Felice, Professor of Political Science, Eckerd College.

Georgia: Carmen Acevedo Butcher, Associate Professor of English, Shorter College.

Guam: Vivian Dames, Associate Professor, University of Guam.

Idaho: James Angresano, Professor of Political Economy, Albertson College of Idaho.

Illinois: Miriam Ben-Yoseph, Associate Professor, DePaul University.

Indiana: Randy Roberts, Professor of History and American Studies, Purdue University.

Iowa: Jeff Barker, Professor of Theatre and Speech, Northwestern College.

Kansas: Harald E.L. Prins, University Distinguished Professor of Anthropology, Kansas State University.

Kentucky: Frank Wiseman, Professor of Chemistry, Georgetown College.

Louisiana: Jo Dale Ales, Assistant Professor for Biology, Baton Rouge Community College.

Maine: Eric Landis, Professor of Civil Engineering, University of Maine.

Maryland: Joan Murray Naake, Professor of English, Montgomery College, Rockville.

Massachusetts: Cathleen K. Stutz, Assistant Professor of Education, Assumption College.

Michigan: Elfie Schults-Berndt, Director of Music, Lake Michigan College.

Minnesota: Randy Moore, Professor of Biology, University of Minnesota-Twin Cities.

Mississippi: Sarah Lea McGuire, Professor of Biology, Millsaps College.

Missouri: Lynn Rose, Associate Professor of History, Truman State University.

Montana: Robin Gerber, History and Social Sciences Instructor, Miles Community College.

Nebraska: Maxine Fawcett-Yeske, Associate Professor of Music, Nebraska Wesleyan University.

Nevada: Cheryll Glotfelty, Associate Professor of Literature and the Environment, University of Nevada, Reno.

New Hampshire: Paul Christesen, Assistant Professor of Classics, Dartmouth College.

New Jersey: Barry V. Qualls, Professor of English, Rutgers, The State University of New Jersey.

New York: Charles Williamson, Professor in Mechanical and Aerospace Engineering, Cornell University.

North Carolina: Thomas Arcaro, Professor of Sociology, Elon University.

Ohio: Ormond Brathwaite, Professor of Biology and Chemistry, Cuyahoga Community College.

Oklahoma: Vivian Thomlinson, Associate Professor of English, Cameron University.

Oregon: Karen Elizabeth Eifler, Associate Professor of Education, University of Portland.

Pennsylvania: Patricia Nestler, Associate Professor of English, Montgomery County Community College.

South Carolina: Maria K. Bachman, Associate Professor of English, Coastal Carolina University.

Tennessee: George Poe, Professor of French and French Studies, Sewanee: The University of the South.

Texas: Jennifer L. O'Loughlin-Brooks, Professor of Psychology, Collin County Community College.

Utah: Eric Amsel, Professor of Psychology, Weber State University.

Vermont: David T.Z. Mindich, Professor of Journalism and Mass Communication, St. Michael's College.

Virginia: Joann Grayson, Professor of Psychology, James Madison University.

Washington: David Domke, Associate Professor of Communication, University of Washington.

West Virginia: Norman Duffy, Professor of Chemistry, Wheeling Jesuit University.

Wisconsin: Donald A. Neumann, Professor in Physical Therapy, Marquette University.•

HONORING THE LIFE OF DR. MILTON FRIEDMAN

• Mr. BUNNING. Mr. President, I would like to take the opportunity to honor the life of a great American economist, Dr. Milton Friedman, who passed away today.

In his 94 years, he lead an intellectual movement at the University of Chicago focused on the failure of government intervention in the market process, wrote extensively on both economics and public policy, served on the President's Commission on an All-Volunteer Armed Force and the President's Commission on White House Fellows, served on President Ronald Reagan's Economic Policy Advisory Board, and served as president of American Economic Association, the Western Economic Association, and the Mont Pelerin Society. Dr. Friedman was awarded the Presidential Medal of Freedom, the National Medal of Science, and the Nobel Prize in economic sciences.

Dr. Friedman was a prominent defender of the free market and small government. A critic of the Federal Reserve, he argued that the misguided policies of the directors of the Federal Reserve, through contraction of the money supply, prolonged and worsened the effects of the Great Depression.

I believe Dr. Friedman's greatness was not in being an academic but in taking economic principles, and his immovable convictions, to everyday people through his books, columns, public television series, speeches, and television appearances.

To truly honor the life and achievements of Dr. Milton Friedman, we should heed the lesson he dedicated much of his life to: the free society and the free economy are both essential and inseparable. In his book "Capitalism and Freedom," Friedman reminds us that, "Economic arrangements play a dual role in the promotion of a free society. On the one hand, freedom in economic arrangements is itself a component of freedom broadly understood, so economic freedom is an end in itself. In the second place, economic freedom is also an indispensable means toward the achievement of political freedom.".•

• Mr. ALLARD. Mr. President, today I wish to note the passing and celebrate the life of Milton Friedman.

Nobel laureate Friedman was an economist whose work expanded academia to influence Ronald Reagan, Margaret Thatcher, Alan Greenspan, Ben S. Bernanke, and many others. If I may dare to join such company, he also influenced me.

Friedman argued that the goal of monetary policy should be long-term, stable growth in the supply of money. He championed individual initiative and deregulation and influenced decisions from severing the dollar from gold to ending the military draft.

The Wall Street Journal today quoted Carnegie Mellon University Professor Allan H. Meltzer as saying "It's hard to think of anyone who's had more of a direct influence on social and economic policy in this generation."

The PBS airing of his 10-part series "Free to Choose," a defense of free market economics, made a huge impression on me. I watched them all and learned much.

Friedman was born in 1912. After graduating from high school before his 16th birthday, Friedman won a scholarship to Rutgers University. He later studied at the University of Chicago, where he met his future wife, Rose Director. Friedman graduated with a master's degree from the University of Chicago in 1933 and earned a doctorate from Columbia University in 1946. He served as an economic adviser during Barry Goldwater's Presidential campaign, won the Presidential Medal of Freedom in 1988, and was most recently a senior research fellow at the Hoover Institution.

His contribution to our country was vast, and I mourn his passing.•

TRIBUTE TO MURRAY STATE UNIVERSITY

• Mr. BUNNING. Mr. President, today I pay tribute to Murray State University in honor of their recognition by the annual U.S. News and World Report America's Best Colleges issue. By constantly striving for academic excellence and inspiring their students to succeed, the faculty of this institute of higher education continues to provide the tools needed to ensure a bright future for all graduates.

Every year, thousands of schools are surveyed by U.S. News, and the rankings are based on expert opinion about academic program quality and statistics that measure the quality of a school's faculty, research, and students. The information gathered is consolidated and measured to determine individual college ranking in the final report.

Murray State University has a long history of academic excellence and continues to excel in enriching the academic careers of the students who attend. The school was ranked sixth in the South as a "Top Public" university. In addition, Murray was ranked 15th in the South among public and private universities in the individual category of "Best Masters Universities." The 10.000 students who attend this school are ensured a successful academic career with diverse degree programs and exceptional faculty support.

I now ask my fellow colleagues to join me in congratulating Murray State University on their exceptional academic accomplishments. Achievements such as this bring great pride to the entire Bluegrass State. It is a true example of Kentucky at its finest.•

TRIBUTE TO DR. FRANK WISEMAN

• Mr. BUNNING. Mr. President, today I pay tribute to Dr. Frank Wiseman, who is the recipient of the 2006 U.S. Professor of the Year Award for the State of Kentucky. This is a prestigious program that honors and awards the most influential undergraduate instructors in the country.

Since 1981, the U.S. Professors of the Year program has saluted exceptional professors who have demonstrated a heightened dedication to teaching, commitment to students, and creative instructional techniques and methods. The program is sponsored by the Council for the Advancement and Support of Education which collaborates with multiple higher-education associations to direct and promote the program.

As a professor of chemistry at Georgetown College in Georgetown, KY, Dr. Wiseman uses innovative teaching methods to help his students understand the complexities of chemistry, a subject many find challenging. He has developed games and animation exercises as well as a unique grading system to address the diverse needs of his students. By introducing and applying creative educating tactics along with standard science research methods to assist his students, Dr. Wiseman personifies everything an educator should strive for in their career.

I now ask my fellow colleagues to join me in thanking Dr. Wiseman for his dedication and commitment to the education of America's future. In order for our society to continue to advance in the right direction, we must have professors like Dr. Wiseman in our institutions of higher learning, in our communities, and in our lives. He is Kentucky at its finest.•

COMMENDING NATALIE WILSON CRAWFORD

• Mrs. FEINSTEIN. Mr. President, today it is my pleasure to commend Mrs. Natalie Wilson Crawford for her service to the Nation and to the U.S. Air Force.

Mrs. Crawford is an internationally recognized expert on air and space power who has been at the California-based RAND Corporation since 1964. For the past 9 years she has held the position of vice president, RAND Corporation, and director of Project AIR FORCE, one of the principal research divisions of this famous think tank.

For 60 years, Project AIR FORCE, originally called Project RAND, has provided independent and objective analysis on issues of major concern to the U.S. Air Force. During her tenure as its director, Mrs. Crawford built and sustained an outstanding research team, expanded the research agenda, and further cemented RAND's strategic relationship with the Air Force's senior leaders.

Among her many honors, Mrs. Crawford has twice been awarded the Air Force's Decoration for Exceptional Civilian Service. In 2003, she received both the Lifetime Achievement Award from the Air Force Analytic Community and the Lieutenant General Glenn Kent Leadership Award.

In October 2006, Mrs. Crawford stepped down from her administrative roles in Project AIR FORCE, but she will continue to act as a senior advisor to RAND's chief executive officer and as a senior mentor on the USAF Scientific Advisory Board, where she has served since 1988.

It is my pleasure and privilege to thank Natalie Crawford for her extraordinary contributions to preserving America's national security. The dedication and energy she has shown in her four-decade career demonstrate the highest ideals of service and commitment.•

HONORING DR. DAVID E. JANSSEN

• Mrs. FEINSTEIN. Mr. President, today I honor Dr. David E. Janssen, who is retiring after an impressive career spanning 40 years as a public servant in the State of California.

Dr. Janssen is retiring as chief administrative officer of the county of Los Angeles where he has served with distinction since August 1996. I extend to him my sincere congratulations for the decades of dedicated service that he has given to his Nation, his State, and his county.

For the past decade, Dr. Janssen has played an invaluable role in helping the Los Angeles County Board of Supervisors accomplish its Federal and State legislative priorities.

While his many accomplishments are too numerous to list here, his most recent efforts clearly demonstrate just how much he has meant to Los Angeles county and my State over his entire career.

Dr. Janssen has advocated closely on important Medicaid reform proposals and helped to improve the flexibility of Federal foster care funds.

He coordinated and developed advocacy strategies with local government and housing and community development groups in the Los Angeles region to protect vital community development block grant funds.

Working to improve the county's health system, Dr. Janssen helped assure critical Federal funding guarantees and assisted in creating an action plan in the event of an avian flu epidemic. He also collaborated with the State's congressional delegation, Governor Arnold Schwarzenegger, and the administration to secure funding for Martin Luther King/Charles R. Drew Medical Center—King/Drew—in south Los Angeles, preserving critical, lifesaving services, and ensuring that the patients served by King/Drew continue to have access to care.

In an issue that is of utmost importance to my State, he worked closely with key administration officials and members of Congress to ensure that Los Angeles Air Force Base would not be closed or realigned.

In terms of homeland security, Dr. Janssen led the county in working to boost funding and increase the allocation of first responder grants to local governments. Likewise, he supported legislation to adopt a threat-based formula that directs homeland security funds where they are needed most.

These are just some of Dr. Janssen's significant accomplishments on behalf of Los Angeles county and the State of California. As he retires, I extend my gratitude to him for his many contributions throughout a distinguished career. With sincere best wishes, I congratulate him upon his retirement from public service. I am pleased to join his many coworkers, family, friends, and associates in wishing him health, happiness, and good fortune in all his future endeavors.•

TRIBUTE TO CHUCK LARSON, SR.

• Mr. HARKIN. Mr. President, one of the joys of my job as a Senator is working closely with talented, dedicated Iowans from all walks of life. One of those exceptional people is Chuck Larson, Sr., U.S. attorney for the Northern District of Iowa. With his retirement next month, he will conclude an extraordinary career in public service spanning nearly four decades.

Chuck has dedicated his life to the law and public safety, as director of Iowa public safety in the 1970s, as a consultant in Saudi Arabia to the Kingdom's Highway Patrol Project in the early 1980s, as director of the Governor's Office of Drug Control Policy, and as a member of the President's Drug Free Communities Committee. In December, he will complete two terms as U.S. attorney for the Northern District of Iowa.

My staff and I have worked closely with Chuck for many years. I could cite many examples of his leadership and professional excellence, but one instance stands out in particular. Some time ago, my office was contacted by members of an Iowa jurisdiction where various law enforcement agencies and key players in the community were not communicating effectively, leading to an increase in drug and gang activity. My staff contacted Chuck, and he intervened in that community personally and directly. He set up meetings with community members and law enforcement agencies and brought them together in a positive spirit. Today, that community is considered a national model for cooperation in the fight against drugs and gangs. And one thing that all groups in the community agree on is that it was Chuck's leadership and personal skills—going above and beyond his job description—that led to this success. Thanks to Chuck's work in that community and cross my State, Iowa is a better, safer place to live, work, and raise a family. Indeed, there is no doubt in my mind that Chuck's dedicated work is one big reason why Iowa has one of the lowest crime rates in the United States.

One key to Chuck's success is that he speaks with the authority of a seasoned veteran of decades on the front line fighting crime and improving public safety. Throughout his distinguished career, he has put public service above personal gain. We have all heard the saying that "you get what you pay for." But in Iowa, when it comes to U.S. attorneys, that is not the case. We get far better than we pay for. Despite modest salaries, Iowa has been blessed with U.S. attorneys of the highest caliber. And most folks in Iowa know this and appreciate it. We hold our law enforcement professionals—from police officers right up to the highest ranking prosecutors—in special esteem. And we are grateful for the excellence, professionalism, and long hours that they bring to their jobs.

I will miss Chuck's counsel and his can-do, cooperative attitude. My staff and I have turned to him again and again over the years, and he has never let us down. It has meant so much to be able to rely on someone of his caliber for authoritative answers and prompt action.

Though I am sorry to see Chuck go, I know how much he is looking forward to spending more time with his family—his wife Ellen and his children and grandchildren. I am grateful for his decades of truly distinguished and brilliant public service, and I wish him the very best.•

20TH ANNIVERSARY OF THE REDFIELD FIRE

• Mr. JOHNSON. Mr. President, today I wish to remember the fire that devastated the community of Redfield, SD, on November 16, 1986. Though there was a tragic loss of life and many families saw their property and possessions destroyed, the community was able to come together to help each other through those difficult times and to ultimately rebuild and thrive.

The fire began sometime prior to 4:30 that morning and was reported by Dawn Waldner. Soon local police and firefighters were on the scene, but the blaze proved uncontrollable. It was in the process of consuming an apartment building with 31 apartments and many of the downtown businesses in Redfield. The fire was so hot that it cracked the windows of any building in the vicinity of the flames. The Senior Citizens Center, Crawford Furniture, Coast to Coast hardware, Blaine St. Clair's business office, American Family Insurance, KQKD Radio, and a TV repair shop were among the businesses that were destroyed or damaged.

The day's greatest loss, however, was the life of young Rebecca Nelson, who was just over a year old. She was trapped in the burning apartment building, and though people on the scene made heroic efforts to save her, they could not discover her in time. Civilian Gene Freshour and police sergeant Dave Dosch both risked their lives by going into the building without masks to search for the child. Firefighters Bob Tiff, Jim Haider, Ron Eimers, and Rich Gruenwald formed a search team, also risking their lives, in the attempt to find Rebecca. Despite the brave actions of all those involved in the effort, she could not be rescued.

The fire burned so hot that firefighters said they could see the water evaporating before it even hit the fire. The tar on the streets melted, and ammunition in the hardware store was set off. By the time the embers were cold, over a million gallons of water had been used putting it out. It wasn't long, though, before the community came together to start the hard work of healing and rebuilding.

With the help of two community development block grants, the city was able to purchase much of the damaged property. Over 580 truckloads of debris were taken from the area, but new businesses have moved in and prospered. The site also is home to a memorial to Rebecca Nelson. There will be a memorial service in memory of the events of the day on November 16, 2006, at Siegling's Parking Lot, near the Rebecca Nelson Memorial. I extend my deepest condolences to those who suffered losses in the fire and commend the community for their unity and perseverance in rebounding from this disaster.•

BIGHORN CENTER TRIBUTE

• Mr. SALAZAR. Mr. President, I rise today to pay tribute to the Bighorn Center for Public Policy and to recognize the work of a great Coloradan, the Bighorn Center's CEO and founder, Rutt Bridges.

The Bighorn Center for Public Policy was created in 1999 in an effort to provide Colorado with a truly nonpartisan organization that identifies, develops, and advocates public policies to enrich the quality of life in the State of Colorado. Over the past 7 years, the Bighorn Center has brought together leaders from both sides of the aisle to find real solutions to Colorado's ever-changing public policy needs.

Rutt Bridges is a close friend and colleague. He is a man who understands the value of hard work and authentic leadership, and it has been my pleasure to work with him over the years to improve Colorado.

More than 25 years ago, Mr. Bridges and his wife moved to Colorado and founded a small software company that used emerging computer technology to search for oil. With his ambition and intelligence, Mr. Bridges revolutionized the oil exploration business. His small software company quickly grew from 3 employees to over 70. When he sold his company in 1994, he committed himself to doing good for Colorado, and he has maintained that commitment to this day.

The Bighorn Center's list of accomplishments is impressive. As Colorado attorney general, I worked with the Bighorn Center to develop the Colorado Anti-Bully Project. The Bighorn Center and Mr. Bridges are most well-known, however, for Colorado's telemarketing no-call list, passed in 2001 by Colorado's General Assembly. I am most proud of working with Rutt and the Center to help develop this landmark consumer protection law. Taking on special interests and supplying grassroots political pressure, the Bighorn Center was the driving force in making it easy for Coloradans to choose to block intrusive and unwanted telemarketing calls.

Mr. Bridges and the Bighorn Center did not stop there and have often worked behind the scenes to encourage more campaign finance disclosure, convene meetings to discuss Colorado's budget issues, and create a DNA fingerprinting database for all criminals.

The Bighorn Center also created the Bighorn Leadership Development Program, directed by another distinguished Coloradan, Brenda Morrison. This bipartisan program has effectively recruited and trained over 200 young leaders to work for a better Colorado.

I am proud of the accomplishments of the Bighorn Center for Public Policy, and I applaud Mr. Bridges, Ms. Morrison, and other staff at the Bighorn Center for their dedication to making Colorado a better place to live. While the Bighorn Center is closing its doors, its legacy and the work of these civic-minded Coloradans will continue.•

MESSAGE FROM THE HOUSE DURING ADJOURNMENT

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Under authority of the order of the Senate of January 4, 2005, the Secretary of the Senate, on November 16, 2006, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill and joint resolution:

H.R. 6326. An act to clarify the provision of nutrition services to older Americans.

H.J. Res. 100. Joint resolution making further continuing appropriations for the fiscal year 2007, and for other purposes.

The enrolled bill and joint resolution were subsequently signed by the President pro tempore (Mr. STEVENS).

MESSAGE FROM THE HOUSE

At 1:09 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 6325. An act to provide a new effective date for the applicability of certain provisions of law to Public Law 105–331.

H.J. Res. 101. Joint resolution appointing the day for the convening of the first session of the One Hundred Tenth Congress.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 423. Concurrent resolution authorizing the printing as a House document of "A History, Committee on the Judiciary, United States House of Representatives, 1813–2006".

MEASURES REFERRED

The following bill was discharged from the Committee on Homeland Security and Governmental Affairs by unanimous consent, and referred to the Committee on Energy and Natural Resources:

H.R. 3699. An act to provide for the sale, acquisition, conveyance, and exchange of certain real property in the District of Columbia to facilitate the utilization, development, and redevelopment of such property, and for other purposes.

The following bill was read, and referred as indicated:

H.R. 6325. An act to provide a new effective date for the applicability of certain provisions of law to Public Law 105–331; to the Committee on Banking, Housing, and Urban Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–9038. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, five quarterly Selected Acquisition Reports (SARs) for the quarter ending June 30, 2006; to the Committee on Armed Services.

EC–9039. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, international agreements other than treaties entered into by the United States in the past sixty days; to the Committee on Foreign Relations.

EC–9040. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to U.S. military personnel and civilian contractors involved in the anti-narcotics campaign in Colombia; to the Committee on Foreign Relations.

EC–9041. A communication from the Assistant General Counsel for Regulatory Services, Office of Innovation and Improvement, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Discretionary Grant Programs—Notice of Final Priorities" (71 FR 44671) received on November 14, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–9042. A communication from the Chairman, Federal Energy Regulatory Commission, transmitting, pursuant to law, a report relative to the progress the Commission has made in achieving its mission to regulate and oversee energy industries; to the Committee on Homeland Security and Governmental Affairs.

EC–9043. A communication from the Attorney General, transmitting, pursuant to law, a report relative to audits conducted on the Department of Justice's financial statements of fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9044. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Trade Agreements Thresholds and Morocco Free Trade Agreement" (DFARS Case 2005–D017) received on November 15, 2006; to the Committee on Armed Services.

EC–9045. A communication from the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the Government National Mortgage Association management report for the fiscal year ended September 30, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–9046. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to the Republic of Korea, Luxembourg and to other countries yet to be determined; to the Committee on Banking, Housing, and Urban Affairs.

EC–9047. A communication from the Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Disposition of HUD-Acquired Single Family Property; Disciplinary Actions Against HUD-Qualified Real Estate Brokers" (RIN2502–AI08) received on November 15, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–9048. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Adequacy of Missouri Municipal Solid Waste Landfill Program" (FRL No. 8242–9) received on November 15, 2006; to the Committee on Environment and Public Works.

EC–9049. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Adequacy of Nebraska Municipal Solid Waste Landfill Program" (FRL No. 8242–6) received on November 15, 2006; to the Committee on Environment and Public Works.

EC–9050. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Standards of Performance for Industrial-Commercial-Industrial Steam Generating Units" (RIN2060–AN96) received on November 15, 2006; to the Committee on Environment and Public Works.

EC–9051. A communication from the Acting Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Procedure: Reduction of Penalty for Understating Tax by Adequate Disclosure of an Item on Return" (Rev. Proc. 2006–48) received on November 15, 2006; to the Committee on Finance.

EC–9052. A communication from the Acting Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2006 Base Period T-Bill Rate" (Rev. Rul. 2006–54) received on November 15, 2006; to the Committee on Finance.

EC–9053. A communication from the Acting Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Substantiation of Expenses of Native Alaskan Whaling Captains" (Rev. Proc. 2006–50) received on November 15, 2006; to the Committee on Finance.

EC–9054. A communication from the Acting Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2007 Standard Mileage Rates" (Rev. Proc. 2006–49) received on November 15, 2006; to the Committee on Finance.

EC–9055. A communication from the Acting Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Amplification of Revenue Procedure 2005–70"

(Rev. Proc. 2006–51) received on November 15, 2006; to the Committee on Finance.

EC–9056. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law , the certification of a proposed license for the export of defense articles and defense services sold commercially under contract in the amount of $100,000,000 or more to Italy; to the Committee on Foreign Relations.

EC–9057. A communication from the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the Department's Performance and Accountability Report for Fiscal Year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9058. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, the Administration's Performance and Accountability Report for Fiscal Year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9059. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the Department's Fiscal Year 2006 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC–9060. A communication from the President of the United States of America, transmitting, pursuant to law, a report relative to the export to the People's Republic of China of items not detrimental to the United States space launch industry (motorized mixer with a stainless steel vacuum mixing tank and fine grain bulk graphite); to the Committee on Foreign Relations.

EC–9061. A communication from the President of the United States of America, transmitting, pursuant to law, a report relative to the export to the People's Republic of China of items not detrimental to the United States space launch industry (twelve Honeywell inertial measurement units); to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROBERTS, from the Select Committee on Intelligence:

Special Report entitled "Committee Activities of 108th Congress" (Rept. No. 109–360).

By Ms. SNOWE, from the Committee on Small Business and Entrepreneurship:

Report to accompany S. 3778. An original bill to reauthorize and improve the Small Business Act and the Small Business Act of 1958, and for other purposes (Rept. No. 109–361).

By Ms. COLLINS, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 4046. A bill to extend oversight and accountability related to United States reconstruction funds and efforts in Iraq by extending the termination date of the Office of the Special Inspector General for Iraq Reconstruction:

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Ms. COLLINS for the Committee on Homeland Security and Governmental Affairs.

*Stephen Thomas Conboy, of Virginia, to be United States Marshal for the Superior Court of the District of Columbia for the term of four years.

*James H. Bilbray, of Nevada, to be a Governor of the United States Postal Service for a term expiring December 8, 2015.

*Thurgood Marshall, Jr., of Virginia, to be a Governor of the United States Postal Service for a term expiring December 8, 2011.

*Dan Gregory Blair, of the District of Columbia, to be a Commissioner of the Postal Rate Commission for a term expiring October 14, 2012.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

DISCHARGED NOMINATIONS

The .Senate Committee on Foreign Relations was discharged from further consideration of the following nominations and the nominations were confirmed:

Jack Vaughn, of Texas, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 2006.

Adolfo A. Franco, of Virginia, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 2008, to which position he was appointed during the recess of the Senate from January 6, 2005, to January 20, 2005.

Roger W. Wallace, of Texas, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring October 6, 2008, to which position he was appointed during the last recess of the Senate.

Kay Kelley Arnold, of Arkansas, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring October 6, 2010. (Reappointment).

Gary C. Bryner, of Utah, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring June 26, 2008.

Thomas Joseph Dodd, of the District of Columbia, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring June 26, 2008.

John P. Salazar, of New Mexico, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 2012.

Thomas A. Shannon, Jr., of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 2012.

Jack Vaughn, of Texas, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 2012. (Reappointment).

Craig Roberts Stapleton, of Connecticut, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Monaco.

Nominee: Craig R. Stapleton

Post: Ambassador to Monaco

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: 2,000.00, 7/17/03, Bush-Cheney '04; 25,000.00, 12/28/03, Bush/Cheney Victory 2004; 1,000.00, 2/13/04, John Graves for Congress; 1,000.00, 5/28/04, Friends of Jack Orchulli; 2,000.00, 5/28/04, Shays for Congress; 25,000.00, 6/21/04, RNC Presidential Trust; 500.00, 8/21/04, Republican Majority for Choice; 1,000.00, 9/15/04, Peter Coors for Senate; 2,000.00, 3/26/04, Simmons for Congress.

2. Spouse: Dorothy W. Stapleton, 2,000.00, 8/19/03, Bush-Cheney '04; 1,000.00, 3/26/04, Simmons for Congress; 1,000.00, 8/13/04, Fed PAC; 1,000.00, 10/8/04, Coors for Senate.

3. Children and Spouses: Walker Stapleton, 500.00, 9/24/02, Beauprez for Congress; 2,000.00, 8/20/03, Bush-Cheney '04; 1,000.00, 5/24/04, 500.00, 10/08/04, Coors for Senate.

4. Parents: Katharine H. Stapleton, 2,000.00, 8/20/03, Bush-Cheney '04.

5. Grandparents: No contributions.

6. Brothers and Spouses: Benjamin F. Stapleton III (Jane), 208.00, 10/13/04, Coburn for Senate; 208.00, 10/29/04, Coors for Senate; 500.00, 8/06/04, Udall for Congress; 1,000.00, 8/26/03, Bush-Cheney '04; 1,000.00, 6/15/04, Bush-Cheney '04; 1,000.00, 5/28/04, Shelby for Senate; 1,000.00, 8/04/04, Coors for Senate; 2,496.00, 10/13/04, Majority Fund for America's Future Committee.

7. Sisters and Spouses: No contributions.

Ronald Spogli, of California, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of San Marino.

Nominee: Ronald P. Spogli

Post: Ambassador, San Marino

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: 24,500, 7/29/04, 2004 Joint Candidate Committee; 7,500, 7/29/04, 2004 Joint State Victory Committee; 2,000, 6/30/04, Pete Coors for U.S. Senate-Primary; 2,000, 6/30/04, Pete Coors, for U.S. Senate-General; 2,000, 3/26/04 John Thune for U.S. Senate-Primary; 25,000, 2/24/04, Republican National Committee; 25,000, 9/11/03, Republican National Committee; 2,000, 6/20/03, Bush-Cheney'04 Inc.; 1,000, 2/5/03, Kit Bond for U.S. Senate-Primary; 1,000, 7/11/02, John Cornyn for U.S. Senate; 1,000, 4/18/02 James Talent for U.S. Senate-Primary; 1,000, 4/18/02, James Talent for U.S. Senate-General; 1,000, 4/18/02, Norm Coleman for U.S. Senate-Primary; 1,000, 4/18/02, Norm Coleman for U.S. Senate-General; 1,000, 4/18/02, John Thune for U.S. Senate-Primary; 1,000, 4/18/02, John Thune for U.S. Senate-General; 1,000, 4/15/02, McConnell U.S. Senate Committee-General; 198,000, 4/11/02, Republican National Committee State Elections Account; 10,000, 11/12/01, National Republican Senatorial Committee; 20,000, 5/8/01, Republican National Committee State Elections Account; 1,000, 4/16/01, McConnell U.S. Senate Committee-Primary; 8,702, 1/19/01, Republican National Committee State Elections Account; 100,000, 1/2/01, Presidential Inaugural Committee; 5,000, 12/6/00, Bush/Cheney Presidential Transition Fund; 5,000, 11/16/00, Bush-Cheney Recount Fund; 300, 7/25/00, National Federation of Republican Women; 200, 7/6/00, Republican National Committee State Election Account; 1,000, 6/26/00, Abraham for U.S. Senate 2000; 125,000, 6/15/00, Republican National Committee State Election Account; 50,000, 5/15/00, Republican National

Committee State Election Account; 15,000, 5/15/00, Republican National Committee; 10,000, 12/17/99, 1999 State Victory Fund Committee; 5,000, 11/16/99, Victory 2000 California Republican Party—Federal Account; 15,000, 11/6/99, Victory 2000 California Republican Party; 1,000, 3/7/99, Bush Presidential Exploratory Committee; 10,000, 3/23/98, George Bush Committee.

2. Spouse: Georgia B. Spogli, 7,500, 8/2/04, 2004 Joint State Victory Committee; 30,500, 8/2/4, 2004 Joint Candidate Committee; 25,000, 2/25/04, Republican National Committee; 25,000, 9/12/03, Republican National Committee; 2,000, 6/20/03, Bush-Cheney '04; 1,000, 2/5/03, Kit Bond for U.S. Senate-Primary; 1,000, 4/18/02, James Talent for U.S. Senate-Primary; 1,000, 4/18/02, James Talent for U.S. Senate-General; 1,000, 4/18/02, Norm Coleman for U.S. Senate-Primary; 1,000, 4/18/02, Norm Coleman for U.S. Senate-General; 1,000, 4/18/02, John Thune for U.S. Senate-Primary; 1,000, 4/18/02, John Thune for U.S. Senate-General; 20,000, 4/30/01, Republican National Committee; 5,000, 5/14/00, Victory 2004 California Republican Party; 15,000, 5/14/00, Republican National Committee; 10,000, 12/20/99, 1999 State Victory Fund; 5,000, 11/5/99, Victory 2000 California Republican Party-Federal Account; 1,000, 3/7/99, George Bush Presidential Exploratory Committee.

3. Children and Spouses: Caroline Hunter Spogli (daughter), none; William Alexander Ridley Considine, none.

4. Parents: Helen Spogli, deceased; Valerio Spogli, none.

5. Grandparents: Gesue Spogli, deceased; Marisilia Bartecchi Spogli Sacco, deceased; Salvatore Boccadori, deceased; Amelia Boccardori, deceased.

6. Brothers and Spouses: Robert Spogli, 100, 3/4/04, Bush-Cheney; 100, 8/20/04, Republican National committee; 150, 8/8/98, Republican Congressional Committee;

7. Sisters and Spouses: none.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ALLEN:

S. 4057. A bill to protect the second amendment rights of individuals to carry firearms in units of the National Park System; to the Committee on Energy and Natural Resources.

By Mrs. BOXER (for herself and Mrs. Feinstein):

S. 4058. A bill to expand the boundaries of the Gulf of the Farallones National Marine Sanctuary and the Cordell Bank National Marine Sanctuary; to the Committee on Commerce, Science, and Transportation.

By Mr. LAUTENBERG:

S. 4059. A bill to prohibit departments, agencies, and other instrumentalities of the Federal Government from providing assistance to an entity for the development of course material or the provision of instruction on human development and sexuality, if such material or instruction will include medically inaccurate information, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DODD:

S. 4060. A bill to amend the Military Commissions Act of 2006 to improve and enhance due process and appellate procedures, and for other purposes; to the Committee on Armed Services.

By Mr. DODD:

S. 4061. A bill to create, adopt, and implement rigorous and voluntary American education content standards in mathematics and science covering kindergarten through grade 12, to provide for the assessment of student proficiency benchmarked against such standards, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INHOFE:

S. 4062. A bill to freeze non-defense discretionary spending at fiscal year 2007 levels effective in fiscal year 2008; to the Committee on the Budget.

By Mr. FEINGOLD:

S. 4063. A bill to provide for additional section 8 vouchers, to reauthorize the Public and Assisted Housing Drug Elimination Program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CRAPO:

S. 4064. A bill to improve the amendments made by the No Child Left Behind Act of 2001; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. CLINTON:

S. 4065. A bill to direct the Attorney General to conduct a study on the feasibility of collecting crime data relating to the occurrence of school-related crime in elementary schools and secondary schools; to the Committee on the Judiciary.

By Mr. GRAHAM:

S. 4066. A bill to prohibit the designation of Brazil under title V of the Trade Act of 1974; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. Allard, Mr. Rockefeller, Mr. Byrd, Mr. Inouye, Mr. Salazar, Mr. Roberts, Ms. Snowe, Mr. Pryor, Mr. Enzi, Mrs. Clinton, and Mr. Ensign):

S. 4067. A bill to provide for secondary transmissions of distant network signals for private home viewing by certain satellite carriers; to the Committee on the Judiciary.

By Mr. SUNUNU (for himself and Mr. Gregg):

S. 4068. A bill to clarify provisions relating to statutory copyright licenses for satellite carriers; to the Committee on the Judiciary.

By Mr. OBAMA:

S. 4069. A bill to prohibit deceptive practices in Federal elections; to the Committee on Rules and Administration.

By Mr. AKAKA (for himself and Mr. Inouye):

S. 4070. A bill to exempt children of certain Filipino World War II veterans from the numerical limitations on immigrant visas; to the Committee on the Judiciary.

By Ms. LANDRIEU:

S. 4071. A bill to amend the Internal Revenue Code of 1986 to extend the placed-in-service date requirement for low-income housing credit buildings and bonus depreciation property and the period for rehabilitation expenditures in the Gulf Opportunity Zone; to the Committee on Finance.

By Ms. LANDRIEU (for herself and Mr. Kerry):

S. 4072. A bill to address ongoing small business and homeowner needs in the Gulf Coast States impacted by Hurricane Katrina and Hurricane Rita; to the Committee on Small Business and Entrepreneurship.

By Mr. TALENT (for himself and Mr. Bond):

S. 4073. A bill to designate the outpatient clinic of the Department of Veterans Affairs located in Farmington, Missouri, as the "Robert Silvey Department of Veterans Affairs Outpatient Clinic"; considered and passed.

By Mr. ALLARD:

S. 4074. A bill to provide certain counties with the ability to receive television broadcast signals of their choice; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CHAMBLISS (for himself and Mr. Isakson):

S. Res. 615. A resolution designating November 26, 2006, as "Drive Safer Sunday"; to the Committee on the Judiciary.

By Mr. FRIST:

S. Res. 616. A resolution authorizing the Majority Leader and one staff member to travel to Mexico for the inauguration of the new President of Mexico scheduled for December 2, 2006; considered and agreed to.

By Mr. CHAMBLISS:

S. Res. 617. A resolution designating November 2006 as "National Lung Cancer Awareness Month"; to the Committee on the Judiciary.

By Mr. CHAMBLISS (for himself and Mr. Isakson):

S. Res. 618. A resolution designating November 26, 2006, as "Drive Safer Sunday"; considered and agreed to.

By Mr. DURBIN (for himself, Mr. Coleman, Mr. Kennedy, Mr. Harkin, Mr. Dayton, Mr. Feingold, Mr. Reed, Mr. Dodd, Mrs. Murray, Mr. Lautenberg, and Mr. Leahy):

S. Res. 619. A resolution expressing the sense of the Senate that Senator Paul Wellstone should be remembered for his compassion and leadership on social issues and that Congress should act to end discrimination against citizens of the United States who live with mental illness by making legislation relating to mental health parity a priority for the 110th Congress; considered and agreed to.

By Mr. CHAMBLISS:

S. Res. 620. A resolution designating November 2006 as "National Lung Cancer Awareness Month"; considered and agreed to.

By Mr. CRAPO (for himself, Mrs. Clinton, Mr. Lieberman, Ms. Murkowski, and Mr. Menendez):

S. Res. 621. A resolution designating the week of February 5 through February 9, 2007, as "National Teen Dating Violence Awareness and Prevention Week"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 408

At the request of Mr. DeWine, the name of the Senator from Texas (Mr. Cornyn) was added as a cosponsor of S. 408, a bill to provide for programs and activities with respect to the prevention of underage drinking.

S. 1081

At the request of Mr. Kyl, the name of the Senator from New Jersey (Mr. Menendez) was added as a cosponsor of S. 1081, a bill to amend title XVIII of the Social Security Act to provide for a minimum update for physicians' services for 2006 and 2007.

S. 1508

At the request of Mr. COCHRAN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1508, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

At the request of Mr. FEINGOLD, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 1508, supra.

S. 2375

At the request of Mr. COLEMAN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 2375, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 2506

At the request of Mr. OBAMA, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2506, a bill to require Federal agencies to support health impact assessments and take other actions to improve health and the environmental quality of communities, and for other purposes.

S. 2990

At the request of Mr. VITTER, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 2990, a bill to amend title XVIII of the Social Security Act to restore financial stability to Medicare anesthesiology teaching programs for resident physicians.

S. 3491

At the request of Mr. VOINOVICH, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 3491, a bill to establish a commission to develop legislation designed to reform tax policy and entitlement benefit programs and to ensure a sound fiscal future for the United States, and for other purposes.

S. 3677

At the request of Mr. BINGAMAN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 3677, a bill to amend title XVIII of the Social Security Act to eliminate the in the home restriction for Medicare coverage of mobility devices for individuals with expected long-term needs.

S. 3678

At the request of Mr. BURR, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 3678, a bill to amend the Public Health Service Act with respect to public health security and all-hazards preparedness and response, and for other purposes.

S. 3685

At the request of Mr. BOND, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 3685, a bill to establish a grant program to provide vision care to children, and for other purposes.

S. 3744

At the request of Mr. DURBIN, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 3744, a bill to establish the Abraham Lincoln Study Abroad Program.

S. 3768

At the request of Mr. LEAHY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 3768, a bill to prohibit the procurement of victim-activated landmines and other weapons that are designed to be victim-activated.

S. 3775

At the request of Mr. DURBIN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 3775, a bill to amend the Foreign Assistance Act of 1961 to assist countries in sub-Saharan Africa in the effort to achieve internationally recognized goals in the treatment and prevention of HIV/AIDS and other major diseases and the reduction of maternal and child mortality by improving human health care capacity and improving retention of medical health professionals in sub-Saharan Africa, and for other purposes.

S. 3787

At the request of Mr. SANTORUM, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 3787, a bill to establish a congressional Commission on the Abolition of Modern-Day Slavery.

S. 3910

At the request of Mrs. CLINTON, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 3910, a bill to direct the Joint Committee on the Library to accept the donation of a bust depicting Sojourner Truth and to display the bust in a suitable location in the Capitol.

S. 4014

At the request of Mr. LUGAR, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 4014, a bill to endorse further enlargement of the North Atlantic Treaty Organization (NATO) and to facilitate the timely admission of Albania, Croatia, Georgia, and Macedonia to NATO, and for other purposes.

S. 4046

At the request of Ms. COLLINS, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 4046, a bill to extend oversight and accountability related to United States reconstruction funds and efforts in Iraq by extending the termination date of the Office of the Special Inspector General for Iraq Reconstruction.

At the request of Mr. AKAKA, his name was added as a cosponsor of S. 4046, supra.

S. RES. 549

At the request of Mr. SANTORUM, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Res. 549, a resolution expressing the sense of the Senate regarding modern-day slavery.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. LAUTENBERG:

S. 4059. A bill to prohibit departments, agencies, and other instrumentalities of the Federal Government from providing assistance to an entity for the development of course material or the provision of instruction on human development and sexuality, if such material or instruction will include medically inaccurate information, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. LAUTENBERG. Mr. President, I rise to introduce and discuss my bill, the "Guarantee of Medical Accuracy in Sex Education Act."

My bill would require that federally-funded sex education/abstinence only programs contain medically accurate and factual information as part of any course instruction.

During the past few years, there has been an increase in the number of federally funded programs using curricula that provide medically inaccurate or misleading information.

Some of these medical inaccuracies include teaching young people that HIV can be transmitted by sweat and tears, citing failure rates of condoms as high as 69 percent, as well as giving inaccurate symptoms and outcomes of sexually transmitted diseases. In addition, some federally funded programs provided erroneous information about basic scientific facts, for example, stating that human cells have 24 chromosomes from each parent when in fact the number is 23.

Inaccurate information regarding contraception and STD/HIV prevention can make sex education both dangerous and counterproductive. Responsible sex education, by contrast, is an important component of a strategy to reduce unintended pregnancies, decrease the number of abortions, and mitigate the incidence of STD's.

Instruction regarding sexual health and reproduction that includes inaccurate or biased information is not only irresponsible, but it is also dangerous, and it puts our young people at risk for unintended pregnancy and disease.

I urge my colleagues to support medically accurate sex-education—programs that helps young people to develop the proper understanding of their sexuality, so they can make responsible decisions throughout their lives.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 4059

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Guarantee of Medical Accuracy in Sex Education Act".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) A 2006 Government Accountability Office report entitled "Abstinence Education: Efforts to Assess the Accuracy and Effectiveness of Federally Funded Programs" finds that the Department of Health and Human Services does not review the content of the major federally funded abstinence-only education programs for accuracy.

(2) All federally funded programs aimed at helping young people make healthy decisions regarding their relationships and sexual health should include medically accurate information.

(3) A 2004 report from the Minority Office of the Committee on Government Reform of the House of Representatives found serious medical inaccuracies associated with a large majority of federally funded abstinence-only-until-marriage programs.

(4) The Society for Adolescent Medicine (SAM) found in a 2006 position paper that abstinence-only-until-marriage programs "provide incomplete and/or misleading information" and states that "efforts to promote abstinence should be based on sound science".

(5) The American College of Obstetricians and Gynecologists have also expressed "the importance of ensuring that all federally funded sexuality education programs include information that is medically accurate and complete".

(6) The American Academy of Pediatrics (AAP) believes that "children and adolescents need accurate and comprehensive education about sexuality to practice healthy sexual behavior as adults".

(7) The American Public Health Association (APHA) "recognize[s] that sexuality is a normal, healthy aspect of human development ... and that individuals of all ages require complete and accurate information about all aspects of sexuality". APHA "endorses the right of children and youth to receive comprehensive sexuality education that includes facts, information, and data and that demonstrates an appreciation of racial, ethnic, and cultural diversity".

(8) The American Medical Association "urges schools to implement comprehensive, developmentally appropriate sexuality education programs that are based on rigorous, peer reviewed science".

(9) Over 1 billion dollars in citizen taxpayer money has been spent on abstinence-only-until-marriage programs in the past quarter century without significant monitoring of the content of these programs in order to guarantee they contain medically accurate information and exclude inaccurate data.

SEC. 3. MEDICALLY INACCURATE SEX EDUCATION.

(a) REQUIREMENTS.—A department, agency, or other instrumentality of the Federal Government shall not provide funds or other assistance to an entity for the development of course material or the provision of instruction on human development and sexuality, including any sex education, family life education, abstinence education, comprehensive health education, or character education, if such material or instruction will include medically inaccurate information. Before providing such funds or other assistance, the department, agency, or instrumentality shall require a sufficient assurance that such material or instruction will not include medically inaccurate information.

(b) DEFINITIONS.—In this Act, the term "medically inaccurate information" means information related to medical, psychiatric, psychological, empirical, or statistical statements that is unsupported or contradicted by peer-reviewed research by leading medical, psychological, psychiatric, and public health organizations and agencies.

By Mr. DODD:

S. 4060. A bill to amend the Military Commissions Act of 2006 to improve and enhance due process and appellate procedures, and for other purposes; to the Committee on Armed Services.

Mr. DODD. Mr. President: I rise to introduce the Effective Terrorists Prosecution Act of 2006. This legislation would make critically important changes to the measure that Congress narrowly approved on September 29, the Military Commissions Act of 2006. Let me be clear from the outset of my remarks. I will take a backseat to no one when it comes to defending our country against terrorism. I fully support the use of military commissions to protect U.S. intelligence and expedite judicial proceedings vital to military action under the Uniform Code of Military Justice. Unlike the Administration, I trust the United States military and our legal system to arbitrate decisions related to enemy combatants.

I strongly believe that terrorists who seek to destroy America must be punished for any wrongs they commit against this country. But in my view, in order to sustain America's moral authority and win a lasting victory against our enemies, such punishment must be meted out only in accordance with the rule of law.

My legislation provides essential legal tools for our war on terror in seven key ways: It restores the writ of habeas corpus for individuals held in U.S. custody. It narrows the definition of unlawful enemy combatant to individuals who directly participate in hostilities against the United States who are not lawful combatants. It prevents the use of evidence in court gained through the unreliable and immoral practices of torture and coercion. It empowers military judges to exclude hearsay evidence they deem to be unreliable. It authorizes the U.S. Court of Appeals for the Armed Forces to review decisions by the military commissions. It limits the authority of the President to interpret the meaning and application of the Geneva Conventions and makes that authority subject to congressional and judicial oversight. Finally, it provides for expedited judicial review of the Military Commissions Act of 2006 to determine the constitutionality of its provisions.

Before I elaborate on each of these critical points, let me simply underscore the point that for more than 200 years, our Nation has served as a shining example in its promotion of civil and human rights throughout the world. Denial of basic legal proceedings to individuals held in the custody of the United States has raised questions over our basic adherence to the U.S. Constitution and also diminished our reputation around the world. American citizens are questioning their own government's judgments, terrorists are citing American abuses to recruit new loyalists, and American servicemembers fear detention overseas under similarly abusive conditions in violation of their human rights.

Supporters of the administration's law may say that to speak out against its enactment is being soft on terrorism. Not only is this sentiment wholly inaccurate, it underestimates a fundamental strength of our Nation and the best defense against terrorists—respect for the rule of law.

For instance, the administration-backed law eliminates the principle of habeas corpus which has served as the backbone of common law since before the Magna Carta in the 13th century. Under the writ of habeas corpus independent courts may review the legality of custody decisions. My legislation would restore this basic tenet in the context of military commissions.

The administration's approach allows the President to remove anyone he so chooses from America's standard jurisprudence and designate him or her as an "unlawful enemy combatant" if he has engaged in hostilities or supported hostilities against the United States. Such individuals are subject to arrest and detention indefinitely without charge. In contrast, my legislation allows the designation of "unlawful enemy combatants" only for those individuals engaged in armed conflict against the United States. This provision seeks to curtail potential abuse of the enemy combatant designation so that holding individuals in detention indefinitely without a trial will prove to be the exception rather than the norm.

Also, unlike the law backed by the administration, my bill further promotes humane treatment of military personnel by prohibiting the use of evidence gained by coercion in a trial. Such a provision is critically important for two reasons. First, the use of torture has been proven ineffective in interrogations when a detainee simply says what he believes an interrogator wants to hear in order to stop the torture. Second it deprives foreign militaries the ability to cite U.S. actions to justify their own misconduct toward future American POWs.

My bill grants discretion to military judges to exclude hearsay evidence determined to be unreliable. Under my legislation, judges are given discretion in the event that classified evidence has a bearing on the innocence of an individual, but is excluded due to national security concerns and declassified alternatives are insufficient. America's military judges have been fully trained and prepared to handle classified information. The Bush administration's failure to recognize this fact is an insult to the men and women of our military's bench and an affront to the U.S. military legal system. Moreover, my bill properly grants the Armed Forces judicial review of these decisions unlike the administration's law which denies the United States Court of Appeals of the Armed Forces the right to hearing military commission appeals.

And, just as important as restoring our commitment in the Uniform Code of Military Justice, my legislation would also reaffirm America's commitment to the contents of the Geneva Conventions. In contrast, the Administration's Military Commissions Act gives unprecedented authority to the president to define what interrogation techniques constitute "grave breaches" of the Geneva Conventions. The United States President should not have the right to unilaterally define the legal boundaries of torture. The United States Congress has ratified universally recognized conventions prohibiting such conduct, and the President should recognize them as the law of the land. Indeed, there is a lesson to be learned in the events of the last 6 years, particularly in the case of Abu Ghraib, when not only was our Nation's reputation tarnished, but our commitment to the rule of law was credibly called into question. This is not the America our Nation's greatest generations have long fought for. Our country would have been better served if we had looked to the pages of history to guide us through this national crisis.

Just 60 years ago, the United States confronted the daunting task of bringing history's most despicable war criminals to justice. In determining how to deal with Nazi leaders guilty of grave atrocities, our country never forgot its pivotal role as the leader of the free world. There were strong and persuasive voices crying for the execution of these men who had commanded, with ruthless efficiency, the slaughter of 6 million innocent Jews and 5 million other innocent men, women, and children. Why should these men who had extinguished so many lives be given a trial at all? Why should they not be subjected to the same fate to which they had subjected countless innocent people? Why not just shoot them, as Winston Churchill wanted? Why not just give in to legal scholars, who said there was no court, no judge, no laws, and no precedent?

Why not? Because, as I have recounted on this floor on several occasions, America has always stood for something more. Our leaders at Nuremberg, including the young prosecutor Thomas Dodd, my father, rejected the certainty of execution for the uncertainty of a trial. In doing so, we reaffirmed the ideal that this Nation should never tailor its eternal principles to the conflict of the moment, because if we did, we would be walking in the footsteps of the enemies we despised.

Almost 60 years to the day after the Nuremberg verdicts, Congress passed the Military Commissions Act, with the support of the administration which steps away from the high principles established at Nuremberg and honored in the decades since. In my view, this law has dishonored our Nation's proud history.

Indeed, to watch the Senate, on the anniversary of Nuremberg, negate these great principles and traditions was one of the saddest days I have seen in a quarter century of service in this body. It pains me to no end to have seen the administration and its allies rush this bill through Congress in the days before an election with hopes of exploiting Americans' fears of a terrorist attack. This administration would have the American people believe that the war on terror requires a choice between protecting America from terrorism and upholding the basic tenets upon which our country was founded—but not both. This canard is untrue and frankly negligent.

I believe that the United States Congress made a crucial mistake. And that is why the final provision in my bill is perhaps the most important one—it will ensure that each of the provisions of the administration's Military Commission Act is quickly reviewed by our Nation's courts, and appropriately evaluated for their constitutionality. I do not pretend to have all the answers regarding the legality and probity of this highly controversial statute. But I believe it is essential for America's security and moral authority to allow those best qualified to make these judgments—members of our esteemed judiciary—to have an opportunity to overturn the most egregious provisions of this Act.

In turn, we in Congress have our own obligation, to work in a bipartisan way to repair the damage that has been done, to protect our international reputation, to preserve our domestic traditions, and to provide a successful mechanism to improve and enhance the tools required by the global war on terror.

I urge my colleagues to consider the consequences if we fail to correct the mistakes that have been made. I hope that Congress and the administration will take a serious look at my proposal and work with me to improve the current system, for the sake of our security, our international standing, and our commitment to the rule of law.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection the bill was ordered to be printed in the RECORD, as follows:

S. 4060

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Effective Terrorists Prosecution Act of 2006".

SEC. 2. DEFINITION OF UNLAWFUL ENEMY COMBATANT.

Paragraph (1) of section 948a of title 10, United States Code (as enacted by the Military Commissions Act of 2006 (Public Law 109-366)), is amended to read as follows:

"(1) UNLAWFUL ENEMY COMBATANT.—The term 'unlawful enemy combatant' means an individual who directly participates in hostilities as part of an armed conflict against the United States who is not a lawful enemy combatant. The term is used solely to designate individuals triable by military commission under this chapter.".

SEC: 3. DETERMINATION OF UNLAWFUL ENEMY COMBATANT STATUS BY COMBATANT STATUS REVIEW TRIBUNAL NOT DISPOSITIVE FOR PURPOSES OF JURISDICTION OF MILITARY COMMISSIONS.

Section 948d of title 10, United States Code (as enacted by the Military Commissions Act of 2006 (Public Law 109-366)), is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

SEC. 4. EXCLUSION FROM TRIAL BY MILITARY COMMISSION OF STATEMENTS OBTAINED BY COERCION.

Section 948r of title 10, United States Code (as enacted by the Military Commissions Act of 2006 (Public Law 109-366)), is amended by striking subsections (c) and (d) and inserting the following new subsection (c):

"(c) EXCLUSION OF STATEMENTS OBTAINED BY COERCION.—A statement obtained by use of coercion shall not be admissible in a military commission under this chapter, except against a person accused of coercion as evidence that the statement was made.".

SEC. 5. DISCRETION OF MILITARY JUDGE TO EXCLUDE HEARSAY EVIDENCE DETERMINED TO BE UNRELIABLE OR LACKING IN PROBATIVE VALUE.

Section 949a(b)(2)(E)(ii) of title 10, United States Code (as enacted by the Military Commissions Act of 2006 (Public Law 109-366)), is amended by striking "if the party opposing the admission of the evidence demonstrates that the evidence is unreliable or lacking in probative value" and inserting "if the military judge determines, upon motion by counsel, that the evidence is unreliable or lacking in probative value".

SEC. 6. DISCRETION OF MILITARY JUDGE TO TAKE CERTAIN ACTIONS IN EVENT THAT A SUBSTITUTE FOR CLASSIFIED EXCULPATORY EVIDENCE IS INSUFFICIENT TO PROTECT THE RIGHT OF A DEFENDANT TO A FAIR TRIAL.

Section 949j(d)(1) of title 10, United States Code (as enacted by the Military Commissions Act of 2006 (Public Law 109–366)), is amended by adding at the end the following: "If the military judge determines that the substitute is not sufficient to protect the right of the defendant to a fair trial, the military judge may—

"(A) dismiss the charges in their entirety;

"(B) dismiss the charges or specifications or both to which the information relates; or

"(C) take such other actions as may be required in the interest of justice.".

SEC. 7. REVIEW OF MILITARY COMMISSION DECISIONS BY UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES RATHER THAN COURT OF MILITARY COMMISSION REVIEW.

(a) REVIEW.—

(1) IN GENERAL.—Section 950f of title 10, United States Code (as enacted by the Military Commissions Act of 2006 (Public Law 109–366)), is amended to read as follows:

"§950f. Review by Court of Appeals for the Armed Forces

"(a) CASES TO BE REVIEWED.—The United States Court of Appeals for the Armed Forces, in accordance with procedures prescribed under regulations of the Secretary, shall review the record in each case that is referred to the Court by the convening authority under section 950c of this title with respect to any matter of law raised by the accused.

"(b) SCOPE OF REVIEW.—In a case reviewed by the United States Court of Appeals for the Armed Forces under this section, the Court may only act with respect to matters of law.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter VI of chapter 47A of such title (as so enacted) is amended by striking the item relating to section 950f and inserting the following new item:

"950f. Review by Court of Appeals for the Armed Forces.".

(b) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Chapter 47A of title 10, United States Code (as so enacted), is further amended as follows:

(A) In section 950c(a), by striking "the Court of Military Commission Review" and inserting "the United States Court of Appeals for the Armed Forces".

(B) In section 950d, by striking "the Court of Military Commission Review" each place it appears and inserting "the United States Court of Appeals for the Armed Forces".

(C) In section 950g(a)(2), by striking "the Court of Military Commission Review" each place it appears and inserting "the United States Court of Appeals for the Armed Forces".

(D) In section 950h, by striking "the Court of Military Commission Review" each place it appears and inserting "the United States Court of Appeals for the Armed Forces".

(2) UNIFORM CODE OF MILITARY JUSTICE.—Section 867a(a) of title 10, United States Code (article 67a(a) of the Uniform Code of Military Justice), is amended by striking "Decisions" and inserting "Except as provided in sections 950d and 950g of this title, decisions".

SEC. 8. IMPLEMENTATION OF TREATY OBLIGATIONS.

(a) IN GENERAL.—Section 6(a) of the Military Commissions Act of 2006 (Public Law 109–366) is amended—

(1) in paragraph (2)—

(A) in the first sentence, by inserting after "international character" the following: "and preserve the capacity of the United States to prosecute nationals of enemy powers for engaging in acts against members of the United States Armed Forces and United States citizens that have been prosecuted by the United States as war crimes in the past"; and

(B) by striking the second sentence; and

(2) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking "the President has the authority for the United States to interpret the meaning and application of the Geneva Conventions and to promulgate" and inserting "the President has the authority, subject to congressional oversight and judicial review, to promulgate"; and

(ii) by striking "higher standards and";

(B) in subparagraph (B), by striking "interpretations" and inserting "rules"; and

(C) by amending subparagraph (D) to read as follows:

"(D) The President shall notify other parties to the Geneva Conventions that the United States expects members of the United States Armed Forces and other United States citizens detained in a conflict not of an international character to be treated in a manner consistent with the standards described in subparagraph (A) and embodied in section 2441 of title 18, United States Code, as amended by subsection (b).".

(b) MODIFICATIONS OF WAR CRIMES OFFENSES.—

(1) INCLUSION OF DENIAL OF TRIAL RIGHTS AMONG OFFENSES.—Paragraph (1) of section 2441(d) of title 18, United States Code (as enacted by the Military Commissions Act of 2006), is amended by adding at the end the following new subparagraph:

"(J) DENIAL OF TRIAL RIGHTS.—The act of a person who intentionally denies one or more persons the right to be tried before a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples as prescribed by common Article 3 of the Geneva Conventions.".

(2) DEFINITION OF SERIOUS PHYSICAL PAIN OR SUFFERING.—Clause (ii) of subparagraph ((D) of paragraph (2) of such section (as so enacted) is amended to read as follows:

"(ii) serious physical pain;".

SEC. 9. RESTORATION OF HABEAS CORPUS FOR INDIVIDUALS DETAINED BY THE UNITED STATES.

(a) RESTORATION.—Subsection (e) of section 2241 of title 28, United States Code, as amended by section 7(a) of the Military Commissions Act of 2006 (Public Law 109–366), is repealed.

(b) CONFORMING AMENDMENT.—Subsection (b) of section 7 of the Military Commissions Act of 2006 (Public Law 109–366) is repealed.

SEC. 10. EXPEDITED JUDICIAL REVIEW OF MILITARY COMMISSIONS ACT OF 2006.

Notwithstanding any other provision of law, the following rules shall apply to any civil action, including an action for declaratory judgment, that challenges any provision of the Military Commissions Act of 2006 (Public Law 109–366), or any amendment made by that Act, on the ground that such provision or amendment violates the Constitution or the laws of the United States:

(1) The action shall be filed in the United States District Court for the District of Columbia and shall be heard in that Court by a court of three judges convened pursuant to section 2284 of title 28, United States Code.

(2) An interlocutory or final judgment, decree, or order of the United States District Court for the District of Columbia in an action under paragraph (1) shall be reviewable as a matter of right by direct appeal to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 days after the date on which such judgment, decree, or order is entered. The jurisdictional statement with respect to any such appeal shall be filed within 30 days after the date on which such judgment, decree, or order is entered.

(3) It shall be the duty of the United States District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any action or appeal, respectively, brought under this section.

SEC. 11. EFFECTIVE DATE.

The amendments made by this Act shall take effect on October 17, 2006, the date of the enactment of the Military Commissions Act of 2006 (Public Law 109–366), immediately after the enactment of that Act and shall apply to all cases, without exception, that are pending on or after such date.

By Mr. DODD:

S. 4061. A bill to create, adopt, and implement rigorous and voluntary American education content standards in mathematics and science covering kindergarten through grade 12, to provide for the assessment of student proficiency bench marked against such standards, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today to introduce The Standards to Provide Educational Access for Kids (SPEAK) Act. This bill will create, adopt, and implement voluntary core American education content standards in math and science while incentivizing states to adopt them.

America's leadership, economic, and national security rest on our commitment to educate and prepare our youth to succeed in a global economy. The key to succeeding in this endeavor is to have high expectations for all American students as they progress through our nation's schools.

Currently there are 50 different sets of academic standards, 50 State assessments, and 50 definitions of proficiency under the No Child Left Behind Act. As a result of varied standards, exams and proficiency levels, America's highly mobile student-aged population moves through the nation's schools gaining widely varying levels of knowledge, skills and preparedness. And yet, in order for the United States to compete in a global economy, we must strengthen our educational expectations for *all* American children—we must compete as one Nation.

Recent international comparisons show that American students have significant shortcomings in math and science. Many lack the basic skills required for college or the workplace.

This affects our economic and national security: It holds us back in the global marketplace and risks ceding our competitive edge. This is unacceptable.

America was founded on the notion of ensuring equity in opportunity for all. And yet, we risk both when we allow different students in different states to graduate from high school with very different educations. We live in a Nation with an unacceptably high high school dropout rate. We live in a nation where 8th graders in some states score more than 30 points higher on tests of basic science knowledge than students in other states. I ask my colleagues today what equality of opportunity we have under such circumstances.

This is where American standards come in. Voluntary, core American standards in math and science are the first step in ensuring that all American students are given the same opportunity to learn to a high standard no matter where they reside. They will allow for meaningful comparisons of student academic achievement across states, help ensure that American students are academically qualified to enter college, or training for the civilian or military workforce, and, help ensure that students are better prepared to compete in the global marketplace. Uniform standards are a first step in maintaining America's competitive and national security edge.

While I realize there will be resistance to such efforts, education is after all a state endeavor; we cannot ignore that at the end of the day America competes as one country on the global marketplace. This does not mean that I am asking States to cede their authority in education. What the bill simply proposes is that we the convening power of the federal government to develop standards and then provide states with incentives to adopt them.

At the end of the day, this is a voluntary measure. States will choose whether or not to participate. States that do participate, while required to adopt the American standards, will be given the flexibility to make them their own. They will have the option to add additional content requirements, they will have final say in how coursework is sequenced, and, ultimately, States and districts will still be the ones developing the curriculum, choosing the textbooks and administering the tests. The standards provided for under this legislation will simply serve as a common core.

Here is what the SPEAK Act will do. It will task the National Assessment Governing Board (NAGB) with creating rigorous and voluntary core American education content standards in math and science for grades K–12. It will require that such standards be anchored in the National Assessment of Educational Progress' (NAEP) math and science frameworks. It will ensure that such standards are internationally competitive and comparable to the best standards in the world. It will develop rigorous achievement levels. It will ensure that varying developmental levels of students are taken into account in the development of such standards. It will provide for periodic review and update of such standards. It will allow participating States the flexibility to add additional standards to the core. And, it establishes an American standards Incentive Fund to incentivize states to adopt the standards. Among the benefits of participating is a huge infusion of funds for states to bolster their K–12 data systems.

What I propose today is a first step. A first step in regaining our competitive edge. A first step in ensuring that all American students have the opportunity to receive a first class, high-quality, competitive education. I am hoping that the bill I introduce today will at the very least spark a discussion. A discussion about what it is that we want for future generations and how we will set along the path to get it to them.

I hope that my colleagues will join me in supporting the SPEAK Act and look forward to resuming the discussion and reintroducing this important initiative in the coming Congress.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was was ordered to be printed in the RECORD, as follows:

S. 4061

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Standards to Provide Educational Access for Kids Act" or the "SPEAK Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Throughout the years, educators and policymakers have consistently embraced standards as the mechanism to ensure that every student, no matter what school the student attends, masters the skills and develops the knowledge needed to participate in a global economy.

(2) Recent international comparisons make clear that students in the United States have significant shortcomings in mathematics and science, yet a high level of scientific and mathematics literacy is essential to societal innovations and advancements.

(3) With more than 50 different sets of academic content standards, 50 State academic assessments, and 50 definitions of proficiency under section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)), there is great variability in the measures, standards, and benchmarks for academic achievement in mathematics and science.

(4) Variation in State standards and the accompanying measures of proficiency make it difficult for parents and teachers to meaningfully gauge how well their children are learning mathematics and science in comparison to their peers internationally or here at home.

(5) The disparity in the rigor of standards across States results in test results that tell the public little about how schools are performing and progressing, as States with low standards or low proficiency scores may appear to be doing much better than States with more rigorous standards or higher requirements for proficiency.

(6) As a result, the United States' highly mobile student-aged population moves through the Nation's schools gaining widely varying levels of knowledge, skills, and preparedness.

(7) In order for the United States to compete in a global economy, the country needs to strengthen its educational expectations for all children.

(8) To compete, the people of the United States must compare themselves against international benchmarks.

(9) Grounded in a real world analysis and international comparisons of what students need to succeed in work and college, rigorous and voluntary core American education content standards will keep the United States economically competitive and ensure that the children of the United States are given the same opportunity to learn to a high standard no matter where they reside.

(10) Rigorous and voluntary core American education content standards in mathematics and science will enable students to succeed in academic settings across States while ensuring an American edge in the global marketplace.

SEC. 3. ASSESSING SCIENCE IN THE NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS.

(a) NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS AUTHORIZATION ACT.—Section 303 of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9622) is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (B), by striking "reading and mathematics" and inserting "reading, mathematics, and science";

(ii) in subparagraph (C), by striking "reading and mathematics" and inserting "reading, mathematics, and science";

(iii) in subparagraph (D), by striking "science,";

(iv) in subparagraph (E), by striking "reading and mathematics" and inserting "reading, mathematics, and science";

(B) in paragraph (3)—

(i) in subparagraph (A), by striking "reading and mathematics" each place the term occurs and inserting "reading, mathematics, and science"; and

(ii) in subparagraph (C)(ii), by striking "reading and mathematics" and inserting "reading, mathematics, and science"; and

(C) in paragraph (4)(B), by striking ", require, or influence" and inserting "or require"; and

(2) in subsection (d)(3), by striking "reading and mathematics" each place the term occurs and inserting "reading, mathematics, and science".

(b) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—Subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended—

(1) in section 1111(c)(2) (20 U.S.C. 6311(c)(2))—

(A) by inserting "(and, for science, beginning with the 2007-2008 school year)" after "2002–2003"; and

(B) by striking "reading and mathematics" and inserting "reading, mathematics, and science"; and

(2) in section 1112(b)(1)(F) (20 U.S.C. 6312(b)(1)(F)), by striking "reading and mathematics" and inserting "reading, mathematics, and science".

SEC. 4. DEFINITIONS.

Section 304 of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9623) is amended—

(1) in the matter preceding paragraph (1), by striking "In this title:" and inserting "Except as otherwise provided, in this title:";

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

"(3) SECRETARY.—The term 'Secretary' means the Secretary of Education.".

SEC. 5. VOLUNTARY AMERICAN EDUCATION CONTENT STANDARDS; AMERICAN STANDARDS INCENTIVE FUND.

The National Assessment of Educational Progress Authorization Act (20 U.S.C. 9621 et seq.) is amended—

(1) by redesignating sections 304 (as amended by section 4) and 305 as sections 306 and 307, respectively; and

(2) by inserting after section 303 the following:

"SEC. 304. CREATION AND ADOPTION OF VOLUNTARY AMERICAN EDUCATION CONTENT STANDARDS.

"(a) IN GENERAL.—Not later than 3 years after the date of enactment of the Standards to Provide Educational Access for Kids Act and from amounts appropriated under section 307(a)(3) for a fiscal year, the Assessment Board shall create and adopt voluntary American education content standards in mathematics and science covering kindergarten through grade 12.

"(b) DUTIES.—The Assessment Board shall implement subsection (a) by carrying out the following duties:

"(1) Create and adopt voluntary American education content standards for mathematics and science covering kindergarten through grade 12 that reflect a common core of what students in the United States should know and be able to do to compete in a global economy.

"(2) Anchor the voluntary American education content standards based on the mathematics and science frameworks and the achievement levels under section 303(e) of the National Assessment of Educational Progress for grades 4, 8, and 12.

"(3) Ensure that the voluntary American education content standards are internationally competitive and comparable to the best standards in the world.

"(4) Review State standards in mathematics and science as of the date of enactment of the Standards to Provide Educational Access for Kids Act and consult and work with entities that are developing, or have already developed, such State standards.

"(5) Review the reports, views, and analyses of a broad spectrum of experts and the public as such reports, views, and analyses relate to mathematics and science education, including reviews of blue ribbon reports, exemplary practices in the field, and recent reports by government agencies and professional organizations.

"(6) Ensure that the voluntary American education content standards reflect the best thinking about the knowledge, skills, and competencies needed for a high degree of scientific and mathematical understanding.

"(7) Ensure that varying developmental levels of students are taken into account in the development of the voluntary American education content standards.

"(8) Ensure that the voluntary American education content standards reflect what students will be required to know and be able to do after secondary school graduation to be academically qualified to enter an institution of higher education or training for the civilian or military workforce.

"(9) Widely disseminate the voluntary American education content standards for public review and comment before final adoption.

"(10) Provide for continuing review of the voluntary American education content standards not less often than once every 10 years, which review—

"(A) shall solicit input from outside organizations and entities, including—

"(i) 1 or more professional mathematics or science organizations;

"(ii) the State educational agencies that have received American Standards Incentive Fund grants under section 305 during the period covered by the review; and

"(iii) other organizations and entities, as determined appropriate by Assessment Board; and

"(B) shall address issues including—

"(i) whether the voluntary American education content standards continue to reflect international standards of excellence and the latest developments in the fields of mathematics and science; and

"(ii) whether the voluntary American education content standards continue to reflect what students are required to know and be able to do in science and mathematics after graduation from secondary school to be academically qualified to enter an institution of higher education or training for the civilian or military workforce, as of the date of the review.

"SEC. 305. THE AMERICAN STANDARDS INCENTIVE FUND.

"(a) ESTABLISHMENT OF FUND.—From amounts appropriated under section 307(a)(4) for a fiscal year, the Secretary shall establish and fund the American Standards Incentive fund to carry out the grant program under subsection (b).

"(b) INCENTIVE GRANT PROGRAM AUTHORIZED.—

"(1) IN GENERAL.—Not later than 12 months after the Assessment Board adopts the voluntary American education content standards under section 304, the Secretary shall use amounts available from the American Standards Incentive fund to award, on a competitive basis, grants to State educational agencies to enable each State educational agency to adopt the voluntary American education content standards in mathematics and science as the core of the State's academic content standards in mathematics and science by carrying out the activities described in subsection (e).

"(2) DURATION AND AMOUNT.—A grant under this subsection shall be awarded—

"(A) for a period of not more than 4 years; and

"(B) in an amount that is not more than $4,000,000 over the period of the grant.

"(c) CORE STANDARDS.—A State educational agency receiving a grant under subsection (b) shall adopt and use the voluntary American education content standards in mathematics and science as the core of the State academic content standards in mathematics and science. The State educational agency may add additional standards to the voluntary American education content standards as part of the State academic content standards in mathematics and science.

"(d) STATE APPLICATION.—A State educational agency desiring to receive a grant under subsection (b) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. The application shall include—

"(1) timelines for carrying out each of the activities described in subsection (e)(1); and

"(2) a description of the activities that the State educational agency will undertake to implement the voluntary American education content standards in mathematics and science adopted under section 304, and the achievement levels in mathematics and science developed under section 303(e) for the national and State assessments of the National Assessment of Educational Progress, at both the State educational agency and local educational agency levels, including any additional activities described in subsection (e)(2).

"(e) USE OF FUNDS.—

"(1) MANDATORY ACTIVITIES.—A State educational agency receiving a grant under subsection (b) shall use grant funds to carry out all of the following:

"(A) Adopt the voluntary American education content standards in mathematics and science as the core of the State's academic content standards in mathematics and science not later than 2 years after the receipt of a grant under this section.

"(B) Align the teacher certification or licensure, pre-service, and professional development requirements of the State to the voluntary American education content standards in mathematics and science not later than 3 years after the receipt of the grant.

"(C) Align the State academic assessments in mathematics and science (or develop new such State academic assessments that are aligned) with the voluntary American education content standards in mathematics and science not later than 4 years after the receipt of the grant.

"(D) Align the State levels of achievement in mathematics and science with the student achievement levels in mathematics and science developed under section 303(e) for the national and State assessments of the National Assessment of Educational Progress.

"(2) PERMISSIVE ACTIVITIES.—A State educational agency receiving a grant under subsection (b) may use the grant funds to carry out, at the local educational agency or State educational agency level, any of the following activities:

"(A) Train teachers and administrators on how to incorporate the voluntary American education content standards in mathematics and science into classroom instruction.

"(B) Develop curricula and instructional materials in mathematics or science that are aligned with the voluntary American education content standards in mathematics and science.

"(C) Develop performance standards in mathematics or science to accompany the voluntary American education content standards in mathematics and science.

"(D) Conduct other activities needed for the implementation of the voluntary American education content standards in mathematics and science.

"(3) PRIORITY.—In awarding grants under this section the Secretary shall give priority to a State educational agency that will use the grant funds to carry out all of the activities described in subparagraphs (A), (B), and (C) of paragraph (2).

"(f) AWARD BASIS.—In determining the amount of a grant under subsection (b), the Secretary shall take into consideration—

"(1) the extent to which a State's academic content standards, State academic assessments, levels of achievement in mathematics and science, and teacher certification or licensure, pre-service, and professional development requirements, must be revised to align such State standards, assessments, levels, and teacher requirements with the voluntary American education content standards adopted under section 304 and the achievement levels in mathematics and science developed under section 303(e); and

"(2) the planned activities described in the application submitted under subsection (d).

"(g) ANNUAL STATE EDUCATIONAL AGENCY REPORTS.—A State educational agency receiving a grant under subsection (b) shall submit an annual report to the Secretary demonstrating the State educational agency's progress in meeting the timelines described in the application under subsection (d)(1).

"(h) GRANTS FOR DOD AND BIA SCHOOLS.—

"(1) DEPARTMENT OF DEFENSE SCHOOLS.—From amounts available from the American Standards Incentive fund, the Secretary, upon application by the Secretary of Defense, may award grants under subsection (b) to the Secretary of Defense on behalf of elementary schools and secondary schools operated by the Department of Defense to enable the elementary schools and secondary schools to carry out the activities described in subsection (e).

"(2) BUREAU OF INDIAN AFFAIRS SCHOOLS.—From amounts available from the American Standards Incentive fund, the Secretary, in consultation with the Secretary of Interior, may award grants under subsection (b) to the Bureau of Indian Affairs on behalf of elementary schools and secondary schools operated or funded by the Department of the Interior to enable the elementary schools and secondary schools to carry out the activities described in subsection (e).

"(i) STUDY.—Not later than 2 years after the completion of the first 4-year grant cycle for grants under this section, the Commissioner for Education Statistics shall carry out a study comparing the gap between the reported proficiency on State academic assessments and assessments under section 303 for State educational agencies receiving grants under subsection (b), before and after the State adopts the voluntary American education content standards in mathematics and science as the core of the State education content standards in mathematics and science.

"(j) DATA GRANT.—

"(1) PROGRAM AUTHORIZED.—From amounts appropriated under section 305(a)(4), the Secretary shall award, to each State educational agency that meets the requirements of paragraph (3), a grant to be used to enhance State data systems as such systems relate to the requirements under part A of title I of the Elementary and Secondary Education Act of 1965.

"(2) AMOUNT OF GRANT.—A grant awarded to a State educational agency under this subsection shall be in an amount equal to 5 percent of the amount allocated to the State under section 1122 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6332). If the amounts available from the American Standards Incentive fund are insufficient to pay the full amounts of grants under paragraph (1) to all State educational agencies, the Secretary shall ratably reduce the amount of all grants under this subsection.

"(3) REQUIREMENTS.—In order to receive a grant under this subsection, a State educational agency shall—

"(A) have received a grant under subsection (b); and

"(B) successfully demonstrate to the Secretary that the State has aligned—

"(i) the State's academic content standards and State academic assessments in mathematics and science, and the State's teacher certification or licensure, pre-service, and professional development requirements, with the voluntary American education content standards in mathematics and science; and

"(ii) the State levels of achievement in mathematics and science for grades 4, 8, and 12, with the achievement levels in mathematics and science developed under section 303(e) for such grades.

"(4) NATURE OF GRANT.—A grant under this subsection to a State educational agency shall be in addition to any grant awarded to the State educational agency under subsection (b).

"(5) LIMIT ON NUMBER OF GRANTS.—In no case shall a State educational agency receive more than 1 grant under this subsection.

"(k) REPORTS TO CONGRESS.—Not later than 2 years after the date of enactment of the Standards to Provide Educational Access for Kids Act, and every 2 years thereafter, the Secretary shall report to Congress regarding the status of all grants awarded under this section.

"(l) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to establish a preferred national curriculum or preferred teaching methodology for elementary school or secondary school instruction.

"(m) TIMELINE EXTENSION.—The Secretary may extend the 12-year requirement under section 1111(b)(2)(F) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(F)) by not more than 4 years for a State served by a State educational agency that receives a grant under subsection (b).

"(n) DEFINITIONS.—In this section:

"(1) IN GENERAL.—The terms 'elementary school', 'local educational agency', 'professional development', 'secondary school', 'State', and 'State educational agency' have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

"(2) ACADEMIC CONTENT STANDARDS.—The term 'academic content standards' means the challenging academic content standards described in section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)).

"(3) LEVELS OF ACHIEVEMENT.—The term 'levels of achievement' means the State levels of achievement under subclauses (II) and (III) of section 1111(b)(1)(D)(ii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)(D)(ii)(II), (III)).

"(4) STATE ACADEMIC ASSESSMENTS.—The term 'State academic assessments' means the academic assessments for a State described in section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)).".

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

Section 307(a) of the National Assessment of Educational Progress Authorization Act (as redesignated by section 5(1)) (20 U.S.C. 9624(a)) is amended to read as follows:

"(a) IN GENERAL.—There are authorized to be appropriated—

"(1) to carry out section 302, $6,000,000 for fiscal year 2007 and such sums as may be necessary for each succeeding fiscal year;

"(2) to carry out section 303, $200,000,000 for fiscal year 2007 and such sums as may be necessary for each succeeding fiscal year;

"(3) to carry out section 304, $3,000,000 for fiscal year 2007 and such sums as may be necessary for each succeeding fiscal year; and

"(4) to carry out section 305, $400,000,000 for fiscal year 2007 and such sums as may be necessary for each succeeding fiscal year.".

By Mr. INHOFE:

S. 4062. A bill to freeze non-defense discretionary spending at fiscal year 2007 levels effective in fiscal year 2008; to the Committee on the Budget.

Mr. INHOFE. Mr. President, I am here to work on what should be an area of widespread, bipartisan agreement with the introduction of the Fiscal Responsibility Act of 2006. Many, many people in both parties profess the need to reduce our Government's spending. When I hear individuals waxing poetic about the need for fiscal discipline, I usually offer a simple, one-sentence amendment to restore some discretionary spending discipline, but you should see my friends on the other side of the aisle run for the hills when someone proposes we actually do something about it. When the moment comes to move from mere words to real action on fiscal discipline, over and over I have confronted nearly united opposition to it on the other side of the aisle.

Last year we did make some progress on our shared goal. We actually held last year's non-security discretionary spending down below the rate of inflation. Let me repeat that: We actually held last year's non-security spending, over which we had discretion, down below the rate of inflation.

Again, we are faced with the same task.

The President agrees that we must hold down spending and has proposed to hold down discretionary spending. The Budget Committee agrees we must hold down spending and has proposed to hold down discretionary spending. The American people agree we must hold down spending. Senator DORGAN has said that we need to provide spending cuts in a significant manner. Senator FEINGOLD has said, "We also need to continue to cut spending in Federal programs. . . ." Senator LEVIN stated how we need to cut spending when he advocated that "Discretionary spending . . . [be] frozen for 5 years." It seems that both parties agree that we must hold down discretionary spending.

Well, let's hold down discretionary spending.

I will read the one sentence that is really the entirety of this bill. I'm sure everyone in this body is familiar with it now—nearly all of my friends on the other side of the aisle have voted against it twice in the last twelve months, usually at a time when they are promoting fiscal discipline. It says: "Beginning with fiscal year 2008 and thereafter, all non-defense, non-trust-fund, discretionary spending shall not exceed the previous fiscal year's levels without a two-thirds vote." This is simply a cap on discretionary spending.

It is very simple, cut and dried, something that can pass. I hope those individuals who have a more complicated approach to this will recognize this is something that is doable.

I want to focus briefly on one point in the President's most recent budget proposal. President Bush wisely sent us a budget that encourages long-term fiscal constraint by including several budget process and program oversight reforms, including setting enforceable limits on total spending to stabilize budget growth in the long-term. Simply put, the President proposes that we put in place a process by which we can control discretionary spending.

I have been working on a solution to the massive problem of government spending with this simple language for quite some time. I have actually wanted to offer it previously on appropriations bills, but held off. I offered it as an amendment last November and again this year in March. It has been defeated every time I offer it—every single time. It's usually defeated by nearly unanimous opposition on the other side of the aisle. And what's more, they usually vote against it in a debate during which they cry foul of deficits and declare the need for fiscal restraint. It's astounding how much rhetoric we hear about the need to hold down spending and the need for fiscal restraint. I guess for some, it truly is much easier said than done.

So, I am offering it again.

I will restate the crux of this bill, the Fiscal Responsibility Act of 2006, one more time before I close: "Beginning with fiscal year 2008 and thereafter, all non-defense, non-trust-fund, discretionary spending shall not exceed the previous fiscal year's levels without a two-thirds vote." Folks, it's that easy. I ask that you join me in holding down spending.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 4062

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fiscal Responsibility Act of 2006".

SEC. 2. CONGRESSIONAL ENFORCEMENT.

(a) ENFORCEMENT.—Section 312 of the Congressional Budget Act of 1974 (2 U.S.C. 643) is amended by adding at the end the following:

"(g) EXCESS NON-DEFENSE DISCRETIONARY FEDERAL SPENDING REDUCTION POINT OF ORDER.—

"(1) IN GENERAL.—It shall not be in order in the House of Representatives or the Senate to consider any bill or resolution (or amendment, motion, or conference report on that bill or resolution) that would cause spending for non-defense, non-trust-fund, discretionary spending for the budget year to exceed the amount of spending for such activities in fiscal year 2007.

"(2) ALLOCATIONS.—The allocations under section 302(a) shall include allocations for the amount described in paragraph (1).

"(3) SUPER MAJORITY WAIVER OR APPEAL.—This subsection may be waived or suspended in the Senate only by an affirmative vote of two-thirds of the Members, duly chosen and sworn. An affirmative vote of two-thirds of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.".

(b) EFFECTIVE DATE.—This section shall apply beginning with fiscal year 2008.

By Mr. FEINGOLD:

S. 4063. A bill to provide for additional section 8 vouchers, to reauthorize the Public and Assisted Housing Drug Elimination Program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. FEINGOLD. Mr. President, today I am introducing the Affordable Housing Expansion and Public Safety Act to address some of the housing affordability issues faced by my constituents and by Americans around the country, including unaffordable rental burdens, lack of safe and affordable housing stock, and public safety concerns in public and federally assisted housing. My legislation is fully offset, while also providing over $3 billion in deficit reduction.

Increasing numbers of Americans are facing housing affordability challenges, whether they are renters or homeowners. But the housing affordability burden falls most heavily on low-income renters throughout our country. Ensuring that all Americans have safe and secure housing is about more than just providing families with somewhere to live, however. Safe and decent housing provides children with stable environments, and research has shown that students achieve at higher rates if they have secure housing. Affordable housing allows families to spend more of their income on life's other necessities including groceries, health care, and education costs as well as save money for their futures. I have heard from a number of Wisconsinites around my State about their concerns about the lack of affordable housing, homelessness, and the increasingly severe cost burdens that families have to undertake in order to afford housing.

Unfortunately, affordable housing is becoming less, not more, available in the United States. Research shows that the number of families facing severe housing cost burdens grew by almost two million households between 2001 and 2004. Additionally, one in three families spends more than 30 percent of their earnings on housing costs. The National Alliance to End Homelessness reports that at least 500,000 Americans are homeless every day and two million to three million Americans are homeless for various lengths of time each year. Cities, towns, and rural communities across the country are confronting a lack of affordable housing for their citizens. This is not an issue that confronts just one region of the Nation or one group of Americans. Decent and affordable housing is so essential to the well-being of Americans that the Federal Government must provide adequate assistance to our citizens to ensure that all Americans can afford to live in safe and affordable housing.

Congress has created effective affordable housing and community development programs, but as is the case with many of the Federal social programs, these housing programs are inadequately funded and do not meet the need in our communities. We in Congress must do what we can to ensure these programs are properly funded, while taking into account the tight fiscal constraints we are facing.

The Section 8 Housing Choice Voucher Program, originally created in 1974, is now the largest Federal housing program in terms of HUD's budget with approximately two million vouchers currently authorized. Yet the current number of vouchers does not come close to meeting the demand that exists in communities around our country. In my State of Wisconsin, the city of Milwaukee opened up their Section 8 waiting list for the first time since 1999 earlier this year for 24 hours and received more than 17,000 applications. The city of Madison has not accepted new applications for Section 8 in over three years and reports that hundreds of families are on the waiting list.

Unfortunately, situations like this exist around the country. According to the 2005 U.S. Conference of Mayors Hunger and Homelessness Survey, close to 5,000 people are on the Section 8 waiting list in Boston. Detroit has not taken applications for the past two years and currently has a waiting list of over 9,000 people. Phoenix closed its waiting list in 2005 and reported that 30,000 families were on its waiting list. In certain cities, waiting lists are years long and according to the Center on Budget and Policy Priorities, the typical waiting period for a voucher was two and a half years in 2003. Given these statistics, it is clear there is the need for more Section 8 vouchers than currently exist.

While there are certainly areas of the Section 8 program that need to be examined and perhaps reformed, a number of different government agencies and advocacy organizations all cite the effectiveness of Section 8 in assisting low-income families in meeting some of their housing needs. In 2002, the Government Accountability Office determined that the total cost of a one-bedroom housing unit through the Section

8 program costs less than it would through other federal housing programs. The same year, the Bipartisan Millennial Housing Commission reported to Congress that the Section 8 program is "flexible, cost-effective, and successful in its mission."

The Commission further stated that the vouchers "should continue to be the linchpin of a national policy providing very low-income renters access to the privately owned housing stock." The Commission also called for funding for substantial annual increments of vouchers for families who need housing assistance. This recommendation echoes the calls by advocates around the country, many of whom have called for 100,000 new, or incremental, Section 8 vouchers to be funded annually by Congress.

My bill takes this first step, calling for the funding of 100,000 incremental vouchers in fiscal year 2007. I have identified enough funds in my offsets to provide money for the renewal of these 100,000 vouchers for the next decade. While this increase does not meet the total demand that exists out there for Section 8 vouchers, I believe it is a strong first step. My legislation is fully offset and if it were passed in its current form, would provide for the immediate funding of these vouchers. I believe Congress should take the time to examine where other spending could be cut in order to continue to provide sizeable annual increases in new vouchers for the Section 8 program. According to the Congressional Research Service, incremental vouchers have not been funded since fiscal year 2002. During the past three to four years, the need for Federal housing assistance has grown and it will continue to grow in future years. We need to make a commitment to find the resources in our budget to ensure continued and increased funding for Section 8 vouchers.

We should examine doing more than just providing more money for Section 8. There have been numerous stories in my home State of Wisconsin about various concerns with the Section 8 program, ranging from potential discrimination on the part of landlords in declining to rent to Section 8 voucher holders to the administrative burdens landlords face when participating in the Section 8 program. Additionally, there are substantial concerns with the funding formula the Bush Administration is currently using for the Section 8 program. I look forward to working with my colleagues in the 110th Congress to address these and other issues and make the Section 8 program more effective, more secure, and more accessible to citizens throughout the country.

But providing rental assistance is not the only answer to solving the housing affordability problem in our country. We must also work to increase the availability of affordable housing stock in our communities through facilitating production of housing units affordable to extremely low and very low income Americans. The HOME Investments Partnership Program, more commonly known as HOME, was created in 1990 to assist states and local communities in producing affordable housing for low income families. HOME is a grant program that allows participating jurisdictions the flexibility to use funds for new production, preservation, and rehabilitation of existing housing stock. HOME is an effective federal program that is used in concert with other existing housing programs to provide affordable housing units for low income Americans throughout the country.

According to recent data from HUD, since fiscal year 1992, over $23 billion has been allocated through the HOME program to participating jurisdictions around the country. There have been over 800,000 units committed, including over 200,000 new construction units. HUD reports that over 700,000 units have been completed or funded. Communities in my State of Wisconsin have received over $370 million since 1992 and have seen over 20,000 housing units completed since 1992. Cities and States around the country are able to report numerous success stories in part due to the HOME funding that has been allocated to participating jurisdictions since 1992. The Bipartisan Millennial Housing Commission found that the HOME program is highly successful and recommended a substantial increase in funding for HOME in 2002.

Unfortunately, for the past two fiscal years, the HOME program has seen a decline in funding. In fiscal year 2005, HOME was funded at $1.9 billion and in fiscal year 2006, HOME was funded at a little more than $1.7 billion. As a result of this decline in funding, all participating jurisdictions in Wisconsin saw a decline in HOME dollars, with some jurisdictions seeing a decline of more than six percent. We need to ensure these funding cuts to HOME do not continue in the future and we must provide more targeted resources within HOME for the people most in need.

But Mr. President, as successful as the HOME program is, more needs to be done to assist extremely low income families. My legislation seeks to target additional resources to the Americans most in need by using the HOME structure to distribute new funding to participating jurisdictions with the requirement that these participating jurisdictions use these set-aside dollars to produce, rehab, or preserve affordable housing for extremely low income families, or people at 30 percent of area median income or below.

As we all know, extremely low income households face the most severe affordable housing cost burdens of any Americans. According to data from HUD and the American Housing Survey, 56 percent of extremely low income renter households deal with severe affordability housing issues while only 25 percent of these renters are not burdened with affordability concerns. HUD also found that half of all extremely low income owner households are severely burdened by affordability concerns. Data shows more than 75 percent of renter households with severe housing affordability burdens are extremely low income families and more than half of extremely low income households pay at least half of their income on housing. The Bipartisan Millennial Housing Commission has stated that "the most serious housing problem in America is the mismatch between the number of extremely low income renter households and the number of units available to them with acceptable quality and affordable rents." The Commission also noted that there is no federal program solely for the preservation or production of housing for extremely low or moderate income families.

Because of these severe burdens and the high cost of providing safe and affordable housing to families at 30 percent or below of area median income, my bill would provide $400 million annually on top of the money that Congress already appropriates through HOME. I have heard from a number of housing advocates in Wisconsin that we have effective housing programs but the programs are not funded adequately. This is why I decided to administer this funding through the HOME program; local communities are familiar with the requirements and regulations of the HOME program and I think it is important not to place unnecessary and new administrative hurdles on local cities and communities.

Participating jurisdictions will be able to use this new funding under the eligible uses currently allowed by HOME to best meet the needs of the extremely low income families in their respective communities. But participating jurisdictions must certify that this funding is going to extremely low income households and must report on how the funds are being utilized in their communities. Funds are intended to be distributed on a pro-rata basis to ensure participating jurisdictions around the country receive funding. I also require that the Secretary notify participating jurisdictions that this new funding for extremely low income households in no way excuses such jurisdictions from continuing to use existing HOME dollars to serve extremely low income families. It is my hope that this extra funding will provide an increased incentive to local cities and communities to dedicate more resources to producing and preserving affordable housing for the most vulnerable Americans.

My bill would also reauthorize a critical crime-fighting grant program: the

Public and Assisted Housing Crime and Drug Elimination Program, formerly known as "PHDEP." Unfortunately, the PHDEP program has not been funded since 2001, and its statutory authorization expired in 2003. It is time to bring back this important grant program, which provided much-needed public safety resources to public housing authorities and their tenants. My legislation would authorize $200 million per year for five years for this program.

After more than a decade of declining crime rates, new FBI statistics indicate that 2005 brought an overall increase in violent crime across the country, and particularly in the Midwest. Nationwide, violent crime increased 2.3 percent between 2004 and 2005, and in the Midwest, violent crime increased 5.6 percent between 2004 and 2005. Housing authorities and others providing assisted housing are feeling the effects of this shift, but just as the crime rate is rising, their resources to fight back are dwindling. We need to provide them with funding targeted at preventing and reducing violent and drug-related crime, so that they can provide a safe living environment for their tenants.

Reauthorizing the Public and Assisted Housing Crime and Drug Elimination Program should not be controversial. The program has long enjoyed bipartisan support. It was first sponsored by Senator LAUTENBERG in 1988, and first implemented in 1989 under then-Housing and Urban Development Secretary Jack Kemp. When in effect, it funded numerous crime-fighting measures in housing authorities all over the country.

In Milwaukee, grants under this program funded a variety of important programs. It provided funding to the Housing Authority of the City of Milwaukee to hire public safety officers who are on site 24 hours a day to respond to calls and intervene when problems arise, and who work collaboratively with local law enforcement agencies. According to the Housing Authority, by the time the PHDEP program was defunded, public safety officers were responding to more than 8,000 calls per year, dealing quickly and effectively with thefts, drug use and sales, and other problems. Grants under the program also allowed the Housing Authority in Milwaukee to conduct crime prevention programs through the Boys and Girls Club of Greater Milwaukee and other on-site agencies, providing youths and others living in public housing with a variety of educational, job training and life skill programs.

When the PHDEP program was defunded during the fiscal year 2002 budget cycle, the Administration argued that crime-fighting measures should be funded through the Public Housing Operating Fund and promised an increase in that Fund to account for part of the loss of PHDEP funds. That allowed some programs previously funded under PHDEP to continue for a few years. But now there is a significant shortfall in the Operating Fund and HUD is proposing limits on how capital funds can be used, and housing authorities nationwide—including in Milwaukee—have been faced with tough decisions, including cutting some or all of their crime reduction programs.

It is time for Congress to step in and reauthorize these grants. Everyone deserves a safe place to live, and we should help provide housing authorities and other federally assisted low-income housing entities with the resources they need to provide that to their tenants.

But we can do more than just provide public housing authorities with grant money. The Federal government also needs to provide more resources to help housing authorities spend those funds in the most effective way possible. That is why my legislation also contains several provisions to enhance the effectiveness of this grant program. It would: Require HUD's Office of Policy Development & Research (PD&R) to conduct a review of existing research on crime fighting measures and issue a report within six months identifying effective programs, providing an important resource to public housing authorities; require PD&R to work with housing authorities, social scientists and others to develop and implement a plan to conduct rigorous scientific evaluation of crime reduction and prevention strategies funded by the grant program that have not previously been subject to that type of evaluation, giving housing authorities yet another source of information about effective strategies for combating crime; and require HUD to report to Congress within four years, based on what it learns from existing research and evaluations of grantee programs, on the most effective ways to prevent and reduce crime in public and assisted housing environments, the ways in which it has provided related guidance to help grant applicants, and any suggestions for improving the effectiveness of the program going forward.

As with any grant program, it is essential that HUD monitor the use of the grants and that grantees be required to report regularly on their activities, as was required by HUD regulations when the program was defunded. The bill also clarifies the types of activities that can be funded through the grant program to ensure that funds are not used inappropriately.

My bill also includes a sense of the Senate provision calling on Congress to create a National Affordable Housing Trust Fund. At the outset, I want to commend my colleagues in the Senate, Senator KERRY, Senator REED, and others for all their work on advancing the cause of a National Affordable Housing Trust fund. I look forward to working with them and others in the 110th to push for the creation of such a trust fund.

I agree with my colleagues that such a trust fund should have the goal of supplying 1,500,000 new affordable housing units over the next 10 years. It should also contain sufficient income targeting to reflect the housing affordability burdens faced by extremely low income and very low income families and contain enough flexibility to allow local communities to produce, preserve, and rehabilitate affordable housing units while ensuring that such affordable housing development fosters the creation of healthy and sustainable communities.

Hundreds of local housing trust funds have been created in cities and states throughout the country, including recently in the city of Milwaukee. I want to commend the community members in Milwaukee for working to address the housing affordability issues that the city faces and it is my hope that we in Congress can do our part to help Wisconsin's communities and communities around the country provide safe and affordable housing to all Americans.

This bill is the third of four proposals I am introducing this year to address some of the domestic issues that have been raised with me over the years by my constituents, some of them at the listening sessions I hold annually in each of Wisconsin's 72 counties. Previous proposals addressed health care reform and the trade deficit.

This Nation faces a severe shortage of affordable housing for our most vulnerable citizens. Shelter is one of our most basic needs, and, unfortunately, too many Wisconsinites and people around the country are struggling to afford a place to live for themselves and their families. This legislation does not solve all the affordable housing issues that communities are facing, but I believe it is a good first step. This issue is about more than providing a roof over a family's head, however. Good housing and healthy communities lead to better jobs, better educational outcomes, and better futures for all Americans. Local communities, States, and the Federal Government must work together to dedicate more effective resources toward ensuring that all Americans have a safe and decent place to live. I look forward to working with my colleagues in the next Congress to advance my bill and other housing initiatives and work towards meeting the goal of affordable housing and healthy communities for all Americans.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 4063

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Affordable Housing Expansion and Public Safety Act".

SEC. 2. INCREASE IN INCREMENTAL SECTION 8, VOUCHERS.

(a) In General.—In fiscal year 2007 and subject to renewal, the Secretary of Housing and Urban Development shall provide an additional 100,000 incremental vouchers for tenant-based rental housing assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)).

(b) Authorization of Appropriations.—

(1) In general.—There are authorized to be appropriated $8,400,000,000 for the provision and renewal of the vouchers described in subsection (a).

(2) Availability.—Any amount appropriated under paragraph (1) shall remain available until expended.

(3) Carryover.—To the extent that any amounts appropriated for any fiscal are not expended by the Secretary of Housing and Urban Development in such fiscal year for purposes of subsection (a), any remaining amounts shall be carried forward for use by the Secretary to renew the vouchers described in subsection (a) in subsequent years.

(c) Distribution of Amounts.—

(1) Administrative costs.—The Secretary may not use more than $800,000,000 of the amounts authorized under paragraph (1) to cover the administrative costs associated with the provision and renewal of the vouchers described in subsection (a).

(2) Voucher costs.—The Secretary shall use all remaining amounts authorized under paragraph (1) to cover the costs of providing and renewing the vouchers described in subsection (a).

SEC. 3. TARGETED EXPANSION OF HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM.

(a) Purpose.—The purposes of this section are as follows:

(1) To authorize additional funding under subtitle A of title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12741 et seq.), commonly referred to as the Home Investments Partnership ("HOME") program, to provide dedicated funding for the expansion and preservation of housing for extremely low-income individuals and families through eligible uses of investment as defined in paragraphs (1) and (3) of section 212(a) of the Cranston-Gonzalez National Affordable Housing Act.

(2) Such additional funding is intended to supplement the HOME funds already allocated to a participating jurisdiction to provide additional assistance in targeting resources to extremely low-income individuals and families.

(3) Such additional funding is not intended to be the only source of assistance for extremely low-income individuals and families under the HOME program, and participating jurisdictions shall continue to use non-set aside HOME funds to provide assistance to such extremely low-income individuals and families.

(b) Set Aside for Extremely Low-Income Individuals and Families.—

(1) Eligible use.—Section 212(a) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12742(a)) is amended by adding at the end the following:

"(6) Extremely low-income individuals and families.—

"(A) In general.—Each participating jurisdiction shall use funds provided under this subtitle to provide affordable housing to individuals and families whose incomes do not exceed 30 percent of median family income for that jurisdiction.

"(B) Exception.—If a participating jurisdiction can certify to the Secretary that such participating jurisdiction has met in its jurisdiction the housing needs of extremely low-income individuals and families described in subparagraph (A), such participating jurisdiction may use any remaining funds provided under this subtitle for purposes of subparagraph (A) to provide affordable housing to individuals and families whose incomes do not exceed 50 percent of median family income for that jurisdiction.

"(C) Rule of construction.—The Secretary shall notify each participating jurisdiction receiving funds for purposes of this paragraph that use of such funds, as required under subparagraph (A), does not exempt or prevent that participating jurisdiction from using any other funds awarded under this subtitle to provide affordable housing to extremely low-income individuals and families.

"(D) Rental housing.—Notwithstanding section 215(a), housing that is for rental shall qualify as affordable housing under this paragraph only if such housing is occupied by extremely low-income individuals or families who pay as a contribution toward rent (excluding any Federal or State rental subsidy provided on behalf of the individual or family) not more than 30 percent of the monthly adjusted income of such individual or family, as determined by the Secretary.".

(2) Pro rata distribution.—Section 217 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12747) is amended by adding at the end the following:

"(e) Pro Rata Distribution for Extremely Low-Income Individuals and Families.—Notwithstanding any other provision of this Act, in any fiscal year the Secretary shall allocate any funds specifically approved in an appropriations Act to provide affordable housing to extremely low-income individuals or families under section 212(a)(6), such funds shall be allocated to each participating jurisdiction in an amount which bears the same ratio to such amount as the amount such participating jurisdiction receives for such fiscal year under this subtitle, not including any amounts allocated for any additional set-asides specified in such appropriations Act for that fiscal year.".

(3) Certification.—Section 226 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12756) is amended by adding at the end the following:

"(d) Certification.—

"(1) In general.—Each participating jurisdiction shall certify on annual basis to the Secretary that any funds used to provide affordable housing to extremely low-income individuals or families under section 212(a)(6) were actually used to assist such families.

"(2) Content of certification.—Each certification required under paragraph (1) shall—

"(A) state the number of extremely low-income individuals and families assisted in the previous 12 months;

"(B) separate such extremely low-income individuals and families into those individuals and families who were assisted by—

"(i) funds set aside specifically for such individuals and families under section 212(a)(6); and

"(ii) any other funds awarded under this subtitle; and

"(C) describe the type of activities, including new construction, preservation, and rehabilitation of housing, provided to such extremely low-income individuals and families that were supported by—

"(i) funds set aside specifically for such individuals and families under section 212(a)(6); and

"(ii) any other funds awarded under this subtitle.

"(3) Inclusion with performance report.—The certification required under paragraph (1) shall be included in the jurisdiction's annual performance report submitted to the Secretary under section 108(a) and made available to the public.".

(c) Authorization of Appropriations.—In addition to any other amounts authorized to be appropriated under any other law or appropriations Act to carry out the provisions of title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12701 et. seq), there are authorized to be appropriated to carry out the provisions of this section $400,000,000 for each of fiscal years 2007 through 2011.

SEC. 4. PUBLIC AND ASSISTED HOUSING CRIME AND DRUG ELIMINATION PROGRAM.

(a) Title Change.—The chapter heading of chapter 2 of subtitle C of title V of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11901 et seq.) is amended to read as follows:

"CHAPTER 2—PUBLIC AND ASSISTED HOUSING CRIME AND DRUG ELIMINATION PROGRAM".

(b) Authorization of Appropriations.—

(1) Amounts authorized.—Section 5129(a) of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11908(a)) is amended to read as follows:

"(a) In General.—There are authorized to be appropriated to carry out this chapter $200,000,000 for each of fiscal years 2007, 2008, 2009, 2010, and 2011.".

(2) Set aside for the office of policy development and research.—Section 5129 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11908) is amended by adding at the end the following:

"(d) Set Aside for the Office of Policy Development and Research.—Of any amounts made available in any fiscal year to carry out this chapter not less than 2 percent shall be available to the Office of Policy Development and Research to carry out the functions required under section 5130.".

(c) Eligible Activities.—Section 5124(a)(6) of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11903(a)(6)) is amended by striking the semicolon and inserting the following: ", except that the activities conducted under any such program and paid for, in whole or in part, with grant funds awarded under this chapter may only include—

"(A) providing access to treatment for drug abuse through rehabilitation or relapse prevention;

"(B) providing education about the dangers and adverse consequences of drug use or violent crime;

"(C) assisting drug users in discontinuing their drug use through an education program, and, if appropriate, referring such users to a drug treatment program;

"(D) providing after school activities for youths for the purpose of discouraging, reducing, or eliminating drug use or violent crime by youths;

"(E) providing capital improvements for the purpose of discouraging, reducing, or eliminating drug use or violent crime; and

"(F) providing security services for the purpose of discouraging, reducing, or eliminating drug use or violent crime.".

(d) EFFECTIVENESS.—

(1) APPLICATION PLAN.—Section 5125(a) of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11904(a)) is amended by adding at the end the following: "To the maximum extent feasible, each plan submitted under this section shall be developed in coordination with relevant local law enforcement agencies and other local entities involved in crime prevention and reduction. Such plan also shall include an agreement to work cooperatively with the Office of Policy Development and Research in its efforts to carry out the functions required under section 5130."

(2) HUD REPORT.—Section 5127 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11906) is amended by adding at the end the following:

"(d) EFFECTIVENESS REPORT.—The Secretary shall submit a report to the Congress not later than 4 years after the date of the enactment of the Affordable Housing Expansion and Public Safety Act that includes—

"(1) aggregate data regarding the categories of program activities that have been funded by grants under this chapter;

"(2) promising strategies related to preventing and reducing violent and drug-related crime in public and federally assisted low-income housing derived from—

"(A) a review of existing research; and

"(B) evaluations of programs funded by grants under this chapter that were conducted by the Office of Policy Development and Review or by the grantees themselves;

"(3) how the information gathered in paragraph (2) has been incorporated into—

"(A) the guidance provided to applicants under this chapter; and

"(B) the implementing regulations under this chapter; and

"(4) any statutory changes that the Secretary would recommend to help make grants awarded under this chapter more effective.".

(3) OFFICE OF POLICY DEVELOPMENT AND RESEARCH REVIEW AND PLAN.—Chapter 2 of subtitle C of title V of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11901 et seq.) is amended by adding at the end the following:

"SEC. 5130. OFFICE OF POLICY DEVELOPMENT AND RESEARCH REVIEW AND PLAN.

"(a) REVIEW.—

"(1) IN GENERAL.—The Office of Policy Development and Research established pursuant to section 501 of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z-1) shall conduct a review of existing research relating to preventing and reducing violent and drug-related crime to assess, using scientifically rigorous and acceptable methods, which strategies—

"(A) have been found to be effective in preventing and reducing violent and drug-related crimes; and

"(B) would be likely to be effective in preventing and reducing violent and drug-related crimes in public and federally assisted low-income housing environments.

"(2) REPORT.—Not later than 180 days after the date of enactment of the Affordable Housing Expansion and Public Safety Act, the Secretary shall issue a written report with the results of the review required under paragraph (1).

"(b) EVALUATION PLAN.—

"(1) IN GENERAL.—Upon completion of the review required under subsection (a)(1), the Office of Policy Development and Research, in consultation with housing authorities, social scientists, and other interested parties, shall develop and implement a plan for evaluating the effectiveness of strategies funded under this chapter, including new and innovative strategies and existing strategies, that have not previously been subject to rigorous evaluation methodologies.

"(2) METHODOLOGY.—The plan described in paragraph (1) shall require such evaluations to use rigorous methodologies, particularly random assignment (where practicable), that are capable of producing scientifically valid knowledge regarding which program activities are effective in preventing and reducing violent and drug-related crime in public and other federally assisted low-income housing.".

SEC. 5. SENSE OF THE SENATE REGARDING THE CREATION OF A NATIONAL AFFORDABLE HOUSING TRUST FUND.

(a) FINDINGS.—Congress finds the following:

(1) Only 1 in 4 eligible households receives Federal rental assistance.

(2) The number of families facing severe housing cost burdens grew by almost 2,000,0000 households between 2001 and 2004.

(3) 1 in 3 families spend more than 30 percent of their earnings on housing costs.

(4) More than 75 percent of renter households with severe housing affordability burdens are extremely low-income families.

(5) More than half of extremely low-income households pay at least half of their income on housing.

(6) At least 500,000 Americans are homeless every day.

(7) 2,000,000 to 3,000,0000 Americans are homeless for various lengths of time each year.

(8) It is estimated that the development of an average housing unit creates on average more than 3 jobs and the development of an average multifamily unit creates on average more than 1 job.

(9) It is estimated that over $80,000 is produced in government revenue for an average single family unit built and over $30,000 is produced in government revenue for an average multifamily unit built.

(10) The Bipartisan Millennial Housing Commission stated that "the most serious housing problem in America is the mismatch between the number of extremely low income renter households and the number of units available to them with acceptable quality and affordable rents.".

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) Congress shall create a national affordable housing trust fund with the purpose of supplying 1,500,000 additional affordable housing units over the next 10 years;

(2) such a trust fund shall contain sufficient income targeting to reflect the housing affordability burdens faced by extremely low-income and very low-income families; and

(3) such a trust fund shall contain enough flexibility to allow local communities to produce, preserve, and rehabilitate affordable housing units while ensuring that such affordable housing development fosters the creation of healthy and sustainable communities.

SEC. 6. OFFSETS.

(a) REPEAL OF MULTIYEAR PROCUREMENT AUTHORITY FOR F-22A RAPTOR FIGHTER AIRCRAFT.—Effective as of October 17, 2006, section 134 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364), relating to multiyear procurement authority for F-22A Raptor fighter aircraft, is repealed.

(b) ADVANCED RESEARCH FOR FOSSIL FUELS.—Notwithstanding any other provision of law, the Secretary of Energy shall not carry out any program that conducts, or provides assistance for, applied research for fossil fuels.

(c) TERMINATION OF ADVANCED TECHNOLOGY PROGRAM.—Notwithstanding any other provision of law, the Secretary of Commerce may not award any new grants under the Advanced Technology Program, provided for under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n), effective October 1, 2006.

By Mr. CRAPO:

S. 4064. A bill to improve the amendments made by the No Child Left Behind Act of 2001; to the Committee on Health, Education, Labor, and Pensions.

Mr. CRAPO. Mr. President, today I introduce the Improving No Child Left Behind—INCLB—Act. As a father and a legislator, I am committed to advocating for public education in Idaho and throughout the Nation. Ensuring that every child receives a good education is one of my top priorities. President Bush's sweeping education reforms included in the No Child Left Behind Act have had measurable positive effects on many students across the country, and I support the law's objective of ensuring that every child achieves his or her potential.

However, given time to observe the implementation of the law, it is now appropriate to review opportunities for needed improvements to the underlying program. After conferring with a number of organizations in Idaho and at the national level, I have identified implementation concerns that seem common to various stakeholder groups. In response, I have created the Improving No Child Left Behind Act. This bill contains a number of workable, commonsense modifications to the law. These provisions preserve the major focus on student achievement and accountability and, at the same time, ensure that schools and school districts are accurately and fairly assessed. The act ensures that local schools and districts have more flexibility and control in educating our Nation's children. The goal of the act is expressed in its name: to improve No Child Left Behind.

The bill does a number of things: INCLB would allow supplemental services like tutoring to be offered to students sooner than they are currently available; INCLB would provide flexibility for States to use additional types of assessment models for measuring student progress; INCLB grants States more flexibility in assessing students with disabilities; INCLB would ensure more fair and accurate assessments of Limited English Proficiency—LEP—students; INCLB would create a student testing participation range, providing flexibility for uncontrollable variations in student attendance; INCLB would allow schools to target resources to those student populations who need the most attention by applying sanctions only when the same student group fails to make adequate progress in the same subject for two consecutive years; and INCLB would ensure that students are counted properly and accurately in assessment and reporting systems.

Taken together, these provisions reflect a realistic assessment of both the strengths and weaknesses of No Child Left Behind. While there may be many issues that divide us, our responsibility in education is clear. We must promote successful, meaningful public education for our children. The INCLB Act will ensure that INCLB continues to be an avenue to success for educators and students throughout Idaho and the Nation.

By Mrs. CLINTON:

S. 4065. A bill to direct the Attorney General to conduct a study on the feasibility of collecting crime data relating to the occurrence of school-related crime in elementary schools and secondary schools; to the Committee on the Judiciary.

Mrs. CLINTON. Mr. President, I rise today to introduce the Accurate Crime Trends for School Act, a bill that is critical in protecting our children from crimes within their schools.

Each day, parents send their children off to school with a sense of security that they are spending their day in a classroom free from danger. The latest outbreaks of school violence and crimes are a clear reminder that this is not always the case. While the majority of our schools are safe, some parents send their children off to school only to find that their child has become the victim of a crime.

The No Child Left Behind Act requires States and local educational agencies to publicly report criminal activity in our schools, based on their own reports and best-guess surveys. However, there is no Federal crime reporting and tracking system for K-12 schools in the United States.

I strongly believe that accurate data on the crimes occurring in our schools will help us develop preventative measures and effectively address crimes occurring in our nation's classrooms.

My bill, the Accurate Crime Trends ("ACT") for Schools Act, directs the Attorney General, in consultation with the FBI and the International Association of Chiefs of Police, to determine the feasibility of expanding the National Incidents Based Reporting System ("NIBRS") to include information on K-12 school-related crime. NIBRS is the FBI's comprehensive, detailed crime reporting system. It provides a greater capability of reporting the details of crimes than self-reporting or surveys do.

I want it to be clear that expanding NIBRS would not create a new level of bureaucracy. This bill would neither bring the FBI into our schools, nor place any new requirements or new burdens upon educators. Expanding NIBRS would use existing crime reporting infrastructures to collect specific K-12 crime data, allowing us to improve the safety of our kids in school.

This year The Office of the New York State Comptroller released a study that underscored the need for such legislation. The report showed that at schools sampled, 80 percent of documented incidents of crimes went unreported to the State, with a number of these instances being serious crimes. This is the type of information that we need that we are not currently getting.

As a parent, I truly believe it is imperative to be made aware of any crime that takes place in our children's schools. Our parents, educators, and children need and deserve a sense of comfort and security from their schools. When we have accurate data on what is occurring in our school, we will be able to develop effective policies to make sure our schools are safe. This bill is a critical first step in achieving this goal.

The infrastructure for collecting this data is already in place. All we have to do is determine the best way to utilize it. The Accurate Crime Trends for Schools Act will accomplish just that.

I hope that my colleagues will join me in support of this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 4065

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Accurate Crime Trends for Schools Act" or the "ACT for Schools Act".

SEC. 2. STUDY AND REPORT.

(a) STUDY.—The Attorney General shall, after consultation with the Director of the Federal Bureau of Investigation and the International Association of Chiefs of Police, conduct a study to determine the feasibility of expanding the National Incident-Based Reporting System to include information on the occurrence of school-related crime in elementary schools and secondary schools. Such study shall include the identification and evaluation of methods that may be used to collect and report such information.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall submit a report containing the results of the study conducted under subsection (a) to the appropriate committees of Congress.

(c) DEFINITIONS.—In this section, the terms "elementary school" and "secondary school" have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out section 2, $250,000 for fiscal year 2007.

By Mr. LEAHY (for himself, Mr. ALLARD, Mr. ROCKEFELLER, Mr. BYRD, Mr. INOUYE, Mr. SALAZAR, Mr. ROBERTS, Ms. SNOWE, Mr. PRYOR, Mr. ENZI, Mrs. CLINTON and Mr. ENSIGN):

S. 4067. A bill to provide for secondary transmissions of distant network signals for private home viewing by certain satellite carriers; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today I am pleased to introduce the Satellite Consumer Protection Act of 2006, and I am proud that Senators INOUYE, SNOWE, ALLARD, ROCKEFELLER, and BYRD, PRYOR, ENZI, and CLINTON are among those joining me in sponsoring this important bill. I regret the necessity of this legislation, but I am determined to protect consumers—especially consumers in rural areas such as Vermont.

This is a pro-consumer, bipartisan bill that addresses a problem that soon will face millions of Americans who subscribe to satellite TV services. I realize full well that this bill may not please the major corporations affected by this remedy, but its intent is not to help corporations, but to help home satellite viewers.

A Federal court recently found that EchoStar willfully, flagrantly and repeatedly violated Federal law, and I believe that EchoStar should be held to account for its decade of illegal activity. The situation is ultimately quite complicated, but the simplest version is this: EchoStar has been bringing distant network signals to areas that did not need satellite to provide access to that programming. But the penalty for such actions is harsh, and the court that heard the lawsuit had no choice: EchoStar will be required to stop retransmitting any distant signals. EchoStar flouted the law, but it is consumers who will suffer. Unless we pass this bill, many rural subscribers around the country will lose access to news and entertainment programming from the free, over-the-air broadcast networks.

The Satellite Consumer Protection Act is a practical, narrow, and—most importantly—pro-consumer solution to a problem of Echo Star's creation. The court-issued injunction, set to take effect December 1, will prohibit EchoStar from providing any distant network stations to any of its customers. Under the Satellite Consumer Protection Act, the injunction will apply to the roughly 95 percent of the country where EchoStar provides residents their local, over-the-air stations. Our legislation would only permit EchoStar to bring in distant network stations in three situations. First, where local stations are not available from a satellite provider, EchoStar could bring in a distant network station if it compensates the local station. Second, in areas that do not have affiliates of all four networks, EchoStar could bring in a distant signal of the missing network affiliate because no local station would be harmed. Third, stations from neighboring localities that are considered "significantly viewed" by the Federal Communications Commission, and are generally treated as local stations, could be carried.

This legislation would not be complete without an enforcement provision that will truly curb EchoStar's practice of illegally providing copyrighted content. The Satellite Consumer Protection Act therefore imposes real monetary penalties for violating the Act and requires EchoStar to put sufficient funds in escrow with the copyright office to cover any future violations.

This bipartisan bill respects the legitimate interests of broadcasters who have been harmed by EchoStar's actions, while it serves the interests of the people who are the innocent bystanders and the real victims of this emerging problem: the consumers who are paying for these services.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 4067

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Satellite Consumer Protection Act of 2006".

SEC. 2. LIMITATIONS ON EXCLUSIVE RIGHTS: SECONDARY TRANSMISSIONS OF DISTANT NETWORK SIGNALS FOR PRIVATE HOME VIEWING BY CERTAIN SATELLITE CARRIERS.

(a) IN GENERAL.—Chapter 1 of title 17, United States Code, is amended by inserting after section 119 the following:

"§ 119A. Limitations on exclusive rights: secondary transmissions of distant network signals for private home viewing by certain satellite carriers

"(a) STATUTORY LICENSE GRANTED.—

"(1) IN GENERAL.—Notwithstanding any injunction issued under section 119(a)(7)(B), a satellite carrier found to have engaged in a pattern or practice of violations pursuant to section 119(a)(7)(B) is granted a statutory license to provide a secondary transmission of a performance or display of a work embodied in a primary transmission made by a network station in accordance with the provisions of this section.

"(2) SIGNIFICANTLY VIEWED SIGNALS.—Under the statutory license granted by paragraph (1), a satellite carrier may provide a secondary transmission of a primary transmission made by a network station as provided in paragraph (2)(C) or (3) of section 119(a).

"(3) DISTANT SIGNALS.—

"(A) IN GENERAL.—Under the statutory license granted by paragraph (1), a satellite carrier may provide a secondary transmission of a performance or display of a work embodied in a primary transmission made by a network station, subject to the limitations of subparagraphs (B) and (C), of not more than 1 network station in a single day for each television network.

"(B) NON-LOCAL-INTO-LOCAL MARKETS.—A satellite carrier may provide a secondary transmission under subparagraph (A) in a local market (as defined in section 122(j)) in which a satellite carrier does not currently provide, and has not ever provided, a transmission pursuant to a statutory license under section 122, if the satellite carrier—

"(i) complies with the terms and conditions for a statutory license under section 119; and

"(ii) certifies to the Copyright Office within 30 days after the date of enactment of the Satellite Consumer Protection Act of 2006, or before initiating service to a subscriber under this section, whichever is later, that all subscribers receiving secondary transmissions pursuant to a statutory license under this section in that local market reside in unserved households, as determined under section 119(a)(2)(B)(ii); and

"(iii) deposits, in addition to the deposits required by section 119(b)(1), a duplicate payment with the Register of Copyrights in the same amount for each network station in the local market affiliated with the same network as the network station being imported.

"(C) SHORT MARKETS.—In a local market (as defined in section 122(j)) in which a network station (as defined in section 119(d)) affiliated with the ABC, CBS, NBC, or Fox television network is not licensed by the Federal Communications Commission, a satellite carrier may provide secondary transmission under subparagraph (A) of the primary signals of a network station affiliated with that network, if the satellite carrier—

"(i) complies with the terms and conditions for a statutory license under section 119; and

"(ii) certifies to the Copyright Office within 30 days after the date of enactment of the Satellite Consumer Protection Act of 2006, or before initiating service to a subscriber under this section, whichever is later, that all subscribers receiving secondary transmissions pursuant to a statutory license under this section in that local market reside in unserved households, as determined under section 119(a)(2)(B)(ii).

"(D) SHORT MARKET EXCEPTION.—

"(i) IN GENERAL.—Notwithstanding subparagraph (C), a satellite carrier may not provide secondary transmission of the primary signals of a network station under that subparagraph if secondary transmission of those signals could be provided under paragraph (2).

"(ii) DISCONTINUANCE OF SECONDARY TRANSMISSION WHEN PRIMARY SIGNAL BECOMES AVAILABLE.—Notwithstanding subparagraph (C), a satellite carrier that has been providing secondary transmission of the primary signals of a network station under subparagraph (C) in a local market may not provide such secondary transmission in that local market more than 30 days after the date on which a network station affiliated with the same network begins to broadcast or rebroadcast the basic programming service of that network in that local market and could be carried pursuant to a license under section 122.

"(b) DISTRIBUTION OF DUPLICATE DEPOSIT AMOUNTS.—The Copyright Royalty Judges shall authorize the Librarian of Congress to distribute semiannually amounts received by the Register of Copyrights as deposits under subsection (a)(3)(B)(iii), after deducting the reasonable costs incurred by the Copyright Office and the Copyright Royalty Judges under this section, in accordance with a process that the Copyright Royalty Judges may prescribe by regulation, to a network station (as defined in section 119(d)(2)) affiliated with the network whose signals are being carried under this section to a community within the local market (as defined in section 122(j)) in which such signals are being provided under this section.

"(c) STATUTORY DAMAGES.—

"(1) IN GENERAL.—The violation by a satellite carrier of subsection (a) is actionable as an act of infringement under section 501 and is subject to statutory damages equal to $100 per month multiplied by the number of subscribers with respect to which the violation was committed for each month during which the violation was committed (treating each month of a continuing violation as a separate violation).

"(2) PETITION.—A petition for statutory damages may be made to the Copyright Royalty Judges, pursuant to such rules as may be prescribed by the Copyright Royalty Judges by regulation. In any proceeding under this section, the satellite carrier shall have the burden of proving that its secondary transmission of a primary transmission by a network station is to a subscriber who is eligible to receive the secondary transmission under this section.

"(3) ESCROW.—As a condition of using the statutory license under subsection (a), a satellite carrier must deposit the sum of $20,000,000 in escrow with the Copyright Office. The Copyright Office shall deposit the escrow funds in an account in the Treasury of the United States, in such manner as the Secretary of the Treasury directs, and invested in interest-bearing securities of the United States with any interest from such investment to be credited to the account. The Copyright Royalty Judges shall have exclusive jurisdiction to determine liability for and entitlement to the statutory damages owed to the petitioning party in accordance with a process to be prescribed by regulation and they shall authorize the Librarian of Congress to distribute funds from the escrow account to satisfy this determination. After all petitions under this section against a satellite carrier have been resolved, any amount remaining in the satellite carrier's escrow account after February 17, 2009, after deducting the reasonable costs incurred by the Copyright Office and the Copyright Royalty Judges under this section, shall be returned to the satellite carrier.

"(4) JUDICIAL REVIEW.—A satellite carrier may seek judicial review of all determinations of the Copyright Royalty Judges on a consolidated basis in a single petition of appeal to the United States Court of Appeals for the District of Columbia Circuit within 30 days after the later of—

"(A) February 17, 2009; or

"(B) the date on which all amounts in the escrow account have been distributed or returned.

"(d) SUNSET.—This section shall not apply after February 17, 2009.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 1 of title 17, United States Code, is amended by inserting after the item relating to section 119 the following:

"119A. Limitations on exclusive rights: secondary transmissions of distant network signals for private home viewing by certain satellite carriers".

Mr. ROCKEFELLER. Mr. President, today, I am pleased to join my colleagues Senators LEAHY and ALLARD in introducing the Satellite Consumer Protection Act of 2006. I am pleased that Senators BYRD, INOUYE, SALAZAR, SNOWE, ROBERTS, ENZI, and ENSIGN are original cosponsors.

I want to thank Senator LEAHY for his leadership on this issue. This bill builds upon the hard work and legislative language that Congressman RICK BOUCHER (D-VA) and I originally developed. Congressman BOUCHER has been invaluable in making all sure that all interested parties work together to protect consumers, and I must thank him for all of his hard work on this issue.

We have introduced this legislation to protect consumers who through no fault of their own can no longer receive network television signals from DISH Network. Our constituents have lost this right because of a nationwide legal battle between DISH Network and television broadcasters. The Court found that DISH Network had violated the law and imposed a penalty. This decision impacted thousands of my constituent and I believe that Congress needed to restore the ability of these consumers to receive network signals. For many rural West Virginians, cable television is not available.

We have a looming crisis on our hands and Congress must pass our bill immediately. We have a duty to our consumers to minimize the disruption to their daily lives, and our bill allows those consumers who do not have the ability to get local television stations in their area to continue to receive distant signals.

Again, I urge quick adoption of this legislation.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 4070. A bill to exempt children of certain Filipino World War II veterans from the numerical limitations on immigrant visas; to the Committee on the Judiciary.

Mr. AKAKA. Mr. President, it has long been evident that our immigration system needs to be reformed, and the current debate on immigration is long overdue. I am pleased that this body is addressing this important issue in such a comprehensive manner. However, if the Senate's debate on immigration is to be truly comprehensive, it must address not only its better-known propositions and factors but also its lesser-known ones as well.

My bill seeks to address and resolve an immigration issue that, while rooted in a set of historical circumstance more than seven decades old, remains unresolved to this day. It is an issue of great concern to Filipino World War II veterans and to Filipino Americans, and it ought to be an issue of great concern to all American veterans and citizens with an interest in justice and fairness.

Before I discuss the specifics of my bill, I would first like to thank my dear friend and colleague, the senior Senator from Hawaii, DANIEL K. INOUYE, for cosponsoring this bill. In the 101st Congress, Senator INOUYE authored Section 405 of the Immigration Act of 1990, which provided for the naturalization of Filipino World War II veterans. Senator INOUYE has a long history of being involved in this important effort and it is an honor to have his support on my bill today.

To understand the significance of this bill, it is important to first provide some background about the historical circumstances that got us to where we are today.

In 1941, on the basis of 1934 legislation enacted prior to Philippine independence, President Franklin D. Roosevelt issued an executive order. Through this order, President Roosevelt invoked his authority to "call and order into the service of the Armed Forces of the United States," including "all of the organized military forces of the Government of the Commonwealth of the Philippines." This order drafted more than 200,000 Filipino citizens into the United States military. Under the command of General Douglas MacArthur, Filipino soldiers fought alongside American soldiers in the defense of our country.

Throughout the course of World War II, these Filipino soldiers proved themselves to be courageous and honorable comrades in arms as they helped the United States fulfill its mission. There was no question that they would be treated the same as American troops.

These Filipino soldiers are war heroes, and deserved to be treated as such. They provided active duty service on behalf of the U.S. military, which should have qualified them for the same benefits as other active-duty veterans. Congress betrayed these veterans by enacting the First Supplemental Surplus Appropriation Rescission Act in 1946, which included a rider that conditioned an appropriation of $200 million, for the benefit of the postwar Philippine Army, on the basis that service in the Commonwealth Army should not be deemed to have been service in the Armed Forces of the United States.

Commonwealth Army members were those called into the service of the United States Armed Forces for the Far East. These members served between July 26, 1941, and June 30, 1946. Similarly, Congress enacted the Second Supplemental Surplus Appropriation Rescission Act, which provided that service in the New Philippine Scouts was not deemed to be service in the U.S. military.

New Philippine Scouts were Filipino citizens who served with the United States Armed Forces with the consent of the Philippine government. They served between October 6, 1945, and June 30, 1947.

These veterans are now in their eighties and nineties. Of the 200,000 Filipino veterans that served in World War II, close to 49,000 survive. Some of these veterans receive U.S. benefits, some do not. By 2010, it is estimated that there will be just 20,000 survivors.

With the passage of the Immigration Act of 1990, the courage of the many Filipino soldiers who fought alongside our troops during World War II was finally recognized by our government, and Filipino veterans were offered the opportunity to obtain U.S. citizenship. According to the former Immigration and Naturalization Service, about 15,000 Filipino veterans live in the U.S. and became citizens between 1941 and 1995 under the authority of the Immigration Act of 1990. Between that time about 11,000 veterans who live in the Philippines were successfully naturalized. These thousands of Filipino veterans clearly wished to spend their golden years in the United States, and I am pleased that the 1990 Immigration reform efforts provided them the opportunity to do so.

Unfortunately, the offer did not extend to the adult sons and daughters of these veterans. As a result, the Filipino veterans who fought on behalf of America, and who now live in American and continue to contribute to America, must do so alone. Due to a backlog in the issuing of visas, many of the children of these veterans have waited more than twenty years before being able to obtain an immigrant visa.

My bill, by exempting children of certain Filipino World War II veterans from the numerical limitation on immigrant visas, will ensure that our Filipino World War II veterans can enjoy and be supported by their family members in their twilight years. I believe it is a simple yet profound way that this country may honor the sacrifices made more than six decades ago by these war heroes.

I urge my colleagues to honor the valiant contributions of Filipino World War II veterans to our Nation by supporting my bill.

By Ms. LANDRIEU:

S. 4071. A bill to amend the Internal Revenue Code of 1986 to extend the placed-in-service date requirement for low-income housing credit buildings and bonus depreciation property and the period for rehabilitation expenditures in the Gulf Opportunity Zone; to the Committee on Finance.

Ms. LANDRIEU. Mr. President, the people of New Orleans and the rest of the Gulf Coast have been working hard to rebuild their communities and the economy of the region. The Gulf Opportunity (GO) Zone legislation that the Congress passed and the President signed into law at the end of last year, has contributed greatly to the rebuilding efforts.

The benefits of this legislation have been tremendous so far. Hundreds of businesses, large and small, will be able to take advantage of tax incentives made possible by the GO Zone bill. These include a bonus depreciation provision that allows businesses to take a 50 percent depreciation deduction in the first year on new plant or equipment in the GO Zone. This has helped jump start our recovery by giving businesses the incentive to invest quickly in the GO Zone.

The GO Zone Act also increased the amount of low income housing tax credits available to GO Zone states. The Louisiana Housing Finance Agency reports that it has awarded more than $80 million in low income housing tax credits. These credits will be leveraged to finance 195 rental housing developments for working families.

The GO Zone also included an increased rehabilitation tax credit to encourage the preservation and rehabilitation of historic structures. We have many beautiful, old buildings in New Orleans and along the Gulf. They are part of our heritage and as we rebuild we want to preserve that heritage.

The problem with the GO Zone Act is that these tax benefits have limits in terms of the time that they are available for our rebuilding. Most require that any plant and equipment, or the housing financed by the tax credits, must be placed in service by the end of 2008—that is only two years away. The rehabilitation tax credit is also only available until the end of 2008. The problem with this is that our recovery is going to take longer. In Louisiana we are rebuilding an entire city essentially from scratch. Whole communities were wiped out in Mississippi. We have never seen a recovery like the one we are attempting in the Gulf.

The placed in service date is particularly difficult for the low income housing tax credits. It can take years to get together all of the financing for housing developments and even more time for construction. The current placed in service date effectively makes any credits allocated in 2008 unusable because it would be nearly impossible to get a building financed and constructed by the end of the year.

Today, I am introducing legislation to extend the placed in service dates for the various GO Zone tax benefits for an additional two years. This will give us more time to take full advantage of the opportunities the GO Zone legislation has given us. Our recovery is proceeding steadily, but it will take time. We do not want to diminish the impact these tax credits will have on our recovery by artificially limiting their availability. My bill would make these credits available for a longer period of time so that the recovery in the Gulf will be sustained.

I urge my colleagues to support this legislation and ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 4071

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF PLACED-IN-SERVICE DATE REQUIREMENT FOR LOW-INCOME HOUSING CREDIT BUILDINGS AND BONUS DEPRECIATION PROPERTY AND PERIOD FOR REHABILITATION EXPENDITURES IN GULF OPPORTUNITY ZONE.

(a) Low-Income Housing Credit Buildings.—Section 1400N(c) of the Internal Revenue Code of 1986 is amended—

(1) by striking "or 2008" in paragraph (3)(A) and inserting "2008, 2009, or 2010",

(2) by striking "during such period" in paragraph (3)(B)(ii) and inserting "during the period described in subparagraph (A)", and

(3) by striking "or 2008" in paragraph (4)(A) and inserting "2008, 2009, or 2010".

(b) Bonus Depreciation Property.—Section 1400N(d) of the Internal Revenue Code of 1986 is amended—

(1) by striking "December 31, 2007 (December 31, 2008, in the case of nonresidential real property and residential rental property)" in paragraph (2)(A)(v) and inserting "December 31, 2010", and

(2) by striking "January 1, 2008" in paragraph (3)(B) and inserting "January 1, 2011".

(c) Increase in Rehabilitation Credit.—Section 1400N(h) of the Internal Revenue Code of 1986 is amended by striking "2008" and inserting "2010".

By Ms. LANDRIEU (for herself and Mr. Kerry):

S. 4072. A bill to address ongoing small business and homeowner needs in the Gulf Coast States impacted by Hurricane Katrina and Hurricane Rita; to the Committee on Small Business and Entrepreneurship.

Ms. LANDRIEU: Mr. President, I come to the floor today to highlight the ongoing needs of our small businesses and homeowners in the Gulf Coast who were devastated by Hurricanes Katrina and Rita. In Louisiana alone, these disasters claimed 1,464 lives, destroyed more than 200,000 homes and 18,000 businesses and inflicted $25 billion in uninsured losses. Many of my colleagues here in the Senate have been down to Louisiana and have seen firsthand the size and scope of the destruction. The Congress has been very generous in providing billions of Federal recovery dollars as well as valuable Gulf Opportunity (GO) Zone tax incentives to help spur recovery in the region. These resources will be key in the recovery of the region but there are additional needs on the ground that still must be addressed. That is why I am proud to introduce a bill today, the Gulf Coast Back to Business and Homes Act of 2006, which I believe, addresses these problems and shows our small businesses and homeowners that the Federal government is responsive to their needs. I am happy that my colleague, Senator Kerry, Ranking Member of the Senate Small Business & Entrepreneurship Committee, has joined me by cosponsoring this legislation.

Katrina was the most destructive hurricane ever to hit the United States. The next month, in September, Hurricane Rita hit the Louisiana and Texas coast. It was the second most powerful hurricane ever to hit the United States, wreaking havoc on the southwestern part of my state and the east Texas coast. This one-two punch devastated Louisiana lives, communities and jobs, stretching from Cameron Parish in the west to Plaquemines Parish in the east.

We are now rebuilding our State and the wide variety of communities that were devastated by Rita and Katrina, areas representing a diverse mix of population, income and cultures. We hope to restore the region's uniqueness and its greatness. To do that, we need to rebuild our local economies now and far into the future.

My State estimates that there were 71,000 businesses in the Katrina and Rita disaster zones. As I mentioned, a total of 18,752 of these businesses were catastrophically destroyed. However, on a wider scale, according to the U.S. Chamber of Commerce, over 125,000 small and medium-sized businesses in the Gulf region were disrupted by Katrina and Rita. Many of these businesses have yet to resume operations and others are struggling to survive. We will never succeed without these small businesses. They will be the key to the revitalization of the Gulf Coast. We also cannot succeed if our homeowners are being buried under red tape and regulations.

The people who work for the Small Business Administration and FEMA are dedicated and interested to help in the recovery of our region. However, these individuals are operating under a system which is inadequate and, in some cases, unresponsive to needs on the ground.

I come to the floor today to introduce a bill which provides commonsense solutions to get the Federal assistance to our struggling businesses and homeowners. If we don't help them now, building a strong Gulf Coast will be all the more difficult if residents cannot rebuild their homes and businesses cannot open their doors.

After talking to the business leaders and small businesses in my State, there are two things that they need right now: access to capital and additional time to repay their SBA Disaster loans. For homeowners, they are still encountering an SBA which is only disbursing small amounts of loan funds for home rebuilding. The SBA is also deducting proceeds from State-administered housing recovery grants to payoff existing SBA Disaster home loans. I understand the SBA is just doing its job and following the current laws, but I believe this is a situation where the current laws are actually hurting taxpayers in their efforts to fully recover.

For example, under current law, the SBA cannot disburse more than $10,000 for an approved Disaster Loan without showing collateral. This is to limit the loss to the SBA in the event that a loan defaults. However, this disbursement amount has not been increased since 1998 and these days, $10,000 is not enough to get a business up and running or to allow a homeowner to start making repairs. Our bill increases this collateral requirement for Katrina and Rita Disaster Loans from $10,000 to $35,000.

To address the lack of access to capital for our businesses, the bill includes a provision to provide funds to Louisiana, Mississippi, Alabama, and Texas to help small businesses now. Not three months from now, but as quickly as possible. We are asking for $100 million so that businesses can have money they need to repair, rebuild, and pay their employees until they get back up and running again. The States know what the needs of their affected businesses are and we want to provide them with this money so they can start helping businesses now.

Many businesses and homeowners are also coming up on the end of their standard one-year deferment of payment on principal and interest on their SBA Disaster Loans. For most disasters, one-year is more than enough time for borrowers to get back on their feet. But for disasters on the scale of Katrina and Rita, one-year came and went, with communities just now seeing gas stations open and some homeowners are just now returning to rebuild their homes. This is a unique situation and for French Quarter businesses, where tourism is down 85 percent from pre-Katrina levels, to require them to start making payments on a $50,000 loan is virtually impossible if there are no customers! Homeowners too are experiencing widespread uncertainty and I believe the current one-year deferment requires serious reconsideration. That is why this bill gives borrowers an additional year to get their lives in order—allow residents to begin fixing their homes and allow businesses the time for economic activity to pick back up.

For homeowners in Louisiana, the State is doing its part by setting up the Louisiana Road Home program, to provide homeowners with up to $150,000 in grant proceeds for uninsured losses on their properties. However, many applicants are concerned because under the Stafford and Small Business Acts, the SBA is required to ensure there are no 'duplication of benefits' provided to disaster victims. This means that SBA must review every file which received an SBA Disaster Loan, and if there is deemed to be a duplication, deduct the duplication amount from the grant proceeds. As I said, I want the SBA to ensure taxpayers funds are used wisely, but at the same time, I want to ensure that all residents are able to get the funds they need to rebuild their homes.

Under the current scenario, some residents who have additional uninsured losses, are being required to still pay back these grant proceeds. This is because many SBA loss inspections were done right after the storms in 2005, but since then building/labor costs have increased dramatically, and this is not reflected in the SBA verified loss. Borrowers are able to request a loan modification from SBA, but many residents who waited months and months for SBA to respond, are wary to go through the process again, especially if there is a prospect they will be declined for the increased loan amount. I can't blame them because there is enough uncertainty down there right now. Personally, I would also be hesitant to go through the SBA loan process again if I had to fill out as much paperwork as my constituents have had to fill out, and to receive constant requests for more information once they think they are done with submitting information.

For this reason, this bill provides the SBA Administrator the flexibility to consider this 'duplication of benefits' to be, rather than the entire SBA loan amount, to instead be the difference between the Federal Government's subsidized interest rate on the loan and the market rate at which the borrower could have borrowed such funds. This provides borrowers with additional funds for rebuilding while retaining the Federal Government's financial responsibility to taxpayers.

In introducing this bill today, I am hopeful it sends the signal to Gulf Coast residents and businesses that Congress has not forgotten about them. Congress has done a great deal during the 109th Congress to help disaster victims, but that does mean we should just write off recurring problems to the responsibility of states or disaster victims themselves. I believe that both the leadership on the Senate Committee on Small Business & Entrepreneurship as well as the new SBA Administrator, Steve Preston, are receptive to addressing these ongoing needs in the Gulf Coast. I look forward to working closely with them in the coming weeks to provide substantive and lasting solutions for our small businesses and homeowners.

I urge my colleagues to support this important legislation and ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 4072

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gulf Coast Back to Business and Homes Act of 2006".

SEC. 2. FINDINGS.

Congress finds that—

(1) 43 percent of businesses that close following a natural disaster never reopen;

(2) an additional 29 percent of businesses close down permanently within 2 years of a natural disaster;

(3) Hurricane Katrina struck the Gulf Coast of the United States on August 29, 2005, negatively impacting small business concerns and disrupting commerce in the States of Louisiana, Mississippi, and Alabama;

(4) Hurricane Rita struck the Gulf Coast of the United States on September 24, 2005, negatively impacting small business concerns and disrupting commerce in the States of Texas and Louisiana;

(5) according to the United States Chamber of Commerce, more than 125,000 small and medium-sized businesses in the Gulf Coast were disrupted by Hurricane Katrina or Hurricane Rita;

(6) due to a slow initial Federal response and the widespread devastation in the affected States, businesses impacted by Hurricane Katrina are in dire need of increased access to capital and technical assistance to recover and prosper; and

(7) without the full recovery and prosperity of affected businesses, the Gulf Coast, and the rest of the United States, will be negatively impacted.

SEC. 3. DEFINITIONS.

In this Act—

(1) the term "Disaster Area" means an area in which the President has declared a major disaster in response to Hurricane Katrina of 2005 or Hurricane Rita of 2005;

(2) the term "major disaster" has the meaning given the term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122); and

(3) the term "small business concern" has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632).

SEC. 4. SMALL BUSINESS CONCERN RECOVERY GRANTS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce $100,000,000 for the Economic Development Administration of the Department of Commerce to make grants to the appropriate State government agencies in Louisiana, Alabama, Mississippi, and Texas, to carry out this section.

(b) DISBURSEMENT OF FUNDS.—The Department of Commerce shall disburse the funds authorized under subsection (a) in the most expeditious manner possible to the designated States, based on—

(1) the number of small business concerns directly damaged or disrupted by Hurricane Katrina of 2005 or Hurricane Rita of 2005 in the State;

(2) the number of residents displaced from the State by Hurricane Katrina of 2005 or Hurricane Rita of 2005;

(3) the number of jobs lost or disrupted by Hurricane Katrina of 2005 or Hurricane Rita of 2005 in the State;

(4) the extent of economic disruption by Hurricane Katrina of 2005 or Hurricane Rita of 2005 in the State; and

(5) the number of evacuees from any other State due to Hurricane Katrina of 2005 or Hurricane Rita of 2005, to whom the designated State is providing assistance.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Grants awarded to a State under subsection (a) shall be used by the State to provide grants, which may be made to any small business concern located in a Disaster Area that was negatively impacted

by Hurricane Katrina of 2005 or Hurricane Rita of 2005, to assist such small business concern for the purposes of—

(A) paying employees;

(B) paying bills and other existing financial obligations;

(C) making repairs;

(D) purchasing inventory;

(E) restarting or operating that business in the community in which it was conducting operations prior to Hurricane Katrina of 2005 or Hurricane Rita of 2005, or to a neighboring area or county or parish in a Disaster Area; or

(F) covering additional costs until that small business concern is able to obtain funding through insurance claims, Federal assistance programs, or other sources.

(2) CRITERIA.—Notwithstanding any other provision of law, in making grants under paragraph (1), a State may use such criteria as the State determines appropriate, and shall not be required to apply eligibility criteria for programs administered by the Federal Government, including the Department of Commerce.

(3) ADMINISTRATIVE EXPENSES.—The Department of Commerce may use not more than $1,000,000 of the funds authorized under subsection (a) to administer the provision of grants to the designated States under this subsection.

SEC. 5. DISASTER LOANS AFTER HURRICANE KATRINA OR HURRICANE RITA.

(a) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (3) the following:

"(4) DISASTER LOANS AFTER HURRICANE KATRINA OR HURRICANE RITA IN A DISASTER AREA.—

"(A) DEFINITIONS.—In this paragraph—

"(i) the term 'Disaster Area' means an area in which the President has declared a major disaster in response to Hurricane Katrina of 2005 or Hurricane Rita of 2005; and

"(ii) the term 'qualified borrower' means a person to whom the Administrator made a loan under this section because of Hurricane Katrina of 2005 or Hurricane Rita of 2005.

"(B) DEFERMENT OF DISASTER LOAN PAYMENTS.—

"(i) IN GENERAL.—Notwithstanding any other provision of law, payments of principal and interest on a loan to a qualified borrower made before December 31, 2006, shall be deferred, and no interest shall accrue with respect to such loan, during the time period described in clause (ii).

"(ii) TIME PERIOD.—The time period for purposes of clause (i) shall be 1 year from the later of the date of enactment of this paragraph or the date on which funds are distributed under a loan described in clause (i), but may be extended to 2 years from such date, at the discretion of the Administrator.

"(iii) RESUMPTION OF PAYMENTS.—At the end of the time period described in clause (ii), the payment of periodic installments of principal and interest shall be required with respect to such loan, in the same manner and subject to the same terms and conditions as would otherwise be applicable to any other loan made under this subsection.".

(b) INCREASING COLLATERAL REQUIREMENTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, including section 7(c)(6) of the Small Business Act (15 U.S.C. 636(c)(6)), the Administrator may not require collateral for any covered loan made by the Administrator.

(2) DEFINITION.—In this subsection, the term "covered loan" means a loan in an amount of not more than $35,000 made—

(A) under section 7(b)(1) of the Small Business Act (15 U.S.C. 636(b)(1));

(B) as a result of Hurricane Katrina of 2005 or Hurricane Rita of 2005; and

(C) after the date of enactment of this Act.

SEC. 6. WAIVER OF DUPLICATION OF CERTAIN BENEFITS.

(a) IN GENERAL.—Chapter 9 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 471) is amended under the heading "COMMUNITY DEVELOPMENT FUND (INCLUDING TRANSFER OF FUNDS)" under the heading "COMMUNITY PLANNING AND DEVELOPMENT" under the heading "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT", by inserting after "Army Corps of Engineers:" the following: "*Provided further*, That notwithstanding the previous proviso or any other provision of law, in providing assistance in the State of Louisiana, the Administrator of the Small Business Administration may (in determining whether activities are reimbursable under, or whether funds have been made available under, the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) using amounts made available under this heading) use as the amount of a loan under section 7(b) of the Small Business Act (15 U.S.C. 636(b)) the amount attributable to the difference between the rate of interest on such loan and the market rate at which such borrower could have borrowed such funds, over the period of such loan:".

(b) EFFECTIVE DATE AND APPLICABILITY.—

(1) EFFECTIVE DATE.—The amendments made by this section shall be deemed to have taken effect as though enacted as part of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 418).

(2) APPLICABILITY.—The amendments made by this section shall apply to any application for assistance under section 7(b) of the Small Business Act (15 U.S.C. 636(b)) that is submitted not later than 1 year after the date of enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 615—DESIGNATING NOVEMBER 26, 2006, AS "DRIVE SAFER SUNDAY"

Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 516

Whereas motor vehicle travel is the primary means of transportation in the United States;

Whereas everyone on the roads and highways needs to drive more safely to reduce deaths and injuries resulting from motor vehicle accidents;

Whereas the death of almost 43,000 people a year in more than 6 million highway crashes in the United States has been called an epidemic by Transportation Secretary Norman Mineta;

Whereas according to the National Highway Transportation Safety Administration, wearing a seat belt saved 15,434 lives in 2004 and 15,632 lives in 2005; and

Whereas the Sunday after Thanksgiving is the busiest highway traffic day of the year: Now, therefore, be it

Resolved, That the Senate—

(1) encourages—

(A) high schools, colleges, universities, administrators, teachers, primary schools, and secondary schools to launch campus-wide educational campaigns to urge students to be careful about safety when driving;

(B) national trucking firms to alert their drivers to be especially focused on driving safely during the heaviest traffic day of the year, and to publicize the importance of the day using Citizen's band (CB) radios and in truck stops across the Nation;

(C) clergy to remind their members to travel safely when attending services and gatherings;

(D) law enforcement personnel to remind drivers and passengers to drive particularly safely on the Sunday after Thanksgiving; and

(E) everyone to use the Sunday after Thanksgiving as an opportunity to educate themselves about highway safety; and

(2) designates November 26, 2006, as "Drive Safer Sunday".

Mr. CHAMBLISS. Mr. President, I am submitting a resolution to designate Sunday, November 26, 2006, as Drive Safer Sunday.

Motor vehicle travel is the primary source of travel in the United States and statistics show that the Sunday after Thanksgiving is the busiest highway traffic day of the year. Too many holidays end tragically due to the careless and reckless behavior of motorists and I hope that this resolution will raise awareness and help save lives. It should also serve as a reminder to those traveling over Thanksgiving holidays and all year long to be vigilant, alert, and careful.

Steve and Susan Owings are constituents of mine in Atlanta, GA. In 2002, their son Cullum Owings was in a fatal crash on the Sunday after Thanksgiving while traveling back to college. This resolution is in honor of Cullum, and designed with the hope that other families like the Owings, will not have to suffer such a tragic loss.

According to the Georgia Governor's Office of Highway Safety, our Georgia roads had 348,040 crashes with 1,744 fatalities in 2005. Two of the major contributing factors to the loss of life in these crashes were speeding and unrestrained passengers.

According to the National Highway Transportation Safety Administration,

An estimated 15,434 lives in 2004 and 15,632 lives in 2005 were saved as a result of passengers wearing their seatbelts.

Safety belts, when used, reduce the risk of fatal injury to front seat passenger car occupants by 45 percent.

Six out of 10 children who died in passenger vehicle crashes were unbelted.

At least 4 percent of automobile crashes are the result of distracted driving.

An average 119 people died each day as a result of motor crashes in 2005—an average of one every 12 minutes.

From 1975 through 2005, an estimated 211,128 lives were saved by safety belts.

From 1975 through 2005, an estimated 7,896 lives were saved by child restraints.

In 2005, 68 percent of pickup drivers killed in traffic crashes were not using a safety belt.

With families traveling to see relatives and students nationwide trying to get back to school, America's highways and interstates are highly congested and present many opportunities for dangerous or fatal accidents. This resolution encourages automobile drivers, truckers, passengers, and law enforcement agencies to work together to make the highways a safer place this Sunday after Thanksgiving. It also encourages all Americans to slow down, wear their seatbelts, use signals, and be aware of all the other cars and trucks on the road. It is my hope that we can all work together to reduce the number of injuries and fatalities that result from car crashes while keeping families happy and together.

SENATE RESOLUTION 616—AUTHORIZING THE MAJORITY LEADER AND ONE STAFF MEMBER TO TRAVEL TO MEXICO FOR THE INAUGURATION OF THE NEW PRESIDENT OF MEXICO SCHEDULED FOR DECEMBER 2, 2006

Mr. FRIST submitted the following resolution; which was considered and agreed to:

S. RES. 616

Resolved, That the Majority Leader and one staff member are authorized to travel to Mexico for the inauguration of the new President of Mexico scheduled for December 2, 2006.

SENATE RESOLUTION 617—DESIGNATING NOVEMBER 2006 AS "NATIONAL LUNG CANCER AWARENESS MONTH"

Mr. CHAMBLISS submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 617

Whereas lung cancer is the leading cancer killer of both men and women, accounting for nearly 1 in every 3 cancer deaths in the United States;

Whereas lung cancer claims the lives of more people each year than breast, prostate, colon, liver, and kidney cancers combined;

Whereas the Surveillance, Epidemiology, and End Results (SEER) Program of the National Cancer Institute estimates that, in 2006, 174,470 new lung cancer cases will be diagnosed and 162,460 individuals will die of lung cancer in the United States;

Whereas both incidence and mortality rates for lung cancer are significantly higher in black males than in the general population of the United States;

Whereas smoking causes 87 percent of lung cancer deaths in the United States;

Whereas the best way to decrease the number of diagnoses and deaths per year from lung cancer is to encourage people in the United States to quit smoking;

Whereas a former smoker's risk of lung cancer does not decrease significantly until 20 years after the individual quit smoking;

Whereas the International Early Lung Cancer Action Program has demonstrated in a 14-year study with 31,567 participants that computer tomography scans can detect lung cancer in Stage I when the cancer can be more easily treated and cured, giving individuals who are diagnosed early a 10-year survival rate of 88 percent;

Whereas there is a need to increase public awareness of statistics, risk factors, and the importance of early diagnosis;

Whereas individuals with cancers that are routinely diagnosed at early stages through screening, such as breast cancer and prostate cancer, have high survival rates of 88 percent and 99 percent, respectively;

Whereas the 5-year survival rate for lung cancer in the United States is still only 15 percent, a rate virtually unchanged since the enactment of the National Cancer Act of 1971; and

Whereas designating November 2006 as "National Lung Cancer Awareness Month", as proposed by the Lung Cancer Alliance and the Lung Cancer Alliance of Georgia, will increase public awareness about lung cancer and the need for lung cancer research and early detection: Now, therefore, be it

Resolved, That the Senate—

(1) designates November 2006 as "National Lung Cancer Awareness Month"; and

(2) reaffirms the Senate's commitment to—

(A) advancing lung cancer research and early detection, and particularly the Lung Cancer Alliance of Georgia's goal of significantly increasing the 5-year survival rate of individuals diagnosed with lung cancer in the United States to 50 percent within 10 years; and

(B) working with all Federal agencies involved in cancer research to develop a coordinated roadmap for accomplishing that goal.

Mr. CHAMBLISS. Mr. President, today I am submitting a resolution recognizing November as National Lung Cancer Awareness Month. It is important for Americans to recognize the large number of individuals who are diagnosed with and die from lung cancer each year. This resolution is a reminder to all Americans to help raise awareness about lung cancer, including the importance of early detection and treatment of this dreadful disease.

In the United States, nearly 125,000 Americans die from lung, trachea, and bronchus cancer each year. According to the Centers for Disease Control, CDC, lung cancer is the number one cause of cancer deaths nationally for men and women. More American women will die from lung cancer than die from breast cancer each year. The disease kills more individuals than breast, prostate, colon, liver, and kidney cancers combined. In my home state of Georgia this year alone, more than 6,200 Georgians will be diagnosed with and almost 5,000 will die from lung cancer.

The best way to decrease the amount of diagnosis and deaths per year from lung cancer is for Americans not to smoke. According to the CDC, cigarette smoking is harmful to human health and plays a major role in 90 percent of all lung cancer deaths. The sooner that a person quits smoking, the greater chance that person has of not contracting lung cancer.

For the fiscal year 2007, the National Institutes of Health, NIH, will spend an estimated $285 million, and the National Cancer Institute, NCI, will spend $261 million on lung cancer research. This money will be spent to reduce the risk of contracting the disease and find a cure for lung cancer. As our Nation continues the fight against cancer, it is important for Congress to provide continued support to the NIH and NCI in order to find a cure for this terrible disease and reach our goal of eliminating suffering and death from cancer by 2015. Through advancements in science and research, cancer has become one of the most preventable and increasingly curable life threatening diseases. As a cancer survivor, I will be the first to tell you that prevention and detection greatly increases your chances of survival. It is my hope that recognizing November as National Lung Cancer Awareness Month will remind everyone that maintaining a healthy lifestyle coupled with early detection through screening greatly reduces the risk of cancer.

I commend the Lung Cancer Alliance of Georgia on all of their hard work in helping to raise awareness regarding this deadly disease. The Lung Cancer Alliance of Georgia has been at the forefront in organizing the state movement to combat lung cancer, releasing a state report card for Georgia that brings to light many specific problems our state has in relation to lung cancer. It is important to bring these problems to the forefront in order to work together to help reduce the rate of lung cancer incidence and deaths. I commend my friend Ed Levitt, his wife Linda, and Lung Cancer Alliance of Georgia, for all of their hard work in making lung cancer awareness a top priority.

SENATE RESOLUTION 618—DESIGNATING NOVEMBER 26, 2006, AS "DRIVE SAFER SUNDAY"

Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted the following resolution; which was considered and agreed to:

S. RES. 618

Whereas motor vehicle travel is the primary means of transportation in the United States;

Whereas everyone on the roads and highways needs to drive more safely to reduce deaths and injuries resulting from motor vehicle accidents;

Whereas the death of almost 43,000 people a year in more than 6 million highway crashes in the United States has been called an epidemic by Transportation Secretary Norman Mineta;

Whereas according to the National Highway Transportation Safety Administration, wearing a seat belt saved 15,434 lives in 2004 and 15,632 lives in 2005; and

Whereas the Sunday after Thanksgiving is the busiest highway traffic day of the year: Now, therefore, be it

Resolved, That the Senate—

(1) encourages—

(A) high schools, colleges, universities, administrators, teachers, primary schools, and secondary schools to launch campus-wide educational campaigns to urge students to be careful about safety when driving;

(B) national trucking firms to alert their drivers to be especially focused on driving safely during the heaviest traffic day of the year, and to publicize the importance of the day using Citizen's band (CB) radios and in truck stops across the Nation;

(C) clergy to remind their members to travel safely when attending services and gatherings;

(D) law enforcement personnel to remind drivers and passengers to drive particularly safely on the Sunday after Thanksgiving; and

(E) everyone to use the Sunday after Thanksgiving as an opportunity to educate themselves about highway safety; and

(2) designates November 26, 2006, as "Drive Safer Sunday".

SENATE RESOLUTION 619—EXPRESSING THE SENSE OF THE SENATE THAT SENATOR PAUL WELLSTONE SHOULD BE REMEMBERED FOR HIS COMPASSION AND LEADERSHIP ON SOCIAL ISSUES AND THAT CONGRESS SHOULD ACT TO END DISCRIMINATION AGAINST CITIZENS OF THE UNITED STATES WHO LIVE WITH MENTAL ILLNESS BY MAKING LEGISLATION RELATING TO MENTAL HEALTH PARITY A PRIORITY FOR THE 110TH CONGRESS

Mr. DURBIN (for himself, Mr. COLEMAN, Mr. KENNEDY, Mr. HARKIN, Mr. DAYTON, Mr. FEINGOLD, Mr. REED, Mr. DODD, Mrs. MURRAY, Mr. LAUTENBERG, and Mr. LEAHY) submitted the following resolution; which was considered and agreed to:

S. RES. 619

Whereas Paul Wellstone served with distinction as a Senator from the State of Minnesota;

Whereas, for more than 20 years, Paul Wellstone inspired the students of Carleton College in Northfield, Minnesota;

Whereas Paul Wellstone was a loving father and husband, a loyal citizen of the United States, and a compassionate person;

Whereas Paul Wellstone dedicated his life to bringing equal access to education, economic opportunity, and comprehensive healthcare to all citizens of the United States;

Whereas Paul Wellstone worked tirelessly to advance mental health parity for all citizens of the United States;

Whereas more than 44,000,000 citizens of the United States suffer from some form of a mental health-related condition;

Whereas only ⅓ of those citizens seek or receive treatment for their mental health-related condition;

Whereas 34 States have enacted laws that require some form of access to mental health treatments that is similar to physical health coverage; and

Whereas the tragic and premature death of Paul Wellstone on October 25, 2002, silenced 1 of the leading voices of the Senate who spoke on behalf of the citizens of the United States who live with a mental illness: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) on the fourth anniversary of his passing, Senator Paul Wellstone should be remembered for his compassion and leadership on social issues throughout his career; and

(2) Congress should act to end discrimination against citizens of the United States who live with a mental illness by enacting legislation to provide for coverage of mental health benefits with respect to health insurance coverage.

SENATE RESOLUTION 620—DESIGNATING NOVEMBER 2006 AS "NATIONAL LUNG CANCER AWARENESS MONTH"

Mr. CHAMBLISS submitted the following resolution; which was considered and agreed to:

S. RES. 620

Whereas lung cancer is the leading cancer killer of both men and women, accounting for nearly 1 in every 3 cancer deaths in the United States;

Whereas lung cancer claims the lives of more people each year than breast, prostate, colon, liver, and kidney cancers combined;

Whereas the Surveillance, Epidemiology, and End Results (SEER) Program of the National Cancer Institute estimates that, in 2006, 174,470 new lung cancer cases will be diagnosed and 162,460 individuals will die of lung cancer in the United States;

Whereas both incidence and mortality rates for lung cancer are significantly higher in black males than in the general population of the United States;

Whereas smoking causes 87 percent of lung cancer deaths in the United States;

Whereas the best way to decrease the number of diagnoses and deaths per year from lung cancer is to encourage people in the United States to quit smoking;

Whereas a former smoker's risk of lung cancer does not decrease significantly until 20 years after the individual quit smoking;

Whereas the International Early Lung Cancer Action Program has demonstrated in a 14-year study with 31,567 participants that computer tomography scans can detect lung cancer in Stage I when the cancer can be more easily treated and cured, giving individuals who are diagnosed early a 10-year survival rate of 88 percent;

Whereas there is a need to increase public awareness of statistics, risk factors, and the importance of early diagnosis;

Whereas individuals with cancers that are routinely diagnosed at early stages through screening, such as breast cancer and prostate cancer, have high survival rates of 88 percent and 99 percent, respectively;

Whereas the 5-year survival rate for lung cancer in the United States is still only 15 percent, a rate virtually unchanged since the enactment of the National Cancer Act of 1971; and

Whereas designating November 2006 as "National Lung Cancer Awareness Month", as proposed by the Lung Cancer Alliance and the Lung Cancer Alliance of Georgia, will increase public awareness about lung cancer and the need for lung cancer research and early detection: Now, therefore, be it

Resolved, That the Senate—

(1) designates November 2006 as "National Lung Cancer Awareness Month"; and

(2) reaffirms the Senate's commitment to—

(A) advancing lung cancer research and early detection, and particularly the Lung Cancer Alliance of Georgia's goal of significantly increasing the 5-year survival rate of individuals diagnosed with lung cancer in the United States to 50 percent within 10 years; and

(B) working with all Federal agencies involved in cancer research to develop a coordinated roadmap for accomplishing that goal.

SENATE RESOLUTION 621—DESIGNATING THE WEEK OF FEBRUARY 5 THROUGH FEBRUARY 9, 2007, AS "NATIONAL TEEN DATING VIOLENCE AWARENESS AND PREVENTION WEEK"

Mr. CRAPO (for himself, Mrs. CLINTON, Mr. LIEBERMAN, Ms. MURKOWSKI, and Mr. MENENDEZ) submitted the following resolution; which was considered and agreed to:

S. RES. 621

Whereas 1 in 3 female teens in a dating relationship have feared for their physical safety;

Whereas 1 in 2 teens in serious relationships have compromised their beliefs to please their partner;

Whereas nearly 1 in 5 teens who have been in a serious relationship said their boyfriend or girlfriend would threaten to hurt themselves or their partner if there was a breakup;

Whereas 1 in 5 teens in a serious relationship report they have been hit, slapped, or pushed by a partner;

Whereas more than 1 in 4 teens have been in a relationship where their partner verbally abuses them;

Whereas 13 percent of Hispanic teens reported that hitting a partner was permissible;

Whereas 29 percent of girls who have been in a relationship said they have been pressured to have sex or engage in sex they did not want;

Whereas nearly 50 percent of girls worry that their partner would break up with them if they did not agree to engage in sex;

Whereas Native American women experience higher rates of interpersonal violence than any other population group;

Whereas violent relationships in adolescence can have serious ramifications for victims who are at higher risk for substance abuse, eating disorders, risky sexual behavior, suicide, and adult revictimization;

Whereas the severity of violence among intimate partners has been shown to increase if the pattern has been established in adolescence;

Whereas 81 percent of parents surveyed either believe dating violence is not an issue or admit they do not know if it is an issue; and

Whereas the establishment of the National Teen Dating Violence Awareness and Prevention Week will benefit schools, communities, and families regardless of socio-economic status, race, or sex: Now, therefore be it

Resolved, That the Senate—

(1) designates the week of February 5 through February 9, 2007, as "National Teen Dating Violence Awareness and Prevention Week"; and

(2) calls upon the people of the United States, high schools, law enforcement, State and local officials, and interested groups, to

observe National Teen Dating Violence Awareness and Prevention Week with appropriate programs and activities that promote awareness and prevention of the crime of teen dating violence in their communities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5168. Mr. LUGAR proposed an amendment to the bill S. 3709, to exempt from certain requirements of the Atomic Energy Act of 1954 United States exports of nuclear materials, equipment, and technology to India, and to implement the United States Additional Protocol.

SA 5169. Mr. LUGAR (for Mr. OBAMA) proposed an amendment to the bill S. 3709, supra.

SA 5170. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 3709, supra; which was ordered to lie on the table.

SA 5171. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table.

SA 5172. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3709, to exempt from certain requirements of the Atomic Energy Act of 1954 United States exports of nuclear materials, equipment, and technology to India, and to implement the United States Additional Protocol; which was ordered to lie on the table.

SA 5173. Mr. LUGAR (for Mr. HARKIN) proposed an amendment to the bill S. 3709, supra.

SA 5174. Mr. BINGAMAN (for himself and Mr. KENNEDY) proposed an amendment to the bill S. 3709, supra.

SA 5175. Mr. FRIST (for Mr. THOMAS) submitted an amendment intended to be proposed by Mr. Frist to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table.

SA 5176. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5177. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5178. Mr. DORGAN proposed an amendment to the bill S. 3709, to exempt from certain requirements of the Atomic Energy Act of 1954 United States exports of nuclear materials, equipment, and technology to India, and to implement the United States Additional Protocol.

SA 5179. Mr. LUGAR (for Mr. BINGAMAN) proposed an amendment to the bill S. 3709, supra.

SA 5180. Mr. LUGAR (for Mr. BINGAMAN (for himself and Mr. DOMENICI)) proposed an amendment to the bill S. 3709, supra.

SA 5181. Mr. ENSIGN proposed an amendment to the bill S. 3709, supra.

SA 5182. Mr. DORGAN proposed an amendment to the bill S. 3709, supra.

SA 5183. Mr. FEINGOLD proposed an amendment to the bill S. 3709, supra.

SA 5184. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table.

SA 5185. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5186. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5187. Mrs. BOXER proposed an amendment to the bill S. 3709, to exempt from certain requirements of the Atomic Energy Act of 1954 United States exports of nuclear materials, equipment, and technology to India, and to implement the United States Additional Protocol.

SA 5188. Mr. BINGAMAN (for himself, Mr. DOMENICI, Mr. REID, Mr. BAUCUS, Mrs. BOXER, Ms. CANTWELL, Mr. CRAPO, Mrs. FEINSTEIN, Mr. KYL, Mrs. MURRAY, Mr. SALAZAR, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table.

SA 5189. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5190. Mr. VOINOVICH (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5191. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill H.R. 5384; supra; which was ordered to lie on the table.

SA 5192. Mr. FRIST (for Mrs. FEINSTEIN) proposed an amendment to the bill S. 994, to authorize the Attorney General to make grants to improve the ability of State and local governments to prevent the abduction of children by family members, and for other purposes.

SA 5193. Mr. FRIST (for Mr. REID) proposed an amendment to the concurrent resolution S. Con. Res. 101, condemning the repression of the Iranian Baha'i community and calling for the emancipation of Iranian Baha'is.

TEXT OF AMENDMENTS

SA 5168. Mr. LUGAR proposed an amendment to the bill S. 3709, to exempt from certain requirements of the Atomic Energy Act of 1954 United States exports of nuclear materials, equipment, and technology to India, and to implement the United States Additional Protocol; as follows:

Strike all after the enacting clause and insert the following:

TITLE I—UNITED STATES-INDIA PEACEFUL ATOMIC ENERGY COOPERATION

SECTION 101. SHORT TITLE.

This title may be cited as the "United States-India Peaceful Atomic Energy Cooperation Act".

SEC. 102. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) strong bilateral relations with India are in the national interest of the United States;

(2) the United States and India share common democratic values and the potential for increasing and sustained economic engagement;

(3) commerce in civil nuclear energy with India by the United States and other countries has the potential to benefit the people of all countries;

(4) such commerce also represents a significant change in United States policy regarding commerce with countries not parties to the Nuclear Non-Proliferation Treaty, which remains the foundation of the international non-proliferation regime;

(5) any commerce in civil nuclear energy with India by the United States and other countries must be achieved in a manner that minimizes the risk of nuclear proliferation or regional arms races and maximizes India's adherence to international non-proliferation regimes, including, in particular, the Guidelines of the Nuclear Suppliers Group (NSG); and

(6) the United States should not seek to facilitate or encourage the continuation of nuclear exports to India by any other party if such exports are terminated under United States law.

SEC. 103. DECLARATION OF POLICY CONCERNING UNITED STATES-INDIA PEACEFUL ATOMIC ENERGY COOPERATION.

It shall be the policy of the United States with respect to any peaceful atomic energy cooperation between the United States and India—

(1) to achieve as quickly as possible a cessation of the production by India and Pakistan of fissile materials for nuclear weapons and other nuclear explosive devices;

(2) to achieve as quickly as possible the Government of India's adherence to, and cooperation in, the full range of international non-proliferation regimes and activities, including India's—

(A) full participation in the Proliferation Security Initiative;

(B) formal commitment to the Statement of Interdiction Principles;

(C) public announcement of its decision to conform its export control laws, regulations, and policies with the Australia Group and with the Guidelines, Procedures, Criteria, and Controls List of the Wassenaar Arrangement; and

(D) demonstration of satisfactory progress toward implementing the decision described in subparagraph (C);

(3) to ensure that India remains in full compliance with its non-proliferation, arms control, and disarmament agreements, obligations, and commitments;

(4) to ensure that any safeguards agreement or Additional Protocol thereto to which India is a party with the International Atomic Energy Agency (IAEA) can reliably safeguard any export or reexport to India of any nuclear materials and equipment;

(5) to meet the requirements set forth in subsections a.(1) and a.(3)–a.(9) of section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153);

(6) to act in a manner fully consistent with the Guidelines for Nuclear Transfers and the Guidelines for Transfers of Nuclear-Related Dual-Use Equipment, Materials, Software and Related Technology developed by the multilateral Nuclear Suppliers Group and the rules and practices regarding NSG decision-making;

(7) given the special sensitivity of equipment and technologies related to the enrichment of uranium, the reprocessing of spent nuclear fuel, and the production of heavy water, to work with members of the Nuclear Suppliers Group, individually and collectively, to further restrict the transfers of

such equipment and technologies, including to India;

(8) to maintain the fullest possible international support for, adherence to, and compliance with the Nuclear Non-Proliferation Treaty; and

(9) that exports of nuclear fuel to India should not contribute to, or in any way encourage, increases in the production by India of fissile material for non-civilian purposes.

SEC. 104. WAIVERS FOR COOPERATION WITH INDIA.

(a) WAIVER AUTHORITY.—If the President submits a determination under section 105 to the appropriate congressional committees and makes available to such committees the text of the agreement described in paragraph (3) of such section, the President may—

(1) subject to subsection (b), exempt a proposed agreement for cooperation with India arranged pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) from the requirement of subsection a.(2) of such section;

(2) waive the application of section 128 of the Atomic Energy Act of 1954 (42 U.S.C. 2157) with respect to exports to India; and

(3) waive the application of any sanction with respect to India under—

(A) section 129 a.(1)(D) of the Atomic Energy Act of 1954 (42 U.S.C. 2158(a)(1)(D)); and

(B) section 129 of such Act (42 U.S.C. 2158) regarding any actions that occurred before July 18, 2005.

(b) JOINT RESOLUTION OF APPROVAL REQUIREMENT.—An agreement for cooperation exempted by the President pursuant to subsection (a)(1) shall be subject to the second proviso in subsection d. of section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153(d)) applicable to agreements exempted by the President pursuant to subsection (a) of such section.

SEC. 105. DETERMINATION REGARDING UNITED STATES-INDIA PEACEFUL ATOMIC ENERGY COOPERATION.

The determination referred to in section 104 is a written determination by the President, which shall be accompanied by a report to the appropriate congressional committees, that—

(1) India has provided to the IAEA and the United States a credible plan to separate its civil nuclear facilities, materials, and programs from its military facilities, materials, and programs;

(2) India has filed a complete declaration regarding its civil nuclear facilities and materials with the IAEA;

(3) an agreement between India and the IAEA requiring the application of safeguards in perpetuity in accordance with IAEA standards, principles, and practices to civil nuclear facilities, programs, and materials described in paragraph (2) has entered into force;

(4) India and the IAEA are making substantial progress toward implementing an Additional Protocol;

(5) India is working with the United States to conclude a multilateral treaty on the cessation of the production of fissile materials for use in nuclear weapons or other nuclear explosive devices;

(6) India is supporting international efforts to prevent the spread of enrichment and reprocessing technology to any state that does not already possess full-scale, functioning enrichment or reprocessing plants;

(7) India has secured nuclear and other sensitive materials and technology through the application of comprehensive export control legislation and regulations, including through effective enforcement actions, and through harmonization of its control lists with, and adherence to, the guidelines of the Missile Technology Control Regime and the Nuclear Suppliers Group; and

(8) the Nuclear Suppliers Group has decided to permit civil nuclear commerce with India pursuant to a decision taken by the Nuclear Suppliers Group that—

(A) was made by consensus; and

(B) does not permit nuclear commerce with any non-nuclear weapon state other than India that does not have IAEA safeguards on all nuclear materials and all peaceful nuclear activities within the territory of such state, under its jurisdiction, or carried out under its control anywhere.

SEC. 106. PROHIBITION ON CERTAIN EXPORTS AND REEXPORTS.

(a) PROHIBITION.—

(1) NUCLEAR REGULATORY COMMISSION.—Except as provided in subsection (b), the Nuclear Regulatory Commission may not authorize pursuant to part 110 of title 10, Code of Federal Regulations, licenses for the export or reexport to India of any equipment, materials, or technology related to the enrichment of uranium, the reprocessing of spent nuclear fuel, or the production of heavy water.

(2) SECRETARY OF ENERGY.—Except as provided in subsection (b), the Secretary of Energy may not authorize pursuant to part 810 of title 10, Code of Federal Regulations, licenses for the export or reexport to India of any equipment, materials, or technology to be used for the enrichment of uranium, the reprocessing of spent nuclear fuel, or the production of heavy water.

(b) EXCEPTIONS.—Exports or reexports otherwise prohibited under subsection (a) may be approved if—

(1) the end user—

(A) is a multinational facility participating in an IAEA-approved program to provide alternatives to national fuel cycle capabilities; or

(B) is a facility participating in, and the export or reexport is associated with, a bilateral or multinational program to develop a proliferation-resistant fuel cycle; and

(2) the President determines that the export or reexport will not improve India's ability to produce nuclear weapons or fissile material for military uses.

SEC. 107. END-USE MONITORING PROGRAM.

(a) IN GENERAL.—The President shall ensure that all appropriate measures are taken to maintain accountability with respect to nuclear materials, equipment, and technology sold, leased, exported, or reexported to India and to ensure United States compliance with Article I of the Nuclear Non-Proliferation Treaty.

(b) MEASURES.—The measures taken pursuant to subsection (a) shall include the following:

(1) Obtaining and implementing assurances and conditions pursuant to the export licensing authorities of the Nuclear Regulatory Commission and the Department of Commerce and the authorizing authorities of the Department of Energy, including, as appropriate, conditions regarding end-use monitoring.

(2) A detailed system of reporting and accounting for technology transfers, including any retransfers in India, authorized by the Department of Energy pursuant to section 57 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2077(b)). Such system shall be capable of providing assurances that—

(A) the identified recipients of the nuclear technology are authorized to receive the nuclear technology;

(B) the nuclear technology identified for transfer will be used only for peaceful safeguarded nuclear activities and will not be used for any military or nuclear explosive purpose; and

(C) the nuclear technology identified for transfer will not be retransferred without the prior consent of the United States, and facilities, equipment, or materials derived through the use of transferred technology will not be transferred without the prior consent of the United States.

(3) In the event the IAEA is unable to implement safeguards as required by an agreement between the United States and India arranged pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153), arrangements that conform with IAEA safeguards standards, principles, and practices that provide assurances equivalent to that intended to be secured by the system they replace, including—

(A) review in a timely fashion of the design of any equipment transferred pursuant to the agreement for cooperation, or of any facility that is to use, fabricate, process, or store any material so transferred or any special nuclear material used in or produced through the use of such material and equipment;

(B) maintenance and disclosure of records and of relevant reports for the purpose of assisting in ensuring accountability for material transferred pursuant to the agreement and any source or special nuclear material used in or produced through the use of any material and equipment so transferred; and

(C) access to places and data necessary to account for the material referred to in subparagraph (B) and to inspect any equipment or facility referred to in subparagraph (A).

(c) IMPLEMENTATION.—The measures described in subsection (b) shall be implemented to provide reasonable assurances that the recipient is complying with the relevant requirements, terms, and conditions of any licenses issued by the United States regarding such exports, including those relating to the use, retransfer, safe handling, secure transit, and storage of such exports.

SEC. 108. IMPLEMENTATION AND COMPLIANCE.

(a) INFORMATION ON NUCLEAR ACTIVITIES OF INDIA.—The President shall keep the appropriate congressional committees fully and currently informed of the facts and implications of any significant nuclear activities of India, including—

(1) any material non-compliance on the part of the Government of India with—

(A) the non-proliferation commitments undertaken in the Joint Statement of July 18, 2005, between the President of the United States and the Prime Minister of India;

(B) the separation plan presented in the national parliament of India on March 7, 2006, and in greater detail on May 11, 2006;

(C) a safeguards agreement between the Government of India and the IAEA;

(D) an Additional Protocol between the Government of India and the IAEA;

(E) a peaceful nuclear cooperation agreement between the Government of India and the United States Government pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) or any subsequent arrangement under section 131 of such Act (42 U.S.C. 2160);

(F) the terms and conditions of any approved licenses; and

(G) United States laws and regulations regarding the export or reexport of nuclear material or dual-use material, equipment, or technology;

(2) the construction of a nuclear facility in India after the date of the enactment of this Act;

(3) significant changes in the production by India of nuclear weapons or in the types or amounts of fissile material produced; and

(4) changes in the purpose or operational status of any unsafeguarded nuclear fuel cycle activities in India.

(b) IMPLEMENTATION AND COMPLIANCE REPORT.—Not later than 180 days after the date on which an agreement between the Government of India and the United States Government pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) enters into force, and annually thereafter, the President shall submit to the appropriate congressional committees a report including—

(1) a description of any additional nuclear facilities and nuclear materials that the Government of India has placed or intends to place under IAEA safeguards;

(2) a comprehensive listing of—

(A) all licenses that have been approved by the Nuclear Regulatory Commission and the Secretary of Energy for exports and reexports to India under parts 110 and 810 of title 10, Code of Federal Regulations;

(B) any licenses approved by the Department of Commerce for the export or reexport to India of commodities, related technology, and software which are controlled for nuclear non-proliferation reasons on the Nuclear Referral List of the Commerce Control List maintained under part 774 of title 15, Code of Federal Regulations;

(C) any other United States authorizations for the export or reexport to India of nuclear materials and equipment; and

(D) with respect to each such license or other form of authorization described in subparagraphs (A), (B), and (C)—

(i) the number or other identifying information of each license or authorization;

(ii) the name or names of the authorized end user or end users;

(iii) the name of the site, facility, or location in India to which the export or reexport was made;

(iv) the terms and conditions included on such licenses and authorizations;

(v) any post-shipment verification procedures that will be applied to such exports or reexports; and

(vi) the term of validity of each such license or authorization;

(3) any significant nuclear commerce between India and other countries, including any such trade that—

(A) does not comply with applicable guidelines or decisions of the Nuclear Suppliers Group; or

(B) would not meet the standards applied to exports or reexports of such material, equipment, or technology of United States origin;

(4) either—

(A) a certification that India is in full compliance with the commitments and obligations contained in the agreements and other documents referenced in subparagraphs (A) through (F) of subsection (a)(1); or

(B) if the President cannot make such certification, an identification and assessment of all compliance issues arising with regard to the adherence by India to its commitments and obligations, including—

(i) the steps the United States Government has taken to remedy or otherwise respond to such compliance issues;

(ii) the responses of the Government of India to such steps; and

(iii) an assessment of the implications of any continued noncompliance, including whether nuclear commerce with India, if not already terminated under section 129 of the Atomic Energy Act of 1954 (42 U.S.C. 2158), remains in the national security interest of the United States;

(5) a detailed description of—

(A) United States efforts to promote national or regional progress by India and Pakistan in disclosing, securing, capping, and reducing their fissile material stockpiles, pending creation of a world-wide fissile material cut-off regime, including the institution of a Fissile Material Cut-off Treaty;

(B) the reactions of India and Pakistan to such efforts; and

(C) assistance that the United States is providing, or would be able to provide, to India and Pakistan to promote the objectives in subparagraph (A), consistent with its obligations under international law and existing agreements; and

(6) a detailed description of efforts and progress made toward the achievement of India's—

(A) full participation in the Proliferation Security Initiative;

(B) formal commitment to the Statement of Interdiction Principles;

(C) public announcement of its decision to conform its export control laws, regulations, and policies with the Australia Group and with the Guidelines, Procedures, Criteria, and Controls List of the Wassenaar Arrangement; and

(D) demonstration of satisfactory progress toward implementing the decision described in subparagraph (C).

(c) SUBMITTAL WITH OTHER ANNUAL REPORTS.—

(1) REPORT ON PROLIFERATION PREVENTION.—Each annual report submitted under subsection (b) after the initial report may be submitted together with the annual report on proliferation prevention required under section 601(a) of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3281(a)).

(2) REPORT ON PROGRESS TOWARD REGIONAL NON-PROLIFERATION.—The information required to be submitted under subsection (b)(5) after the initial report may be submitted together with the annual report on progress toward regional non-proliferation required under section 620F(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2376(c)).

(d) FORM.—Each report submitted under this section shall be submitted in unclassified form but may contain a classified annex.

SEC. 109. UNITED STATES COMPLIANCE WITH ITS NUCLEAR NON-PROLIFERATION TREATY OBLIGATIONS.

This title shall not be deemed to constitute authority for any action in violation of any obligation of the United States under the Nuclear Non-Proliferation Treaty.

SEC. 110. INOPERABILITY OF DETERMINATION AND WAIVERS.

A determination under section 105 and any waiver under section 104 shall cease to be effective if the President determines that India has detonated a nuclear explosive device after the date of the enactment of this Act.

SEC. 111. MTCR ADHERENT STATUS.

Congress finds that India is not an MTCR adherent for the purposes of Section 73 of the Arms Export Control Act (22 U.S.C. 2797b).

SEC. 112. TECHNICAL AMENDMENT.

Section 1112(c)(4) of the Arms Control and Nonproliferation Act of 1999 (title XI of the Admiral James W. Nance and Meg Donovan Foreign Relations Act, Fiscal Years 2000 and 2001 (as enacted into law by section 1000(a)(7) of Public Law 106-113 and contained in appendix G of that Act; 113 Stat. 1501A-486)) is amended—

(1) in subparagraph (B), by striking "and" after the semicolon at the end;

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following new subparagraph:

"(C) so much of the reports required under section 108 of the United States-India Peaceful Atomic Energy Cooperation Act as relates to verification or compliance matters; and".

SEC. 113. DEFINITIONS.

In this title:

(1) The term "Additional Protocol" means a protocol additional to a safeguards agreement with the IAEA, as negotiated between a country and the IAEA based on a Model Additional Protocol as set forth in IAEA information circular (INFCIRC) 540.

(2) The term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(3) The term "atomic energy" has the meaning given the term in section 11 c. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(c)).

(4) The term "dual-use material, equipment, or technology" means those items controlled by the Department of Commerce pursuant to section 309(c) of the Nuclear Nonproliferation Act of 1978.

(5) The term "IAEA safeguards" has the meaning given the term in section 830(3) of the Nuclear Proliferation Prevention Act of 1994 (22 U.S.C. 6305(3)).

(6) The term "nuclear materials and equipment" has the meaning given the term in section 4(5) of the Nuclear Nonproliferation Act of 1978 (22 U.S.C. 3203(3)).

(7) The term "Nuclear Non-Proliferation Treaty" means the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (21 UST 483).

(8) The terms "nuclear weapon" and "nuclear explosive device" have the meaning given the term "nuclear explosive device" in section 830(4) of the Nuclear Proliferation Prevention Act of 1994 (22 U.S.C. 6305(4)).

(9) The terms "reprocessing" and "reprocess" refer to the separation of nuclear materials from fission products in spent nuclear fuel.

(10) The term "source material" has the meaning given the term in section 11 z. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(z)).

(11) The term "special nuclear material" has the meaning given the term in section 11 aa. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(aa)).

(12) The term "unsafeguarded nuclear fuel-cycle activity" means research on, or development, design, manufacture, construction, operation, or maintenance of—

(A) any existing or future reactor, critical facility, conversion plant, fabrication plant, reprocessing plant, plant for the separation of isotopes of source or special fissionable material, or separate storage installation with respect to which there is no obligation to accept IAEA safeguards at the relevant reactor, facility, plant, or installation that contains source or special fissionable material; or

(B) any existing or future heavy water production plant with respect to which there is no obligation to accept IAEA safeguards on any nuclear material produced by or used in connection with any heavy water produced therefrom.

TITLE II—UNITED STATES ADDITIONAL PROTOCOL IMPLEMENTATION

SEC. 201. SHORT TITLE.

This title may be cited as the "United States Additional Protocol Implementation Act".

SEC. 202. FINDINGS.

Congress makes the following findings—

(1) The proliferation of nuclear weapons and other nuclear explosive devices poses a grave threat to the national security of the United States and its vital national interests.

(2) The Nuclear Non-Proliferation Treaty has proven critical to limiting such proliferation.

(3) For the Nuclear Non-Proliferation Treaty to be effective, each of the non-nuclear-weapon State Parties must conclude a comprehensive safeguards agreement with the IAEA, and such agreements must be honored and enforced.

(4) Recent events emphasize the urgency of strengthening the effectiveness and improving the efficiency of the safeguards system. This can best be accomplished by providing IAEA inspectors with more information about, and broader access to, nuclear activities within the territory of non-nuclear-weapon State Parties.

(5) The proposed scope of such expanded information and access has been negotiated by the member states of the IAEA in the form of a Model Additional Protocol to its existing safeguards agreements, and universal acceptance of Additional Protocols by non-nuclear weapons states is essential to enhancing the effectiveness of the Nuclear Non-Proliferation Treaty.

(6) On June 12, 1998, the United States, as a nuclear-weapon State Party, signed an Additional Protocol that is based on the Model Additional Protocol, but which also contains measures, consistent with its existing safeguards agreements with its members, that protect the right of the United States to exclude the application of IAEA safeguards to locations and activities with direct national security significance or to locations or information associated with such activities.

(7) Implementation of the Additional Protocol in the United States in a manner consistent with United States obligations under the Nuclear Non-Proliferation Treaty may encourage other parties to the Nuclear Non-Proliferation Treaty, especially non-nuclear-weapon State Parties, to conclude Additional Protocols and thereby strengthen the Nuclear Non-Proliferation Treaty safeguards system and help reduce the threat of nuclear proliferation, which is of direct and substantial benefit to the United States.

(8) Implementation of the Additional Protocol by the United States is not required and is completely voluntary given its status as a nuclear-weapon State Party, but the United States has acceded to the Additional Protocol to demonstrate its commitment to the nuclear non-proliferation regime and to make United States civil nuclear activities available to the same IAEA inspections as are applied in the case of non-nuclear-weapon State Parties.

(9) In accordance with the national security exclusion contained in Article 1.b of its Additional Protocol, the United States will not allow any inspection activities, nor make any declaration of any information with respect to, locations, information, and activities of direct national security significance to the United States.

(10) Implementation of the Additional Protocol will conform to the principles set forth in the letter of April 30, 2002, from the United States Permanent Representative to the International Atomic Energy Agency and the Vienna Office of the United Nations to the Director General of the International Atomic Energy Agency.

SEC. 203. DEFINITIONS.

In this title:

(1) ADDITIONAL PROTOCOL.—The term "Additional Protocol", when used in the singular form, means the Protocol Additional to the Agreement between the United States of America and the International Atomic Energy Agency for the Application of Safeguards in the United States of America, with Annexes, signed at Vienna June 12, 1998 (T. Doc. 107–7).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate and the Committee on Armed Services, the Committee on International Relations, and the Committee on Appropriations of the House of Representatives.

(3) COMPLEMENTARY ACCESS.—The term "complementary access" means the exercise of the IAEA's access rights as set forth in Articles 4 to 6 of the Additional Protocol.

(4) EXECUTIVE AGENCY.—The term "executive agency" has the meaning given such term in section 105 of title 5, United States Code.

(5) FACILITY.—The term "facility" has the meaning set forth in Article 18i. of the Additional Protocol.

(6) IAEA.—The term "IAEA" means the International Atomic Energy Agency.

(7) JUDGE OF THE UNITED STATES.—The term "judge of the United States" means a United States district judge, or a United States magistrate judge appointed under the authority of chapter 43 of title 28, United States Code.

(8) LOCATION.—The term "location" means any geographic point or area declared or identified by the United States or specified by the International Atomic Energy Agency.

(9) NUCLEAR NON-PROLIFERATION TREATY.—The term "Nuclear Non-Proliferation Treaty" means the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (21 UST 483).

(10) NUCLEAR-WEAPON STATE PARTY AND NON-NUCLEAR-WEAPON STATE PARTY.—The terms "nuclear-weapon State Party" and "non-nuclear-weapon State Party" have the meanings given such terms in the Nuclear Non-Proliferation Treaty.

(11) PERSON.—The term "person", except as otherwise provided, means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, any State or any political subdivision thereof, or any political entity within a State, any foreign government or nation or any agency, instrumentality or political subdivision of any such government or nation, or other entity located in the United States.

(12) SITE.—The term "site" has the meaning set forth in Article 18b. of the Additional Protocol.

(13) UNITED STATES.—The term "United States", when used as a geographic reference, means the several States of the United States, the District of Columbia, and the commonwealths, territories, and possessions of the United States and includes all places under the jurisdiction or control of the United States, including—

(A) the territorial sea and the overlying airspace;

(B) any civil aircraft of the United States or public aircraft, as such terms are defined in paragraphs (17) and (41), respectively, of section 40102(a) of title 49, United States Code; and

(C) any vessel of the United States, as such term is defined in section 3(b) of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903(b)).

(14) WIDE-AREA ENVIRONMENTAL SAMPLING.—The term "wide-area environmental sampling" has the meaning set forth in Article 18g. of the Additional Protocol.

SEC. 204. SEVERABILITY.

If any provision of this title, or the application of such provision to any person or circumstance, is held invalid, the remainder of this title, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Subtitle A—General Provisions

SEC. 211. AUTHORITY.

(a) IN GENERAL.—The President is authorized to implement and carry out the provisions of this title and the Additional Protocol and shall designate through Executive order which executive agency or agencies of the United States, which may include but are not limited to the Department of State, the Department of Defense, the Department of Justice, the Department of Commerce, the Department of Energy, and the Nuclear Regulatory Commission, shall issue or amend and enforce regulations in order to implement this title and the provisions of the Additional Protocol.

(b) INCLUDED AUTHORITY.—For any executive agency designated under subsection (a) that does not currently possess the authority to conduct site vulnerability assessments and related activities, the authority provided in subsection (a) includes such authority.

(c) EXCEPTION.—The authority described in subsection (b) does not supersede or otherwise modify any existing authority of any Federal department or agency already having such authority.

Subtitle B—Complementary Access

SEC. 221. REQUIREMENT FOR AUTHORITY TO CONDUCT COMPLEMENTARY ACCESS.

(a) PROHIBITION.—No complementary access to any location in the United States shall take place pursuant to the Additional Protocol without the authorization of the United States Government in accordance with the requirements of this title.

(b) AUTHORITY.—

(1) IN GENERAL.—Complementary access to any location in the United States subject to access under the Additional Protocol is authorized in accordance with this title.

(2) UNITED STATES REPRESENTATIVES.—

(A) RESTRICTIONS.—In the event of complementary access to a privately owned or operated location, no employee of the Environmental Protection Agency or of the Mine Safety and Health Administration or the Occupational Safety and Health Administration of the Department of Labor may participate in the access.

(B) NUMBER.—The number of designated United States representatives accompanying IAEA inspectors shall be kept to the minimum necessary.

SEC. 222. PROCEDURES FOR COMPLEMENTARY ACCESS.

(a) IN GENERAL.—Each instance of complementary access to a location in the United States under the Additional Protocol shall be conducted in accordance with this subtitle.

(b) NOTICE.—

(1) IN GENERAL.—Complementary access referred to in subsection (a) may occur only upon the issuance of an actual written notice by the United States Government to the owner, operator, occupant, or agent in charge of the location to be subject to complementary access.

(2) TIME OF NOTIFICATION.—The notice under paragraph (1) shall be submitted to such owner, operator, occupant, or agent as soon as possible after the United States Government has received notification that the IAEA seeks complementary access. Notices may be posted prominently at the location if the United States Government is unable to provide actual written notice to such owner, operator, occupant, or agent.

(3) CONTENT OF NOTICE.—

(A) IN GENERAL.—The notice required by paragraph (1) shall specify—

(i) the purpose for the complementary access;

(ii) the basis for the selection of the facility, site, or other location for the complementary access sought;

(iii) the activities that will be carried out during the complementary access;

(iv) the time and date that the complementary access is expected to begin, and the anticipated period covered by the complementary access; and

(v) the names and titles of the inspectors.

(4) SEPARATE NOTICES REQUIRED.—A separate notice shall be provided each time that complementary access is sought by the IAEA.

(c) CREDENTIALS.—The complementary access team of the IAEA and representatives or designees of the United States Government shall display appropriate identifying credentials to the owner, operator, occupant, or agent in charge of the location before gaining entry in connection with complementary access.

(d) SCOPE.—

(1) IN GENERAL.—Except as provided in a warrant issued under section 223, and subject to the United States Government's rights under the Additional Protocol to limit complementary access, complementary access to a location pursuant to this title may extend to all activities specifically permitted for such locations under Article 6 of the Additional Protocol.

(2) EXCEPTION.—Unless required by the Additional Protocol, no inspection under this title shall extend to—

(A) financial data (other than production data);

(B) sales and marketing data (other than shipment data);

(C) pricing data;

(D) personnel data;

(E) patent data;

(F) data maintained for compliance with environmental or occupational health and safety regulations; or

(G) research data.

(e) ENVIRONMENT, HEALTH, SAFETY, AND SECURITY.—In carrying out their activities, members of the IAEA complementary access team and representatives or designees of the United States Government shall observe applicable environmental, health, safety, and security regulations established at the location subject to complementary access, including those for protection of controlled environments within a facility and for personal safety.

SEC. 223. CONSENTS, WARRANTS, AND COMPLEMENTARY ACCESS.

(a) IN GENERAL.—

(1) PROCEDURE.—

(A) CONSENT.—Except as provided in paragraph (2), an appropriate official of the United States Government shall seek or have the consent of the owner, operator, occupant, or agent in charge of a location prior to entering that location in connection with complementary access pursuant to sections 221 and 222. The owner, operator, occupant, or agent in charge of the location may withhold consent for any reason or no reason.

(B) ADMINISTRATIVE SEARCH WARRANT.—In the absence of consent, the United States Government may seek an administrative search warrant from a judge of the United States under subsection (b). Proceedings regarding the issuance of an administrative search warrant shall be conducted ex parte, unless otherwise requested by the United States Government.

(2) EXPEDITED ACCESS.—For purposes of obtaining access to a location pursuant to Article 4b.(ii) of the Additional Protocol in order to satisfy United States obligations under the Additional Protocol when notice of two hours or less is required, the United States Government may gain entry to such location in connection with complementary access, to the extent such access is consistent with the Fourth Amendment to the United States Constitution, without obtaining either a warrant or consent.

(b) ADMINISTRATIVE SEARCH WARRANTS FOR COMPLEMENTARY ACCESS.—

(1) OBTAINING ADMINISTRATIVE SEARCH WARRANTS.—For complementary access conducted in the United States pursuant to the Additional Protocol, and for which the acquisition of a warrant is required, the United States Government shall first obtain an administrative search warrant from a judge of the United States. The United States Government shall provide to such judge all appropriate information regarding the basis for the selection of the facility, site, or other location to which complementary access is sought.

(2) CONTENT OF AFFIDAVITS FOR ADMINISTRATIVE SEARCH WARRANTS.—A judge of the United States shall promptly issue an administrative search warrant authorizing the requested complementary access upon an affidavit submitted by the United States Government—

(A) stating that the Additional Protocol is in force;

(B) stating that the designated facility, site, or other location is subject to complementary access under the Additional Protocol;

(C) stating that the purpose of the complementary access is consistent with Article 4 of the Additional Protocol;

(D) stating that the requested complementary access is in accordance with Article 4 of the Additional Protocol;

(E) containing assurances that the scope of the IAEA's complementary access, as well as what it may collect, shall be limited to the access provided for in Article 6 of the Additional Protocol;

(F) listing the items, documents, and areas to be searched and seized;

(G) stating the earliest commencement and the anticipated duration of the complementary access period, as well as the expected times of day during which such complementary access will take place; and

(H) stating that the location to which entry in connection with complementary access is sought was selected either—

(i) because there is probable cause, on the basis of specific evidence, to believe that information required to be reported regarding a location pursuant to regulations promulgated under this title is incorrect or incomplete, and that the location to be accessed contains evidence regarding that violation; or

(ii) pursuant to a reasonable general administrative plan based upon specific neutral criteria.

(3) CONTENT OF WARRANTS.—A warrant issued under paragraph (2) shall specify the same matters required of an affidavit under that paragraph. In addition, each warrant shall contain the identities of the representatives of the IAEA on the complementary access team and the identities of the representatives or designees of the United States Government required to display identifying credentials under section 222(c).

SEC. 224. PROHIBITED ACTS RELATING TO COMPLEMENTARY ACCESS.

It shall be unlawful for any person willfully to fail or refuse to permit, or to disrupt, delay, or otherwise impede, a complementary access authorized by this subtitle or an entry in connection with such access.

Subtitle C—Confidentiality of Information

SEC. 231. PROTECTION OF CONFIDENTIALITY OF INFORMATION.

Information reported to, or otherwise acquired by, the United States Government under this title or under the Additional Protocol shall be exempt from disclosure under sections 552 of title 5, United States Code.

Subtitle D—Enforcement

SEC. 241. RECORDKEEPING VIOLATIONS.

It shall be unlawful for any person willfully to fail or refuse—

(1) to establish or maintain any record required by any regulation prescribed under this title;

(2) to submit any report, notice, or other information to the United States Government in accordance with any regulation prescribed under this title; or

(3) to permit access to or copying of any record by the United States Government in accordance with any regulation prescribed under this title.

SEC. 242. PENALTIES.

(a) CIVIL.—

(1) PENALTY AMOUNTS.—Any person that is determined, in accordance with paragraph (2), to have violated section 224 or section 241 shall be required by order to pay a civil penalty in an amount not to exceed $25,000 for each violation. For the purposes of this paragraph, each day during which a violation of section 224 continues shall constitute a separate violation of that section.

(2) NOTICE AND HEARING.—

(A) IN GENERAL.—Before imposing a penalty against a person under paragraph (1), the head of an executive agency designated under section 211(a) shall provide the person with notice of the order. If, within 15 days after receiving the notice, the person requests a hearing, the head of the designated executive agency shall initiate a hearing on the violation.

(B) CONDUCT OF HEARING.—Any hearing so requested shall be conducted before an administrative judge. The hearing shall be conducted in accordance with the requirements of section 554 of title 5, United States Code. If no hearing is so requested, the order imposed by the head of the designated agency shall constitute a final agency action.

(C) ISSUANCE OF ORDERS.—If the administrative judge determines, upon the preponderance of the evidence received, that a person named in the complaint has violated section 224 or section 241, the administrative judge shall state his findings of fact and conclusions of law, and issue and serve on such person an order described in paragraph (1).

(D) FACTORS FOR DETERMINATION OF PENALTY AMOUNTS.—In determining the amount of any civil penalty, the administrative judge or the head of the designated agency shall take into account the nature, circumstances, extent, and gravity of the violation or violations and, with respect to the violator, the ability to pay, effect on ability to continue to do business, any history of such violations, the degree of culpability, the existence of an internal compliance program, and such other matters as justice may require.

(E) CONTENT OF NOTICE.—For the purposes of this paragraph, notice shall be in writing and shall be verifiably served upon the person or persons subject to an order described in paragraph (1). In addition, the notice shall—

(i) set forth the time, date, and specific nature of the alleged violation or violations; and

(ii) specify the administrative and judicial remedies available to the person or persons subject to the order, including the availability of a hearing and subsequent appeal.

(3) ADMINISTRATIVE APPELLATE REVIEW.—The decision and order of an administrative judge shall be the recommended decision and order and shall be referred to the head of the designated executive agency for final decision and order. If, within 60 days, the head of the designated executive agency does not modify or vacate the decision and order, it shall become a final agency action under this subsection.

(4) JUDICIAL REVIEW.—A person adversely affected by a final order may, within 30 days after the date the final order is issued, file a petition in the Court of Appeals for the District of Columbia Circuit or in the Court of Appeals for the district in which the violation occurred.

(5) ENFORCEMENT OF FINAL ORDERS.—

(A) IN GENERAL.—If a person fails to comply with a final order issued against such person under this subsection and—

(i) the person has not filed a petition for judicial review of the order in accordance with paragraph (4), or

(ii) a court in an action brought under paragraph (4) has entered a final judgment in favor of the designated executive agency,

the head of the designated executive agency shall commence a civil action to seek compliance with the final order in any appropriate district court of the United States.

(B) NO REVIEW.—In any such civil action, the validity and appropriateness of the final order shall not be subject to review.

(C) INTEREST.—Payment of penalties assessed in a final order under this section shall include interest at currently prevailing rates calculated from the date of expiration of the 60-day period referred to in paragraph (3) or the date of such final order, as the case may be.

(b) CRIMINAL.—Any person who violates section 224 or section 241 may, in addition to or in lieu of any civil penalty which may be imposed under subsection (a) for such violation, be fined under title 18, United States Code, imprisoned for not more than five years, or both.

SEC. 243. SPECIFIC ENFORCEMENT.

(a) JURISDICTION.—The district courts of the United States shall have jurisdiction over civil actions brought by the head of an executive agency designated under section 211(a)—

(1) to restrain any conduct in violation of section 224 or section 241; or

(2) to compel the taking of any action required by or under this title or the Additional Protocol.

(b) CIVIL ACTIONS.—

(1) IN GENERAL.—A civil action described in subsection (a) may be brought—

(A) in the case of a civil action described in paragraph (1) of such subsection, in the United States district court for the judicial district in which any act, omission, or transaction constituting a violation of section 224 or section 241 occurred or in which the defendant is found or transacts business; or

(B) in the case of a civil action described in paragraph (2) of such subsection, in the United States district court for the judicial district in which the defendant is found or transacts business.

(2) SERVICE OF PROCESS.—In any such civil action, process shall be served on a defendant wherever the defendant may reside or may be found.

Subtitle E—Environmental Sampling

SEC. 251. NOTIFICATION TO CONGRESS OF IAEA BOARD APPROVAL OF WIDE-AREA ENVIRONMENTAL SAMPLING.

(a) IN GENERAL.—Not later than 30 days after the date on which the Board of Governors of the IAEA approves wide-area environmental sampling for use as a safeguards verification tool, the President shall notify the appropriate congressional committees.

(b) CONTENT.—The notification under subsection (a) shall contain—

(1) a description of the specific methods and sampling techniques approved by the Board of Governors that are to be employed for purposes of wide-area sampling;

(2) a statement as to whether or not such sampling may be conducted in the United States under the Additional Protocol; and

(3) an assessment of the ability of the approved methods and sampling techniques to detect, identify, and determine the conduct, type, and nature of nuclear activities.

SEC. 252. APPLICATION OF NATIONAL SECURITY EXCLUSION TO WIDE-AREA ENVIRONMENTAL SAMPLING.

In accordance with Article 1(b) of the Additional Protocol, the United States shall not permit any wide-area environmental sampling proposed by the IAEA to be conducted at a specified location in the United States under Article 9 of the Additional Protocol unless the President has determined and reported to the appropriate congressional committees with respect to that proposed use of environmental sampling that—

(1) the proposed use of wide-area environmental sampling is necessary to increase the capability of the IAEA to detect undeclared nuclear activities in the territory of a non-nuclear-weapon State Party;

(2) the proposed use of wide-area environmental sampling will not result in access by the IAEA to locations, activities, or information of direct national security significance; and

(3) the United States—

(A) has been provided sufficient opportunity for consultation with the IAEA if the IAEA has requested complementary access involving wide-area environmental sampling; or

(B) has requested under Article 8 of the Additional Protocol that the IAEA engage in complementary access in the United States that involves the use of wide-area environmental sampling.

SEC. 253. APPLICATION OF NATIONAL SECURITY EXCLUSION TO LOCATION-SPECIFIC ENVIRONMENTAL SAMPLING.

In accordance with Article 1(b) of the Additional Protocol, the United States shall not permit any location-specific environmental sampling in the United States under Article 5 of the Additional Protocol unless the President has determined and reported to the appropriate congressional committees with respect to that proposed use of environmental sampling that—

(1) the proposed use of location-specific environmental sampling is necessary to increase the capability of the IAEA to detect undeclared nuclear activities in a non-nuclear weapons state;

(2) the proposed use of location-specific environmental sampling will not result in access by the IAEA to locations, activities, or information of direct national security significance; and

(3) with respect to the proposed use of environmental sampling, the United States—

(A) has been provided sufficient opportunity for consultation with the IAEA if the IAEA has requested complementary access involving location-specific environmental sampling; or

(B) has requested under Article 8 of the Additional Protocol that the IAEA engage in complementary access in the United States that involves the use of location-specific environmental sampling.

SEC. 254. RULE OF CONSTRUCTION.

As used in this subtitle, the term "necessary to increase the capability of the IAEA to detect undeclared nuclear activities in the territory of a non-nuclear-weapon State Party" shall not be construed to encompass proposed uses of environmental sampling that might assist the IAEA in detecting undeclared nuclear activities in the territory of a non-nuclear-weapon State Party by—

(1) setting a good example of cooperation in the conduct of such sampling; or

(2) facilitating the formation of a political consensus or political support for such sampling in the territory of a non-nuclear-weapon State Party.

Subtitle F—Protection of National Security Information and Activities

SEC. 261. PROTECTION OF CERTAIN INFORMATION.

(a) LOCATIONS AND FACILITIES OF DIRECT NATIONAL SECURITY SIGNIFICANCE.—No current or former Department of Defense or Department of Energy location, site, or facility of direct national security significance shall be declared or be subject to IAEA inspection under the Additional Protocol.

(b) INFORMATION OF DIRECT NATIONAL SECURITY SIGNIFICANCE.—No information of direct national security significance regarding any location, site, or facility associated with activities of the Department of Defense or the Department of Energy shall be provided under the Additional Protocol.

(c) RESTRICTED DATA.—Nothing in this title shall be construed to permit the communication or disclosure to the IAEA or IAEA employees of restricted data controlled by the provisions of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), including in particular "Restricted Data" as defined under paragraph (1) of section 11 y. of such Act (42 U.S.C. 2014(y)).

(d) CLASSIFIED INFORMATION.—Nothing in this Act shall be construed to permit the communication or disclosure to the IAEA or IAEA employees of national security information and other classified information.

SEC. 262. IAEA INSPECTIONS AND VISITS.

(a) CERTAIN INDIVIDUALS PROHIBITED FROM OBTAINING ACCESS.—No national of a country designated by the Secretary of State under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) as a government supporting acts of international terrorism shall be permitted access to the United States to carry out an inspection activity under the Additional Protocol or a related safeguards agreement.

(b) PRESENCE OF UNITED STATES GOVERNMENT PERSONNEL.—IAEA inspectors shall be accompanied at all times by United States Government personnel when inspecting sites, locations, facilities, or activities in the United States under the Additional Protocol.

(c) VULNERABILITY AND RELATED ASSESSMENTS.—The President shall conduct vulnerability, counterintelligence, and related assessments not less than every 5 years to ensure that information of direct national security significance remains protected at all sites, locations, facilities, and activities in the United States that are subject to IAEA inspection under the Additional Protocol.

Subtitle G—Reports

SEC. 271. REPORT ON INITIAL UNITED STATES DECLARATION.

Not later than 60 days before submitting the initial United States declaration to the IAEA under the Additional Protocol, the President shall submit to Congress a list of the sites, locations, facilities, and activities in the United States that the President intends to declare to the IAEA.

SEC. 272. REPORT ON REVISIONS TO INITIAL UNITED STATES DECLARATION.

Not later than 60 days before submitting to the IAEA any revisions to the United States declaration submitted under the Additional Protocol, the President shall submit to Congress a list of any sites, locations, facilities, or activities in the United States that the President intends to add to or remove from the declaration.

SEC. 273. CERTIFICATION REGARDING VULNERABILITY AND RELATED ASSESSMENTS.

Concurrently with the submission to Congress of the initial declaration list under section 271 and each list update under section 272, the President shall submit to Congress a report certifying that—

(1) each site, location, facility, and activity included in the list has been examined by each agency with national security equities with respect to such site, location, facility, or activity; and

(2) appropriate measures have been taken to ensure that information of direct national security significance will not be compromised at any such site, location, facility, or activity in connection with an IAEA inspection.

SEC. 274. REPORT ON EFFORTS TO PROMOTE THE IMPLEMENTATION OF ADDITIONAL PROTOCOLS.

Not later than 180 days after the entry into force of the Additional Protocol, the President shall submit to the appropriate congressional committees a report on—

(1) measures that have been or should be taken to achieve the adoption of additional protocols to existing safeguards agreements signed by non-nuclear-weapon State Parties; and

(2) assistance provided by the United States to the IAEA in order to promote the effective implementation of additional protocols to existing safeguards agreements signed by non-nuclear-weapon State Parties and the verification of the compliance of such parties with IAEA obligations.

SEC. 275. NOTICE OF IAEA NOTIFICATIONS.

The President shall notify Congress of any notifications issued by the IAEA to the United States under Article 10 of the Additional Protocol.

Subtitle H—Authorization of Appropriations

SEC. 281. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title.

SA 5169. Mr. LUGAR (for Mr. OBAMA) proposed an amendment to the bill S. 3709, to exempt from certain requirements of the Atomic Energy Act of 1954 United States exports of nuclear materials, equipment, and technology to India, and to implement the United States Additional Protocol; as follows:

At the appropriate place in title I, insert the following new section:

SEC.   . UNITED STATES POLICY REGARDING THE PROVISION OF NUCLEAR POWER REACTOR FUEL RESERVE TO INDIA.

It is the policy of the United States that any nuclear power reactor fuel reserve provided to the Government of India for use in safeguarded civilian nuclear facilities should be commensurate with reasonable reactor operating requirements.

SA 5170. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 3709, to exempt from certain requirements of the Atomic Energy Act of 1954 United States exports of nuclear materials, equipment, and technology to India, and to implement the United States Additional Protocol: which was ordered to lie on the table; as follows:

Strike section 262 and insert the following:

SEC. 262. IAEA INSPECTIONS AND VISITS.

(a) CERTAIN INDIVIDUALS PROHIBITED FROM OBTAINING ACCESS.—No national of a country designated by the Secretary of State under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) as a government supporting acts of international terrorism shall be permitted access to the United States to carry out an inspection activity under the Additional Protocol or a related safeguards agreement.

(b) CERTAIN INDIVIDUALS PROHIBITED FROM ENTERING THE UNITED STATES.—The head of any agency or department of the United States may deny entry into the United States of an IAEA inspector seeking such entry to carry out official business of the IAEA if the head of such agency or department suspects the IAEA inspector of having links to foreign intelligence services.

(c) PRESENCE OF UNITED STATES GOVERNMENT PERSONNEL.—IAEA inspectors shall be accompanied at all times by United States Government personnel when inspecting sites, locations, facilities, or activities in the United States under the Additional Protocol.

(d) USE OF UNITED STATES EQUIPMENT, MATERIALS, AND RESOURCES.—Any inspections conducted by personnel of the IAEA in the United States pursuant to the Additional Protocol shall by carried out using equipment, materials, and resources that are purchased, owned, inspected, and controlled by the United States.

(e) VULNERABILITY AND RELATED ASSESSMENTS.—The President shall conduct vulnerability, counterintelligence, and related assessments not less than every 5 years to ensure that information of direct national security significance remains protected at all sites, locations, facilities, and activities in the United States that are subject to IAEA inspection under the Additional Protocol.

SA 5171. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 168, strike lines 7 and 8 and insert the following:

the purchase of land and moving of utilities;

(6) the city of Waycross, Georgia, a rural area for purposes of eligibility for rural development programs of the Department of Agriculture; and

(7) the cities of Alamo, Mercedes, Weslaco, and

SA 5172. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3709, to exempt from certain requirements of the Atomic Energy Act of 1954 United States exports of nuclear materials, equipment, and technology to India, and to implement the United States Additional Protocol; which was ordered to lie on the table; as follows:

In title II, strike the paragraph defining "appropriate congressional committees" and insert the following:

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Appropriations, and the Committee on Environment and Public Works of the Senate and the Committee on Armed Services, the Committee on International Relations, and the Committee on Appropriations of the House of Representatives.

SA 5173. Mr. LUGAR (for Mr. HARKIN) proposed an amendment to the bill S. 3709, to exempt from certain requirements of the Atomic Energy Act of 1954 United States exports of nuclear materials, equipment, and technology to India, and to implement the United States Additional Protocol; as follows:

On page 8, beginning on line 8, strike "Group; and" and all that follows through "Nuclear" on line 9 and insert the following: "Group;

(8) India is fully and actively participating in United States and international efforts to dissuade, sanction, and contain Iran for its nuclear program consistent with United Nations Security Council resolutions; and

(9) the Nuclear

SA 5174. Mr. BINGAMAN (for himself and Mr. KENNEDY) proposed an amendment by him to the bill S. 3709, to exempt from certain requirements of the Atomic Energy Act of 1954 United States exports of nuclear materials, equipment, and technology to India, and to implement the United States Additional Protocol; which was ordered to lie on the table; as follows:

On page 6, after line 21, add the following:

(c) OPERATION OF WAIVERS.—Notwithstanding any waiver under subsection (a)—

(1) no nuclear equipment or sensitive nuclear technology may be exported to India

unless the President has determined, and has submitted to the appropriate congressional committees a report stating, that both India and the United States are taking specific steps to conclude a multilateral treaty on the cessation of the production of fissile materials for use in nuclear weapons or other nuclear explosive devices; and

(2) no nuclear materials may be exported to India unless the President has determined, and has submitted to the appropriate congressional committees a report stating, that India has stopped producing fissile materials for weapons pursuant to a unilateral moratorium or multilateral agreement.

SA 5175. Mr. FRIST (for Mr. THOMAS) submitted an amendment intended to be proposed by Mr. FRIST to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 100, line 20, before the colon insert the following: "; and of which not less than $500,000 shall be used by the Secretary of Agriculture, acting through the Wyoming Department of Agriculture, to compensate livestock producers in the State of Wyoming for losses due to wolves".

SA 5176. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 7_____. The Secretary of Agriculture (referred to in this section as the "Secretary") shall prepare a report for submission by the President to Congress, along with the fiscal year 2008 budget request under section 1105 of title 31, United States Code, that—

(1) identifies measures to address bark beetle infestation and the impacts of bark beetle infestation as the first priority for assistance under the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6501 et seq.);

(2) describes activities that will be conducted by the Secretary to address bark beetle infestations and the impacts of bark beetle infestations;

(3) describes the financial and technical resources that will be dedicated by the Secretary to measures to address bark beetle infestations and the impacts of the infestations;

(4) describes the manner in which the Secretary will coordinate with the Secretary of the Interior and State and local governments in conducting the activities under paragraph (2);

(5) identifies the number of hazardous fuel reduction and forest health projects and acres in Forest Service Region 2 that—

(A) have received approval under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) have not been implemented;

(6) identifies the number of hazardous fuel reduction and forest health projects and acres in Forest Service Region 2 that are being analyzed under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(7) describes—

(A) the goals and expectations identified in the vegetation management program for Forest Service Region 2;

(B) any progress towards the goals described under subparagraph (A); and

(C) the funding levels necessary to meet the goals described under subparagraph (A).

SA 5177. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 7____. For an additional amount for "WILDLAND FIRE MANAGEMENT" under the heading "DEPARTMENT OF AGRICULTURE" of title III of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109–54; 119 Stat. 533), there is appropriated, out of any money in the Treasury not otherwise appropriated, $30,000,000 for fiscal year 2007 for the conduct of hazardous fuel reduction and forest health projects of the Secretary of Agriculture, acting through the Chief of the Forest Service: *Provided*, That the amount provided under this section is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

SA 5178. Mr. DORGAN proposed an amendment to the bill S. 3709, to exempt from certain requirements of the Atomic Energy Act of 1954 United States exports of nuclear materials, equipment, and technology to India, and to implement the United States Additional Protocol; as follows:

On page 5, beginning on line 15, strike "Treaty; and" and all that follows through "that exports" on line 16 and insert the following: "Treaty;

(9) to continue to support implementation of United Nations Security Council Resolution 1172 (1998); and

(10) that exports

SA 5179. Mr. LUGAR (for Mr. BINGAMAN) proposed an amendment to the bill S. 3709, to exempt from certain requirements of the Atomic Energy Act of 1954 United States exports of nuclear materials, equipment, and technology to India, and to implement the United States Additional Protocol; as follows:

On page 18, beginning on line 7, strike "existing" and all that follows through "description" on line 9 and insert the following: "existing agreements;

(6) an estimate of—

(A) the amount of uranium mined in India during the previous year;

(B) the amount of such uranium that has likely been used or allocated for the production of nuclear explosive devices; and

(C) the rate of production in India of—

(i) fissile material for nuclear explosive devices; and

(ii) nuclear explosive devices;

(7) an analysis as to whether imported uranium has affected the rate of production in India of nuclear explosive devices; and

(8) a detailed description

SA 5180. Mr. LUGAR (for Mr. BINGAMAN (for himself and Mr. DOMENICI)) proposed an amendment to the bill S. 3709, to exempt from certain requirements of the Atomic Energy Act of 1954 United States exports of nuclear materials, equipment, and technology to India, and to implement the United States Additional Protocol; as follows:

At the end of title I, add the following:

SEC. 114. UNITED STATES-INDIA SCIENTIFIC COOPERATIVE THREAT REDUCTION PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Energy, acting through the Administrator of the National Nuclear Security Administration, shall establish a cooperative threat reduction program to pursue jointly with scientists from the United States and India a program to further common nonproliferation goals, including scientific research and development efforts related to nuclear nonproliferation, with an emphasis on nuclear safeguards (in this section referred to as the "program").

(b) CONSULTATION.—The program shall be carried out in consultation with the Secretary of State and the Secretary of Defense.

(c) NATIONAL ACADEMIES RECOMMENDATIONS.—

(1) IN GENERAL.—The Secretary of Energy shall enter into an agreement with the National Academies to develop recommendations for the implementation of the program.

(2) RECOMMENDATIONS.—The agreement entered into under paragraph (1) shall provide for the preparation by qualified individuals with relevant expertise and knowledge and the communication to the Secretary of Energy each fiscal year of—

(A) recommendations for research and related programs designed to overcome existing technological barriers to nuclear nonproliferation; and

(B) an assessment of whether activities and programs funded under this section are achieving the goals of the activities and programs.

(3) PUBLIC AVAILABILITY.—The recommendations and assessments prepared under this subsection shall be made publicly available.

(d) CONSISTENCY WITH NUCLEAR NON-PROLIFERATION TREATY.—All United States activities related to the program shall be consistent with United States obligations under the Nuclear Non-Proliferation Treaty.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section for each of fiscal years 2007 through 2011.

SA 5181. Mr. ENSIGN proposed an amendment to the bill S. 3709, to exempt from certain requirements of the Atomic Energy Act of 1954 United States exports of nuclear materials, equipment, and technology to India, and to implement the United States Additional Protocol; as follows:

Strike section 262 and insert the following:

SEC. 262. IAEA INSPECTIONS AND VISITS.

(a) CERTAIN INDIVIDUALS PROHIBITED FROM OBTAINING ACCESS.—No national of a country designated by the Secretary of State under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) as a government supporting acts of international terrorism shall be permitted access to the United States to carry out an inspection activity under the

Additional Protocol or a related safeguards agreement.

(b) Presence of United States Government Personnel.—IAEA inspectors shall be accompanied at all times by United States Government personnel when inspecting sites, locations, facilities, or activities in the United States under the Additional Protocol.

(c) Use of United States Equipment, Materials, and Resources.—Any inspections conducted by personnel of the IAEA in the United States pursuant to the Additional Protocol shall by carried out using equipment, materials, and resources that are purchased, owned, inspected, and controlled by the United States.

(d) Vulnerability and Related Assessments.—The President shall conduct vulnerability, counterintelligence, and related assessments not less than every 5 years to ensure that information of direct national security significance remains protected at all sites, locations, facilities, and activities in the United States that are subject to IAEA inspection under the Additional Protocol.

SA 5182. Mr. DORGAN proposed an amendment to the bill S. 3709, to exempt from certain requirements of the Atomic Energy Act of 1954 United States exports of nuclear materials, equipment, and technology to India, and to implement the United States Additional Protocol; as follows:

On page 8, beginning on line 8, strike "Group; and" and all that follows through "the Nuclear" on line 9 and insert the following: "Group;

(8) India has committed to—

(A) the development of a credible separation plan between civilian and military facilities by ensuring all reactors that supply electricity to the civilian sector are declared and are subject to permanent IAEA standards and practices;

(B) a binding obligation to the same extent as nuclear-weapon State Parties under the Nuclear Non-Proliferation Treaty—

(i) not to transfer to any recipient whatsoever nuclear weapons or nuclear explosive devices or control over such devices directly or indirectly; and

(ii) not in any way to assist, encourage, or induce any non-nuclear-weapon State Party to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices or acquire control over such weapons or explosive devices; and

(C) consistent with the Nuclear Non-Proliferation Treaty—

(i) pursuing negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, including ending fissile material production for nuclear weapons;

(ii) joining a legally-binding nuclear test moratorium;

(iii) verifiably reducing its nuclear weapons stockpile; and

(iv) eventually eliminating all nuclear weapons; and

(9) the Nuclear

SA 5183. Mr. FEINGOLD proposed an amendment to the bill S. 3709, to exempt from certain requirements of the Atomic Energy Act of 1954 United States exports of nuclear materials, equipment, and technology to India, and to implement the United States Additional Protocol; as follows:

On page 8, beginning on line 17, strike "Group; and" and all that follows through "(8) the Nuclear" on line 18 and insert the following: "Group;

(8) the scope and content of United States nuclear cooperation with India in the proposed nuclear cooperation agreement pursuant to section 123 a. of the Atomic Energy Act of 1954 (42 U.S.C. 2153(a)) does nothing to directly or indirectly assist, encourage, or induce India to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices, specifically that—

(A) India cannot use United States-origin equipment, technology, or nuclear material in an unsafeguarded facility or nuclear weapons-related complex; and

(B) India cannot replicate and subsequently use United States-origin technology in an unsafeguarded nuclear facility or unsafeguarded nuclear-related complex, or for any activity related to the research, development, testing, or manufacture of nuclear explosive devices;

(9) India has provided sufficient assurances that the provision by the United States of nuclear fuel will not facilitate the increased production by India of fissile material in unsafeguarded nuclear facilities; and

(10) the Nuclear

SA 5184. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes, which was ordered to lie on the table; as follows:

On page 117, strike lines 9 through 12 and insert the following:

described in section 306E of such Act; of which the Secretary may use not less than $5,000,000 nor more than $50,000,000 to provide grants to States, not to exceed $1,000,000 per grant, to assist communities of less than 2,500 individuals, or entities that serve those communities, in complying with environmental regulations affecting the communities based on assistance approval criteria developed by the State and approved by the Secretary: *Provided*, That each State assistance approval criteria and any application for assistance funded under the criteria shall be approved by a council of citizens of the State that represent the regions of the State: *Provided further*, That the assistance may be used in conjunction with any other assistance provided by any Federal agency and shall be treated as funds of the community and not of the Federal Government: *Provided further*, That no matching requirement may be imposed on a community as a condition of receiving the assistance: *Provided further*, That funds not needed by a State in accordance with the grant application of the State may be repooled by the Secretary; and of which $88,234,000 shall be for the rural business and cooperative development programs described in sections 381E(d)(3) and 310B(f) of such Act: *Provided further*, That of the total amount

SA 5185. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. CALCULATION OF AMOUNT OF CERTAIN BENEFITS.

(a) In General.—Chapter 9 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 471) is amended under the heading "COMMUNITY DEVELOPMENT FUND (INCLUDING TRANSFER OF FUNDS)" under the heading "COMMUNITY PLANNING AND DEVELOPMENT" under the heading "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT", by inserting after "Army Corps of Engineers:" the following: "*Provided further*, That notwithstanding the previous proviso or any other provision of law, in providing assistance in the State of Louisiana, the Administrator of the Small Business Administration may (in determining whether activities are reimbursable under, or whether funds have been made available under, the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) using amounts made available under this heading) use as the amount of a loan under section 7(b) of the Small Business Act (15 U.S.C. 636(b)) the amount attributable to the difference between the rate of interest on such loan and the market rate at which such borrower could have borrowed such funds, over the period of such loan:".

(b) Effective Date and Applicability.—

(1) Effective date.—The amendments made by this section shall take effect as though enacted as part of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 418).

(2) Applicability.—The amendments made by this section shall apply to any application for assistance under section 7(b) of the Small Business Act (15 U.S.C. 636(b)) that is submitted not later than 1 year after the date of enactment of this Act.

SA 5186. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 93, line 11, after "Service:" insert "*Provided further*, That not less than $600,000 of the amount made available under this heading shall be used to provide funding for the soil and water research unit located at Louisiana State University:".

SA 5187. Mrs. BOXER proposed an amendment to the bill S. 3709, to exempt from certain requirements of the Atomic Energy Act of 1954 United States exports of nuclear materials, equipment, and technology to India, and to implement the United States Additional Protocol; as follows:

On page 8, beginning on line 8, strike "Group; and" and all that follows through "Nuclear" on line 9 and insert the following: "Group;

(8) India has agreed to suspend military-to-military cooperation with Iran, including training exercises, until such time as the

Government of Iran no longer supports acts of international terrorism, as determined by the Secretary of State under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) and section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)); and

(9) the Nuclear

SA 5188. Mr. BINGAMAN (for himself, Mr. DOMENICI, Mr. REID, Mr. BAUCUS, Mrs. BOXER, Ms. CANTWELL, Mr. CRAPO, Mrs. FEINSTEIN, Mr, KYL, Mrs. MURRAY, Mr. SALAZAR, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 175, between lines 9 and 10, insert the following:

SEC. 758. For an additional amount for "WILDLAND FIRE MANAGEMENT" under the heading "DEPARTMENT OF THE INTERIOR" of title I of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109–54), there is appropriated, out of any money in the Treasury not otherwise appropriated, $60,000,000 for the conduct of emergency wildfire suppression activities of the Secretary of the Interior: *Provided*, That the amount provided under this section is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

SEC. 759. For an additional amount for "WILDLAND FIRE MANAGEMENT" under the heading "DEPARTMENT OF AGRICULTURE" of title III of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109–54), there is appropriated, out of any money in the Treasury not otherwise appropriated, $300,000,000 for the conduct of emergency wildfire suppression activities of the Secretary of Agriculture, acting through the Chief of the Forest Service: *Provided*, That the amount provided under this section is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

SA 5189. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE IX—OUTER CONTINENTAL SHELF ROYALTY REFORM AND ENHANCEMENT

SEC. 901. LEASES, EASEMENTS, AND RIGHTS-OF-WAY ON THE OUTER CONTINENTAL SHELF.

Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by adding at the end the following:

"(q) ROYALTY SUSPENSION PROVISIONS.—

"(1) IN GENERAL.—Subject to paragraphs (2) through (4), the Secretary shall agree to a request by any lessee to amend any lease issued as a result of a Central or Western Gulf of Mexico lease sale held during the period beginning on January 1, 1998, and ending on December 31, 1999, to incorporate price thresholds applicable to royalty suspension provisions in the amount of $34.73 per barrel (2005 dollars) for oil and for natural gas of $4.34 per million Btu (2005 dollars).

"(2) ADJUSTMENT.—The oil and natural gas price thresholds established under paragraph (1) shall be adjusted during any calendar year after 2005 by the percentage, if any, by which the implicit price deflator for the gross domestic product as computed and published by the Department of Commerce changed during the preceding calendar year.

"(3) NEW ROYALTY SUSPENSION VOLUMES.—After the date of enactment of this subsection, price thresholds shall apply to any royalty suspension volumes granted by the Secretary.

"(4) EFFECTIVE DATE.—Any amended lease shall impose the new price thresholds effective beginning October 1, 2006.

"(r) CONSERVATION OF RESOURCES FEES.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall establish, by regulation, a conservation of resources fee for producing leases that will apply to new and existing leases which shall be established at $9 per barrel for oil and $1.25 per million Btu for gas (2006 dollars).

"(2) COVERED AREAS.—The fee shall only apply to leases issued with deep water royalty relief for which royalties are not being paid when prices exceed $34.73 per barrel for oil and $4.34 per million Btu for natural gas (2005 dollars).

"(3) EFFECTIVE DATE.—A fee imposed under this subsection shall apply to production that occurs on or after October 1, 2006.".

SEC. 902. COASTAL IMPACT ASSISTANCE PROGRAM.

Section 31(b) of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a(b)) is amended—

(1) in paragraph (1)—

(A) by striking "The" and inserting the following:

"(A) FISCAL YEARS 2007 THROUGH 2010.—The"; and

(B) by adding at the end the following:

"(B) CERTAIN ROYALTY REVENUES.—Notwithstanding section 9, of the amount of any royalty revenues payable to the United States from any lease issued with deep water royalty relief as the result of a Central or Western Gulf of Mexico lease sale held during the period beginning on January 1, 1998, and ending on December 31, 1999, the Secretary of the Treasury shall deposit—

"(i) the amount of the royalty revenues in a special account in the Treasury, to be available to the Secretary of the Interior, without further appropriation, for each of fiscal years 2007 through 2016, for disbursement to Gulf producing States and coastal political subdivisions in accordance with this section, except that the amount made available under this clause shall not exceed a total of $2,500,000,000; and

"(ii) any remainder of the royalty revenues in the general fund of the Treasury, to be used for deficit reduction."; and

(2) in paragraph (3)(B)—

(A) in clause (i), by striking "and" after the semicolon at the end;

(B) in clause (ii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(iii) the amount of qualified outer Continental Shelf revenues for each of fiscal years 2011 through 2016 shall be determined using qualified outer Continental Shelf revenues received for fiscal year 2010.".

SA 5190. Mr. VOINOVICH (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 100, line 20, strike "influenza:" and insert "influenza; and of which not less than $1,500,000 shall be divided equally among each State that borders a Great Lake for use in enhancing facilities of the State to test for the presence of viral hemorrhagic septicemia in fish caught or farmed in the State:".

SA 5191. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 755.

SA 5192. Mr. FRIST (for Mrs. FEINSTEIN) proposed an amendment to the bill S. 994, to authorize the Attorney General to make grants to improve the ability of State and local governments to prevent the abduction of children by family members, and for other purposes; as follows:

On page 1, line 5, strike "Act of 2005" and insert "Act of 2006".

On page 6, line 1, strike "fiscal year 2006" and all that follows through line 2 and insert the following: "fiscal year 2008, and such sums as may be necessary for each of fiscal years 2009 and 2010.".

SA 5193. Mr. FRIST (for Mr. REID) proposed an amendment to the concurrent resolution S. Con. Res. 101, condemning the repression of the Iranian Baha'i community and calling for the emancipation of Iranian Baha'is; as follows:

On page 3, lines 3 and 4, strike "Universal Declaration of Human Rights" and insert "International Covenant on Civil and Political Rights".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a Full Committee hearing on the Reauthorization of the Pipeline Safety Program on Thursday, November 16, 2006 at 10 a.m. in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, November 16, 2006 at 10 a.m. The purpose of this hearing is to consider the nomination of Kevin M. Kolevar, of Michigan, to be an Assistant Secretary of Energy (Electricity Delivery and Energy).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LUGAR. Mr. President, I ask unanimous consent that on Thursday, November 16, 2006 following the first vote Committee on Environment and Public Works be authorized to hold a Business Meeting to consider the following agenda:

Alex Beehler to be Inspector General of the Environmental Protection Agency.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Thursday, November 16, 2006, at 2 p.m., in 215 Dirksen Senate Office Building, to hear testimony on "The CHIP Program From the States' Perspective."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing during the session of the Senate on Thursday, November 16, 2006 at 10 a.m. in SD-430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENT AFFAIRS

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to hold an off-the-floor markup during the session on Thursday, November 16, 2006, to consider pending committee business (agenda attached).

Agenda

Legislation: S. 4046, Iraq Reconstruction Accountability Act of 2006.

Nominations: The Honorable James H. Bilbray to be Governor, U.S. Postal Service; Thurgood Marshall Jr. to be Governor, U.S. Postal Service; The Honorable Dan G. Blair to be Chairman, Postal Rate Commission, Stephen T. Conboy to be U.S. Marshal, Superior Court of the District of Columbia.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LUGAR. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on "Oversight of the Civil Rights Division" on Thursday, November 16, 2006 at 9:30 a.m. in Dirksen Senate Office Building Room 226. The witness list is attached.

Panel I: The Hon. Wan Kim, Assistant Attorney General, Civil Rights Division, U.S. Department of Justice, Washington, DC.

Panel II: Mr. Michael A. Carvin, Partner, Jones Day, Washington, DC; Mr. Ted Shaw, Director-Counsel and President, NAACP Legal Defense and Educational Fund, Inc. (LDF), New York, NY; Mr. Robert N. Driscoll, Partner, Alston & Bird, LLP Washington, DC; Mr. Joseph Rich, Director of Fair Housing and Community Development, Lawyer's Committee for Civil Rights Under Law Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LUGAR. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs be authorized to meet on Thursday, November 16, 2006, at 10 a.m., for a hearing entitled "The Defense Travel System: Boon or Boondoggle (Part 2)."

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LUGAR. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on November 16, 2006 at 10:30 a.m., to hold a closed briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources Subcommittee on Public Lands and Forests be authorized to meet during the session of the Senate on Thursday, November 16 at 2:30 p.m.

The purpose of the hearing is to receive testimony relating to S. 2626, a bill to establish wilderness areas, promote conservation, improve public land, and provide for high quality economic development in Washington County, Utah, and for other purposes; and S. 3772, a bill to establish wilderness areas, promote conservation, improve public land, and provide for high quality development in White Pine Nevada, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. LUGAR. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management support of the Committee on Armed Services be authorized to meet during the session of the Senate on November 16, 2006, at 9:30 a.m., in open session to receive testimony on Department of Defense business systems modernization efforts.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. LUGAR. Mr. President, I ask unanimous consent that Sharon Squassoni, a specialist with the Congressional Research Service, be granted privileges of the floor during the duration of the Senate's consideration of S. 3709.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that William Johnson and Lona Stoll, who are fellows in Senator KENNEDY's office, be granted floor privileges during the consideration of S. 3709.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. I ask unanimous consent that Henry Abeyta, a fellow with the Committee on Energy and Natural Resources, be granted the privileges of the floor for the duration of the debate on S. 3709, the United States-India Peaceful Atomic Energy bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. First, I ask unanimous consent on behalf of Senator FEINGOLD that a fellow in his office by the name of David Bonine be granted floor privileges for the duration of the debate on S. 3709, the India-United States nuclear legislation, and any vote thereon.

The PRESIDING OFFICER (Mr. COLEMAN). Without objection, it is so ordered.

MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

On Tuesday, November 14, 2006, the Senate passed H.R. 5385, as follows:

H.R. 5385

Resolved, That the bill from the House of Representatives (H.R. 5385) entitled "An Act making appropriations for the military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007, and for other purposes.", do pass with the following amendments:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

(INCLUDING RESCISSIONS OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $2,172,622,000, to remain available until September 30, 2011: Provided, That of this amount, not to exceed $199,540,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That of the funds appropriated for "Military Construction, Army" under Public Law 109–114, $43,348,000 are hereby rescinded: Provided further, That of the funds appropriated for "Military Construction, Army" under Public Law 109–13, $125,800,000 are hereby rescinded: Provided further, That of the amount provided under this heading, $34,800,000 is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

(INCLUDING RESCISSIONS OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy and Marine Corps as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $1,238,065,000, to remain available until September 30, 2011: Provided, That of this amount, not to exceed $71,626,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That of the funds appropriated for "Military Construction, Navy and Marine Corps" under Public Law 108–132, $30,000,000 are hereby rescinded: Provided further, That of the funds appropriated for "Military Construction, Navy and Marine Corps" under Public Law 108–324, $8,000,000 are hereby rescinded.

MILITARY CONSTRUCTION, AIR FORCE

(INCLUDING RESCISSIONS OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $1,214,885,000, to remain available until September 30, 2011: Provided, That of this amount, not to exceed $71,381,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That of the funds appropriated for "Military Construction, Air Force" under Public Law 108–324, $2,694,000 are hereby rescinded: Provided further, That of the funds appropriated for "Military Construction, Air Force" under Public Law 109–114, $19,816,000 are hereby rescinded: Provided further, That of the funds appropriated for "Military Construction, Air Force" under Public Law 109–13, $10,800,000 are hereby rescinded.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING RESCISSIONS AND TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $1,162,281,000, to remain available until September 30, 2011: Provided, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided further, That of the amount appropriated, not to exceed $172,150,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That of the funds appropriated for "Military Construction, Defense-Wide" under Public Law 108–132, $9,000,000 are hereby rescinded: Provided further, That of the funds appropriated for "Military Construction, Defense-Wide" under Public Law 108–324, $43,000,000 are hereby rescinded: Provided further, That of the funds appropriated for "Military Construction, Defense-Wide" under Public Law 109–114, $72,065,000 are hereby rescinded: Provided further, That of the amount provided under this heading, $100,886,000 is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

(INCLUDING RESCISSION OF FUNDS)

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $539,804,000, to remain available until September 30, 2011: Provided, That of the funds appropriated for "Military Construction, Army National Guard" under Public Law 109–114, $2,129,000 are hereby rescinded.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $252,834,000, to remain available until September 30, 2011.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $191,450,000, to remain available until September 30, 2011.

MILITARY CONSTRUCTION, NAVY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $48,408,000, to remain available until September 30, 2011.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $44,936,000, to remain available until September 30, 2011.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized by section 2806 of title 10, United States Code, and Military Construction Authorization Acts, $205,985,000, to remain available until expended.

FAMILY HOUSING CONSTRUCTION, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $578,791,000, to remain available until September 30, 2011.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $675,617,000.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $305,071,000, to remain available until September 30, 2011.

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $498,525,000.

FAMILY HOUSING CONSTRUCTION, AIR FORCE

(INCLUDING RESCISSIONS OF FUNDS)

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $1,182,138,000, to remain available until September 30, 2011: Provided, That of the funds appropriated for "Family Housing Construction, Air Force" under Public Law 108–324, $23,400,000 are hereby rescinded: Provided further, That of the funds appropriated for "Family Housing Construction, Air Force" under Public Law 109–114, $42,800,000 are hereby rescinded.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For expenses of family housing for the Air Force for operation and maintenance, including *debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $755,071,000.*

FAMILY HOUSING CONSTRUCTION, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $8,808,000, to remain available until September 30, 2011.

FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for operation and maintenance, leasing, and minor construction, as authorized by law, $48,506,000.

DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, $2,600,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities.

CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE

For expenses of construction, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, as currently authorized by law, $140,993,000, to remain available until September 30, 2011, which shall be only for the Assembled Chemical Weapons Alternatives program.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990

For deposit into the Department of Defense Base Closure Account 1990, established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $191,220,000, to remain available until expended.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $5,237,100,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

SEC. 101. None of the funds made available in this title shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds made available in this title for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds made available in this title for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds made available in this title may be used to begin construction of new bases in the United States for which specific appropriations have not been made.

SEC. 105. None of the funds made available in this title shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or the designee of the Attorney General; (3) where the estimated value is less than $25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds made available in this title shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Acts making appropriations for military construction.

SEC. 107. None of the funds made available in this title for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 108. None of the funds made available in this title may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds made available in this title may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 111. None of the funds made available in this title may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan, in any North Atlantic Treaty Organization member country, or in countries bordering the Arabian Sea if that country has not increased its defense spending by at least 3 percent in calendar year 2005, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds made available in this title for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Sea, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: Provided, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: Provided further, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense is to inform the appropriate committees of both Houses of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $750,000.

SEC. 114. Not more than 20 percent of the funds made available in this title which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year.

(INCLUDING TRANSFER OF FUNDS)

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds made available to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were made available, if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

SEC. 118. (a) Not later than December 1, 2006, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the Committees on Appropriations of both Houses of Congress a report on actions taken by the Department of Defense and the Department of State during the previous fiscal year to encourage host countries to assume a greater share of the common defense burden of such countries and the United States.

(b) The report under subsection (a) shall include a description of—

(1) attempts to secure cash and in-kind contributions from host countries for military construction projects;

(2) attempts to achieve economic incentives offered by host countries to encourage private investment for the benefit of the United States Armed Forces;

(3) attempts to recover funds due to be paid to the United States by host countries for assets deeded or otherwise imparted to host countries upon the cessation of United States operations at military installations;

(4) the amount spent by host countries on defense, in dollars and in terms of the percent of gross domestic product (GDP) of the host country; and

(5) for host countries that are members of the North Atlantic Treaty Organization (NATO), the amount contributed to NATO by host countries, in dollars and in terms of the percent of the total NATO budget.

(c) In this section, the term "host country" means other member countries of NATO, Japan, South Korea, and United States allies bordering the Arabian Sea.

(INCLUDING TRANSFER OF FUNDS)

SEC. 119. In addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to be merged with, and to be available for the same purposes and the same time period as that account.

(INCLUDING TRANSFER OF FUNDS)

SEC. 120. Subject to 30 days prior notification to the Committees on Appropriations of both Houses of Congress, such additional amounts as may be determined by the Secretary of Defense may be transferred to: (1) the Department of Defense Family Housing Improvement Fund from *amounts appropriated for construction in "Family Housing" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund; or (2) the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing in "Military Construction" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: Provided, That appropriations made available to the Funds shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169 of title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.*

SEC. 121. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing the Secretary of the military department concerned shall submit to the Committees on Appropriations of both Houses of Congress the notice described in subsection (b).

(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—

(A) the closure or realignment of the installation for which housing is provided under the contract;

(B) a reduction in force of units stationed at such installation; or

(C) the extended deployment overseas of units stationed at such installation.

(2) Each notice under this subsection shall specify the nature of the guarantee involved and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.

(INCLUDING TRANSFER OF FUNDS)

SEC. 122. In addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the accounts established by sections 2906(a)(1) and 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program. Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 123. Notwithstanding this or any other provision of law, funds made available in this title for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: Provided, That not more than $35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days prior notification to the Committees on Appropriations of both Houses of Congress, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: Provided further, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations of both Houses of Congress all operation and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year: Provided further, That nothing in this section precludes the Secretary of a military department, after notifying the congressional defense committees and waiting 21 days, from using funds derived under section 2601, chapter 403, chapter 603, or chapter 903 of title 10, United States Code, for the maintenance or repair of general and flag officer quarters at the military service academy under the jurisdiction of that Secretary: Provided further, That each Secretary of a military department shall provide an annual report by February 15 to the congressional defense committees on the amount of funds that were derived under section 2601, chapter 403, chapter 603, or chapter 903 of title 10, United States Code, in the previous year and were obligated for the construction, improvement, repair, or maintenance of any military facility or infrastructure.

SEC. 124. Amounts contained in the Ford Island Improvement Account established by subsection (h) of section 2814 of title 10, United States Code, are appropriated and shall be available until expended for the purposes specified in subsection (i)(1) of such section or until transferred pursuant to subsection (i)(3) of such section.

(INCLUDING TRANSFER OF FUNDS)

SEC. 125. None of the funds made available in this title, or in any Act making appropriations for military construction which remain available for obligation, may be obligated or expended to carry out a military construction, land acquisition, or family housing project at or for a military installation approved for closure, or at a military installation for the purposes of supporting a function that has been approved for realignment to another installation, in 2005 under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), unless such a project at a military installation approved for realignment will support a continuing mission or function at that installation or a new mission or function that is planned for that installation, or unless the Secretary of Defense certifies that the cost to the United States of carrying out such project would be less than the cost to the United States of cancelling such project, or if the project is at an active component base that shall be established as an enclave or in the case of projects having multi-agency use, that another Government agency has indicated it will assume ownership of the completed project. The Secretary of Defense may not transfer funds made available as a result of this limitation from any military construction project, land acquisition, or family housing project to another account or use such funds for another purpose or project without the prior approval of the Committees on Appropriations of both Houses of Congress. This section shall not apply to military construction projects, land acquisition, or family housing projects for which the project is vital to the national security or the protection of health, safety, or environmental quality: Provided, That the Secretary of Defense shall notify the congressional defense committees within seven days of a decision to carry out such a military construction project.

SEC. 126. Section 3001(o) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1238; 5 U.S.C. App., note to section 8G of Public Law 95–452), as amended by section 1054(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364), is amended to read as follows:

"(o) TERMINATION.—(1)(A) The Office of the Inspector General shall terminate 10 months after 80 percent of the funds appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund have been expended.

"(B) For purposes of calculating the termination of the Office of the Inspector General under this subsection, any United States funds appropriated or otherwise made available for fiscal year 2006 for the reconstruction of Iraq, irrespective of the designation of such funds, shall be deemed to be amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund.

"(2) The Special Inspector General for Iraq Reconstruction shall, prior to the termination of the Office of the Special Inspector General under paragraph (1), prepare a final forensic audit report on all funds deemed to be amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund.".

SEC. 127. (a) Of the amount appropriated or otherwise made available by this title under the heading "FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY", $7,500,000 may be available for the lease of not more than 300 additional housing units in the vicinity of Fairbanks, Alaska. Such funds may not be available for the construction or purchase of such units.

(b)(1) The total cost of a unit leased under subsection (a), including the cost of utilities, maintenance, and operation, may not exceed $25,000 per year.

(2) A lease entered into under subsection (a) may not exceed 5 years in duration or include an option to extend the lease beyond the 5-year period beginning on the date the lease commences.

SEC. 128. (a) The amount appropriated or otherwise made available by this title under the heading "MILITARY CONSTRUCTION, NAVY AND MARINE CORPS" and available for "Replacement Vehicle Bridge, Increment 2, Naval Station, Newport, Rhode Island" is hereby increased by $3,410,000.

(b) The amount appropriated or otherwise made available by this title under the heading "MILITARY CONSTRUCTION, NAVY AND MARINE CORPS" and available for "Hazardous Material Storage Facility, Naval Station Newport, Rhode Island" is hereby reduced by $3,410,000.

SEC. 129. (a) The amount appropriated or otherwise made available by this title under the heading "MILITARY CONSTRUCTION, AIR FORCE" is hereby increased by $750,000.

(b) Of the amount appropriated or otherwise made available by this title under the heading "MILITARY CONSTRUCTION, AIR FORCE", as increased by subsection (a), $750,000 may be available for the Air Force Financial Management Center.

(c) The amount appropriated or otherwise made available by this title under the heading "NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM" is hereby reduced by $750,000.

SEC. 130. Subsection (c) of section 1077 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364) is hereby repealed.

SEC. 131. (a) The amount available for "MILITARY CONSTRUCTION, AIR FORCE" is hereby reduced by $25,400,000 for "Basic Expeditionary Airmen Training Facility, Lackland AFB, Texas".

(b) The amount available for "Department of Defense Base Closure Account 2005" is hereby increased by $25,400,000.

SEC. 132. Of the amount appropriated or otherwise made available by chapter 7 of title I of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148) under the heading "MILITARY CONSTRUCTION, NAVY AND MARINE CORPS" and available for the replacement of a Bachelor Enlisted Quarters at Naval Construction Battalion Center, Gulfport, Mississippi, $13,400,000 may be available for the construction of an additional Bachelor Enlisted Quarters at Naval Construction Battalion Center, Gulfport, Mississippi.

TITLE II

DEPARTMENT OF VETERANS AFFAIRS

Veterans Benefits Programs

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 18, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, the Reinstated Entitlement Program for Survivors, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of title IV of the Servicemembers Civil Relief Act (50 U.S.C. App. 540 et seq.) and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), $38,007,095,000, to remain available until expended: Provided, That not to exceed $28,112,000 of the amount appropriated under this heading shall be reimbursed to "General operating expenses" and "Medical services" for necessary expenses in implementing the provisions of chapters 51, 53, and 55 of title 38, United States Code, the funding source for which is specifically provided as the "Compensation and pensions" appropriation: Provided further, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to "Medical care collections fund" to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61), $3,262,006,000, to remain available until expended: Provided, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under section 3104(a) of title 38, United States Code, other than under subsection (a)(1), (2), (5), and (11) of that section, shall be charged to this account.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by title 38, United States Code, chapter 19; 70 Stat. 887; 72 Stat. 487, $49,850,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by subchapters I through III of chapter 37 of title 38, United States Code: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That during fiscal year 2007, within the resources available, not to exceed $500,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $153,185,000.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $53,000, as authorized by chapter 31 of title 38, United States Code: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed $4,242,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $305,000, which may be transferred to and merged with the appropriation for "General operating expenses".

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by subchapter V of chapter 37 of title 38, United States Code, $615,000: Provided, That no new loans in excess of $30,000,000 may be made in fiscal year 2007.

GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT

For the administrative expenses to carry out the guaranteed transitional housing loan program authorized by subchapter VI of chapter 37 of title 38, United States Code, not to exceed $750,000 of the amounts appropriated by this Act for "General operating expenses" and "Medical services" may be expended.

Veterans Health Administration

MEDICAL SERVICES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department, and including medical supplies and equipment and salaries and expenses of healthcare employees hired under title 38, United States Code, and aid to State homes as authorized by section 1741 of title 38, United States Code; and for necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; and administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.); $28,689,000,000, plus reimbursements: Provided, That of the funds made available under this heading, not to exceed $1,350,000,000 shall be available until September 30, 2008: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for treatment for veterans who are service-connected disabled, lower income, or have special needs: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by the Secretary: Provided further, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs.

MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities and other necessary facilities for the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the Department; for oversight, engineering and architectural activities not charged to project costs; for repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry and food services, $3,569,000,000, plus reimbursements, of which $250,000,000 shall be available until September 30, 2008.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code, to remain available until September 30, 2008, $412,000,000, plus reimbursements, of which not less than $15,000,000 shall be used for Gulf War Illness research.

National Cemetery Administration

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; and hire of passenger motor vehicles, $160,733,000, of which not to exceed $8,037,000 shall be available until September 30, 2008.

Departmental Administration

GENERAL OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-Wide capital planning, management and policy activities, uniforms or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, $1,467,764,000: Provided, That expenses for services and assistance authorized under paragraphs (1), (2), (5), and (11) of section 3104(a) of title 38, United States Code, that the Secretary of Veterans Affairs determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: Provided further, That the Veterans Benefits Administration shall be funded at not less than $1,167,859,000: Provided further, That of the funds made available under this heading, not to exceed $75,000,000 shall be available for obligation until September 30, 2008: Provided further, That from the funds made available under this heading, the Veterans Benefits Administration may purchase up to two passenger motor vehicles for use in operations of that Administration in Manila, Philippines.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, to include information technology, in carrying out the provisions of the Inspector General Act of 1978, $70,599,000, of which $3,474,950 shall remain available until September 30, 2008.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities including parking projects under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, construction management services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, or where funds for a project were made available in a previous major project appropriation, $429,000,000, to remain available until expended, of which $2,000,000 shall be to make reimbursements as provided in section 13 of the Contract Disputes Act of 1978 (41 U.S.C. 612) for claims paid for contract disputes: Provided, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, such as portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund and CARES funds, including needs assessments which may or may not lead to capital investments, none of the funds appropriated under this heading shall be used for any project which has not been approved by the Congress in the budgetary process: Provided further, That funds provided in this appropriation for fiscal year 2007, for each approved project (except those for CARES activities referenced above) shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2007; and (2) by the awarding of a construction contract by September 30, 2008: Provided further, That the Secretary of Veterans Affairs shall promptly report in writing to the Committees on Appropriations of both Houses of Congress any approved major construction project in which obligations are not incurred within the time limitations established above.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities including parking projects under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is equal to or less than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, $168,000,000, to remain available until expended, along with unobligated balances of previous "Construction, minor projects" appropriations which are hereby made available for any project where the estimated cost is equal to or less than the amount set forth in such section for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by sections 8131–8137 of title 38, United States Code, $85,000,000, to remain available until expended.

GRANTS FOR CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veterans cemeteries as authorized by section 2408 of title 38, United States Code, $32,000,000, to remain available until expended.

INFORMATION TECHNOLOGY SYSTEMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for information technology systems and telecommunications support, including developmental information systems and operational information systems; including pay and associated cost for operations and maintenance associated staff; for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by chapter 3109 of title 5, United States Code, $1,255,900,000, to remain available until September 30, 2008: Provided, That none of these funds may be obligated until the Department of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget; (2) complies with the Department of Veterans Affairs enterprise architecture; (3) conforms with an established enterprise life cycle methodology; and (4) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government: Provided further, That within 60 days of enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a reprogramming base letter which provides, by project, the costs included in this appropriation.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. Any appropriation for fiscal year 2007, in this Act or any other Act, for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred as necessary to any other of the mentioned appropriations: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed.

(INCLUDING TRANSFER OF FUNDS)

SEC. 202. Amounts made available for fiscal year 2007, in this Act or any other Act, under the "Medical services" and "Medical facilities" accounts may be transferred between the accounts to the extent necessary to implement the restructuring of the Veterans Health Administration accounts: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

SEC. 203. Appropriations available in this title for salaries and expenses shall be available for services authorized by section 3109 of title 5, United States Code, hire of passenger motor vehicles; lease of a facility or land or both; and uniforms or allowances therefor, as authorized by sections 5901–5902 of title 5, United States Code.

SEC. 204. No appropriations in this title (except the appropriations for "Construction, major projects", and "Construction, minor projects") shall be available for the purchase of any site for the construction of any new hospital or home.

SEC. 205. No appropriations in this title shall be available for hospitalization or examination of any persons (except beneficiaries entitled under the laws bestowing such benefits to veterans, and persons receiving such treatment under sections 7901–7904 of title 5, United States Code or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)), unless reimbursement of cost is made to the "Medical services" account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 206. Appropriations available in this title for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2006.

SEC. 207. Appropriations available in this title shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from sections 3328(a), 3334, and 3712(a) of title 31, United States Code, except that if such obligations are from trust fund accounts they shall be payable from "Compensation and pensions".

SEC. 208. Notwithstanding any other provision of law, during fiscal year 2007, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the "General operating expenses" account for the cost of administration of the insurance programs financed through those accounts: Provided, That reimbursement shall be made only from the surplus earnings accumulated in an insurance program in fiscal year 2007 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: Provided further, That if the cost of administration of an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: Provided further, That the Secretary shall determine the cost of administration for fiscal year 2007 which is properly allocable to the provision of each insurance program and to the provision of any total disability income insurance included in such insurance program.

SEC. 209. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

SEC. 210. Funds available in this title or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management and the Office of Employment Discrimination Complaint Adjudication for all services provided at rates which will recover actual costs but not exceed $31,246,000 for the Office of Resolution Management and $3,059,000 for the Office of Employment and Discrimination Complaint Adjudication: Provided, That payments may be made in advance for services to be furnished based on estimated costs: Provided further, That amounts received shall be credited to "General operating expenses" for use by the office that provided the service.

SEC. 211. No appropriations in this title shall be available to enter into any new lease of real property if the estimated annual rental is more than $300,000 unless the Secretary submits a report which the Committees on Appropriations of both Houses of Congress approve within 30 days following the date on which the report is received.

SEC. 212. No funds of the Department of Veterans Affairs shall be available for hospital care, nursing home care, or medical services provided to any person under chapter 17 of title 38, United States Code, for a non-service-connected disability described in section 1729(a)(2) of such title, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require, current, accurate third-party reimbursement information for purposes of section 1729 of such title: Provided, That the Secretary may recover, in the same manner as any other debt due the United States, the reasonable charges for such care or services from any person who does not make such disclosure as required: Provided further, That any amounts so recovered for care or services provided in a prior fiscal year may be obligated by the Secretary during the fiscal year in which amounts are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 213. Notwithstanding any other provision of law, at the discretion of the Secretary of Veterans Affairs, proceeds or revenues derived from enhanced-use leasing activities (including disposal) may be deposited into the "Construction, major projects" and "Construction, minor projects" accounts and be used for construction (including site acquisition and disposition), alterations and improvements of any medical facility under the jurisdiction or for the use of the Department of Veterans Affairs. Such sums as realized are in addition to the amount provided for in "Construction, major projects" and "Construction, minor projects".

SEC. 214. Amounts made available under "Medical services" are available—

(1) for furnishing recreational facilities, supplies, and equipment; and

(2) for funeral expenses, burial expenses, and other expenses incidental to funerals and burials for beneficiaries receiving care in the Department.

(INCLUDING TRANSFER OF FUNDS)

SEC. 215. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, may be transferred to "Medical services", to remain available until expended for the purposes of this account.

SEC. 216. Notwithstanding any other provision of law, the Secretary of Veterans Affairs shall allow veterans eligible under existing Department of Veterans Affairs medical care requirements and who reside in Alaska to obtain medical care services from medical facilities supported by the Indian Health Service or tribal organizations. The Secretary shall: (1) limit the application of this provision to rural Alaskan veterans in areas where an existing Department of Veterans Affairs facility or Veterans Affairs-contracted service is unavailable; (2) require participating veterans and facilities to comply with all appropriate rules and regulations, as established by the Secretary; (3) require this provision to be consistent with Capital Asset Realignment for Enhanced Services activities; and (4) result in no additional cost to the Department of Veterans Affairs or the Indian Health Service.

(INCLUDING TRANSFER OF FUNDS)

SEC. 217. Such sums as may be deposited to the Department of Veterans Affairs Capital Asset Fund pursuant to section 8118 of title 38, United States Code, may be transferred to the "Construction, major projects" and "Construction, minor projects" accounts, to remain available until expended for the purposes of these accounts.

SEC. 218. None of the funds available to the Department of Veterans Affairs, in this Act, or any other Act, may be used for payment for E-Gov initiatives.

SEC. 219. None of the funds made available in this Act may be used to implement any policy prohibiting the Directors of the Veterans Integrated Service Networks from conducting outreach or marketing to enroll new veterans within their respective Networks.

SEC. 220. The Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a quarterly report on the financial status of the Veterans Health Administration.

(INCLUDING TRANSFER OF FUNDS)

SEC. 221. Amounts made available under the "Medical services", "Medical facilities", "General operating expenses", and "National Cemetery Administration" accounts for fiscal year 2007, may be transferred to or from the "Information technology systems" account: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

(INCLUDING TRANSFER OF FUNDS)

SEC. 222. For purposes of perfecting the funding sources of the Department of Veterans Affairs' new "Information technology systems" account, funds made available for fiscal year 2007, in this or any other Act, may be transferred from the "General operating expenses", "National Cemetery Administration", and "Office of Inspector General" accounts to the "Medical services" account: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

(INCLUDING TRANSFER OF FUNDS)

SEC. 223. Amounts made available for the "Information technology systems" account may be transferred between projects: Provided, That no project may be increased or decreased by more than $1,000,000 of cost prior to submitting a request to the Committees on Appropriations of both Houses of Congress to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed.

SEC. 224. No funds in this Act may be deposited into the DOD/VA Health Care Sharing Incentive Fund.

SEC. 225. The authority provided by section 2011 of title 38, United States Code, shall continue in effect through September 30, 2007.

SEC. 226. REPORT ON USE OF LANDS AT WEST LOS ANGELES DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER. (a) REPORT.— The Secretary of Veterans Affairs shall submit to Congress a report on the master plan of the Department of Veterans Affairs relating to the use of Department lands at the West Los Angeles Department of Veterans Medical Center, California.

(b) REPORT ELEMENTS.—The report under subsection (a) shall set forth the following:

(1) The master plan referred to in that subsection, if such a plan currently exists.

(2) A current assessment of the master plan.

(3) Any proposal of the Department for a veterans park on the lands referred to in subsection (a), and an assessment of each such proposal.

(4) Any proposal to use a portion of those lands as dedicated green space, and an assessment of each such proposal.

(c) ALTERNATIVE REPORT ELEMENT.—If a master plan referred to in subsection (a) does not exist as of the date of enactment of this Act, the Secretary shall set forth in the report under that subsection, in lieu of the matters specified in paragraphs (1) and (2) of subsection (b), a plan for the development of a master plan for the use of the lands referred to in subsection (a) during the period beginning on the date of the enactment of this Act and ending 25 years later and during the period beginning on the date of the enactment of this Act and ending 50 years later. The master plan referred to in subsection (a) shall be completed prior to the adoption of the Capital Asset Realignment for Enhanced Services (CARES) plan for that property, or prior to the issuance of any enhanced use lease on the subject property. The CARES plan for the subject property shall be consistent with the master plan required by this section.

(d) LIMITATIONS ON IMPLEMENTATION.—

(1) IN GENERAL.—The Secretary may not implement any portion of the master plan referred to in subsection (a) until 120 days after the date of the receipt by the Committees on Appropriations of the Senate and the House of Representatives of the report required by that subsection.

(2) ACTIONS OTHER THAN DIRECT VETERANS SERVICES.—In the case of any portion of the master plan referred to in subsection (a) that does not relate exclusively to direct veterans services on the site referred to in subsection (a), the Secretary may not carry out such portion of the master plan without the approval of the Committees on Appropriations of the Senate and the House of Representatives.

(e) EXEMPTIONS.—Nothing contained in this provision shall prevent the Department of Veterans Affairs from providing maintenance, service or programs consistent with the mission of the Department.

SEC. 227. None of the funds available to the Department of Veterans Affairs, in this Act, or any other Act, may be used to replace the current system by which the Veterans Integrated Services Networks select and contract for diabetes monitoring supplies and equipment.

SEC. 228. The major medical facility project for a Department of Veterans Affairs Medical Center in New Orleans, Louisiana, for which funds were appropriated for the Department of Veterans Affairs for the "Construction, major projects" account in Public Law 109–234 and Public Law 109–148 shall be treated for purposes of section 8104(b) of title 38, United States Code, as a major medical facility project that has been specifically authorized by law, and the Secretary of Veterans Affairs may obligate and expend amounts so appropriated for that account for that project for the purchase of a site including property exchange for, and new construction, restoration, or replacement of, the Department of Veterans Affairs Medical Center in New Orleans, Louisiana.

SEC. 229. Of the amount appropriated by this title, up to $18,000,000 may be available for necessary expenses, including salaries and expenses, for the provision of additional mental health services through centers for readjustment counseling and related mental health services for veterans under section 1712A of title 38, United States Code (commonly referred to as "Vet Centers"), to veterans who served in combat in Iraq or Afghanistan.

SEC. 230. Not later than 60 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report on the actions taken by the Secretary to test veterans for vestibular damage.

SEC. 231. (a) INCREASE IN THRESHOLD FOR MAJOR MEDICAL FACILITY PROJECTS.—Section 8104(a)(3)(A) of title 38, United States Code, is amended by striking "$7,000,000" and inserting "$10,000,000".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2006, and shall apply with respect to fiscal years beginning on or after that date.

SEC. 232. Notwithstanding any other provision of law, the Secretary is authorized to carry out major medical facility projects and leases for which any funds have been appropriated under this Act or any other Act. Further, for major medical facility projects authorized under Public Law 108–170, the Secretary may carry out *contracts through September 30, 2007, including land purchase on projects for which Phase I design has been authorized.*

SEC. 233. Of the amount appropriated by this title under the heading "VETERANS HEALTH ADMINISTRATION", up to $1,000,000 shall be available for the Office of Inspector General.

SEC. 234. (a) COLOCATION OF COMMUNITY BASED OUTPATIENT CLINIC WITH WAGNER INDIAN HEALTH SERVICE UNIT, WAGNER, SOUTH DAKOTA.—No amount appropriated or otherwise made available for the Department of Veterans Affairs by this title may be obligated or expended to implement a business plan of Veterans Integrated Service Network 23 (VISN 23) for the implementation a Community Based Outpatient Clinic (CBOC) in Wagner, South Dakota, unless such business plan contains an evaluation and an analysis of the prospect of colocating such Community Based Outpatient Clinic with the Wagner Indian Health Service unit in Wagner, South Dakota.

(b) AVAILABILITY OF AMOUNTS FOR EMERGENCY ROOM SERVICES AT WAGNER INDIAN HEALTH SERVICE UNIT.—Of the amount appropriated or otherwise made available to the Department of Veterans Affairs by this title under the heading "MEDICAL FACILITIES", at the discretion of the Secretary of the Department of Veterans Affairs up to $500,000 may be available for emergency room services at the Wagner Indian Health Service unit pending implementation of a business plan meeting the requirements in subsection (a).

SEC. 235. (a) STUDY ON COSTS OF COMPREHENSIVE SERVICE PROGRAMS FOR HOMELESS VETERANS.—The Secretary of Veterans Affairs shall carry out a study of costs associated with the Comprehensive Service Programs authorized by sections 2011 and 2012 of title 38 United States Code.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Veterans' Affairs and Appropriations of the Senate and the Committees on Veterans' Affairs and Appropriations of the House of Representatives a report on the study required by subsection (a). The report shall set forth the following:

(1) The number of authorized and operational transitional housing beds and service centers under the programs referred to in subsection (a) in fiscal year 2006, and the number of such beds and centers in each State and in each Congressional District during such fiscal year.

(2) The cost in fiscal year 2006 of grants under section 2011 of title 38, United States Code, to authorized and operational transitional housing beds and service centers under the programs referred to in that subsection.

(3) The cost in fiscal year 2006 of per diem payments under section 2012 of title 38 United States Code, to authorized and operational transitional housing beds and service centers under the programs referred to in that subsection.

(4) The number of applications received, scored as qualified, and awarded pursuant to the Capital Grant Notice of Funds Availability published on April 20, 2006.

(5) The range of per diem payment rates, the average per diem payment rate, and the median per diem payment rate paid to recipients of grants under section 2012 of title 38, United States Code, in fiscal year 2006.

(6) The number and percentage of total recipients of grants under section 2011 of title 38 United States Code, in fiscal year 2006 being paid under section 2012 of title 38, United States Code, the rate authorized for State homes for domiciliary care under section 1741(a)(1)(A) of that title for fiscal year 2006.

TITLE III

RELATED AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one-for-one replacement only) and hire of passenger motor vehicles; not to exceed $7,500 for official reception and representation expenses; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $37,088,000, to remain available until expended.

FOREIGN CURRENCY FLUCTUATIONS

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, $4,900,000, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by sections 7251–7298 of title 38, United States Code, $19,790,000: Provided, That $1,260,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, and not to exceed $1,000 for official reception and representation expenses, $26,550,000, to remain available until expended. In addition, such sums as may be necessary for parking maintenance, repairs and replacement, to be derived from the Lease of Department of Defense Real Property for Defense Agencies account.

ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington, District of Columbia and the Armed Forces Retirement Home—Gulfport, Mississippi, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $54,846,000.

ADMINISTRATIVE PROVISIONS

SEC. 301. None of the funds in this title under the heading "American Battle Monuments Commission" shall be available for the Capital Security Costs Sharing program.

(INCLUDING RESCISSION OF FUNDS)

SEC. 302. (a) For an additional amount for "United States Court of Appeals for Veterans Claims, Salaries and Expenses", $500,000, to remain available until expended, for implementation of the Appellate Case Management Electronic Case Files System.

(b) Of the amount appropriated under the heading "United States Court of Appeals for Veterans Claims, Salaries and Expenses", in the Military Quality of Life, Military Construction, and Veterans Affairs Appropriations Act, 2006 (Public Law 109–114), $500,000 are rescinded.

(c) This section shall take effect immediately upon enactment of this Act.

TITLE IV

GENERAL PROVISIONS

SEC. 401. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 402. Such sums as may be necessary for fiscal year 2007 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 403. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 404. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before Congress, except in presentation to Congress itself.

SEC. 405. All departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of "E-Commerce" technologies and procedures in the conduct of their business practices and public service activities.

SEC. 406. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 407. Unless stated otherwise, all reports and notifications required by this Act shall be submitted to the Subcommittee on Military Quality of Life and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate.

TITLE V—DIGITAL AND WIRELESS TECHNOLOGY

SEC. 501. SHORT TITLE.

This title may be cited as the "Minority Serving Institution Digital and Wireless Technology Opportunity Act of 2006".

SEC. 502. ESTABLISHMENT OF PROGRAM.

Section 5 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3704) is amended by inserting the following after subsection (f):

"(g) MINORITY SERVING INSTITUTION DIGITAL AND WIRELESS TECHNOLOGY OPPORTUNITY PROGRAM.—

"(1) IN GENERAL.—The Secretary, acting through the Under Secretary, shall establish a Minority Serving Institution Digital and Wireless Technology Opportunity Program to assist eligible institutions in acquiring, and augmenting their use of, digital and wireless networking technologies to improve the quality and delivery of educational services at eligible institutions.

"(2) AUTHORIZED ACTIVITIES.—An eligible institution may use a grant, cooperative agreement, or contract awarded under this subsection—

"(A) to acquire equipment, instrumentation, networking capability, hardware and software, digital network technology, wireless technology, and infrastructure to further the objective of the Program described in paragraph (1);

"(B) to develop and provide training, education, and professional development programs, including faculty development, to increase the use of, and usefulness of, digital and wireless networking technology;

"(C) to provide teacher education, including the provision of preservice teacher training and in-service professional development at eligible institutions, library and media specialist training, and preschool and teacher aid certification to individuals who seek to acquire or enhance technology skills in order to use digital and wireless networking technology in the classroom or instructional process, including instruction in science, mathematics, engineering, and technology subjects; and

"(D) to foster the use of digital and wireless networking technology to improve research and education, including scientific, mathematics, engineering, and technology instruction.

"(3) APPLICATION AND REVIEW PROCEDURES.—

"(A) IN GENERAL.—To be eligible to receive a grant, cooperative agreement, or contract under this subsection, an eligible institution shall submit an application to the Under Secretary at such time, in such manner, and containing such information as the Under Secretary may require. Such application, at a minimum, shall include a description of how the funds will be used, including a description of any digital and wireless networking technology to be acquired, and a description of how the institution will ensure that digital and wireless networking will be made accessible to, and employed by, students, faculty, and administrators. The Under Secretary, consistent with subparagraph (B), shall establish procedures to review such applications. The Under Secretary shall publish the application requirements and review criteria in the Federal Register, along with a statement describing the availability of funds.

"(B) REVIEW PANELS.—Each application submitted under this subsection by an eligible institution shall be reviewed by a panel of individuals selected by the Under Secretary to judge the quality and merit of the proposal, including the extent to which the eligible institution can effectively and successfully utilize the proposed grant, cooperative agreement, or contract to carry out the program described in paragraph (1). The Under Secretary shall ensure that the review panels include representatives of minority serving institutions and others who are knowledgeable about eligible institutions and digital and wireless networking technology. The Under Secretary shall ensure that no individual assigned under this subsection to review any application has a conflict of interest with regard to that application. The Under Secretary shall take into consideration the recommendations of the review panel in determining whether to award a grant, cooperative agreement, or contract to an eligible institution.

"(C) MATCHING REQUIREMENT.—The Under Secretary may not award a grant, cooperative agreement, or contract to an eligible institution under this subsection unless such institution agrees that, with respect to the costs incurred by the institution in carrying out the program for which the grant, cooperative agreement, or contract was awarded, such institution shall make available, directly, or through donations from public or private entities, non-Federal contributions in an amount equal to one-quarter of the grant, cooperative agreement, or contract awarded by the Under Secretary, or $500,000, whichever is the lesser amount. The Under Secretary shall waive the matching requirement for any institution or consortium with no endowment, or an endowment that has a current dollar value lower than $50,000,000.

"(D) AWARDS.—

"(i) LIMITATION.—An eligible institution that receives a grant, cooperative agreement, or contract under this subsection that exceeds $2,500,000 shall not be eligible to receive another grant, cooperative agreement, or contract.

"(ii) CONSORTIA.—Grants, cooperative agreements, and contracts may only be awarded to eligible institutions. Eligible institutions may seek funding under this subsection for consortia which may include other eligible institutions, a State or a State educational agency, local educational agencies, institutions of higher education, community-based organizations, national nonprofit organizations, or businesses, including minority businesses.

"(iii) PLANNING GRANTS.—The Under Secretary may provide funds to develop strategic plans to implement such grants, cooperative agreements, or contracts.

"(iv) INSTITUTIONAL DIVERSITY.—In awarding grants, cooperative agreements, and contracts to eligible institutions, the Under Secretary shall ensure, to the extent practicable, that awards are made to all types of institutions eligible for assistance under this subsection.

"(v) NEED.—In awarding funds under this subsection, the Under Secretary shall give priority to the institution with the greatest demonstrated need for assistance.

"(E) ANNUAL REPORT AND EVALUATION.—

"(i) ANNUAL REPORT REQUIRED FROM RECIPIENTS.—Each institution that receives a grant, cooperative agreement, or contract awarded under this subsection shall provide an annual report to the Under Secretary on its use of the grant, cooperative agreement, or contract.

"(ii) INDEPENDENT ASSESSMENT.—Not later than 6 months after the date of enactment of this subsection, the Under Secretary shall enter into a contract with the National Academy of Public Administration to conduct periodic assessments of the program. The Assessments shall be conducted once every 3 years during the 10-year period following the enactment of this subsection. The assessments shall include an evaluation of the effectiveness of the program in improving the education and training of students, faculty and staff at eligible institutions that have been awarded grants, cooperative agreements, or contracts under the program; an evaluation of the effectiveness of the program in improving access to, and familiarity with, digital and wireless networking technology for students, faculty, and staff at all eligible institutions; an evaluation of the procedures established under subparagraph (A); and recommendations for improving the program, including recommendations concerning the continuing need for Federal support. In carrying out its assessments, the National Academy of Public Administration shall review the reports submitted to the Under Secretary under clause (i).

"(iii) REPORT TO CONGRESS.—Upon completion of each independent assessment carried out under clause (ii), the Under Secretary shall transmit the assessment to Congress along with a summary of the Under Secretary's plans, if any, to implement the recommendations of the National Academy of Public Administration.

"(F) DEFINITIONS.—In this subsection:

"(i) DIGITAL AND WIRELESS NETWORKING TECHNOLOGY.—The term 'digital and wireless networking technology' means computer and communications equipment and software that facilitates the transmission of information in a digital format.

"(ii) ELIGIBLE INSTITUTION.—The term 'eligible institution' means an institution that is—

"(I) a historically Black college or university that is a part B institution, as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)), or an institution described in section 326(e)(1) of that Act (20 U.S.C. 1063b(e)(1));

"(II) a Hispanic-serving institution, as defined in section 502(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)(5));

"(III) a tribally controlled college or university, as defined in section 316(b)(3) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)(3));

"(IV) an Alaska Native-serving institution under section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)); or

"(V) a Native Hawaiian-serving institution under section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)).

"(iii) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

"(iv) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

"(v) MINORITY BUSINESS.—The term 'minority business' includes HUBZone small business concerns (as defined in section 3(p) of the Small Business Act (15 U.S.C. 632(p)).

"(vi) MINORITY INDIVIDUAL.—The term 'minority individual' means an American Indian, Alaskan Native, Black (not of Hispanic origin), Hispanic (including persons of Mexican, Puerto Rican, Cuban and Central or South American origin), or Pacific Islander individual.

"(vii) STATE.—The term 'State' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

"(viii) STATE EDUCATIONAL AGENCY.—The term 'State educational agency' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).".

SEC. 503. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Technology Administration of the Department of Commerce to carry out section 5(g) of the Stevenson-Wydler Technology Innovation Act of 1980 such sums as may be necessary for each of the fiscal years 2007 through 2010.

This Act may be cited as the "Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2007".

Amend the title so as to read: "An Act making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes.".

ROBERT SILVEY DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 4073 introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 4073) to designate the outpatient clinic of the Department of Veterans Affairs located in Farmington, Missouri, as the "Robert Silvey Department of Veterans Affairs Outpatient Clinic."

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 4073) was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

S. 4073

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ROBERT SILVEY DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC.

(a) DESIGNATION.—The outpatient clinic of the Department of Veterans Affairs located in Farmington, Missouri, shall be known and designated as the "Robert Silvey Department of Veterans Affairs Outpatient Clinic".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Robert Silvey Department of Veterans Affairs Outpatient Clinic".

AUTHORIZING THE MAJORITY LEADER AND ONE STAFF MEMBER TO TRAVEL TO MEXICO FOR THE INAUGURATION OF THE NEW PRESIDENT OF MEXICO SCHEDULED FOR DECEMBER 2, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 616, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 616) authorizing the Majority Leader and one staff member to travel to Mexico for the inauguration of the new President of Mexico scheduled for December 2, 2006.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 616) was agreed to, as follows:

S. RES. 616

Resolved, That the Majority Leader and one staff member are authorized to travel to Mexico for the inauguration of the new President of Mexico scheduled for December 2, 2006.

PAINT BANK AND WYTHEVILLE NATIONAL FISH HATCHERIES CONVEYANCE ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 621, H.R. 5061.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5061) to direct the Secretary of the Interior to convey Paint Bank National Fish Hatchery and Wytheville National Fish Hatchery to the State of Virginia.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5061) was ordered to a third reading, was read the third time, and passed.

AMENDING THE FEDERAL WATER POLLUTION CONTROL ACT TO REAUTHORIZE A PROGRAM RELATING TO THE LAKE PONTCHARTRAIN BASIN

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 663, H.R. 6121.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6121) to amend the Federal Water Pollution Control Act to reauthorize a program relating to the Lake Pontchartrain Basin, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6121) was ordered to a third reading, was read the third time, and passed.

PROVIDING FOR THE CONVEYANCE OF CERTAIN NATIONAL FOREST SYSTEM LAND TO THE TOWNS OF LAONA AND WABENO, WISCONSIN

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 4559 just received from the House and at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4559) to provide for the conveyance of certain National Forest System land to the towns of Laona and Wabeno, Wisconsin, and for other purposes.

The PRESIDING OFFICER. There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent that the bill be read the third time and passed, a motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4559) was ordered to a third reading, was read the third time, and passed.

PROVIDING FOR THE CONVEYANCE OF THE FORMER KONNAROCK LUTHERAN GIRLS SCHOOL IN SMYTH COUNTY, VIRGINIA

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 5103, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5103) to provide for the conveyance of the former Konnarock Lutheran Girls School in Smyth County, Virginia, which is currently owned by the United States and administered by the Forest Service, to facilitate the restoration and reuse of the property, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5103) was ordered to a third reading, was read the third time, and passed.

OUACHITA NATIONAL FOREST BOUNDARY ADJUSTMENT ACT OF 2006

Mr. FRIST. I ask unanimous consent the Senate now proceed to H.R. 5690 just received from the House and at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5690) to adjust the boundaries of the Ouachita National Forest in the States of Oklahoma and Arkansas.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5690) was ordered to a third reading, was read the third time, and passed.

AUTHORIZING THE PRINTING AS A HOUSE DOCUMENT OF "A HISTORY, COMMITTEE ON THE JUDICIARY, UNITED STATES HOUSE OF REPRESENTATIVES, 1813–2006"

Mr. FRIST. I ask unanimous consent the Senate proceed to the immediate consideration of H. Con. Res. 423, which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 423) authorizing the printing as a House document of "A History, Committee on the Judiciary, United States House of Representatives, 1813–2006".

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. I ask unanimous consent the resolution be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 423) was agreed to.

NAMING THE ARMED FORCES READINESS CENTER IN GREAT FALLS, MONTANA, IN HONOR OF CAPTAIN WILLIAM WYLIE GALT, A RECIPIENT OF THE CONGRESSIONAL MEDAL OF HONOR

Mr. FRIST. I ask unanimous consent the Committee on Armed Services be discharged from further consideration of S. 3759, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3759) to name the Armed Forces Readiness Center in Great Falls, Montana, in honor of Captain William Wylie Galt, a recipient of the Congressional Medal of Honor.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3759) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

ENDORSING FURTHER ENLARGEMENT OF NATO

Mr. FRIST. I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of S. 4014 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 4014) to endorse further enlargement of the North Atlantic Treaty Organization.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid on the table, and any statements related to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 4014) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 4014

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "NATO Freedom Consolidation Act of 2006".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The sustained commitment of the North Atlantic Treaty Organization (NATO) to mutual defense has made possible the democratic transformation of Central and Eastern Europe. Members of the North Atlantic Treaty Organization can and should play a critical role in addressing the security challenges of the post-Cold War era in creating the stable environment needed for those emerging democracies in Europe.

(2) Lasting stability and security in Europe requires the military, economic, and political integration of emerging democracies into existing European structures.

(3) In an era of threats from terrorism and the proliferation of weapons of mass destruction, the North Atlantic Treaty Organization is increasingly contributing to security in the face of global security challenges for the protection and interests of its member states.

(4) In the NATO Participation Act of 1994 (title II of Public Law 103–447; 22 U.S.C. 1928 note), Congress declared that "full and active participants in the Partnership for Peace in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area should be invited to become full NATO members in accordance with Article 10 of such Treaty at an early date . . .".

(5) In the NATO Enlargement Facilitation Act of 1996 (title VI of section 101(c) of title I of division A of Public Law 104–208; 22 U.S.C. 1928 note), Congress called for the prompt admission of Poland, Hungary, the Czech Republic, and Slovenia to the North Atlantic Treaty Organization, and declared that "in order to promote economic stability and security in Slovakia, Estonia, Latvia, Lithuania, Romania, Bulgaria, Albania, Moldova, and Ukraine . . . the process of enlarging NATO to include emerging democracies in Central and Eastern Europe should not be limited to consideration of admitting Poland, Hungary, the Czech Republic, and Slovenia as full members of the NATO Alliance".

(6) In the European Security Act of 1998 (title XXVII of division G of Public Law 105–277; 22 U.S.C. 1928 note), Congress declared that "Poland, Hungary, and the Czech Republic should not be the last emerging democracies in Central and Eastern Europe invited to join NATO" and that "Romania, Estonia, Latvia, Lithuania, and Bulgaria . . . would make an outstanding contribution to furthering the goals of NATO and enhancing stability, freedom, and peace in Europe should they become NATO members [and] upon complete satisfaction of all relevant criteria should be invited to become full NATO members at the earliest possible date".

(7) In the Gerald B. H. Solomon Freedom Consolidation Act of 2002 (Public Law 107–187; 22 U.S.C. 1928 note), Congress endorsed ". . . the vision of further enlargement of the NATO Alliance articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996".

(8) At the Madrid Summit of the North Atlantic Treaty Organization in July 1997, Poland, Hungary, and the Czech Republic were invited to join the Alliance, and the North Atlantic Treaty Organization heads of state and government issued a declaration stating "[t]he alliance expects to extend further invitations in coming years to nations willing and able to assume the responsibilities and obligations of membership . . . [n]o European democratic country whose admission would fulfill the objectives of the [North Atlantic] Treaty will be excluded from consideration".

(9) At the Washington Summit of the North Atlantic Treaty Organization in April 1999, the North Atlantic Treaty Organization heads of state and government issued a communiqué declaring "[w]e pledge that NATO will continue to welcome new members in a position to further the principles of the [North Atlantic] Treaty and contribute to peace and security in the Euro-Atlantic area . . . [t]he three new members will not be the last . . . [n]o European democratic country whose admission would fulfill the objectives of the Treaty will be excluded from consideration, regardless of its geographic location . . .".

(10) In May 2000 in Vilnius, Lithuania, the foreign ministers of Albania, Bulgaria, Estonia, Latvia, Lithuania, the Republic of Macedonia, Romania, Slovakia, and Slovenia issued a statement (later joined by Croatia) declaring that—

(A) their countries will cooperate in jointly seeking membership in the North Atlantic Treaty Organization in the next round of enlargement of the North Atlantic Treaty Organization;

(B) the realization of membership in the North Atlantic Treaty Organization by one or more of these countries would be a success for all; and

(C) eventual membership in the North Atlantic Treaty Organization for all of these countries would be a success for Europe and for the North Atlantic Treaty Organization.

(11) On June 15, 2001, in a speech in Warsaw, Poland, President George W. Bush stated "[a]ll of Europe's new democracies, from the Baltic to the Black Sea and all that lie between, should have the same chance for security and freedom—and the same chance to join the institutions of Europe—as Europe's old democracies have . . . I believe in NATO membership for all of Europe's democracies that seek it and are ready to share the responsibilities that NATO brings . . . [a]s we plan to enlarge NATO, no nation should be used as a pawn in the agenda of others . . . [w]e will not trade away the fate of free European peoples . . . [n]o more Munichs . . . [n]o more Yaltas . . . [a]s we plan the Prague Summit, we should not calculate how little we can get away with, but how much we can do to advance the cause of freedom".

(12) On October 22, 1996, in a speech in Detroit, Michigan, former President William J. Clinton stated "NATO's doors will not close behind its first new members . . . NATO should remain open to all of Europe's emerging democracies who are ready to shoulder the responsibilities of membership . . . [n]o nation will be automatically excluded . . . [n]o country outside NATO will have a veto . . . [a] gray zone of insecurity must not reemerge in Europe".

(13) At the Prague Summit of the North Atlantic Treaty Organization in November

2002, Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia were invited to join the Alliance in the second round of enlargement of the North Atlantic Treaty Organization since the end of the Cold War, and the North Atlantic Treaty Organization heads of state and government issued a declaration stating "NATO's door will remain open to European democracies willing and able to assume the responsibilities and obligations of membership, in accordance with Article 10 of the Washington Treaty".

(14) On May 8, 2003, the United States Senate unanimously approved the Resolution of Ratification to Accompany Treaty Document No. 108–4, Protocols to the North Atlantic Treaty of 1949 on Accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia, inviting Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia to join the North Atlantic Treaty Organization.

(15) At the Istanbul Summit of the North Atlantic Treaty Organization in June 2004, the North Atlantic Treaty Organization heads of state and government issued a communiqué reaffirming that NATO's door remains open to new members, declaring "[w]e celebrate the success of NATO's Open Door Policy, and reaffirm tody that our seven new members will not be the last. The door to membership remains open. We welcome the progress made by Albania, Croatia, and the former Yugoslav Republic of Macedonia (1) in implementing their Annual National Programmes under the Membership Action Plan, and encourage them to continue pursuing the reforms necessary to progress toward NATO membership. We also commend their contribution to regional stability and cooperation. We want all three countries to succeed and will continue to assist them in their reform efforts. NATO will continue to assess each country's candidacy individually, based on the progress made towards reform goals pursued through the Membership Action Plan, which will remain the vehicle to keep the readiness of each aspirant for membership under review. We direct that NATO Foreign Ministers keep the enlargement process, including the implementation of the Membership Action Plan, under continual review and report to us. We will review at the next Summit progress by aspirants towards membership based on that report".

(16) Georgia has stated its desire to join the Euro-Atlantic community, and in particular, is seeking to join North Atlantic Treaty Organization. Georgia is working closely with the North Atlantic Treaty Organization and its members to meet criteria for eventual membership in NATO.

(17) At a press conference with President Mikhail Saakashvili of Georgia in Washington, D.C. on July 5, 2006, President George W. Bush stated that "... I believe that NATO would benefit with Georgia being a member of NATO, and I think Georgia would benefit. And there's a way forward through the Membership Action Plan ... And I'm a believer in the expansion of NATO. I think it's in the world's interest that we expand NATO".

(18) Following a meeting of NATO Foreign Ministers in New York on September 21, 2006, NATO Secretary General Jaap de Hoop Scheffer announced the launching of an Intensified Dialogue on membership between the Alliance and Georgia.

(19) Contingent upon their continued implementation of democratic, defense, and economic reform, and their willingness and ability to meet the responsibilities of membership in the North Atlantic Treaty Organization, Congress calls for the timely admission of Albania, Croatia, Georgia, and Macedonia to the North Atlantic Treaty Organization to promote security and stability in Europe.

(20) The North Atlantic Treaty Organization heads of state and government will hold a North Atlantic Treaty Organization Summit in Riga, Latvia, in November 2006.

SEC. 3. DECLARATIONS OF POLICY.

Congress—

(1) reaffirms its previous expressions of support for continued enlargement of the North Atlantic Treaty Organization contained in the NATO Participation Act of 1994, the NATO Enlargement Facilitation Act of 1996, the European Security Act of 1998, and the Gerald B. H. Solomon Freedom Consolidation Act of 2002;

(2) supports the commitment to further enlargement of the North Atlantic Treaty Organization to include European democracies that are able and willing to meet the responsibilities of Membership, as expressed by the Alliance in its Madrid Summit Declaration of 1997, its Washington Summit Communiqué of 1999, its Prague Summit Declaration of 2002, and its Istanbul Summit Communiqué of 2004; and

(3) endorses the vision of further enlargement of the North Atlantic Treaty Organization articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996, and urges our allies in the North Atlantic Treaty Organization to work with the United States to realize a role for the North Atlantic Treaty Organization in promoting global security, including continued support for enlargement to include qualified candidate states, specifically by entering into a Membership Action Plan with Georgia and recognizing the progress toward meeting the responsibilities and obligations of NATO membership by Albania, Croatia, Georgia, and Macedonia at the NATO Summit in Riga, Latvia.

SEC.. 4. DESIGNATION OF ALBANIA, CROATIA, GEORGIA, AND MACEDONIA AS ELIGIBLE TO RECEIVE ASSISTANCE UNDER THE NATO PARTICIPATION ACT OF 1994.

(a) DESIGNATION.—

(1) ALBANIA.—The Republic of Albania is designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note), and shall be deemed to have been so designated pursuant to section 203(d)(1) of such Act.

(2) CROATIA.—The Republic of Croatia is designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994, and shall be deemed to have been so designated pursuant to section 203(d)(1) of such Act.

(3) GEORGIA.—Georgia is designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994, and shall be deemed to have been so designated pursuant to section 203(d)(1) of such Act.

(4) MACEDONIA.—The Republic of Macedonia is designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994, and shall be deemed to have been so designated pursuant to section 203(d)(1) of such Act.

(b) RULE OF CONSTRUCTION.—The designation of the Republic of Albania, the Republic of Croatia, Georgia, and the Republic of Macedonia pursuant to subsection (a) as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994—

(1) is in addition to the designation of Poland, Hungary, the Czech Republic, and Slovenia pursuant to section 606 of the NATO Enlargement Facilitation Act of 1996 (title VI of section 101(c) of title I of division A of Public Law 104-208; 22 U.S.C. 1928 note), the designation of Romania, Estonia, Latvia, Lithuania, and Bulgaria pursuant to section 2703(b) of the European Security Act of 1998 (title XXVII of division G of Public Law 105–277; 22 U.S.C. 1928 note), and the designation of Slovakia pursuant to section 4(a) of the Gerald B. H. Solomon Freedom Consolidation Act of 2002 (Public Law 107-187; 22 U.S.C. 1928 note) as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994; and

(2) shall not preclude the designation by the President of other countries pursuant to section 203(d)(2) of the NATO Participation Act of 1994 as eligible to receive assistance under the program established under section 203(a) of such Act.

SEC. 5. AUTHORIZATION OF SECURITY ASSISTANCE FOR COUNTRIES DESIGNATED UNDER THE NATO PARTICIPATION ACT OF 1994.

Of the amounts made available for fiscal year 2007 under section 23 of the Arms Export Control Act (22 U.S.C. 2763)—

(1) $3,200,000 is authorized to be available on a grant basis for the Republic of Albania;

(2) $3,000,000 is authorized to be available on a grant basis for the Republic of Croatia;

(3) $10,000,000 is authorized to be available on a grant basis for Georgia; and

(4) $3,600,000 is authorized to be available on a grant basis for the Republic of Macedonia.

SEC. 6. SENSE OF CONGRESS.

Congress affirms that it stands ready to consider, and if all applicable criteria are satisfied, to support efforts by Ukraine to join the North Atlantic Treaty Organization, should Ukraine decide that is wishes to pursue membership in the Alliance.

FAMILY ABDUCTION PREVENTION ACT OF 2005

Mr. FRIST. I ask unanimous consent the Judiciary Committee be discharged from further consideration of S. 994 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 994) to authorize the Attorney General to make grants to improve the ability of State and local governments to prevent the abduction of children by family members, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mrs. FEINSTEIN. Mr. President, on October 26, 2006, the Esperanza fire engulfed five firefighters dispatched to battle an uncontrollable blaze. All five firefighters died as a result.

Before it was extinguished, the fire consumed more than 40,000 acres of the southern California foothills and destroyed more than 30 homes. But while the forests will eventually return and the homes will be rebuilt, we can never reclaim the lives of our fallen firefighters.

Today I am cosponsoring a resolution with Senator BOXER to honor the firefighters and other public servants who bravely responded to the Esperanza fire.

On November 5, 2006, I delivered a eulogy at the Memorial Service in San Bernardino, CA, held in honor of the five firefighters who lost their lives in the fire. I believe it is appropriate at this time to enter these remarks into the CONGRESSIONAL RECORD:

> I'm here to express gratitude to the five brave firefighters who lost their lives in the battle against the Esperanza fire.
>
> They gave the ultimate sacrifice. Their heroism will not be forgotten and so do their families' sacrifice as well.
>
> My heart goes out to you, mothers and fathers, sisters and brothers, sons and daughters of the five firefighters who perished from Engine Crew 57: Captain Mark Loutzenhiser, Jess McLean, Jason McKay, Daniel Hoover-Najera, and Pablo Cerda.
>
> These five men were on the front lines, protecting thousands of lives and tens of thousands of acres, when they were overwhelmed by the fire's flames.
>
> They are truly heroes.
>
> Mark Loutzenhiser, Engine Captain, was 43 years old. He had 21 years of service as a firefighter. Mark was loved and respected by so many in the Idyllwild community.
>
> To Maria, I know little can be said that mutes grief and overwhelming loss with one exception—five beautiful children—Mark and Maria's enduring legacy.
>
> To your five children, Jacob, Teesha, Savannah, and the twins Kyle and Seth, I say this: Your dad was a true hero. He was a coach, a mentor, a friend. He is great in all our eyes.
>
> And to Mark's parents, Russ and Polly: You can be so proud of his contributions. He made a difference. He leaves a legacy: a grateful community—a wife—five children.
>
> Jess McLean, Fire Engine Operator, was 27 years old. He had seven years of experience.
>
> To his mother, Cecilia: Jess was a thoughtful young man, a model son. I am so sorry for your loss.
>
> Jess's wife, Karen: You were married just three years ago. But those three years are packed with memories, dreams shared and you will find new strength because of these years.
>
> Jason McKay, Assistant Fire Engine Operator, 27 years old. He had five years of Forest Service experience.
>
> To Bonnie McKay, Jason's mother, you know that Jason lived out his boyhood dream of becoming a fireman.
>
> To his fiancée, Staci Burger, you know Jason as a brave and decent man. Carry that with you, always.
>
> Daniel Hoover-Najera, Firefighter, 20 years old and in his second season of firefighting. As a young man, he was determined to one day grow up and become a firefighter.
>
> To his mother Gloria Ayala, his stepfather Efren Ayala, his father and stepmother, Tim and Lisa Hoover, his brother Michael, his sister Monica, and his grandfather Patrick Najera, who helped raise him: I say this: Daniel will be missed by all those who knew him. He was a passionate young man, full of many talents, hopes and dreams. He was taken too young. But he leaves a strong heritage—hold onto it.
>
> Pablo Cerda, 23 years old when he lost his life in his second season with the Forest Service.
>
> To his father, Pablo, your son graduated from Riverside Community College's fire academy only last May. He paid his own way. His services, his terrible burns will not be forgotten by any of us.
>
> And to his older sister, Claudia, your brother Pablo will be remembered for his strength and dedication. Be proud of him always.
>
> The deaths of these five members of the Engine 57 crew represent a tremendous loss for this community, our State, and the nation.
>
> As we move forward from this painful tragedy, we must work to protect ourselves from another fire like.
>
> Just a few miles from here, in the mountains of the San Bernardino National Forest, are over a half million acres of bark beetle infested forest. Nestled among these trees are the homes of roughly 150,000 people.
>
> The five firefighters who lost their lives and the more than 2,500 firefighters who fought this fire had to prevent the flames from reaching the bark beetle infested areas, which would have likely caused a catastrophic fire taking with it, whole communities and thousands of homes.
>
> Governor Schwarzenegger, Representatives Lewis, Bono, Baca and I have fought for increased funding to protect our communities from hazardous fuels.
>
> We must recommit ourselves to this effort and remove these dead and dying trees and non-native brush that present such a great fire hazard.
>
> And our firefighters must have the tools and training to do their jobs.
>
> To the 34 families who lost your homes, I say this: We will help in any way we can. Our heartfelt feelings are extended to you.
>
> To the firefighters here today, we owe you no less. Know that we value your service and commitment to fire prone communities up and down the state.
>
> Finally, in closing—to the families of these five brave firefighters, I offer my sincerest and deepest condolences. My heart is truly with you.

Mr. FRIST. I ask unanimous consent a Feinstein amendment, which is at the desk, be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5192) was agreed to, as follows:

AMENDMENT NO. 5192

On page 1, line 5, strike "Act of 2005" and insert "Act of 2006".

On page 6, line 1, strike "fiscal year 2006" and all that follows through line 2 and insert the following: "fiscal year 2008, and such sums as may be necessary for each of fiscal years 2009 and 2010.".

The bill (S. 994), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

MEASURES DISCHARGED

Mr. FRIST. Mr. President, I ask unanimous consent that appropriate committees be discharged from and the Senate now proceed to the en bloc consideration of the following resolutions:

S. Res. 595, S. Res. 596, S. Res. 597, S. Res. 598, S. Res. 599, S. Res. 600, S. Res. 601, S. Res. 602, S. Res. 603, S. Res. 604, S. Res. 608, S. Res. 609, S. Res. 611, S. Res. 614, H. Con. Res. 384, S. Con. Res. 119, S. Res. 547, H. Con. Res. 175, and S. Con. Res. 101.

I further ask that the Senate proceed to the immediate consideration en bloc of the following resolutions that were introduced earlier today: S. Res. 618, S. Res. 619, S. Res. 620, and S. Res. 621.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. FRIST. Mr. President, I ask unanimous consent that the amendments at the desk be agreed to, the resolutions as amended, if amended, be agreed to, the preambles as amended, if amended, be agreed to, and the motions to reconsider be laid on the table, all en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

LAWRENCE BERKELEY NATIONAL LABORATORY

The resolution (S. Res. 595) recognizing the Lawrence Berkeley National Laboratory as one of the premier science and research institutions of the world was considered and agreed to.

The preamble was agreed to.

The resolution (S. Res. 595), with its preamble, reads as follows:

S. RES. 595

Whereas the Lawrence Berkeley National Laboratory was founded on August 26, 1931, by Ernest Orlando Lawrence, winner of the 1939 Nobel Prize in physics for his invention of the cyclotron, a circular particle accelerator that opened the door to modern high-energy physics;

Whereas the belief of Mr. Lawrence that scientific research is best done through teams of individuals with different fields of expertise left a legacy that has yielded rich dividends for the United States in basic knowledge and applied technology;

Whereas that distinguished legacy of accomplishment includes 10 Nobel Laureates associated with the Lawrence Berkeley National Laboratory, and a dozen scientists of the Lawrence Berkeley National Laboratory who have won the National Medal of Science;

Whereas, in 2006, the Lawrence Berkeley National Laboratory continues to be used to conduct research across a wide range of scientific disciplines with key efforts in fundamental studies of the universe, quantitative biology, nanoscience, new energy systems, environmental solutions, and the use of integrated computing as a tool for discovery;

Whereas scientists at the Lawrence Berkeley National Laboratory discovered the revolutionary new truth of the accelerating expansion of the universe, are pioneering the promising new scientific field of synthetic biology, and are harnessing the secrets of the genome to help solve the grand challenges of the world;

Whereas, through those accomplishments and others, including finding the antiproton, advancing energy efficiency and conservation technologies, deciphering the photosynthetic process, pioneering the field of nuclear medicine, and spearheading the development of alternative energy sources, scientists of the Lawrence Berkeley National Laboratory have played a critical role in advancing the world leadership of the United States in fundamental and applied sciences;

Whereas the national scientific user facilities of the Lawrence Berkeley National Laboratory provide the highest level of scientific, engineering, and technical support to thousands of scientists each year whose published works continue to consistently enrich their respective research fields;

Whereas the newest user facility of the Lawrence Berkeley National Laboratory, the Molecular Foundry, opened its doors on March 24, 2006, to enable the design, synthesis, and characterization of nanoscale materials, thereby opening the door to unimagined scientific and technological advancements;

Whereas the Advanced Light Source of the Lawrence Berkeley National Laboratory is a national user facility that generates intense light for scientific and technological research that, among other accomplishments, has helped reveal how bacteria resist antibiotics, how inexpensive and efficient solar cells can be fabricated, and how unique substances like quasicrystals possess properties never before seen by humans;

Whereas the National Center for Electron Microscopy of the Lawrence Berkeley National Laboratory houses several of the most advanced microscopes and tools for microcharacterization in the world, including the One-Angstrom Microscope and the Spin Polarized Low-Energy Electron Microscope, that allow scientists to gain a basic scientific understanding of new energy-efficient materials, as well as to analyze the behavior of materials such as magnets, superconductors, ceramics, and high-temperature alloys; and

Whereas the National Energy Research Scientific Computing Center of the Lawrence Berkeley National Laboratory is the flagship scientific computing facility for the Office of Science of the Department of Energy, and is 1 of the largest facilities in the world that is devoted to providing computational resources and expertise for basic scientific research: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the outstanding and unique role that the Lawrence Berkeley National Laboratory has played over the past 75 years in the scientific and technological advancement of the United States and the international community; and

(2) congratulates the dedicated past and present scientists and researchers who have worked at the Lawrence Berkeley National Laboratory to make the institution 1 of the greatest research resources in the world.

NATIONAL FIREFIGHTER APPRECIATION DAY

The resolution (S. Res. 596) designating Tuesday, October 10, 2006, as "National Firefighter Appreciation Day" to honor and celebrate the firefighters of the United States was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 596

Whereas there are more than 1,100,000 firefighters in the United States;

Whereas approximately 75 percent of all firefighters in the United States are volunteers who receive little or no compensation for their heroic work;

Whereas there are more than 30,000 fire departments in the United States;

Whereas thousands of firefighters have died in the line of duty since the date that Benjamin Franklin founded the first volunteer fire department in 1735;

Whereas 346 firefighters and emergency personnel died while responding to the terrorist attacks that occurred on September 11, 2001;

Whereas firefighters respond to more than 20,000,000 calls during a typical year;

Whereas firefighters also provide emergency medical services, hazardous materials response, special rescue response, terrorism response, and life safety education;

Whereas, in 1922, President Harding declared the week of October 9 to be "Fire Prevention Week"; and

Whereas the second Tuesday in October is an appropriate day for the establishment of a "National Firefighter Appreciation Day": Now, therefore, be it

Resolved, That the Senate designates Tuesday, October 10, 2006, as "National Firefighter Appreciation Day" to honor and celebrate the firefighters of the United States.

NATIONAL HISPANIC MEDIA WEEK

The resolution (S. Res. 597) designating the period beginning on October 8, 2006, and ending on October 14, 2006, as "National Hispanic Media Week" in honor of the Hispanic media of the United States was considered and agreed to.

The preamble was agreed to.

The resolution (S. Res. 597), with its preamble, reads as follows:

S. RES. 597

Whereas, for almost 470 years, the United States has benefitted from the work of Hispanic writers and publishers;

Whereas more than 600 Hispanic publishers circulate more than 20,000,000 copies of publications every week in the United States;

Whereas 1 out of every 8 citizens of the United States is served by a Hispanic publisher;

Whereas the Hispanic press informs many citizens of the United States about the great political, economic, and social issues of the day;

Whereas the Hispanic press of the United States particularly focuses on informing and promoting the well-being of the Hispanic community of the United States; and

Whereas, by commemorating the achievements of the Hispanic press, the Senate acknowledges the important role that the Hispanic press has played in the history of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the period beginning on October 8, 2006, and ending on October 14, 2006, as "National Hispanic Media Week", in honor of the Hispanic Media of the United States; and

(2) encourages the people of the United States to observe the week with appropriate programs and activities.

NATIONAL CHARACTER COUNTS WEEK

A resolution (S. Res. 598) designating the week beginning October 15, 2006, as "National Character Counts Week" was considered and agreed to.

The preamble was agreed to.

The resolution (S. Res. 598), with its preamble, reads as follows:

S. RES. 598

Whereas the well-being of the United States requires that the young people of the United States become an involved, caring citizenry with good character;

Whereas the character education of children has become more urgent as violence by and against youth increasingly threatens the physical and psychological well-being of the people of the United States;

Whereas more than ever, children need strong and constructive guidance from their families and their communities, including schools, youth organizations, religious institutions, and civic groups;

Whereas the character of a nation is only as strong as the character of its individual citizens;

Whereas the public good is advanced when young people are taught the importance of good character and the positive effects that good character can have in personal relationships, in school, and in the workplace;

Whereas scholars and educators agree that people do not automatically develop good character and that, therefore, conscientious efforts must be made by institutions and individuals that influence youth to help young people develop the essential traits and characteristics that comprise good character;

Whereas, although character development is, first and foremost, an obligation of families, the efforts of faith communities, schools, and youth, civic, and human service organizations also play an important role in fostering and promoting good character;

Whereas Congress encourages students, teachers, parents, youth, and community leaders to recognize the importance of character education in preparing young people to play a role in determining the future of the United States;

Whereas effective character education is based on core ethical values, which form the foundation of democratic society;

Whereas examples of character are trustworthiness, respect, responsibility, fairness, caring, citizenship, and honesty;

Whereas elements of character transcend cultural, religious, and socioeconomic differences;

Whereas the character and conduct of our youth reflect the character and conduct of society, and, therefore, every adult has the responsibility to teach and model ethical values and every social institution has the responsibility to promote the development of good character;

Whereas Congress encourages individuals and organizations, especially those who have an interest in the education and training of the young people of the United States, to adopt the elements of character as intrinsic to the well-being of individuals, communities, and society;

Whereas many schools in the United States recognize the need, and have taken steps, to integrate the values of their communities into their teaching activities; and

Whereas the establishment of National Character Counts Week, during which individuals, families, schools, youth organizations, religious institutions, civic groups, and other organizations would focus on character education, would be of great benefit to the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning October 15, 2006, as "National Character Counts Week"; and

(2) calls upon the people of the United States and interested groups—

(A) to embrace the elements of character identified by local schools and communities, such as trustworthiness, respect, responsibility, fairness, caring, and citizenship; and

(B) to observe the week with appropriate ceremonies, programs, and activities.

NATIONAL CHILDHOOD LEAD POISONING PREVENTION WEEK

The resolution (S. Res. 599) designating the week of October 23, 2006, through October 27, 2006, as "National Childhood Lead Poisoning Prevention Week" was considered and agreed to.

The preamble was agreed to.

The resolution (S. Res. 599), with its preamble, reads as follows:

S. Res. 599

Whereas lead poisoning is a leading environmental health hazard to children in the United States;

Whereas according to the Centers for Disease Control and Prevention, 310,000 preschool children in the United States have harmful levels of lead in their blood;

Whereas lead poisoning may cause serious, long-term harm to children, including reduced intelligence and attention span, behavior problems, learning disabilities, and impaired growth;

Whereas children from low-income families are significantly more likely to be poisoned by lead than are children from high-income families;

Whereas children may be poisoned by lead in water, soil, or consumable products;

Whereas children most often are poisoned in their homes through exposure to lead particles when lead-based paint deteriorates or is disturbed during home renovation and repainting; and

Whereas lead poisoning crosses all barriers of race, income, and geography: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of October 23, 2006, through October 27, 2006, as "National Childhood Lead Poisoning Prevention Week"; and

(2) calls upon the people of the United States to observe the week with appropriate programs and activities.

NATIONAL ALTERNATIVE FUEL VEHICLE DAY

The resolution (S. Res. 600) designating October 12, 2006, as "National Alternative Fuel Vehicle Day" was considered and agreed to.

The preamble was agreed to.

The resolution (S. Res. 600), with its preamble, reads as follows:

S. Res. 600

Whereas the United States should reduce the dependence of the Nation on foreign oil and enhance the energy security of the Nation by creating a transportation sector that is less dependent on oil;

Whereas the United States should improve the air quality of the Nation by reducing emissions from the millions of motor vehicles that operate in the United States;

Whereas the United States should foster national expertise and technological advancement in cleaner, more energy-efficient alternative fuel and advanced technology vehicles;

Whereas a robust domestic industry for alternative fuels and alternative fuel and advanced technology vehicles will create jobs and increase the competitiveness of the United States in the international community;

Whereas the people of the United States need more options for clean and energy-efficient transportation;

Whereas the mainstream adoption of alternative fuel and advanced technology vehicles will produce benefits at the local, national, and international levels;

Whereas consumers and businesses require a better understanding of the benefits of alternative fuel and advanced technology vehicles;

Whereas first responders require proper and comprehensive training to become fully prepared for any precautionary measures that they may need to take during incidents and extrications that involve alternative fuel and advanced technology vehicles;

Whereas the Federal Government can lead the way toward a cleaner and more efficient transportation sector by choosing alternative fuel and advanced technology vehicles for the fleets of the Federal Government; and

Whereas Federal support for the adoption of alternative fuel and advanced technology vehicles can accelerate greater energy independence for the United States, improve the environmental security of the Nation, and address global climate change: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 12, 2006, as "National Alternative Fuel Vehicle Day";

(2) proclaims National Alternative Fuel Vehicle Day as a day to promote programs and activities that will lead to the greater use of cleaner, more efficient transportation that uses new sources of energy, including—

(A) biofuels;

(B) battery-electric and hybrid-electric power;

(C) natural gas and propane;

(D) hydrogen and fuel cells; and

(E) emerging alternatives to conventional vehicle technologies; and

(3) urges Americans—

(A) to increase the personal and commercial use of cleaner and energy-efficient alternative fuel and advanced technology vehicles;

(B) to promote public sector adoption of cleaner and energy-efficient alternative fuel and advanced technology vehicles; and

(C) to encourage the enactment of Federal policies to reduce the dependence of the United States on foreign oil through the advancement and adoption of alternative, advanced, and emerging vehicle and fuel technologies.

RECOGNIZING THE EFFORTS AND CONTRIBUTIONS OF OUTSTANDING HISPANIC SCIENTISTS IN THE UNITED STATES

The resolution (S. Res. 601) recognizing the efforts and contributions of outstanding Hispanic scientists in the United States was considered and agreed to.

The preamble was agreed to.

The resolution (S. Res. 601), with its preamble, reads as follows:

S. Res. 601

Whereas the purpose of the National Hispanic Scientist of the Year Award is to recognize outstanding Hispanic scientists in the United States who promote a greater public understanding of science and motivate Hispanic youth to develop an interest in science;

Whereas the sixth annual National Hispanic Scientist of the Year Gala will be held at the Museum of Science & Industry in Tampa, Florida, on Saturday, October 28, 2006;

Whereas proceeds of the National Hispanic Scientist of the Year Gala support scholarships for Hispanic boys and girls to participate in the Museum of Science & Industry's Youth Enriched by Science Program, known as the "YES! Team"; and

Whereas a need to acknowledge the work and effort of outstanding Hispanic scientists in the United States has led to the selection of Dr. Inés Cifuentes as the honoree of the sixth annual National Hispanic Scientist of the Year Award, in recognition of her dedication to training science and mathematics educators, and her involvement in encouraging young students to study the earth sciences: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes efforts to educate, support, and provide hope for the Hispanic community, including efforts to honor outstanding Hispanic scientists in the United States at the annual National Hispanic Scientist of the Year Gala and to organize a "Meet the Hispanic Scientist Day"; and

(2) congratulates Dr. Inés Cifuentes for being honored as the National Hispanic Scientist of the Year for 2006 by the Museum of Science & Industry, in recognition of the dedication Dr. Cifuentes has shown to training science and mathematics educators and her involvement in encouraging young students to study the earth sciences.

CONTRIBUTIONS OF BYRON NELSON

The resolution (S. Res. 602) memorializing and honoring the contributions of Byron Nelson was considered and agreed to.

The preamble was agreed to.

The resolution (S. Res. 602), with its preamble, reads as follows:

S. Res. 602

Whereas Byron Nelson was born on a cotton farm in Ellis County, near Waxahachie, Texas, on February 4, 1912;

Whereas Byron Nelson became a caddie and taught himself the game of golf at Glen Garden Country Club in Fort Worth, Texas in 1922;

Whereas Byron Nelson became a professional golfer in 1932 and won 54 PGA-sanctioned tournaments;

Whereas Byron Nelson is widely credited as being the father of the modern swing;

Whereas, in the 1945 professional season, Byron Nelson won a 1-season record of 18 tournaments and averaged 68.33 strokes;

Whereas, in the 1945 professional season, Byron Nelson won a record 11 straight tournaments;

Whereas Byron Nelson was the winner of 5 major championships including the 1937 and 1945 Masters, the 1939 United States Open, and the 1940 and 1945 PGA Championships;

Whereas the Salesmanship Club of Dallas created the EDS Byron Nelson Championship in 1968 and remains the only PGA Tour event named in honor of a professional golfer;

Whereas the EDS Byron Nelson Championship has raised more than $94,000,000 for the Salesmanship Club Youth and Family Centers and has raised more money for charity than any other PGA Tour event;

Whereas Byron Nelson was elected as an inaugural inductee into the World Golf Hall of Fame in 1974; and

Whereas Byron Nelson will be remembered for his kindness and dedication that have won the respect and admiration of his peers, present-day players, and fans of all ages: Now, therefore, be it

Resolved, That the Senate honors the life and legacy of Byron Nelson.

FEED AMERICA DAY

The resolution (S. Res. 603) designating Thursday, November 16, 2006, as "Feed America Day" was considered and agreed to.

The preamble was agreed to.

The resolution (S. Res. 603), with its preamble, reads as follows:

S. RES. 603

Whereas Thanksgiving Day celebrates the spirit of selfless giving and an appreciation for family and friends;

Whereas the spirit of Thanksgiving Day is a virtue upon which the United States was founded;

Whereas, in 2006, great numbers of citizens of the United States continue to suffer hunger and other privations; and

Whereas selfless sacrifice breeds a genuine spirit of Thanksgiving, both affirming and restoring the fundamental principles of the society of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates Thursday, November 16, 2006, as "Feed America Day"; and

(2) calls upon the people of the United States—

(A) to sacrifice 2 meals on Thursday, November 16, 2006; and

(B) to donate to a religious or charitable organization of their choice the money that they would have spent on food for that day for the purpose of feeding the hungry.

MR. BRITT "MAX" MAYFIELD

The resolution (S. Res. 604) recognizing the work and accomplishments of Mr. Britt "Max" Mayfield, Director of National Hurricane Center's Tropical Prediction Center upon his retirement was considered and agreed to.

The preamble was agreed to.

The resolution (S. Res. 604), with its preamble, reads as follows:

S. RES. 604

Whereas Mr. Britt "Max" Mayfield is known as the "Walter Cronkite of Weather", trustworthy, calming, and always giving the facts straight;

Whereas Mr. Mayfield is a Fellow of the American Meteorological Society and a nationally and internationally recognized expert on hurricanes, and has presented papers at national and international scientific meetings, lectured in training sessions sponsored by the United Nations World Meteorological Organization, and provided numerous interviews to electronic and print media worldwide;

Whereas in 2006, Mr. Mayfield received the Government Communicator of the Year Award from the National Association of Government Communicators, a national not-for-profit professional network of government employees who disseminate information within and outside the government, as well as the prestigious Neil Frank Award from the National Hurricane Conference;

Whereas in 2005, Mr. Mayfield received a Presidential Rank Award for Meritorious Service from President George W. Bush and was named ABC Television Network's "Person of the Week" after Hurricane Katrina;

Whereas in 2004, the Federal Coordinator for Meteorological Services and Supporting Research presented the Richard Hagemeyer Award to Mr. Mayfield at the Interdepartmental Hurricane Conference for his contributions to the hurricane warning program of the United States;

Whereas also in 2004, the National Academy of Television Arts and Sciences Suncoast Chapter recognized Mr. Mayfield with the Governor's Award, more commonly known as an "Emmy", for extraordinary contributions to television by an individual not otherwise eligible for an Emmy;

Whereas in 2000, Mr. Mayfield received an Outstanding Achievement Award at the National Hurricane Conference and in 1996 the American Meteorological Society honored him with the Francis W. Reichelderfer Award for exemplary performance as coordinator of the National Hurricane Center's hurricane preparedness training for emergency preparedness officials and the general public;

Whereas Mr. Mayfield and his colleagues have been recognized by the Department of Commerce with Gold Medals for work during Hurricane Andrew in 1992 and Hurricane Isabel in 2003, and a Silver Medal during Hurricane Gilbert in 1988;

Whereas Mr. Mayfield was also awarded a National Oceanic and Atmospheric Administration Bronze Medal for creating a public-private partnership to support the disaster preparedness of the United States; and

Whereas Mr. Mayfield is the current Chairman of the World Meteorological Organization Regional Association-IV, which supports 26 members from Atlantic and eastern Pacific countries: Now, therefore, be it

Resolved, That the Senate—

(1) honors Mr. Britt "Max" Mayfield's commitment to improving the accuracy of hurricane forecasting as Director of the National Hurricane Center's Tropical Prediction Center;

(2) thanks Mr. Mayfield for his service, which has undoubtedly helped to save countless lives and the property of citizens around the world;

(3) commends Mr. Mayfield's dedication to expanding educational opportunities for State and local emergency management officials;

(4) acknowledges the critical role that Mr. Mayfield has played in forecast and service improvements over his 34-year career;

(5) recognizes the unwavering support of Mr. Mayfield's family in supporting his career;

(6) wishes Mr. Mayfield continued success in his future endeavors; and

(7) recognizes the support and work of the staff of the National Hurricane Center's Tropical Prediction Center during Mr. Mayfield's tenure as Director of the Center.

HISPANIC ASSOCIATION OF COLLEGES AND UNIVERSITIES

The resolution (S. Res. 608) recognizing the contributions of Hispanic Serving Institutions and the 20 years of educational endeavors provided by the Hispanic Association of Colleges and Universities was considered and agreed to.

The preamble was agreed to.

The resolution (S. Res. 608), with its preamble, reads as follows:

S. RES. 608

Whereas 202 Hispanic Serving Institutions provide a gateway to higher education for the Hispanic community, enrolling nearly half of all Hispanic students in college today;

Whereas the Hispanic Association of Colleges and Universities, founded in San Antonio, Texas, has grown from 18 founding colleges and universities, to more than 400 United States colleges and universities, which the Association recognizes as Hispanic Serving Institutions, associate members, and partners;

Whereas the Hispanic Association of Colleges and Universities plays a vital role in advocating for the growth, development, and infrastructure enhancement of Hispanic Serving Institutions in order to provide a better and more complete postsecondary education for Hispanics and other students who attend these institutions;

Whereas the Hispanic Association of Colleges and Universities is the only national education association that represents Hispanic Serving Institutions and advocates on a national and State level for the educational achievement and success of Hispanic students in higher education;

Whereas the membership of the Hispanic Association of Colleges and Universities has extended beyond the borders of the United States to include over 45 colleges and universities in Latin America, Spain, and Portugal in order to expand education, research, and outreach through international opportunities for faculty, internships, scholarships, and governmental partnerships for students at Hispanic Serving Institutions; and

Whereas the 4th week in October 2006 is an appropriate time to express such recognition during the 20th Anniversary Conference of the Hispanic Association of Colleges and Universities in San Antonio, Texas: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the national role of the Hispanic Association of Colleges and Universities as an advocate and champion for Hispanic higher education and congratulates the organization on its 20th Anniversary;

(2) applauds Hispanic Serving Institutions for their work to provide quality educational opportunities to all Hispanic and other students who attend their institutions; and

(3) urges university presidents, faculty, staff, and supporters of Hispanic higher education to continue their efforts to recruit, retain, educate, and graduate students who might not otherwise pursue a postsecondary education.

CHILD AWARENESS WEEK

The resolution (S. Res. 609) honoring the children's charities, youth-serving organizations, and other nongovernmental organizations committed to enriching and bettering the lives of children and designating the week of September 24, 2006, as "Child Awareness Week" was considered and agreed to.

The preamble was agreed to.

The resolution (S. Res. 609), with its preamble, reads as follows:

S. RES. 609

Whereas the children and youths of the United States represent the future of the United States;

Whereas numerous individuals, children's organizations, and youth-serving organizations that work with children and youths on a daily basis provide invaluable services that serve to enrich and better the lives of children and youths;

Whereas by strengthening and supporting children's and youth-serving charities and other similar nongovernmental organizations and by encouraging greater collaboration among these organizations, the lives of many more children may be enriched and made better;

Whereas heightening people's awareness of and increasing the support by the United States for children and youth-serving organizations that provide access to healthcare, social services, education, the arts, sports, and other services will help to improve the lives of children and youths;

Whereas September is a time when parents, families, teachers, school administrators, and others increase their focus on preparing children and youths of the United States for the future as they begin a new school year and it is a time for the people of the United States as a whole to highlight and be mindful of the needs of children and youths;

Whereas "Child Awareness Week", observed in September, recognizes the children's charities, youth-serving organizations, and other nongovernmental organizations across the United States for the work they do to improve and enrich the lives of children and youths of the United States; and

Whereas a week-long salute to children and youths is in the public interest and will encourage support for these charities and organizations that seek to provide a better future for the children and youths of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of September 24, 2006, as "Child Awareness Week";

(2) recognizes with great appreciation the children's charities and youth-serving organizations across the United States for their efforts on behalf of children and youths; and

(3) calls on the people of the United States to—

(A) observe the week of September 24, 2006, by focusing on the needs of the children and youths of the United States;

(B) recognize the efforts of children's charities and youth-serving organizations to enrich and better the lives of the children and youths of the United States; and

(C) support the efforts of the children's charities and youth-serving organizations of the United States as an investment for the future of the United States.

INDEPENDENT NATIONAL ELECTORAL COMMISSION OF THE GOVERNMENT OF NIGERIA

The resolution (S. Res. 611) supporting the efforts of the Independent National Electoral Commission of the Government of Nigeria, political parties, civil societies, religious organizations, and the people of Nigeria from one civilian government to another in the general elections to be held in April 2007 was considered and agreed to.

The preamble was agreed to.

The resolution (S. Res. 611), with its preamble, reads as follows:

S. RES. 611

Whereas the United States maintains strong and friendly relations with Nigeria and values the leadership role that Nigeria plays throughout the continent of Africa, particularly in the establishment of the New Partnership for African Development and the African Union;

Whereas Nigeria is an important strategic partner with the United States in combating terrorism, promoting regional stability, and improving energy security;

Whereas Nigeria has been, and continues to be, a leading supporter of the peacekeeping efforts of the United Nations and the Economic Community of West African States by contributing troops to operations in Lebanon, Yugoslavia, Kuwait, the Democratic Republic of Congo, Liberia, Sierra Leone, Somalia, Rwanda, and Sudan;

Whereas past corruption and poor governance have resulted in weak political institutions, crumbling infrastructure, a feeble economy, and an impoverished population;

Whereas political aspirants and the democratic process of Nigeria are being threatened by increasing politically-motivated violence, including the assassination of 3 gubernatorial candidates in different states during the previous 2 months; and

Whereas the Chairperson of the Independent National Electoral Commission has—

(1) announced that governorship and state assembly elections will be held on April 14, 2007;

(2) stated that voting for the president and national assembly will take place on April 21, 2007; and

(3) vowed to organize free and fair elections to facilitate a smooth democratic transition: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the importance of Nigeria as a strategic partner and long-time friend of the United States;

(2) acknowledges the increasing significance of the leadership of Nigeria throughout the region and continent;

(3) commends the decision of the National Assembly of Nigeria to reject an amendment to the constitution that would have lifted the existing 2-term limit and allowed for a third presidential term;

(4) encourages the Government of Nigeria and the Independent National Electoral Commission to demonstrate a commitment to successful democratic elections by—

(A) developing an aggressive plan for voter registration and education;

(B) addressing charges of past or intended corruption in a transparent manner; and

(C) conducting objective and unbiased recruitment and training of election officials;

(5) urges the Government of Nigeria to respect the freedoms of association and assembly, including the right of candidates, members of political parties, and others—

(A) to freely assemble;

(B) to organize and conduct public events; and

(C) to exercise those and other rights in a manner free from intimidation or harassment;

(6) urges a robust effort by the law enforcement and judicial officials of Nigeria to enforce the rule of law, particularly by—

(A) preventing and investigating politically-motivated violence; and

(B) prosecuting those suspected of such acts;

(7) urges—

(A) President Bush to ensure that the United States supports the democratic gains made in Nigeria during the last 8 years; and

(B) the Government of Nigeria to actively seek the support of the international community for democratic, free, and fair elections in April 2007; and

(8) expresses the support of the United States for coordinated efforts by the Government of Nigeria and the Independent National Electoral Commission to work with political parties, civil society, religious organizations, and other entities to organize a peaceful political transition based on free and fair elections in April 2007 to further consolidate the democracy of Nigeria.

ESPERANZA INCIDENT FIRE IN SOUTHERN CALIFORNIA IN OCTOBER 2006

The resolution (S. Res. 614) honoring the firefighters and other public servants who responded to the devastating Esperanza incident fire in southern California in October 2006 was considered and agreed to.

The preamble was agreed to.

The resolution (S. Res. 614), with its preamble, reads as follows:

S. RES. 614

Whereas, in late October 2006, the mountain communities west of Palm Springs, California were struck by a vast wildfire, which came to be known as the Esperanza Incident and which authorities believe was started by an arsonist;

Whereas the Esperanza Incident fire tragically claimed lives, homes and other buildings, and more than 40,000 acres of terrain;

Whereas nearly 3,000 firefighters from dozens of fire crews courageously battled the fast-spreading blaze, which was fanned by Santa Ana wind gusts up to 60 miles per hour;

Whereas 4 firefighters—Mark Loutzenhiser, Jess McLean, Jason McKay, and Daniel Hoover-Najera—made the ultimate sacrifice by giving their lives when flames overtook them as they tried to protect a home;

Whereas an additional firefighter, Pablo Cerda, joined them in that sacrifice when he too lost his life, after fighting to survive for 6 days in a hospital before succumbing to burns he had received fighting alongside his fallen colleagues;

Whereas firefighters honored the spirit of their fallen colleagues by completing the job they started and controlling the blaze, even while recognizing considerable danger to their own well-being;

Whereas skilled and courageous aircraft personnel and additional emergency personnel, including law enforcement and medical personnel, also responded to the threat posed by the fire; and

Whereas law enforcement personnel are aggressively pursuing the conviction of the arsonist, and generous Californians have offered additional funds, on top of those offered by the Riverside County Board of Supervisors, to help bring the arsonist to justice: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and honors—

(A) all of the firefighters who responded to the devastating Esperanza Incident fire in southern California in October 2006; and

(B) all others, including emergency, law enforcement, and medical personnel and aircraft crews, who contributed to controlling the fire, keeping Californians safe, and finding and arresting the suspected arsonist; and

(2) commends the firefighters and other personnel who responded to the fire for dedicated service to the people of California.

ALPHA PHI ALPHA FRATERNITY, INCORPORATED

The concurrent resolution (H. Con. Res. 384) recognizing and honoring the 100th anniversary of the founding of the Alpha Phi Alpha Fraternity, Incorporated, the first intercollegiate Greek-letter fraternity established for African Americans, was considered and agreed to.

The preamble was agreed to.

A CONCURRENT RESOLUTION EXPRESSING THE SENSE OF THE CONGRESS THAT PUBLIC POLICY SHOULD CONTINUE TO PROTECT AND STRENGTHEN THE ABILITY OF FARMERS AND RANCHERS TO JOIN TOGETHER IN COOPERATIVE SELF-HELP EFFORTS

The concurrent resolution (S. Con. Res. 119) expressing the sense of the Congress that public policy should continue to protect and strengthen the ability of farmers and ranchers to join together in cooperative self-help efforts was considered and agreed to.

The preamble was agreed to.

The concurrent resolution (S. Con. Res. 119), with its preamble, reads as follows:

S. CON. RES. 119

Whereas the ability of farmers and ranchers in the United States to join together in cooperative self-help efforts is vital to their continued economic viability;

Whereas Federal laws have long recognized the importance of protecting and strengthening the ability of farmers and ranchers to join together in cooperative self-help efforts, including to cooperatively market their products, ensure access to competitive markets, and help achieve other important public policy goals;

Whereas farmer- and rancher-owned cooperatives play an important role in helping farmers and ranchers improve their income from the marketplace, manage their risk, meet their credit and other input needs, and compete more effectively in a rapidly changing global economy;

Whereas farmer- and rancher-owned cooperatives also play an important role in providing consumers in the United States and abroad with a dependable supply of safe, affordable, high-quality food, fiber, and related products;

Whereas farmer- and rancher-owned cooperatives also help meet the energy needs of the United States, including through the production and marketing of renewable fuels such as ethanol and biodiesel;

Whereas there are nearly 3,000 farmer- and rancher-owned cooperatives located throughout the United States with a combined membership representing a majority of the nearly 2 million farmers and ranchers in the United States; and

Whereas farmer- and rancher-owned cooperatives also contribute significantly to the economic well-being of rural America as well as the overall economy, including accounting for as many as 250,000 jobs: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the Sense of the Congress that public policy should continue to protect and strengthen the ability of farmers and ranchers to join together in cooperative self-help efforts—

(1) to improve their income from the marketplace and their economic well-being;

(2) to capitalize on new market opportunities; and

(3) to help meet the food and fiber needs of consumers, provide for increased energy production, promote rural development, maintain and create needed jobs, and contribute to a growing United States economy.

ADOPTION AND SAFE FAMILIES ACT OF 1997

The resolution (S. Res. 547) recognizing and supporting the successes of the Adoption and Safe Families Act of 1997 in increasing adoption, observing the efforts that the act has spurred, including National Adoption Day and National Adoption Month, and encouraging citizens of the United States to consider adoption throughout the year was considered and agreed to.

The preamble was agreed to.

The resolution (S. Res. 547), with its preamble, reads as follows:

S. RES. 547

Whereas, since the passage of the Adoption and Safe Families Act of 1997 (42 U.S.C. 1305 note; Public Law 105-89), the number of children adopted from the foster care system has increased significantly, with approximately 51,000 children adopted from the foster care system in fiscal year 2004 alone;

Whereas, despite that remarkable progress, approximately 118,000 children in the foster care system of the United States are waiting to be adopted, and 49 percent of those children are at least 9 years old;

Whereas adoptive families make an important difference in the lives of the children they adopt by providing a stable, nurturing environment for those children;

Whereas National Adoption Day is a collective national effort to find permanent, loving families for children in the foster care system;

Whereas both National Adoption Day and National Adoption Month occur in November;

Whereas, in 2002, the Department of Health and Human Services launched a series of public service announcements promoting the adoption of children aged 8 and older;

Whereas more than 6,000 children have been placed into adoptive homes since the Department of Health and Human Services launched www.adoptuskids.org, a national photo listing service for children awaiting adoption across the United States;

Whereas, in 2005, judges, attorneys, adoption professionals, child welfare agencies, and child advocates in 45 States and the District of Columbia participated in 227 events in conjunction with National Adoption Day; and

Whereas those events finalized the adoptions of more than 3,300 children from the foster care system: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and supports—

(A) the success of the Adoption and Safe Families Act of 1997 (42 U.S.C. 1305 note; Public Law 105-89) and the efforts that the Act has spurred; and

(B) the goals and ideals of National Adoption Day and National Adoption Month; and

(2) encourages the citizens of the United States to consider adoption throughout the year.

ACKNOWLEDGING AFRICAN DESCENDANTS OF THE TRANSATLANTIC SLAVE TRADE

The concurrent resolution (H. Con. Res. 175) acknowledging African descendants of the transatlantic slave trade in all of the Americas with an emphasis on descendants in Latin America and the Caribbean, recognizing the injustices suffered by these African descendants, and recommending the United States and the international community work to improve the situation of Afro-descendant communities in Latin America and the Caribbean was considered and agreed to.

The preamble was agreed to.

CONDEMNING THE REPRESSION OF THE IRANIAN BAHA'I COMMUNITY

The Senate proceeded to consider the concurrent resolution (S. Con. Res. 101) condemning the repression of the Iranian Baha'i community and calling for the emancipation of Iranian Baha'is.

The amendment (No. 5193) was agreed to, as follows:

AMENDMENT NO. 5193

On page 3, lines 3 and 4, strike "Universal Declaration of Human Rights" and insert "International Covenant on Civil and Political Rights".

The concurrent resolution, as amended, was agreed to.

The preamble was agreed to.

The concurrent resolution (S. Con. Res. 101), as amended, with its preamble, reads as follows:

S. CON. RES. 101

Whereas in 1982, 1984, 1988, 1990, 1992, 1994, 1996, and 2000, Congress, by concurrent resolution, declared that it deplores the religious persecution by the Government of Iran of the Baha'i community and holds the Government of Iran responsible for upholding the rights of all Iranian nationals, including members of the Baha'i Faith;

Whereas on March 20, 2006, the United Nations Special Rapporteur on Freedom of Religion or Belief, Ms. Asma Jahangir, revealed the existence of a confidential letter dated October 29, 2005, from the Chairman of the Command Headquarters of Iran's Armed Forces to the Ministry of Information, the

Revolutionary Guard, and the Police Force, stating that the Supreme Leader, Ayatollah Khamenei, had instructed the Command Headquarters to identify members of the Baha'i Faith in Iran and monitor their activities;

Whereas the United Nations Special Rapporteur expressed "grave concern and apprehension" about the implications of this letter for the safety of the Baha'i community;

Whereas in 2005 the Iranian Government initiated a new wave of assaults, homes raids, harassment, and detentions against Baha'is, and in December 2005, Mr. Zabihullah Mahrami died after 10 years of imprisonment on charges of apostasy due to his membership in the Baha'i Faith; and

Whereas beginning in October 2005, an anti-Baha'i campaign has been conducted in the state-sponsored Kayhan newspaper and in broadcast media: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) condemns the Government of Iran for the October 29, 2005 letter, calls on the Government of Iran to immediately cease such activities and all activities aimed at the repression of the Iranian Baha'i community, and continues to hold the Government of Iran responsible for upholding all the rights of its nationals, including members of the Baha'i community; and

(2) requests the President to—

(A) call for the Government of Iran to emancipate the Baha'i community by granting those rights guaranteed by the International Covenant on Civil and Political Rights and other international covenants on human rights;

(B) emphasize that the United States regards the human rights practices of the Government of Iran, including its treatment of the Baha'i community and other religious minorities, as a significant factor in the foreign policy of the United States Government regarding Iran; and

(C) initiate an active and consistent dialogue with other governments and the European Union in order to persuade the Government of Iran to rectify its human rights practices.

DRIVE SAFER SUNDAY

The resolution (S. Res. 618) designating November 26, 2006, as "Drive Safer Sunday" was considered and agreed to.

The preamble was agreed to.

The resolution (S. Res. 618), with its preamble, reads as follows:

S. RES. 618

Whereas motor vehicle travel is the primary means of transportation in the United States;

Whereas everyone on the roads and highways needs to drive more safely to reduce deaths and injuries resulting from motor vehicle accidents;

Whereas the death of almost 43,000 people a year in more than 6 million highway crashes in the United States has been called an epidemic by Transportation Secretary Norman Mineta;

Whereas according to the National Highway Transportation Safety Administration, wearing a seat belt saved 15,434 lives in 2004 and 15,632 lives in 2005; and

Whereas the Sunday after Thanksgiving is the busiest highway traffic day of the year: Now, therefore, be it

Resolved, That the Senate—

(1) encourages—

(A) high schools, colleges, universities, administrators, teachers, primary schools, and secondary schools to launch campus-wide educational campaigns to urge students to be careful about safety when driving;

(B) national trucking firms to alert their drivers to be especially focused on driving safely during the heaviest traffic day of the year, and to publicize the importance of the day using Citizen's band (CB) radios and in truck stops across the Nation;

(C) clergy to remind their members to travel safely when attending services and gatherings;

(D) law enforcement personnel to remind drivers and passengers to drive particularly safely on the Sunday after Thanksgiving; and

(E) everyone to use the Sunday after Thanksgiving as an opportunity to educate themselves about highway safety; and

(2) designates November 26, 2006, as "Drive Safer Sunday".

SENATOR PAUL WELLSTONE

The resolution (S. Res. 619) expressing the sense of the Senate that Senator Paul Wellstone should be remembered for his compassion and leadership on social issues and that Congress should act to end discrimination against citizens of the United States who live with mental illness by making legislation relating to mental health parity a priority for the 110th Congress was considered and agreed to.

The preamble was agreed to.

The resolution (S. Res. 619), with its preamble, reads as follows:

S. RES. 619

Whereas Paul Wellstone served with distinction as a Senator from the State of Minnesota;

Whereas, for more than 20 years, Paul Wellstone inspired the students of Carleton College in Northfield, Minnesota;

Whereas Paul Wellstone was a loving father and husband, a loyal citizen of the United States, and a compassionate person;

Whereas Paul Wellstone dedicated his life to bringing equal access to education, economic opportunity, and comprehensive healthcare to all citizens of the United States;

Whereas Paul Wellstone worked tirelessly to advance mental health parity for all citizens of the United States;

Whereas more than 44,000,000 citizens of the United States suffer from some form of a mental health-related condition;

Whereas only ⅓ of those citizens seek or receive treatment for their mental health-related condition;

Whereas 34 States have enacted laws that require some form of access to mental health treatments that is similar to physical health coverage; and

Whereas the tragic and premature death of Paul Wellstone on October 25, 2002, silenced 1 of the leading voices of the Senate who spoke on behalf of the citizens of the United States who live with a mental illness: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) on the fourth anniversary of his passing, Senator Paul Wellstone should be remembered for his compassion and leadership on social issues throughout his career; and

(2) Congress should act to end discrimination against citizens of the United States who live with a mental illness by enacting legislation to provide for coverage of mental health benefits with respect to health insurance coverage.

NATIONAL LUNG CANCER AWARENESS MONTH

The resolution (S. Res. 620) designating November 2006 as "National Lung Cancer Awareness Month" was considered and agreed to.

The preamble was agreed to.

The resolution (S. Res. 620), with its preamble, reads as follows:

S. RES. 620

Whereas lung cancer is the leading cancer killer of both men and women, accounting for nearly 1 in every 3 cancer deaths in the United States;

Whereas lung cancer claims the lives of more people each year than breast, prostate, colon, liver, and kidney cancers combined;

Whereas the Surveillance, Epidemiology, and End Results (SEER) Program of the National Cancer Institute estimates that, in 2006, 174,470 new lung cancer cases will be diagnosed and 162,460 individuals will die of lung cancer in the United States;

Whereas both incidence and mortality rates for lung cancer are significantly higher in black males than in the general population of the United States;

Whereas smoking causes 87 percent of lung cancer deaths in the United States;

Whereas the best way to decrease the number of diagnoses and deaths per year from lung cancer is to encourage people in the United States to quit smoking;

Whereas a former smoker's risk of lung cancer does not decrease significantly until 20 years after the individual quit smoking;

Whereas the International Early Lung Cancer Action Program has demonstrated in a 14-year study with 31,567 participants that computer tomography scans can detect lung cancer in Stage I when the cancer can be more easily treated and cured, giving individuals who are diagnosed early a 10-year survival rate of 88 percent;

Whereas there is a need to increase public awareness of statistics, risk factors, and the importance of early diagnosis;

Whereas individuals with cancers that are routinely diagnosed at early stages through screening, such as breast cancer and prostate cancer, have high survival rates of 88 percent and 99 percent, respectively;

Whereas the 5-year survival rate for lung cancer in the United States is still only 15 percent, a rate virtually unchanged since the enactment of the National Cancer Act of 1971; and

Whereas designating November 2006 as "National Lung Cancer Awareness Month", as proposed by the Lung Cancer Alliance and the Lung Cancer Alliance of Georgia, will increase public awareness about lung cancer and the need for lung cancer research and early detection: Now, therefore, be it

Resolved, That the Senate—

(1) designates November 2006 as "National Lung Cancer Awareness Month"; and

(2) reaffirms the Senate's commitment to—

(A) advancing lung cancer research and early detection, and particularly the Lung Cancer Alliance of Georgia's goal of significantly increasing the 5-year survival rate of individuals diagnosed with lung cancer in the United States to 50 percent within 10 years; and

(B) working with all Federal agencies involved in cancer research to develop a coordinated roadmap for accomplishing that goal.

NATIONAL TEEN DATING VIOLENCE AWARENESS AND PREVENTION WEEK

The resolution (S. Res. 621) designating the week of February 5 through February 9, 2007, as "National Teen Dating Violence Awareness and Prevention Week" was considered and agreed to.

The preamble was agreed to.

The resolution (S. Res. 621), with its preamble, reads as follows:

S. RES. 621

Whereas 1 in 3 female teens in a dating relationship have feared for their physical safety;

Whereas 1 in 2 teens in serious relationships have compromised their beliefs to please their partner;

Whereas nearly 1 in 5 teens who have been in a serious relationship said their boyfriend or girlfriend would threaten to hurt themselves or their partner if there was a breakup;

Whereas 1 in 5 teens in a serious relationship report they have been hit, slapped, or pushed by a partner;

Whereas more than 1 in 4 teens have been in a relationship where their partner verbally abuses them;

Whereas 13 percent of Hispanic teens reported that hitting a partner was permissible;

Whereas 29 percent of girls who have been in a relationship said they have been pressured to have sex or engage in sex they did not want;

Whereas nearly 50 percent of girls worry that their partner would break up with them if they did not agree to engage in sex;

Whereas Native American women experience higher rates of interpersonal violence than any other population group;

Whereas violent relationships in adolescence can have serious ramifications for victims who are at higher risk for substance abuse, eating disorders, risky sexual behavior, suicide, and adult revictimization;

Whereas the severity of violence among intimate partners has been shown to increase if the pattern has been established in adolescence;

Whereas 81 percent of parents surveyed either believe dating violence is not an issue or admit they do not know if it is an issue; and

Whereas the establishment of the National Teen Dating Violence Awareness and Prevention Week will benefit schools, communities, and families regardless of socio-economic status, race, or sex: Now, therefore be it

Resolved, That the Senate—

(1) designates the week of February 5 through February 9, 2007, as "National Teen Dating Violence Awareness and Prevention Week"; and

(2) calls upon the people of the United States, high schools, law enforcement, State and local officials, and interested groups, to observe National Teen Dating Violence Awareness and Prevention Week with appropriate programs and activities that promote awareness and prevention of the crime of teen dating violence in their communities.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND HOUSE OF REPRESENTATIVES

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H. Con. Res. 496, which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 496) providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. I ask unanimous consent the resolution be agreed to, the motion to reconsider be laid upon the table, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 496) was agreed to, as follows:

H. CON. RES. 496

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Wednesday, November 15, 2006, Thursday, November 16, 2006, or Friday, November 17, 2006, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 10 a.m. on Tuesday, December 5, 2006, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Thursday, November 16, 2006, or Friday, November 17, 2006, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, December 4, 2006, or Tuesday, December 5, 2006, as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

SIGNING AUTHORIZATION

Mr. FRIST. I ask unanimous consent that during the adjournment of the Senate, the majority leader and both Senators from Virginia be authorized to sign duly enrolled bills or joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS AUTHORIZATION

Mr. FRIST. I ask unanimous consent notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 903, 977, 996, 997, 998, 999, and all nominations on the Secretary's desk; further, that the Foreign Relations Committee be discharged from consideration of the following nominations and the Senate proceed to their immediate consideration, all en bloc: Ronald Spogli, PN2064; Craig Roberts Stapleton, PN2063; Kay Kelley Arnold, PN2046; Gary C. Bryner, PN2047; Thomas Joseph Dodd, PN2048; Adolfo A. Franco, PN183; John P. Salazar, PN2050; Thomas A. Shannon, PN2051; Roger Wallace, PN1305; Jack Vaughn, PN96; Jack Vaughn, PN2052.

I further ask unanimous consent the nominations be confirmed en bloc, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

FEDERAL COMMUNICATIONS COMMISSION

Kevin J. Martin, of North Carolina to be a Member of the Federal Communications Commission for a term of five years from July 1, 2006.

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Ann E. Rondeau, 9812

IN THE ARMY

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. James B. Mallory, III, 5088

IN THE NAVY

The following named officer for appointment as Vice Chief of Naval Operations, United States Navy and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 5035:

To be admiral

Vice Adm. Patrick M. Walsh, 1107

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Thomas J. Kilcline, Jr., 3174

DEPARTMENT OF JUSTICE

Stephen Thomas Conboy, of Virginia, to be United States Marshal for the Superior Court of the District of Columbia for the term of four years, vice Todd Walther Dillard.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN2087 AIR FORCE nomination of Thomas C. Hankins, which was received by the Senate and appeared in the Congressional Record of September 28, 2006.

PN2098 AIR FORCE nominations (15) beginning Jeffery C. Carstens, and ending MARCIA WHEELER, which nominations were received by the Senate and appeared in the Congressional Record of September 29, 2006.

IN THE ARMY

PN2099 ARMY nominations (6) beginning ROBERT E. SUTER, and ending DAWN HAROLD, which nominations were received by the Senate and appeared in the Congressional Record of September 29, 2006.

PN2100 ARMY nomination of John M. Cotten, which was received by the Senate and appeared in the Congressional Record of September 29, 2006.

PN2101 ARMY nominations (2) beginning LAUREEN A. OTTO, and ending DEE A. PAOLI, which nominations were received by the Senate and appeared in the Congressional Record of September 29, 2006.

PN2102 ARMY nominations (2) beginning STEVEN F. WILLIAMS, and ending JESSICA N. STANTON, which nominations were received by the Senate and appeared in the Congressional Record of September 29, 2006.

PN2103 ARMY nomination of Lee A. Knox, which was received by the Senate and appeared in the Congressional Record of September 29, 2006.

Jack Vaughn, of Texas, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 2006.

Adolfo A. Franco, of Virginia, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 2008, to which position he was appointed during the recess of the Senate from January 6, 2005, to January 20, 2005.

Roger W. Wallace, of Texas, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring October 6, 2008, to which position he was appointed during the last recess of the Senate.

Kay Kelley Arnold, of Arkansas, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring October 6, 2010. (Reappointment).

Gary C. Bryner, of Utah, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring June 26, 2008.

Thomas Joseph Dodd, of the District of Columbia, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring June 26, 2008.

John P. Salazar, of New Mexico, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 2012.

Thomas A. Shannon, Jr., of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 2012.

Jack Vaughn, of Texas, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 2012. (Reappointment).

Craig Roberts Stapleton, of Connecticut, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Monaco.

Ronald Spogli, of California, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of San Marino.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

MEASURES REPORTED

Mr. FRIST. I ask unanimous consent the Senate proceed to the immediate en bloc consideration of the following bills reported out of the Energy and Natural Resources Committee: Calendar Nos. 546, 557, 558, and 643, and that the Energy and Natural Resources Committee be discharged from further consideration of H.R. 3817 and H.R. 2383, and the Senate proceed to their immediate consideration en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. I ask unanimous consent the committee-reported amendments be agreed to, the bills, as amended, if amended, be read a third time and passed, the motion to reconsider be laid upon the table, all en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

TO PROVIDE FOR THE REINSTATEMENT OF A LICENSE FOR A CERTAIN FEDERAL ENERGY REGULATORY COMMISSION PROJECT

The Senate proceeded to consider the bill (S. 2028) to provide for the reinstatement of a license for a certain Federal Energy Regulatory Commission project, which had been reported from the Committee on Energy and Natural Resources, with an amendment, as follows:

(The part of the bill intended to be stricken is shown in boldface brackets and the part of the bill intended to be inserted is shown in italics.)

S. 2028

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REINSTATEMENT OF LICENSE FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECT.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to project numbered 7307 of the Federal Energy Regulatory Commission, the Commission shall, on the request of the licensee for the project, in accordance with that section (including the good faith, due diligence, and public interest requirements of that section and procedures established under that section), extend the time required for commencement of construction of the project until December 31, 2007.

(b) APPLICABILITY.—Subsection (a) shall apply to the project on the expiration of any extension, issued by the Commission under section 13 of the Federal Power Act (16 U.S.C. 806), of the time required for commencement of construction of the project.

[(c) REINSTATEMENT OF EXPIRED LICENSE.—If a license of the Commission for the project expires before the date of enactment of this Act, the Commission shall—

[(1) reinstate the license effective as of the date of the expiration of the license; and**]**

(c) REINSTATEMENT OF TERMINATED LICENSE.—If a license of the Commission for the project has been terminated before the date of enactment of this Act, the Commission shall—

(1) reinstate the license effective as of the date of the termination of the license; and

(2) extend the time required for commencement of construction of the project until December 31, 2007.

The committee amendment was agreed to.

The bill, (S. 2028), as amended, was ordered to be engrossed for a third reading, was read the third time; and passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

TO PROVIDE FOR THE PRESERVATION OF THE HISTORIC CONFINEMENT SITES WHERE JAPANESE AMERICANS WERE DETAINED DURING WORLD WAR II, AND FOR OTHER PURPOSES

The Senate proceeded to consider the bill (H.R. 1492) to provide for the preservation of the historic confinement sites where Japanese Americans were detained during World War II, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

H.R. 1492

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PRESERVATION OF HISTORIC CONFINEMENT SITES.

(a) PRESERVATION PROGRAM.—The Secretary shall create a program within the National Park Service to encourage, support, recognize, and work in partnership with citizens, Federal agencies, State, local, and tribal governments, other public entities, educational institutions, and private nonprofit organizations for the purpose of identifying, researching, evaluating, interpreting, protecting, restoring, repairing, and acquiring historic confinement sites in order that present and future generations may learn and gain inspiration from these sites and that these sites will demonstrate the Nation's commitment to equal justice under the law.

[(b) GRANTS.—The Secretary, in consultation with the Japanese American National Heritage Coalition, shall make grants to State, local, and tribal governments, other public entities, educational institutions, and private nonprofit organizations to assist in carrying out subsection (a).]

(b) GRANTS.—

(1) CRITERIA.—The Secretary, after consultation with State, local, and tribal governments, other public entities, educational institutions, and private nonprofit organizations (including organizations involved in the preservation of historic confinement sites), shall develop criteria for making grants under paragraph (2) to assist in carrying out subsection (a).

(2) PROVISION OF GRANTS.—Not later than 180 days after the date on which funds are made available to carry out this Act, the Secretary shall, subject to the availability of appropriations, make grants to the entities described in paragraph (1) only in accordance with the criteria developed under that paragraph.

(c) PROPERTY ACQUISITION.—.

(1) AUTHORITY.—Federal funds made available under this section may be used to acquire non-Federal property for the purposes of this section, in accordance with section 3, only if that property is within the areas described in paragraph (2).

(2) PROPERTY DESCRIPTIONS.—The property referred to in paragraph (2) is the following:

(A) Jerome, depicted in Figure 7.1 of the Site Document.

(B) Rohwer, depicted in Figure 11.2 of the Site Document.

(C) Topaz, depicted in Figure 12.2 of the Site Document.

(D) Honouliuli, located on the southern part of the Island of Oahu, Hawaii, and within the land area bounded by H1 to the south, Route 750 (Kunia Road) to the east, the Honouliuli Forest Reserve to the west, and Kunia town and Schofield Barracks to the north.

(3) NO EFFECT ON PRIVATE PROPERTY.—The authority granted in this subsection shall not constitute a Federal designation or have any effect on private property ownership.

(d) MATCHING FUND REQUIREMENT.—The Secretary shall require a [25 percent] *50 percent* non-Federal match for funds provided under this section.

(e) SUNSET OF AUTHORITY.—This Act shall have no force or effect on and after the date that is 2 years after the disbursement to grantees under this section of the total amount of funds authorized to be appropriated under section 4.

SEC. 2. DEFINITIONS.

For purposes of this Act the following definitions apply:

(1) HISTORIC CONFINEMENT SITES.—(A) The term "historic confinement sites" means the 10 internment camp sites referred to as Gila River, Granada, Heart Mountain, Jerome, Manzanar, Minidoka, Poston, Rohwer, Topaz, and Tule Lake and depicted in Figures 4.1, 5.1, 6.1, 7.1, 8.4, 9.2, 10.6, 11.2, 12.2, and 13.2, respectively, of the Site Document; and

(B) other historically significant locations, as determined by the Secretary, where Japanese Americans were detained during World War II.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) SITE DOCUMENT.—The term "Site Document" means the document titled "Confinement and Ethnicity: An Overview of World War II Japanese American Relocation Sites", published by the Western Archeological and Conservation Center, National Park Service, in 1999.

SEC. 3. PRIVATE PROPERTY PROTECTION.

No Federal funds made available to carry out this Act may be used to acquire any real property or any interest in any real property without the written consent of the owner or owners of that property or interest in property.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary $38,000,000 to carry out this Act. Such sums shall remain available until expended.

The committee amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 1492), as amended, was read the third time, and passed.

REVISIONS TO PICK-SLOAN MISSOURI BASIN PROGRAM IRRIGATION DISTRICTS REPAYMENT CONTRACTS

The bill (H.R. 4000) to authorize the Secretary of the Interior to revise certain repayment contracts with the Bostwick Irrigation District in Nebraska, the Kansas Bostwick Irrigation District No. 2, the Frenchman-Cambridge Irrigation District, and the Webster Irrigation District No. 4, all a part of the Pick-Sloan Missouri Basin Program, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

EXTENSION OF TIME FOR CONSTRUCTION OF A HYDROELECTRIC PROJECT

The bill (H.R. 4377), to extend the time required for construction of a hydroelectric project, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

VALLE VIDAL PROTECTION ACT OF 2005

The bill (H.R. 3817) to withdraw the Valle Vidal Unit of the Carson National Forest in New Mexico from location, entry, and patent under the mining laws, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

C.W. "BILL" JONES PUMPING PLANT

The bill (H.R. 2383) to redesignate the facility of the Bureau of Reclamation located at 19550 Kelso Road in Byron, California, as the "C.W. 'Bill' Jones Pumping Plant", was considered, ordered to a third reading, read the third time, and passed.

ORDERS FOR MONDAY, DECEMBER 4, 2006, AND TUESDAY, DECEMBER 5, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment under the provisions of H. Con. Res. 496 until 10 a.m. on Monday, December 4. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the Senate then automatically adjourn over until 12 noon on Tuesday, December 5; provided further that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business until 2 p.m., with Senator DEWINE to speak for up to 2 hours.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, I congratulate Chairman LUGAR and Senator BIDEN for outstanding work on the United States-India cooperative agreement legislation, which passed tonight by a vote of 85 to 12. I also appreciate the assistance of all Members who were willing to defer amendments and allow us to finish the bill this evening.

We will return for business after the Thanksgiving holiday. The continuing resolution will expire at the end of that week, as of December 8, and therefore we will need to work toward a conclusion on the appropriations process. As I announced earlier, our next vote will occur on Tuesday, December 5, around 5 p.m.

I wish all of my colleagues a safe and pleasant Thanksgiving holiday.

ADJOURNMENT UNTIL MONDAY, DECEMBER 4, 2006, AT 10 A.M.

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the provisions of H. Con. Res. 496.

There being no objection, the Senate, at 10:01 p.m., adjourned until Monday, December 4, 2006, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, November 16, 2006:

FEDERAL COMMUNICATIONS COMMISSION

KEVIN J. MARTIN, OF NORTH CAROLINA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FOM JULY 1, 2006.

DEPARTMENT OF JUSTICE

STEPHEN THOMAS CONBOY, OF VIRGINIA, TO BE UNITED STATES MARSHAL FOR THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FOUR YEARS.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF STATE

CRAIG ROBERTS STAPLETON, OF CONNECTICUT, TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO MONACO.

RONALD SPOGLI, OF CALIFORNIA, TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SAN MARINO.

INTER-AMERICAN FOUNDATION

JACK VAUGHN, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2006.

ADOLFO A. FRANCO, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2008, TO WHICH POSITION HE WAS APPOINTED DURING THE RECESS OF THE SENATE FROM JANUARY 6, 2005, TO JANUARY 20, 2005.

ROGER W. WALLACE, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2008, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

KAY KELLEY ARNOLD, OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2010. (REAPPOINTMENT).

GARY C. BRYNER, OF UTAH, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN KUNDATION FOR A TERM EXPIRING JUNE 26, 2008.

THOMAS JOSEPH DODD, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING JUNE 26, 2008.

JOHN P. SALAZAR, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2012.

THOMAS A. SHANNON, JR., OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2012.

JACK VAUGHN, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2012. (REAPPOINTMENT).

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. ANN E. RONDEAU

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JAMES B. MALLORY III

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE CHIEF OF NAVAL OPERATIONS, UNITED STATES NAVY AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5035:

To be admiral

VICE ADM. PATRICK M. WALSH

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be Vice admiral

REAR ADM. THOMAS J. KILCLINE, JR.

IN THE AIR FORCE

AIR FORCE NOMINATION OF THOMAS C. HANKINS TO BE COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH JEFFERY C. CARSTENS AND ENDING WITH MARCIA WHEELER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 29, 2006.

IN THE ARMY

ARMY NOMINATIONS BEGINNING WITH ROBERT E. SUTER AND ENDING WITH DAWN HAROLD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 29, 2006.

ARMY NOMINATION OF JOHN M. COTTEN TO BE LIEUTENANT COLONEL.

ARMY NOMINATIONS BEGINNING WITH LAUREEN A. OTTO AND ENDING WITH DEE A. PAOLI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 29, 2006.

ARMY NOMINATIONS BEGINNING WITH STEVEN F. WILLIAMS AND ENDING WITH JESSICA N. STANTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 29, 2006.

ARMY NOMINATION OF LEE A. KNOX TO BE MAJOR.

SENATE—*Monday, December 4, 2006*

NOTICE

The Government Printing Office will publish corrections to the *Congressional Record* as a pilot program that has been authorized by the U.S. Senate and House of Representatives. Corrections to the online *Congressional Record* will appear on the page on which the error occurred. The corrections will also be printed after the History of Bills and Resolutions section of the *Congressional Record Index* for print-only viewers of the *Congressional Record.*

By order of the Joint Committee on Printing.

TRENT LOTT, *Chairman.*

NOTICE

If the 109th Congress, 2d Session, adjourns sine die on or before December 15, 2006, a final issue of the *Congressional Record* for the 109th Congress, 2d Session, will be published on Wednesday, December 27, 2006, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–60 or S–123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Wednesday, December 27. The final issue will be dated Wednesday, December 27, 2006, and will be delivered on Thursday, December 28, 2006.

None of the material printed in the final issue of the *Congressional Record* may contain subject matter, or relate to any event that occurred after the sine die date.

Senators' statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at "Record@Sec.Senate.gov".

Members of the House of Representatives' statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at http://clerk.house.gov/forms. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, and signed manuscript. Deliver statements to the Official Reporters in Room HT–60.

Members of Congress desiring to purchase reprints of material submitted for inclusion in the *Congressional Record* may do so by contacting the Office of Congressional Publishing Services, at the Government Printing Office, on 512–0224, between the hours of 8:00 a.m. and 4:00 p.m. daily.

By order of the Joint Committee on Printing.

TRENT LOTT, *Chairman.*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord God Almighty, who has given us this good land for our heritage, make us wise stewards of Your bounty. Help us to use honorable industry and sound learning to protect our Nation's resources. Give us wisdom to conserve today the assets our children will need tomorrow.

Use our Senators for Your glory. Empower them to defend our liberties and to bring unity and healing to our country. Do not allow their trust in You to fail. Unite them to seek moral objectives so that You will bless America.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF CONFEREES—H.R. 5682

The PRESIDENT pro tempore. Under the previous order, the Chair appoints the following as conferees on the part of the Senate on the disagreeing votes of the two Houses on H.R. 5682.

The PRESIDENT pro tempore appointed Mr. LUGAR, Mr. HAGEL, Mr. ALLEN, Mr. FRIST, Mr. BIDEN, and Mr. DODD conferees on the part of the Senate.

ADDITIONAL STATEMENTS

TEXT OF S. 4051

● Mr. SPECTER. Mr. President, I ask that the full text of S. 4051, the "Foreign Intelligence Surveillance Oversight and Resource Enhancement Act of 2006," be printed in the RECORD.

The text of the bill follows.

S. 4051

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Foreign Intelligence Surveillance Oversight and Resource Enhancement Act of 2006".

TITLE I—ENHANCEMENT OF RESOURCES AND PERSONNEL FOR ELECTRONIC SURVEILLANCE FOR FOREIGN INTELLIGENCE PURPOSES

SEC. 101. FOREIGN INTELLIGENCE SURVEILLANCE COURT MATTERS.

(a) AUTHORITY FOR ADDITIONAL JUDGES.—Section 103(a) of the Foreign Intelligence

Surveillance Act of 1978 (50 U.S.C. 1803(a)) is amended—

(1) by inserting "(1)" after "(a)";

(2) in paragraph (1), as so designated, by inserting "at least" before "seven of the United States judicial circuits";

(3) by designating the second sentence as paragraph (4) and indenting such paragraph, as so designated, accordingly; and

(4) by inserting after paragraph (1), as so designated, the following new paragraph:

"(2) In addition to the judges designated under paragraph (1), the Chief Justice of the United States may designate as judges of the court established by paragraph (1) such judges appointed under Article III of the Constitution of the United States as the Chief Justice determines appropriate in order to provide for the prompt and timely consideration under section 105 of applications under section 104 for electronic surveillance under this title. Any judge designated under this paragraph shall be designated publicly.".

(b) CONSIDERATION OF EMERGENCY APPLICATIONS.—Such section is further amended by inserting after paragraph (2), as added by subsection (a) of this section, the following new paragraph:

"(3) A judge of the court established by paragraph (1) shall make a determination to approve, deny, or seek modification of an application submitted under section subsection (f) or (g) of section 105 not later than 24 hours after the receipt of such application by the court.".

SEC. 102. ADDITIONAL PERSONNEL FOR PREPARATION AND CONSIDERATION OF APPLICATIONS FOR ORDERS APPROVING ELECTRONIC SURVEILLANCE.

(a) OFFICE OF INTELLIGENCE POLICY AND REVIEW.—

(1) ADDITIONAL PERSONNEL.—The Office of Intelligence Policy and Review of the Department of Justice is authorized such additional personnel, including not fewer than 21 full-time attorneys, as may be necessary to carry out the prompt and timely preparation, modification, and review of applications under section 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804) for orders under section 105 of that Act (50 U.S.C. 1805) approving electronic surveillance for foreign intelligence purposes.

(2) ASSIGNMENT.—The Attorney General shall assign personnel authorized by paragraph (1) to and among appropriate offices of the National Security Agency in order that such personnel may directly assist personnel of the Agency in preparing applications described in that paragraph.

(b) FEDERAL BUREAU OF INVESTIGATION.—

(1) ADDITIONAL LEGAL AND OTHER PERSONNEL.—The National Security Branch of the Federal Bureau of Investigation is authorized such additional legal and other personnel as may be necessary to carry out the prompt and timely preparation of applications under section 104 of the Foreign Intelligence Surveillance Act of 1978 for orders under section 105 of that Act approving electronic surveillance for foreign intelligence purposes.

(2) ASSIGNMENT.—The Director of the Federal Bureau of Investigation shall assign personnel authorized by paragraph (1) to and among the field offices of the Federal Bureau of Investigation in order that such personnel may directly assist personnel of the Bureau in such field offices in preparing applications described in that paragraph.

(c) ADDITIONAL LEGAL AND OTHER PERSONNEL FOR NATIONAL SECURITY AGENCY.—The National Security Agency is authorized such additional legal and other personnel as may be necessary to carry out the prompt and timely preparation of applications under section 104 of the Foreign Intelligence Surveillance Act of 1978 for orders under section 105 of that Act approving electronic surveillance for foreign intelligence purposes.

(d) ADDITIONAL LEGAL AND OTHER PERSONNEL FOR FOREIGN INTELLIGENCE SURVEILLANCE COURT.—There is authorized for the Foreign Intelligence Surveillance Court such additional personnel (other than judges) as may be necessary to facilitate the prompt and timely consideration by that Court of applications under section 104 of the Foreign Intelligence Surveillance Act of 1978 for orders under section 105 of that Act approving electronic surveillance for foreign intelligence purposes. Personnel authorized by this paragraph shall perform such duties relating to the consideration of such applications as that Court shall direct.

(e) SUPPLEMENT NOT SUPPLANT.—The personnel authorized by this section are in addition to any other personnel authorized by law.

SEC. 103. TRAINING OF FEDERAL BUREAU OF INVESTIGATION AND NATIONAL SECURITY AGENCY PERSONNEL IN FOREIGN INTELLIGENCE SURVEILLANCE MATTERS.

The Director of the Federal Bureau of Investigation and the Director of the National Security Agency shall each, in consultation with the Attorney General—

(1) develop regulations establishing procedures for conducting and seeking approval of electronic surveillance on an emergency basis, and for preparing and properly submitting and receiving applications and orders, under sections 104 and 105 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804 and 1805); and

(2) prescribe related training for the personnel of the applicable agency.

TITLE II—IMPROVEMENT OF FOREIGN INTELLIGENCE SURVEILLANCE AUTHORITY

SEC. 201. EXTENSION OF PERIOD FOR APPLICATIONS FOR ORDERS FOR EMERGENCY ELECTRONIC SURVEILLANCE.

Section 105(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(f)) is amended by striking "72 hours" both places it appears and inserting "168 hours".

SEC. 202. ACQUISITION OF FOREIGN-FOREIGN COMMUNICATIONS.

(a) IN GENERAL.—Notwithstanding any other provision of this Act or the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), no court order shall be required for the acquisition through electronic surveillance of the contents of any communication between one person who is not located within the United States and another person who is not located within the United States for the purpose of collecting foreign intelligence information even if such communication passes through, or the surveillance device is located within, the United States.

(b) TREATMENT OF INTERCEPTED COMMUNICATIONS INVOLVING DOMESTIC PARTY.—If surveillance conducted, as described in subsection (a), inadvertently collects a communication in which at least one party is within the United States, the contents of such communications shall be handled in accordance with the minimization procedures set forth in section 101(h)(4) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(h)(4)).

(c) DEFINITIONS.—In this section, the terms "contents", "electronic surveillance", and "foreign intelligence information" have the meaning given such terms in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

SEC. 203. INDIVIDUALIZED FISA APPLICATIONS.

The contents of any wire or radio communication sent by a person who is reasonably believed to be inside the United States to a person outside the United States may not be retained or used unless a court order authorized under the Foreign Intelligence Surveillance Act is obtained.

SEC. 204. ISSUES RESERVED FOR THE COURTS.

Nothing in this Act shall be deemed to amend those provisions of FISA concerning any wire or radio communication sent from outside the United States to a person inside the United States. The constitutionality of such interceptions shall be determined by the courts, including the President's claim that his article II authority supersedes FISA.

TITLE III—ENHANCED CONGRESSIONAL OVERSIGHT AND SUPREME COURT REVIEW OF THE TERRORIST SURVEILLANCE PROGRAM

SEC. 301. CONGRESSIONAL OVERSIGHT.

(a) ELECTRONIC SURVEILLANCE UNDER FISA.—Section 108 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1808) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (B), by striking "and" at the end;

(B) in subparagraph (C), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(D) the authority under which the electronic surveillance is conducted."; and

(2) by striking subsection (b) and inserting the following:

"(b) On a semiannual basis, the Attorney General additionally shall fully inform the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate on electronic surveillance conducted without a court order.".

(b) INTELLIGENCE ACTIVITIES.—The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended—

(1) in section 501 (50 U.S.C. 413)—

(A) by redesignating subsection (f) as subsection (g); and

(B) by inserting after subsection (e) the following new subsection:

"(f) The Chair of each of the congressional intelligence committees, in consultation with the ranking member of the committee for which the person is Chair, may inform, on a bipartisan basis, all members or any individual members of such committee of a report submitted under subsection (a)(1) or subsection (b) as such Chair considers necessary."; and

(2) in section 502 (50 U.S.C. 414), by adding at the end the following new subsection:

"(d) INFORMING OF COMMITTEE MEMBERS.—The Chair of each of the congressional intelligence committees, in consultation with the ranking member of the committee for which the person is Chair, may inform, on a bipartisan basis, all members or any individual members of such committee of a report submitted under subsection (a) as such Chair considers necessary.".

SEC. 302. SUPREME COURT REVIEW OF THE TERRORIST SURVEILLANCE PROGRAM.

(a) IN GENERAL.—Upon appeal by the United States or any party to the underlying proceedings, the Supreme Court of the United States shall review the final decision of any United States court of appeal concerning the legality of the Terrorist Surveillance Program.

(b) EXPEDITED CONSIDERATION.—It shall be the duty of the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under subsection (a).

(c) DEFINITION.—In this section, the term "Terrorist Surveillance Program" means the program identified by the President of the United States on December 17, 2005, to intercept international communications into and out of the United States of persons linked to al Qaeda or related terrorist organizations.

TITLE IV—OTHER MATTERS

SEC. 401. DEFINITION.

In this Act, the term "Foreign Intelligence Surveillance Court" means the court established by section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)).

SEC. 402. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this Act and the amendments made by this Act.

SEC. 403. EFFECTIVE DATE.

This Act, and the amendments made by this Act, shall take effect on the date that is 30 days after the date of the enactment of this Act.●

TRIBUTE TO COLONEL THOMAS V. COLELLA

● Mr. ISAKSON. Mr. President, I rise today to recognize in the RECORD COL Thomas V. Colella, who officially retired from the United States Marine Corps last month after 30 years of honorable service to this Nation.

Colonel Colella graduated from the United States Naval Academy in 1976 and was commissioned a Second Lieutenant in the Marine Corps. His first tour took him to Okinawa, Japan, where he was assigned to E Battery, 2nd Battalion, 12th Marine Regiment. While assigned to that battalion, he served as a battery officer, forward observer and liaison officer. Colonel Colella then served at the Landing Force Training Command, Atlantic area, as an Aide-de-Camp to the commanding general of the 4th Marine Amphibious Brigade. In 1981 he entered the Marine Corps Reserve where he held several line and staff positions including a role as commander of the 4th Battalion, 14th Marines and Executive Officer of the 4th Civil Affairs Group. Most recently, Colonel Colella was recalled to active duty in support of coalition operations in Afghanistan related to Operation Enduring Freedom, where he served as Chief of Staff to the U.S. Defense Representative in Pakistan.

In 1987, Tom joined Korn/Ferry in the firm's Washington, D.C. office conducting senior-level searches for a global client base in the industrial, aerospace and defense sectors. Tom was also called into civilian public service after accepting a position within the U.S. Department of Education in the former Bush administration, and most recently serving as the Principal Deputy Assistant Secretary of the Navy for Manpower and Reserve Affairs in the current Bush administration.

I have been fortunate to have Colonel Colella serve as the chairman of my academy review board since my election to the U.S. House of Representatives in 1999. I inherited him from former House Speaker Newt Gingrich who also sought out Tom's expertise in the important and extremely difficult academy selection process. His commitment to the young men and women who make up the future of our Nation does not go unrecognized.

I could go on for hours with Tom's biography, but his distinguished career can be summarized in one word: devotion. He is a devoted father; a devoted leader at Korn/Ferry International; a devoted public servant; and he has now finished his career as a devoted member of the U.S. Military. An important chapter in Tom's life is now finished, but I know there are many more chapters left to be written. I wish Tom Colella and his three kids, Nicholas, Andrew and Gregory, the very best, and convey to him my deepest gratitude on behalf of the people of Georgia and the United States.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Armed Services.

(The nomination received today is printed at the end of the Senate proceedings.)

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on November 21, 2006, she had presented to the President of the United States the following enrolled bills:

S. 101. An act to convey to the town of Frannie, Wyoming, certain land withdrawn by the Commissioner of Reclamation.

S. 435. An act to amend the Wild and Scenic Rivers Act to designate a segment of the Farmington River and Salmon Brook in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes.

S. 819. An act to authorize the Secretary of the Interior to reallocate costs of the Pactola Dam and Reservoir, South Dakota, to reflect increased demands for municipal, industrial, and fish and wildlife purposes.

S. 1131. An act to authorize the exchange of certain Federal land within the State of Idaho, and for other purposes.

S. 1140. An act to designate the State Route 2 Bridge in the State of Delaware as the "Senator William V. Roth, Jr., Bridge".

S. 2464. An act to revise a provision relating to a repayment obligation of the Fort McDowell Yavapai Nation under the Fort McDowell Indian Community Water Rights Settlement Act of 1990, and for other purposes.

S. 3880. An act to provide the Department of Justice the necessary authority to apprehend, prosecute, and convict individuals committing animal enterprise terror.

S. 4001. An act to designate certain land in New England as wilderness for inclusion in the National Wilderness Preservation System and certain land as a National Recreation Area, and for other purposes.

ADDITIONAL COSPONSORS

S. 3910

At the request of Mrs. CLINTON, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 3910, a bill to direct the Joint Committee on the Library to accept the donation of a bust depicting Sojourner Truth and to display the bust in a suitable location in the Capitol.

NOTICE OF HEARING

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Ms. SNOWE. Mr. President, I would like to inform the members of the committee that the committee will hold a hearing on Wednesday, December 6, 2006 at 2:30 p.m. in Russell 428A on the Nomination of Jovita Carranza to be the Deputy Administrator of the U.S. Small Business Administration.

ADJOURNMENT UNTIL TUESDAY, DECEMBER 5, 2006

The PRESIDENT pro tempore. Under the previous order, the Senate stands in adjournment until 12 noon on Tuesday, December 5, 2006.

Thereupon, the Senate, at 10:02 a.m., adjourned until Tuesday, December 5, 2006.

NOMINATIONS

Executive nomination received by the Senate December 4, 2006:

DEPARTMENT OF DEFENSE

Robert M. Gates, of Texas, to be Secretary of Defense, vice Donald Henry Rumsfeld, resigned.

EXTENSIONS OF REMARKS

• SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, December 5, 2006 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

DECEMBER 6

9:15 a.m.

Environment and Public Works

Business meeting to consider the nominations of Alex A. Beehler, of Maryland, to be Inspector General, Environmental Protection Agency, and Eric D. Eberhard, of Washington, and Diane Humetewa, of Arizona, each to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation.

SD-406

9:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the nominations of Leland A. Strom, of Illinois, to be a Member of the Farm Credit Administration Board, Farm Credit Administration, and Mark Everett Keenum, of Mississippi, to be Under Secretary of Agriculture for Farm and Foreign Agricultural Services, and to be a Member of the Board of Directors of the Commodity Credit Corporation.

SR-328A

Environment and Public Works

To hold hearings to examine issues relating to climate change and the media.

SD-406

Judiciary

To hold oversight hearings to examine activities of the Federal Bureau of Investigation, Department of Justice.

SD-226

10 a.m.

Health, Education, Labor, and Pensions

Business meeting to consider pending nominations.

SD-430

Homeland Security and Governmental Affairs

To hold hearings to examine the extent of fraud, waste, and abuse relating to Hurricane Katrina.

SD-342

1:30 p.m.

Armed Services

To hold a closed briefing on the Naval Criminal Investigative Service Report of events from November 2005 in the Iraqi town of Haditha and on the probe by Army Major General Eldon Bargewell on how the chain of command handled the initial reporting of the incidents.

SR-222

2:30 p.m.

Judiciary

Administrative Oversight and the Courts Subcommittee

To hold oversight hearings to examine implementation of the Bankruptcy Abuse Prevention and Consumer Protection Act (Public Law 109-8).

SD-226

Small Business and Entrepreneurship

To hold hearings to examine the nomination of Jovita Carranza, of Illinois, to be Deputy Administrator of the Small Business Administration.

SR-428A

3 p.m.

Homeland Security and Governmental Affairs

To hold hearings to examine the nomination of Paul A. Schneider, of Maryland, to be Under Secretary of Homeland Security for Management.

SD-342

DECEMBER 7

Time to be announced

Homeland Security and Governmental Affairs

Business meeting to consider pending nominations.

Room to be announced

11 a.m.

Judiciary

To hold hearings to examine vertically integrated sports programming, focusing on whether cable companies are excluding competition.

SD-226

2:30 p.m.

Intelligence

To hold a closed briefing on intelligence matters.

SH-219

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HOUSE OF REPRESENTATIVES—*Tuesday, December 5, 2006*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. BISHOP of Utah).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC.
December 5, 2006.

I hereby appoint the Honorable ROB BISHOP to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

"Not to us, O Lord, not to us, but to Your holy name give the glory."

On the whole, Your people of the ancient covenant had a vocation which was very humbling. Others might glory in their fading riches or give glory to their ancestors, but Your faith-filled ones were to give You the glory, for they had placed all their trust in You.

Today, Lord, give this Nation renewed faith and build the foundation for continued hope in You.

May the Members of the 109th Congress each narrate a thanksgiving story and give you the glory for what You have accomplished in and through them.

May they complete their work under Your guidance and be a consolation to Your people, and give glory to Your holy name, both now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York (Mr. MCNULTY) come forward and lead the House in the Pledge of Allegiance.

Mr. MCNULTY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

REMEMBERING USMC MAJOR TRANE McCLOUD

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I rise today with great sadness in my heart. Sunday afternoon, Marine Corps Major Trane McCloud was killed in a helicopter accident in Iraq. He and three other marines gave their lives for others to survive.

Major McCloud was a marine's marine. He epitomized the Marine motto, Semper Fidelis, Always Faithful. I was fortunate enough to know and work with Major McCloud during 2003 when he served as a Military Fellow in the Washington office of South Carolina's Second Congressional District. After completing his fellowship, Trane kept in touch with the staff and me, remaining a close friend of the office and the people of South Carolina.

Major McCloud is survived by his loving wife, Maggie, his three beautiful children, Hayden, Grace and Meghan, and his parents, Ron McCloud and Roma Anderson. My thoughts and prayers are with them. I hope they will find comfort in knowing Trane truly believed in America and the United States Marine Corps.

In conclusion, God bless our troops. We will never forget September 11. Semper Fi, Trane McCloud.

DEMOCRATS PROPOSE SIX INITIATIVES THAT SHOULD GARNER BIPARTISAN SUPPORT

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, within the first 100 hours of the next Congress, we will have the opportunity to pass six initiatives that should garner bipartisan support.

First, we will increase the minimum wage for the first time in 9 years.

Secondly, we will propose a tough ethics reform bill that finally addresses the link between the politicians and Washington lobbyists.

Third, Democrats will make our Nation safer by implementing the nonpartisan 9/11 Commission recommendations.

And we will move our Nation closer to energy independence by investing in critical biofuel research.

Fifth, we will help millions of American families better afford college by cutting the loan interest rates in half.

And finally, Democrats will fill in the doughnut hole so millions of American seniors no longer must choose between their drugs or their groceries.

Within the first 100 hours, we will bring these six bold proposals to the House floor, and I am hopeful that they will be embraced by Democrats and Republicans alike.

CONGRATULATING THE FLORIDA GATORS ON THEIR SELECTION TO PLAY IN NATIONAL CHAMPIONSHIP GAME

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I rise today to congratulate the University of Florida football team for their deserving selection to play for the national championship against Ohio State.

The Gators had a tremendous season, going 12–1, playing one of the toughest schedules in the Nation, and beating Arkansas to win the SEC championship.

The Florida Gators are excellent representatives of both the university and the great State of Florida in their tenacity, spirit, and desire to succeed. I take great pride in representing the University of Florida and congratulating Coach Urban Meyer and the entire university on this great accomplishment.

I am so confident in a Gator victory that I challenge my colleague from Ohio (Ms. PRYCE) to a friendly wager. In the unlikely event that Florida loses, I will provide her with a crate of Florida oranges. However, I look forward to collecting perhaps one of Ohio's great delicacies. Go Gators.

COLLEGE LOAN INTEREST RATE CUTS

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, the cost of higher education in our country has been skyrocketing for far too long. And this year alone, the Republicans raised the student loan interest rates by up to 7 percent and cut $12 billion out of the higher education budget to pay for their tax cuts for the wealthy. Their policy of prioritizing the wealthiest 1 percent over average American families has backfired.

Last month the American voters said "enough is enough" and voted for a

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☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Democratic majority in the Congress. after Democrats offered students and their families an end to the rise in student loan interest rates. We ran on a platform that makes higher education one of our top priorities.

Mr. Speaker, Democrats will keep their promise to the American people. Within the first 100 hours of taking office in the next Congress, the Democrats will broaden college opportunities for all students because we believe if you want to go to college, we want to help you get there.

Democrats will work hard to make a college education possible for all who want it here in the United States.

HONORING SERGEANT MITCHEL THOMAS MUTZ

(Ms. SEKULA GIBBS asked and was given permission to address the House for 1 minute.)

Ms. SEKULA GIBBS. Mr. Speaker, I rise today to pay tribute to Sergeant Mitchel Thomas Mutz who was killed while defending our Nation on November 15, 2006, in Iraq.

Sergeant Mutz was on his second tour of duty in Iraq, rendering faithful, conscientious service to the United States Army and to the people of the United States of America. Sergeant Mutz will be remembered for his commendable service and the dedication he had to this great Nation.

Sergeant Mutz was 23 years old. He was a native of Falls City, Texas, and the loving son of Bobby and Dixie Mutz, brother of Nathan and his wife, Shawna, and the grandson of Elizabeth Mutz.

Mr. Mutz faithfully served our Nation in the 1st Battalion, 12th Calvary Regiment, 3rd Brigade Combat Team, 1st Cavalry Division out of Fort Hood, Texas.

He is from the area where I was born. And when I was home for Thanksgiving, that Saturday, my husband and I joined the procession of watching where the coffin and the family proceeded through the small town of Poth, Texas, and the people turned out in droves to pay their respects to the family. Veterans, firefighters, law enforcement, patriot guard riders, teachers, farmers and just regular citizens did the best that they could to reduce the pain of Mr. Mutz's family.

Our thoughts, our prayers, and our love go out to the family, as well as to all of the soldiers and our servicemen and women who are protecting our great country. We love you and we respect you.

A TIME FOR HEALING

(Mr. PASCRELL asked and was given permission to address the House for 1 minute.)

Mr. PASCRELL. Mr. Speaker, the election is over. We need to come together. There needs to be a healing process for all of us in both parties; and I can think of no better subject, and there was an article in 2004, in the summer, in New York magazine. The title of that article was "Fallout 3 years after the World Trade Center attacks. Thousands of cops, firefighters, people who work and lived near the 9/11 disaster have fallen sick and fallen ill."

The EPA just a short time after that disaster said all was clear. The air was fit to breathe. The water was sufficient to drink. It contained, in that disaster, glass shards, pulverized concrete, many carcinogens, including hundreds of thousands of pounds of asbestos. It contained benzene.

There are many people who have been hurt. If you expose a person to this amount of lead, cadmium, benzene, asbestos, they are going to get sick.

We fill potholes in Baghdad. We have forgotten our own first responders.

CONGRATULATIONS TO THE WAKE FOREST DEMON DEACON FOOTBALL TEAM

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, I rise today to congratulate the Wake Forest Demon Deacon football team on winning the 2006 ACC championship, the team's first since 1970. Formerly known as a basketball school and picked to finish last in their division in August, Wake Forest finished the season with its best record since 1940, 11–2, after beating Georgia Tech in the ACC championship game on Saturday.

Despite suffering injuries to several key players early in the season, the Demon Deacons bounced back and shocked the Nation with their determination and will to win. Jim Grobe, who has been named ACC Coach of the Year, and heads the ballot for National Coach of the Year, led the team to victory after victory with good old-fashioned coaching, a smart offense and a tenacious defense.

With just 36,000 living undergraduate alumni, Wake Forest has developed an athletic program that rivals the biggest and most storied programs in the country. Long known as an academic powerhouse, the Demon Deacons have proven their dominance on the football field and will travel to Miami on January 2 to face the Louisville Cardinals in the BCS Orange Bowl.

I stand alongside all Wake fans when I say congratulations and wish the Deacons the best of luck in Miami. Go Deacs.

□ 1015

NEED TO TAKE IRAQ WAR IN A NEW DIRECTION

(Ms. SOLIS asked and was given permission to address the House for 1 minute.)

Ms. SOLIS. Mr. Speaker, tomorrow the bipartisan Iraq Study Group is scheduled to release its recommendations on how best to proceed with the war in Iraq. While the group is led by one of the Bush family's closest friends, it has not actually given, I think, notice or great recommendations.

This does not bode well for change in Iraq. It is time for Bush to face reality. His Democratic experiment in Iraq has been an utter disaster, one that has destabilized even further the Middle East. Last month the American people sent a strong message to the President that they want change in Iraq, that staying the current course is simply not acceptable, but President Bush seems unwilling to listen.

The Iraq Study Group is expected to call for the redeployment of American troops out of Iraq by 2008. Finally, a bipartisan group of leaders are joining us in our calls for a phased redeployment out of Iraq. This report should serve, I hope, as a wake-up call to the Bush administration that Democrats and Republicans alike are calling for change.

Mr. HUNTER. Mr. Speaker, I ask unanimous consent to speak out of order for 1 minute.

The SPEAKER pro tempore. Without objection, the gentleman from California is recognized.

There was no objection.

Mr. HUNTER. Thank you, Mr. Speaker. I would just say to the gentlewoman who just spoke that it is appropriate when referring to the President of the United States be he Democrat or Republican to refer to him as the President. Thank you.

DEMOCRATS INTRODUCE A BOLD AGENDA THAT INCLUDES ALL AMERICANS

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, within the first 100 hours of the new Democratic Congress, we will accomplish more than the Republican do-nothing Congress accomplished this entire year. While Republicans refuse to break their questionable cosy relationships with lobbyists, Democrats will pass an ethics reform bill that will once again make this the people's House, not the lobbyists' House. While Republicans refuse to expand economic opportunities to millions of Americans, Democrats will give minimum-wage workers their first raise in 9 years.

While Republicans refuse to go after price gouging oil companies, Democrats will begin the process of making our Nation energy independent by repealing needless tax breaks for Big Oil, and instead putting that money towards crucial funding of biofuel research.

While Republicans refused to help millions of seniors who fell into the prescription drug doughnut hole, Democrats will allow the Federal Government to negotiate lower drug prices so that the doughnut hole can be filled. These are all important initiatives that Democrats will pass within the first 100 hours of the next Congress.

LET THE PEOPLE DECIDE ON ENGLISH

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, a few days ago, in the small town of Friendswood, Texas, a citizen tried to discuss a water problem with a city worker. Apparently the worker could not be of assistance because the worker did not speak English.

This led City Council to consider a ballot vote by citizens to determine if English should be the official language of their town. City Council Member Chris Perden said, "English as an official language gives us a baseline. The city will publish everything in English. Our meetings will be in English . . . and city forms will be in English." There are even suggestions that all city employees be required to speak English and even teach those that cannot. The critics quickly surfaced, however, and LULAC officials say they will sue, claiming violation of civil rights if the public supports this ordinance.

This is yet another example of how small-town America must solve immigration issues that the Federal Government has not honestly addressed. The people of Friendswood, Texas, not the politicians, not the self-promoters and not even LULAC, should have the right to vote and decide if English should be the official language of their town.

And that's just the way it is.

CONGRATULATING DAKOTA HIGH SCHOOL COUGARS, MICHIGAN DIVISION 1 FOOTBALL CHAMPIONS

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, I rise to offer sincere congratulations to the Dakota High School football team from Macomb Township, Michigan, on winning the 2006 Division 1 State title.

The Dakota High School Cougars are the first school in Macomb County history to win the Division 1 football State championship.

Mr. Speaker, this season belonged to the Cougars, whose overall record was 13 wins and only 1 loss. Coach Mike Giannoe did an excellent job of putting together a solid game plan and a solid coaching staff.

Quarterback James Stallons commanded the offense, while running back Greg Gay led the scoring attack and tied a State finals record with four touchdowns.

The offense moved the ball with the great teamwork of fullback Quentin Trotter, tight end Justin Sylvester and all of the linemen.

On defense, linebacker Bobby Hush earned himself two sacks, and kicker Joe Harla connected on a 31-yard field goal and made all five of his extra point attempts.

What a season, what a team. Go Cougars.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, November 15, 2006.

Hon. J. DENNIS HASTERT,
The Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 15, 2006, at 4:30 pm:

That the Senate passed without amendment H.R. 6326.

Appointments: Social Security Advisory Board.

With best wishes, I am,
Sincerely,

KAREN L. HAAS,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 15, 2006.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 15, 2006, at 6:15 p.m.:

That the Senate passed without amendment H.J. Res. 100.

With best wishes, I am,
Sincerely,

KAREN L. HAAS,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 17, 2006.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 17, 2006, at 10:30 a.m.:

That the Senate passed without amendment H. Con. Res. 175.

That the Senate passed without amendment H. Con. Res. 496.

That the Senate passed without amendment H. Con. Res. 423.

That the Senate passed without amendment H.R. 5690.

That the Senate passed without amendment H.R. 5103.

That the Senate passed without amendment H.R. 4559.

That the Senate passed without amendment H.R. 6121.

That the Senate passed without amendment H.R. 5061.

That the Senate passed S. Con. Res. 101.

With best wishes, I am,
Sincerely,

KAREN L. HAAS,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 17, 2006.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 17, 2006, at 3:15 p.m.:

That the Senate passed S. 2028.

That the Senate passed S. 4073.

That the Senate passed S. 3759.

That the Senate passed S. 994.

That the Senate passed S. 4014.

With best wishes, I am,
Sincerely,

KAREN L. HAAS,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 4, 2006.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 4, 2006, at 11:20 a.m.:

That the Senate passed with an amendment H.R. 5682.

With best wishes, I am,

Sincerely,

KAREN L. HAAS,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bills and joint resolution were signed:

by the Speaker on Wednesday, November 15, 2006:

H.R. 6326, to clarify the provision of nutrition services to older Americans;

H.J. Res. 100, making further continuing appropriations for the fiscal year 2007, and for other purposes;

on Friday, November 17, 2006:

S. 101, to convey to the town of Frannie, Wyoming, certain land withdrawn by the Commission of Reclamation;

S. 4001, to designate certain land in New England as wilderness for inclusion in the National Wilderness Preservation system and certain land as a National Recreation Area, and for other purposes;

by Speaker pro tempore WOLF on Monday, November 20, 2006:

H.R. 2383, to redesignate the facility of the Bureau of Reclamation located at 19550 Kelso Road in Byron, California, as the "C.W. 'Bill' Jones Pumping Plant";

H.R. 3817, to withdraw the Valle Vidal Unit of the Carson National Forest in New Mexico from location, entry, and patent under the mining laws, and for other purposes;

H.R. 4000, to authorize the Secretary of the Interior to revise certain repayment contracts with the Bostwick Irrigation District in Nebraska, the Kansas Bostwick Irrigation District No. 2, the Frenchman-Cambridge Irrigation District, and the Webster Irrigation District No. 4, all a part of the Pick-Sloan Missouri Basin Program, and for other purposes;

H.R. 4559, to provide for the conveyance of certain National Forest System land to the towns of Laona and Wabeno, Wisconsin, and for other purposes;

H.R. 5061, to direct the Secretary of the Interior to convey Paint Bank National Fish Hatchery and Wytheville National Fish Hatchery to the State of Virginia;

H.R. 5103, to provide for the conveyance of the former Konnarock Lutheran Girls School in Smyth County, Virginia, which is currently owned by the United States and administered by the Forest Service, to facilitate the restoration and reuse of the property, and for other purposes;

H.R. 5585, to improve the netting process for financial contracts, and for other purposes;

H.R. 5690, to adjust the boundaries of the Ouachita National Forest in the States of Oklahoma and Arkansas;

H.R. 6121, to amend the Federal Water Pollution Control Act to reauthorize a program relating to the Lake Pontchartrain Basin, and for other purposes;

on Monday, December 4, 2006:

H.R. 3699, to provide for the sale, acquisition, conveyance, and exchange of certain real property in the District of Columbia to facilitate the utilization, development, and redevelopment of such property, and for other purposes;

H.R. 4377, to extend the time required for construction of a hydroelectric project, and for other purposes.

COMMUNICATION FROM MAJORITY LEADERS OF UNITED STATES SENATE AND HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following communication from the Honorable WILLIAM FRIST, Majority Leader, United States Senate, and the Honorable JOHN BOEHNER, Majority Leader, United States House of Representatives:

CONGRESS OF THE UNITED STATES,
Washington, DC, November 14, 2006.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the provisions of Public Law 109-236, we hereby appoint the following individual to serve as a member of the MINER Act Technical Study Panel: Thomas P. Mucho of Pennsylvania.

Sincerely,

WILLIAM FRIST,
Majority Leader, U.S. Senate.
JOHN BOEHNER,
Majority Leader, House of Representatives.

COMMUNICATION FROM STAFF MEMBER OF THE HONORABLE ADAM H. PUTNAM, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Amy Topol, Caseworker for the Honorable ADAM H. PUTNAM, Member of Congress:

CONGRESS OF THE UNITED STATES,
House of Representatives, November 9, 2006.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to rule VIII of the Rules of the House of Representatives, that I have been served with a civil deposition subpoena, issued by the Circuit Court for Polk County, Florida, for documents and testimony.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

AMY TOPOL,
Caseworker.

COMMUNICATION FROM STAFF MEMBER OF THE HONORABLE DENNIS J. KUCINICH, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Malak Jadallah, District Office Congressional Staff of the Honorable DENNIS J. KUCINICH, Member of Congress:

CONGRESS OF THE UNITED STATES,
House of Representatives, November 27, 2006.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena for testimony issued by the U.S. District Court for the Eastern District of Virginia.

After consulting with the Office of General Counsel, I will make the determinations required by rule VIII.

Sincerely,

MALAK JADALLAH,
District Office Congressional Staff.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

EXPRESSING SENSE OF HOUSE REGARDING HIRING OF MEMBERS OF ARMED FORCES

Mr. HUNTER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1070) expressing the sense of the House of Representatives that Members of the House should actively engage with employers and the American public at large to encourage the hiring of members and former members of the Armed Forces who were wounded in service and are facing a transition to civilian life, as amended.

The Clerk read as follows:

H. RES. 1070

Whereas United States soldiers, sailors, airmen, and Marines continue to make significant personal sacrifices to protect and defend the Nation;

Whereas since the start of Operation Iraqi Freedom and Operation Enduring Freedom in late 2001 over 1,406,000 members of the Armed Forces have served overseas in combat theaters of operations;

Whereas over 22,900 members of the Armed Forces have been wounded in theater and as a result of their injuries many have been separated from their respective service;

Whereas as a result of required separation from military service due to their injuries incurred while in service, these members of the Armed Forces are transitioning to civilian careers;

Whereas recent statistics from the Bureau of Labor Statistics show that the transition from military service to a civilian career can be difficult, with veterans who are age 20 through 24 experiencing a jobless rate 3 times the national average; and

Whereas Members of Congress could provide assistance in making businesses and employers aware of the unique skills of wounded veterans and thereby help reduce the jobless rate for wounded veterans: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) Members of the House should actively engage with employers and the American public at large to encourage the hiring of members and former members of the Armed Forces who were wounded in service and are facing a transition to civilian life;

(2) a strong relationship should be forged between Congress, local businesses, and members and former members of the Armed Forces referred to in paragraph (1) towards the goal of finding employment for those who have sacrificed so much; and

(3) Members should carry out the types of activities described in this resolution in accordance with regulations promulgated by the Committee on Standards of Official Conduct and the Committee on House Administration.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HUNTER) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. HUNTER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HUNTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is really a pleasure to be down in the Chamber working this issue with the gentlewoman from Guam, for whom I have the utmost esteem. This is a very good cause we are talking about this morning.

Mr. Speaker, the Members of this House of Representatives spend a lot of time each year making recommendations and decisions that directly impact the lives of the men and women of the Armed Forces.

With the global war on terrorism, House Members have taken numerous actions as part of the annual defense authorization and defense appropriations acts to ensure that these fine men and women have the full range of resources they need to be successful in combat.

For those who are wounded and injured, and there have been more than 22,900 during this war, our colleagues have moved quickly and effectively to change laws and provide additional resources to improve the health care system. For as much as we in the House have done to support the men and women of the Armed Forces, I believe that more should be done and could be done, especially for those who have been wounded in defense of this Nation and who as a result of their wounds are leaving the service.

That is the purpose of this resolution today, to explicitly state that it is the sense of the House of Representatives that Members of the House should actively engage with employers and the American public at large to encourage the hiring of members and former members of the Armed Forces who were wounded in service and are facing a transition to civilian life.

Beyond the fact that getting involved is the right thing for Members to do, Members need to get more directly involved in helping wounded servicemembers transition to civilian life because young veterans, those aged 20 through 24, are experiencing a jobless rate three times the national average, according to the Bureau of Labor Statistics.

We have all seen too many Vietnam-era homeless veterans in our districts, a reflection that the Nation then did not fully step up to doing what was necessary for those who serve the Nation. We should not repeat that mistake.

As I began 2 years ago to work this issue of finding ways to help soldiers, sailors, airmen and marines transition to civilian life, concerns were raised to me that such activity by a Member might conflict with the rules of conduct in this House, and I was surprised to hear that, Mr. Speaker, but that was the thrust of legal opinions.

I have worked with both the Committee on Standards of Official Conduct and House Administration, as well as my good colleague, Representative IKE SKELTON, and other members of the committee to shape this resolution. Thus the resolution explicitly states that in encouraging potential employers and the American public to hire veterans, Members should act in accordance with regulations promulgated by the Committee on Standards and by House Administration, and, of course, we hope that after this resolution, which I hope will pass overwhelmingly, that we will see the Committee on Standards of Official Conduct and House Administration accommodate this very important concern of ours.

□ 1030

Mr. Speaker, there are any number of Federal, State and local organizations and many private entities working to employ wounded servicemembers and former servicemembers. I think it is time for House Members to get involved and engaged in this effort, and therefore I strongly urge all Members to vote "yes" on this resolution.

Very simply, Mr. Speaker, this would allow a Member of Congress who goes down to Bethesda and Walter Reed and who meets maybe a young man or young woman getting out of the service, maybe as a diesel mechanic, to call up companies in their district and say, do you have any need for diesel mechanics? If they say yes, you marry up that member of the service and that particular business in your district, and they end up getting a job.

We all know that a lot of jobs in this country are custom made, that is, they are the result of people getting together and having a cup of coffee or making a phone call, and that often starts a career which may continue for 5, 10, 15, 20 years.

Members of Congress have great connections with the businesses in their district, and it is only appropriate that they be involved in this process of making sure that people that wear the uniform, when they get out, have a chance to get a piece of this great opportunity that we call America.

Mr. Speaker, having said that, I reserve the balance of my time. It is great to be here with the gentlewoman from Guam working on this important resolution.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend my colleague, the chairman of the Armed Forces Committee, Mr. HUNTER of California, and the cosponsors of this resolution for introducing it.

I rise this morning in support of this resolution. It has been said that we often take for granted the very things that most deserve our gratitude, and there is little doubt in our country today that the men and women who are serving our Nation in uniform deserve our deepest gratitude.

I support this resolution, and I urge my colleagues to do the same, because at its heart is the principle that when our veterans return from performing their duty, we in turn owe a duty to them to assist them in their transition from citizen soldier to life as a civilian.

For many veterans, Mr. Speaker, especially those who return wounded, the transition to civilian life can be rocky and challenging. This Congress has committed to provide every tool necessary to our warfighters so that they can overcome any obstacle that they face in combat.

This resolution in a specific employment sense seeks to encourage the application of the same vigor in supporting our wounded veterans in their efforts to overcome obstacles involved in returning to civilian life and securing civilian employment. But as in all things, there is no silver bullet to facilitate the transition from wounded hero to employed civilian.

This resolution reflects the importance of supporting the hurdle of finding employment. But before our war-wounded can even consider employment, our commitment must be to world-class medical treatment that returns the wounded to the greatest health possible before they can enter the workforce.

Similarly, while some wounds may heal quickly, many others endure. So we must work to ensure that a veterans health care system with the capability, the capacity and the care to provide continuing treatment to our veterans is always, always available.

Further, while many military skills are invaluable in the workplace, a commitment to education and training funding for veterans can be critical to providing any opportunity, not just at employment, but at achieving continued advancement and new levels of financial and professional success.

I am proud of the record my colleagues have on championing these and so many related issues, and I know I speak for my colleagues in the upcoming Democratic majority in saying that we look forward to continuing and expanding our commitment to this full spectrum of care that our veterans deserve.

In closing, Mr. Speaker, we are reminded of the ethical mandates of service as Members of Congress, and I am reminded that I was sent to this great legislative body not to just use my position to influence others, but to legislate. So while I strongly support this resolution which encourages Members to use their personal influence to encourage employers to hire wounded veterans, the most important action for our Members will be continued and renewed vigor in our legislative efforts to support our veterans across the broad spectrum of support that they have earned.

I am proud, Mr. Speaker, of the record that employers in my home district, Guam, have established in supporting all veterans, but especially wounded veterans. My partnership with the Guam Chamber of Commerce has proved valuable to promoting such hiring practices, and I encourage all Members to so reach out on behalf of wounded veterans in their community

Mr. Speaker, I reserve the balance of my time.

Mr. HUNTER. Mr. Speaker, I appreciate the gentlewoman's very articulate remarks.

Mr. Speaker, I yield 5 minutes to the gentlewoman from Texas (Ms. SEKULA GIBBS).

Ms. SEKULA GIBBS. Mr. Speaker, I thank the chairman for the opportunity to address this resolution.

Mr. Speaker, I rise in support of House Resolution 1070 and express my support with the Members of the House of Representatives that Americans should employ people who have served our country. We should actively engage with employers and the American public at large to hire members and former members of the Armed Forces, especially those who have been wounded in service to our country and are facing a transition into civilian life.

I am a physician and have had the opportunity to work in veterans hospitals across the country. I will tell you that there is no group of people more dedicated and more committed to the American way of life and our great country than people who have served in our military. Who knows more about hard work than the people who have worked hard in the military, the men and women in our Armed Forces who have spent time abroad and have faced danger in the battle zones in places like Afghanistan and Iraq?

After serving our country, these men and women deserve a right to find gainful employment and to support themselves and their families. These individuals have sacrificed so much so that all of us can enjoy our freedom, the freedoms that we hold dear.

I suggest that a college degree is very important to an employer and has value and intrinsic value, but also service in the military has that experiential value that an employer can find very, very important when selecting a valuable worker.

I have worked with organizations like Marine for Life and with an individual in the Houston area named Sergeant Tony Martin who helps find Marines jobs when they return from active service. These groups are to be supported. Look them up. Seek them out.

Mr. Speaker, I am proud to support the passage of House Resolution 1070, and I urge my colleagues to join me in voting in favor of it.

Ms. BORDALLO. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. HUNTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank Ms. SEKULA GIBBS and the gentlewoman from Guam, Ms. BORDALLO, for assisting in this important resolution. This is something that I think that the membership of this House can enter into with lots of enthusiasm, with lots of energy.

Mr. Speaker, no one knows the businesses better in our districts than Representatives. The ability to connect a wounded soldier, sailor, airman or marine with a business in their particular district is something that will have a far-reaching effect, a long-lasting effect. Because of some of the qualities of our service personnel, that is the discipline, the ability to be a self-starter, the knowledge that you have to get up early and show up on time, the discipline, the talent, all those things I think will create long-lasting employment if we do one thing, and that is help to marry up these great Americans with prospective employers. We are well situated to do that and hopefully will have a good vote in the full House to emphasize that point in the resolution.

Mr. REYES. Mr. Speaker, I would like to thank Chairman DUNCAN HUNTER for his leadership in introducing this legislation. I am a strong supporter of H. Res. 1070, expressing the sense of the House of Representatives that members of Congress should actively engage in hiring wounded military veterans.

Earlier this year the House Veterans Affairs Committee, of which I am a member, held a hearing for private sector representatives to discuss their initiatives aimed at hiring veterans of the U.S. Armed Forces. Although companies such as Home Depot, Exxon Mobile Corporation and R&L Carriers have initiated plans to increase the number of veterans, and specifically disabled veterans, other companies and the public sector can also improve their veterans hiring practices.

According to the U.S. Department of Labor, younger veterans have a significantly higher unemployment rate than those of the general population in the same age range. Mr. Speaker, I find this situation unacceptable and I believe most Americans would agree that our country should do more to assist these veterans in transitioning from active duty to the civilian workforce.

For that reason, I helped establish a "Veterans Opportunity Conference" in my Congressional district of El Paso, TX, earlier this year. This conference brought together members of the community, Federal and State agencies, and businesses to assist veterans seeking to start a business, learn about State and Federal programs, and inquire about employment opportunities. Having had a great response from our veteran community, I now plan on making this a yearly event and encourage all of my colleagues in Congress to do the same in their respective districts.

Furthermore, as a U.S. Army veteran, a strong advocate of hiring qualified veterans, and a member of Congress, I practice what I preach. I am proud to have five former servicemembers in my El Paso and Washington, DC, offices.

Mr. Speaker, our veterans deserve our utmost commitment to helping them succeed after their military service, and I encourage all of my colleagues to join me in voting for H. Res. 1070.

Mr. HOLT. Mr. Speaker, I appreciate the sentiment that motivated the gentleman from California, Mr. HUNTER, to offer this resolution. I agree with him that our Government must set the example when we choose to exhort employers to hire veterans. That's why I was pleased that in July of this year, the House passed by voice vote a concurrent resolution I offered with Mr. BROWN of South Carolina that calls upon the President to establish a permanent national "Hire a Veteran Week."

The purpose of our bipartisan bill is simple. On a yearly basis, the President would lead a week-long effort to remind employers—both government and private sector—of the importance and value of hiring veterans. According to the most recent U.S. Labor Department data, in August 2005, 20- to 24-year-old veterans had an unemployment rate of 18.7 percent compared with their nonveteran counterparts. For all of 2005, the annual rate was 15.6 percent for 20- to 24-year-old veterans compared with 8.7 percent for non-veterans in that age group. Women veterans also suffer higher rates of unemployment than nonveterans. The unemployment rate for women veterans aged 25–34 stands at 6.9 percent versus 6 percent for their civilian counterparts. More alarmingly, women veterans aged 45–54 have twice the rate of unemployment than their non-veteran counterparts—7.1 percent versus 3.3 percent.

These aren't simply numbers; these are men and women who put on our country's uniform to protect each and every one of us. We can and must do more to help them find good-paying jobs that allow them to build a career and a life in the Nation they served and protected. That process should begin with a yearly reminder to all employers to actively seek out veterans as potential employees. I have been deeply disappointed that to date the Senate has not elected to follow the House's lead and pass my "Hire a Veteran Week" legislation. Should the Senate not pass this bill before the 109th Congress adjourns sine die, it will represent yet another failure of this Congress to meet the real needs of veterans.

My colleague from California, Mr. HUNTER, is correct that Congress should take the lead and set the example when it comes to veterans' employment issues. That's why in 2005 I introduced the American Veterans Congressional Internship Program, H.R. 1242, a bipartisan bill that would allow each Member of Congress to hire a veteran as a paid intern for 1 year.

The benefits of this bill are clear. House and Senate Members would be able to take advantage of the experience and can-do work ethic of veterans, while veterans would get the chance to directly influence policy decisions and contribute to legislation that will affect them and their fellow veterans. I regret the 109th Congress failed to act on this commonsense bill, and I intend to reintroduce it and push for its speedy passage in the 110th Congress.

One thing we should all be able to agree on is that our outreach to veterans seeking jobs should be buttressed with concrete action by Congress to fund job training and placement programs, particularly for young veterans and women veterans.

That we have a long way to go in meeting the employment and training needs of our veterans was made clear by John Rowan, the current president of Vietnam Veterans of America, in testimony he gave before the Senate Veterans Affairs Committee on March 30 of this year. Mr. Rowan noted that:

> In fact, there is no real national strategy to assist returning veterans, including National Guard and Reservists, who are unemployed or under-employed—and some 15 percent of our newest veterans have yet to find gainful employment. Similarly, there is no effective mechanism in place for enforcing veterans' preference, and we have an Administration that appeals a case against a disabled veteran who had finally won his case before the Merit System Protection Board pursuant to The Veterans Employment Opportunities Act of 1998.
>
> It is imperative that re-education and work skills upgrades, including self-employment, be made a priority by those agencies of government that provide these services, especially considering the battalions of seriously and permanently disabled veterans returning from Afghanistan and Iraq.

This indictment of our current federal efforts on behalf of veterans seeking employment is a wake up call. I hope that when the 110th Congress convenes in January 2007, my colleagues will join me in helping create a national strategy to help returning veterans get the job training and employment opportunities they've earned for their service to America.

Mr. HUNTER. Mr. Speaker, I yield back the balance of my time and ask everyone to support this resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HUNTER) that the House suspend the rules and agree to the resolution, H. Res. 1070, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those voting have responded in the affirmative.

Mr. HUNTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

HENRY J. HYDE ROOM

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1087) designating Room H–139 of the Capitol as the "Henry J. Hyde Room".

The Clerk read as follows:

H. RES. 1087

Resolved, That—

(1) Room H–139 of the Capitol shall be known and designated as the "Henry J. Hyde Room"; and

(2) this resolution shall take effect on the day following the date on which Henry J. Hyde is no longer serving as a Member of the House of Representatives.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1087 designates room H–139 of the United States Capitol as the HENRY J. HYDE Room. This designation will become effective January 3, 2007. It is an honor to speak today on this resolution, which is a tribute to one of the finest Members of this Chamber, Congressman HENRY HYDE.

Congressman HYDE has served this country well. In 1942, he enlisted in the U.S. Navy, serving in combat in the Philippines. When he retired, he held the rank of commander. He attended Loyola School of Law in 1949 and was a successful attorney in Illinois. He became a State legislator in 1966 and was eventually elected to be the majority leader of the Illinois House of Representatives. In 1975, he was elected to this Chamber by the good people of the Sixth District of Illinois and has served them well over the past 32 years.

Congressman HYDE has been a true champion and hero during his time in Congress. As chairman of the Judiciary Committee and International Relations Committee, Congressman HYDE has authored ground-breaking and effective legislation and has pushed for the promotion of democracy around the world.

Over the past 32 years, Congressman HYDE has served in this building with honor, respect, and prestige. It is only fitting that we name H–139 in his honor as a lasting tribute to his accomplishments and his steadfast dedication to his constituents and the American people.

I support this legislation and encourage all my colleagues to do the same.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, I was just walking out when I heard the gentleman mention the great HENRY HYDE of Illinois, and I just wanted to add my words as a guy who watched him in monumental debates that affected this Nation and the world over the last 26 years.

□ 1045

HENRY HYDE has been a giant in the House of Representatives and in America, and I want to thank the gentleman.

Mr. YOUNG of Alaska. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H. Res. 1087 to designate room H–139 in the Capitol as the Henry J. Hyde Room. Congressman HYDE is widely respected and regarded on both sides of the aisle as an effective leader and able legislator. He has served with distinction for more than three decades, working to improve the lives of senior citizens, veterans and families of all sizes. He has focused on job creation and better education for all, better housing for senior citizens, and the needs of special education students.

During his tenure as the chairman of the House International Relations Committee, he focused his work on terrorism and, in particular, biological and chemical weapons threats. Congressman HYDE also served as chairman of the House Judiciary Committee from 1995 to 2001.

It is fitting and proper to honor the distinguished career of HENRY HYDE with this designation. I support the resolution and urge my colleagues to also support this resolution today.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

I would also like to add to my first statement a little bit of litany of Mr. HYDE. He was my neighbor right next door to 2111 in the Rayburn Building. He was always good for a conversation but, most of all, good advice. He also has been one that has protected, or at least protected the unborn, and he has been to my State numerous times and has spoken eloquently and with forcefulness about their need to be protected.

He has been a friend of this body because he brought dignity, as I mentioned before, and the prestige of a gentleman but, more than that, a very intellectual individual that understood the issues.

So I am extremely proud today to support this legislation. I hope all my colleagues understand that we are losing a good colleague. Some of my colleagues that have left prior to this were not recognized by naming a room. It is just a small token of appreciation to someone who brought the needed, I think, gentlemanness to this body.

So it is with great honor that I support this legislation again.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Guam (Ms. BORDALLO).

Ms. BORDALLO. Mr. Speaker, I rise also to support H. Res. 1087.

I join my colleagues, Mr. Speaker, in recognizing the distinguished service of our retiring colleague, Mr. HYDE of Illinois. It has been a privilege to serve with him in this body. He has established himself as an effective and dedicated public servant over the course of nearly 40 years in public service and 16 terms in Congress.

He is a gifted public speaker and one of the House's skilled orators. His leadership as chairman of the House Judiciary Committee and the House International Relations Committee has evidenced his skills as a legislator and his commitment to strengthen the principles of our great country, the United States of America. We will miss him, but we will recall the ideals and the principles for which he stands and his graciousness.

So, Mr. Speaker, I find it very fitting that we designate a room in the Capitol in his honor. This room will remind us of his work and his service in this institution.

Mr. YOUNG of Alaska. Mr. Speaker, I yield whatever time he may consume to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I thank the chairman for yielding and rise in strong support of H. Res. 1087.

As this Congress draws to a close, this legislation that I had the privilege of authoring is a source of great personal satisfaction to me, and I cannot help but feel a sense of privilege about being able to have played a part in bringing this important honor to the floor today.

Mr. Speaker, as this session of Congress draws to a close, so draws to a close the storied career of a lion of the House of Representatives, Congressman HENRY HYDE of Illinois.

As the chairman of several major committees at the center of repeated national controversies, HENRY HYDE, as Members on both sides of the aisle have already said today and know, has been a paragon of dignity, civility, and commitment to principle, and I would add that he has been a lion of the right to life, and this Chamber will miss his roar.

I offer this legislation before us today to name H–139 in the United States Capitol after this storied legislator. It is an act we sometimes do in this body to honor a figure whose public service indicates a significant benchmark or milestone in the history of the House of Representatives, and the career of HENRY HYDE certainly speaks for itself.

He is the holder of no fewer than eight honorary degrees from eight separate colleges and universities, in addition to his B.S. from Georgetown and J.D. from the Loyola University School of Law in Chicago.

His service in the Navy took him to Lingayen Gulf, an extension of the South China Sea. Upon returning home, he was elected to the Illinois House of Representatives in 1966 and then to this body, the United States House of Representatives, in 1974 where he has served with great distinction.

Throughout his career, whether it was closed-door White House briefings or high-level meetings with diplomats, HENRY HYDE has played a vital role in our Nation's security and in defining America's place in the world, and as chairman of the Judiciary Committee, he has held fair hearings and respected the constitutional rule of law ordained by our Founding Fathers.

But Mr. Speaker, it is the Hyde amendment itself for which the gentleman of Illinois will perhaps be best remembered. He eloquently remarked on this floor on one occasion, "I look for the common thread in slavery, the Holocaust and abortion. To me, the common thread is dehumanizing people."

The first Hyde amendment passed in 1976 banning abortions financed by Medicaid and has remained in force ever since. An argument can be made that it is the most important piece of legislation this Congress has considered in the past 50 years, and that would be an argument that I endorse.

HENRY HYDE's respect for life extends to his support of other legislation, including sponsorship of legislation to expand the number of women eligible for pregnancy benefits.

Mr. Speaker, quite simply, when I think of HENRY HYDE's career and the classic speeches he has given in this Chamber, I cannot help but think of the poem "Ulysses" by his favorite poet, Alfred Lord Tennyson. Mr. HYDE once quoted this poem to me verbatim as we sat in this Chamber between votes, and I think it applies to his service and his retirement and his dedication today.

Tennyson wrote:

"Tho' much is taken, much abides; and tho'
We are not now that strength which in the old days
Moved earth and heaven; that which we are, we are
One equal-temper of heroic hearts,
Made weak by time and fate, but strong in will
To strive, to seek, to find, and not to yield."

Such was the career of this rare leader and the gentleman from Illinois. May God bless his golden years and may God bless all the deliberations that will take place in the Henry Hyde Room in the United States Capitol for generations to come.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in strong support of H. Res. 1087, designating Room H–139 of the Capitol as the "Henry J. Hyde Room." I believe that this high honor is a fitting tribute to my friend and colleague for his 32 years of distinguished service in Congress.

Mr. HYDE is truly an institution in the Halls of Congress. His character, his wisdom, and his eloquence will long serve as an inspiration to those who will grace the Halls of Congress in the future. Through his leadership on the House Committee on International Relations, his guidance on the House Committee on the Judiciary, and his selfless dedication to the people of the 6th District of Illinois, Mr. HYDE has proven to be a true statesman, easily worthy of the honor this legislation would bestow on him.

In my experience working with Chairman HYDE on the International Relations Committee, he has proven himself time and again to be a strong leader. On many of the most pressing international issues of our time, such as the terrorist attacks of September 11, 2001, North Korea's nuclear ambitions, the humanitarian crisis in Darfur, our Nation's ongoing relations with China, and the pending nuclear agreement with India, Chairman HYDE has been the voice and the conscience of the American people.

Throughout his tenure in Congress, Mr. HYDE has focused on improving the lives of children, working families, seniors, and military veterans. Examples of his service in his home district include public works projects to provide flood control and clean drinking water, new housing developments for senior citizens and children with special needs, and grants to provide new equipment for the local fire and police departments.

A military veteran himself, Mr. HYDE has long championed the cause of today's military veterans. Mr. HYDE served in the U.S. Navy in the South Pacific, New Guinea and the Philippines during World War II and continued to serve in the U.S. Naval Reserve until 1968, retiring at the rank of commander. Earlier this year I was privileged to travel to American Samoa with Chairman HYDE where he recognized and acknowledged the military service and sacrifices of our Samoan soldiers in the global war on terror.

Chairman HYDE is my dear friend and a cherished colleague. He is highly regarded by members from both sides of the aisle for his leadership and integrity. I support H. Res. 1087 and I encourage my fellow members in Congress to support this resolution recognizing the invaluable contribution of Mr. HYDE to this great Nation.

Ms. NORTON. Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I have no other requests for time, and I yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and agree to the resolution, H. Res. 1087.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF FUNDING TO PROCESS PERMITS

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6316) to extend through December 31, 2008, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits.

The Clerk read as follows:

H.R. 6316

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FUNDING TO PROCESS PERMITS.

Section 214(c) of the Water Resources Development Act of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594; 117 Stat. 1836; 119 Stat. 2169; 120 Stat. 318) is amended by striking "December 31, 2006" and inserting "December 31, 2008".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 6316, to authorize the extension of the Army Corps of Engineers' section 214 program.

Section 214 of the Water Resources Development Act of 2000 allows the Army Corps of Engineers to accept and expend funds provided by non-Federal public entities to hire additional personnel to process regulatory permits.

Mr. Speaker, H.R. 6316 is urgently needed since authority for this program expires on December 31 of this calendar year. If this program expires, the Corps will have to fire some regulatory personnel, reducing its ability to process permits in a timely manner.

The Committee on Transportation and Infrastructure has heard from Members on both sides of the aisle supporting the section 214 program. H.R. 6316 is nearly identical to section 2003 of the Water Resources Development Act of 2005, which passed the House on July 14, 2005 by a vote of 406–14. Since the authority for the section 214 program is expiring, it is necessary to move this piece separately.

I thank Representative BAIRD and our colleagues from the western United States for introducing this bill. I urge all Members to vote in favor of H.R. 6316.

Mr. Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

I support the passage of H.R. 6316. This bill extends through December 31, 2008, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to process permits under the Clean Water Act and the Rivers and Harbor Act of 1899.

The current authority for this program expires on December 31 of this year. The program is popular and well-received, particularly in the northwest part of the country.

I congratulate my committee colleague Mr. BAIRD for his attention to this issue and for securing today's consideration of this bill. I can think of no other Member who has served his local or regional issues with more enthusiasm and effectiveness.

The language in H.R. 6316 is similar to the two previous extensions of this program which passed the House September 20, 2005, and March 14, 2006. Both of these votes to extend the program received strong support from the House.

The language in this legislation is modeled after the language contained in H.R. 2864, the Water Resources Development Act of 2005, which passed this House on July 14, 2005, by an overwhelming vote of 406–14.

While my preference would be to address the extension of this program through passage of the broader Water Resources Development Act, at this later hour in the session it seems increasingly unlikely that work can be completed on the larger bill.

This really is unfortunate because it only further delays the opportunity for the Corps of Engineers to provide essential flood control, navigation and ecosystem restoration projects to our Nation and vital public safety and economic benefits to our constituents.

We are now just one week shy of 6 years since the last water resources bill was enacted, and this is really far too long.

I am certain that there will be questions as to why Congress was unable to enact a water resources bill in the 109th Congress, especially since this is the first time since 2000 that both the House and Senate Chambers were able to approve legislation for the other body to consider.

However, in spite of this significant achievement and roughly 5 months of staff negotiations towards a conference agreement, the fact remains that no agreement has been reached, and we are days away from the adjournment and facing one more year without a water resources bill.

Mr. Speaker, the current administration has no commitment to the Nation's premier water-related infrastructure agencies. This administration fails to understand the importance of the Corps of Engineers and the vital work that this agency does for the American people.

□ 1100

The administration's lack of support for a comprehensive Water Resources Development Act has only made Congress's work more difficult.

During the consideration in both the House and Senate, the administration released two statements of administration policy that were highly critical of the Congress's efforts, especially of the administration's concern with the overall cost of two bills. However, what the administration fails to recognize is that the roughly $10 billion project authorizations contained in this House-passed version and the $12 billion in the Senate-passed version reflect 6 years of requests since the Water Resources Development Act of 2000. Should Congress fail to approve this Water Resources Development Act this year, we should expect that next year's bill will cost more than both the House and Senate versions, perhaps as much as $15 billion. However, the Department of Transportation predicted it would be $19 billion this year.

These numbers are consistent with the historical costs of past water resources bills, and further delay only results in making these vital projects more expensive over time. Yet Congress must also share the blame for its failure to deliver a comprehensive water resources bill this year. With both the House and Senate and the White House under Republican control, it would seem that passage of this legislation would have been achievable. In spite of these significant efforts of both the chairman of the conference committee and my chairman, Mr. YOUNG, the House and Senate has been unable to reach agreement on a final package. I am confident that our committee, under the leadership of our incoming chairman, Mr. OBERSTAR, will make the passage and enactment of the Water Resources Development Act a number one priority in 2007.

Mr. Speaker, I urge support of this bill and reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I agree with the lady from Texas, her comments about the water resources bill. We passed it three times over to the other side of the aisle, and for three times they punted. And I think they have been kicking at the wrong goal, because we have not been able to finish this program.

This is a badly needed piece of legislation. The total bill itself has to be passed sooner or later, and it should be passed sooner; but it is not going to be. I expect to work with Mr. OBERSTAR and the chairman of the subcommittee; we were really thinking we would probably pass the bill that we have in conference today and go immediately to conference to get this done, and I will tell you that I will do everything in my power to work with the majority as the minority leader in trying to get this legislation passed. And, by the way, there are no dollars in the bill's authorization, but in the meantime we have things such as this bill we are talking about today that should have been passed previously that is going to expire.

And I would like to compliment Mr. BAIRD especially for his insistence on getting this bill on the floor, because it is crucial in the areas where we can continue and work is being done without the funding that should have been in the water bill that has passed by using a private donor or other sources of income to get the job done.

So I agree with the gentlewoman, and I do compliment Mr. BAIRD on his insistence of the legislation

Madam Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Madam Speaker, I thank the gentlewoman for yielding, and I thank my good friend, the chairman of the committee from Alaska, for his insight and leadership in bringing this to the floor.

As has been said, this legislation would extend section 214 of the Water Resources Development Act until December 31, 2008. It is a commonsense bill. It will save jobs, protect the environment, and promote economic growth.

Section 214 was enacted in WRDA 2000 to permit non-Federal public entities to contribute funds to the Army Corps to help expedite the processing of Corps permits. This is especially important in regions such as my own where we have endangered species listed and the permitting load has grown exponentially in recent years. This permission has allowed municipalities and ports to move forward with vital infrastructure projects, and these entities that provide funding are given no partiality by the Corps in their review of the project.

However, by funding additional staff to work on specific time-intensive permits, the staff and the Corps budget is freed up to work on their permit backlog. In fact, in utilizing this authority, the Army Corps of Seattle District has seen their total average review time per project reduced from 804 days to just 69 days in the first 3 years of implementation. And the City of Seattle alone estimates the cost savings at over $5 million, again from a piece of legislation that does not cost the Federal Government a penny.

Additionally, due to urgent construction needs, thousands of Corps staff have volunteered to serve in the Katrina area as well as reconstruction areas in Iraq and Afghanistan. Again turning to the Seattle Corps as an example, they have deployed a total of 233 civilian and military staff, approximately 29 percent of their staff, to these areas. First, we appreciate the service of those staff members and their courageous work in those combat areas. At the same time, however, their departure has left a limited number of staff remaining to handle the needs of the regional area. The deployments of the soldiers and men and women serving overseas can range from 30 days to a year or more, again leaving a substantial gap. It is during such times of increased deployments and increased demand for permits that we need expedited processes such as 214, and they are vital in continuing regional growth and economic need.

This section, as was mentioned, was enacted last year unanimously as H.R. 4826, and currently is unfortunately set to expire on December 31. What we are seeking is simply an extension until the committee finishes their work on WRDA before the end of the 110th, and I share my colleague's frustration that in spite of the House, as my good friend from Alaska said, we passed it across the aisle. We are with you across the aisle; it is across the Capitol that we have got the problem with the other body, as we say.

This provision is absolutely vital to Corps activities. Although this authority exists for all regions in the country, it has been particularly utilized in the Pacific Northwest by the City of Seattle, Ports of Tacoma and Long Beach, as well as the City of San Diego and public entities in Florida as well and around Sacramento. In the Northwest we have seen the backlog in the past had grown to 1,000 permits per year, but we have been able to lower that thanks to this legislation.

I am pleased to have support of all Washington State House Members as cosponsors of the bills, as well as Members representing Oregon, Idaho, and California. Again, I would thank the chairman, Mr. YOUNG, Ranking Member OBERSTAR, Water Resource Subcommittee Chairman DUNCAN and Ranking Member JOHNSON, as well as their staff; and I look forward to working with them. Finally, let me give special thanks to my staff member Katie Stephens who is leaving my office this year but has worked diligently on this piece of legislation and has worked for me for several years and prior to that for Cal Dooley. I wish her all the best and I am grateful for her service

Mr. HONDA. Madam Speaker, I rise today to express my support for H.R. 6316, and I am glad the House will be approving this bill today.

The bill extends the Army Corps of Engineers authority to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits. If the House and Senate had been able to agree to the Water Resources Development Act, this authority would have been extended, but unfortunately the two bodies have been unable to pass WRDA yet again.

H.R. 6316 helps to address an increasingly important problem in areas that are experiencing significant growth in environmentally sensitive areas. In the Sacramento, CA region, for example, much of the land includes wetlands and endangered or threatened species, meaning that any construction projects require permits from the Corps of Engineers to proceed.

At current staffing levels, the Corps of Engineers cannot process the large number of permits in a timely manner. The authority granted by this bill allows the Corps to accept outside funds to support additional staff to work on the processing of these permits.

I would prefer that in the future we can address this problem permanently, either by giving the Corps of Engineers sufficient funding to do its job or by granting permanent authority similar to that in this bill; but in the interim, I am happy that we will be passing H.R. 6316 and I commend Representative BAIRD for pushing this bill forward.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I have no other requests for time, and I yield the balance of the time.

Mr. YOUNG of Alaska. Madam Speaker, I have no other requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. CAPITO). The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill, H.R. 6316.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YOUNG of Alaska. Madam Speaker, I ask unanimous consent that Members have 5 legislative days to revise and extend their remarks and include extraneous material on House Resolution 1087 and H.R. 6316.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL HIGH SCHOOL SENIORS VOTER REGISTRATION DAY

Mr. EHLERS. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 73) supporting the goals and ideals of National High School Seniors Voter Registration Day.

The Clerk read as follows:

H. CON. RES. 73

Whereas in order for the government of the United States to remain of the people, by the people, and for the people, individuals must take advantage of their right to vote;

Whereas the right to vote is one of the most important rights of a citizen, and every effort should be made to promote voter registration at school so that students may begin participating in the foundation of the Nation's representative democracy;

Whereas the Legislature of Louisiana voted in 2002 to recognize annually the first Tuesday in May as National High School Seniors Voter Registration Day; and

Whereas the purpose of National High School Seniors Voter Registration Day is to allow students to register to vote at school to encourage their participation in making democracy work: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress supports the goals and ideals of National High School Seniors Voter Registration Day, and encourages all eligible students to register to vote.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. EHLERS) and the gentlewoman from California (Ms. MILLENDER-MCDONALD) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan

Mr. EHLERS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of House Concurrent Resolution 73, introduced by my colleague from Louisiana, Congressman MCCRERY. This bill will establish the first Tuesday in May as National High School Seniors Voter Registration Day, during which volunteers will register high school seniors and other students of voting age on site in their schools.

As I have often stated, my goal as the chairman of the House Administration Committee is to make sure that every citizen who is able to vote does so. As an educator, I have witnessed firsthand the passion and energy our young people possess when given a chance to voice their beliefs, qualities that will serve them well as they enter the voting booth. The National High School Seniors Voter Registration Day will create an additional mechanism to register young men and women and perhaps encourage an early desire to participate in the political process. Accordingly, I call upon my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Ms. MILLENDER-MCDONALD. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H. Con. Res. 73 and thank Representative MCCRERY for introducing this very important concurrent resolution which encourages our Nation's youth to register to vote. There are few rights as Americans that are more sacred than the precious right to vote. Discussing this resolution today gives all of us in Congress the opportunity to express our support for the goals set forth by the great State of Louisiana to provide the opportunity for all high school seniors to register to vote at school and to encourage their participation in the political process.

Madam Speaker, you and I and many Members very frequently visit our high schools and speak with our students, and it is so important for the high school seniors to register to vote. A lot of them are very much interested in what goes on in this House, and it is important that we continue to engage in dialogue with them so that they will be participants, active participants in this political process.

In the spring session of 2002, the Louisiana legislature ratified House Concurrent Resolution 20, declaring the first Tuesday in May as Louisiana High School Seniors Voting Registration Day. This resolution encourages students to participate in our political process and in making democracy work. In my home State of California, the legislature passed the Student Voting Registration Act of 2003, which gives the Secretary of State the power to annually provide every high school, community college, and California State university and the University of California systems' campuses with voter registration forms to expand the number of youth participating in the voting process.

The goal of California's law is to ensure that every high school and college student receives a voter registration card with his or her diploma. California is achieving its goal by providing voter registration forms at the start of the school year, including voter registration forms with orientation materials, placing voter registration forms at central locations, and including voter registration forms with graduation materials. I am so pleased and so proud of the State of California for expanding this type of service to our high school students, and I hope that all States follow these models to enfranchise all of our Nation's youth.

I hope that this resolution on the floor today will encourage our youth to participate in our democracy not only by registering to vote and voting, but by becoming poll workers. To facilitate youth involvement in our elections, this summer I offered an amendment to H.R. 5576, the Transportation-Treasury-HUD appropriations bill, to double the funding to the Election Assistance Commission to administer the College Poll Workers Grant program. This amendment was accepted to the bill without objection. I realize that the resolution under consideration today only speaks to high school students, but it highlights an important first step in increasing youth civic engagement and strengthening American democracy.

I support this resolution and the continued goals and ideals of National High School Seniors Voter Registration Day and encourage all eligible students not only to register to vote but to exercise that franchise as well.

Madam Speaker, I reserve the balance of my time.

Mr. EHLERS. Madam Speaker, I am very pleased to yield as much time as he may consume to the sponsor of the resolution, Mr. MCCRERY of Louisiana.

Mr. MCCRERY. Madam Speaker, it is a pleasure to be on the floor today to support this resolution, and I thank the chairman and ranking member of the committee for bringing this to the floor today.

The resolution actually encourages the Congress to support the goals and ideals of National High School Seniors Voter Registration Day. This is a program that was actually started in my hometown of Shreveport, Louisiana, back in 1996; and the results have been indeed noteworthy. Just this year, for example, in the class of 2006, the high school graduating class of 2006, nearly 50 percent of the graduating class registered to vote in Shreveport this year. That is far above what you will find in most cities and towns that don't have a program similar to this in effect.

The goals and ideals of the High School Seniors Voter Registration Day are contained in the program's mission statement; and simply, the program's mission is to register to vote high school seniors and students of voting age on the first Tuesday in May.

□ 1115

And also, to encourage students to make a lifelong commitment to civic participation in all areas of society by educating them about the importance of voting.

That's the mission. Certainly I would hope this Congress today by its vote here in the House and I hope later in the other body would support the goals and ideals of this program.

Certainly we can think of no better message to send to young people in this country that civic participation is important, in fact critical to the progress of this Nation and perhaps, some would say, to the survival of this Nation.

So I am pleased to be able to present this resolution today endorsing a program that sprang up in my hometown and now has spread across the State of Louisiana and we hope will spread across the Nation. I urge its adoption.

Ms. MILLENDER-McDONALD. Madam Speaker, I applaud the gentleman from Louisiana for this very interesting and important resolution. I support the resolution.

Madam Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. EHLERS. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. EHLERS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 73.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EHLERS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Con. Res. 73.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

REGARDING WAIVER OF PATENT AND TRADEMARK REQUIREMENTS IN CERTAIN EMERGENCIES

Mr. SENSENBRENNER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4742) to amend title 35, United States Code, to allow the Director of the Patent and Trademark Office to waive statutory provisions governing patents and trademarks in certain emergencies.

The Clerk read as follows:

H.R. 4742

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WAIVER OF PATENT AND TRADEMARK REQUIREMENTS IN CERTAIN EMERGENCIES.

Section 2 of title 35, United States Code, is amended by adding at the end the following new subsection:

"(e) WAIVER OF REQUIREMENTS IN CERTAIN EMERGENCIES.—The Director may waive statutory provisions governing the filing, processing, renewal, and maintenance of patents, trademark registrations, and applications therefor to the extent the Director deems necessary in order to protect the rights and privileges of applicants and other persons affected by an emergency or a major disaster, as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122). A decision not to exercise, or a failure to exercise, the waiver authority provided by this subsection shall not be subject to judicial review.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 4742 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 4742, to amend title 35, United States Code, to allow the Director of the Patent and Trademark Office to waive statutory provisions governing patents and trademarks in certain emergencies.

The devastation caused by Hurricane Katrina in the gulf region affected the ability of applicants, patentees, trademark holders and other interested parties to do business with the PTO.

Following the disaster, the agency invoked as much administrative and statutory authority as it could to accommodate those affected. For example, the PTO created a toll-free hotline for victims to call with questions or problems; attempted to place calls to all registered practitioners in Alabama, Mississippi and Louisiana; blocked outgoing mail to those living at relevant ZIP codes in the region; vacated all outstanding examiners' actions, to be remailed at a later time; and accorded "special consideration" to all reductions of patent term adjustments where the applicant delay was attributable to the hurricane.

Despite its best efforts to date, the PTO needs additional authority to provide individuals and businesses relief from certain statutory deadlines, especially those pertaining to the maintenance of granted patents and registered trademarks.

Pursuant to the bill, the PTO may waive statutory provisions governing the filing, processing, renewal and maintenance of patents, trademark registrations and applications to the extent the director deems necessary to protect the rights and privileges of applicants and other persons affected by certain emergencies or a major disaster.

Madam Speaker, this is a noncontroversial measure that will ensure that the PTO carries out its statutory mandates in a fair manner during emergency conditions.

I urge Members to support it.

Madam Speaker, I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I yield myself such time as I may consume.

I too rise in support of this legislation. H.R. 4742 has been reported favorably by the Committee on the Judiciary with no controversy.

What we are talking about today responds in part to the devastation caused by Hurricane Katrina. We all know that among the hurricane's wide-ranging impact was the destruction of infrastructure and a legal maelstrom caused by judicially and statutorily imposed deadlines for filing documents and making payments. This also is the case with the patent law, which forces individuals and businesses to comply with statutory deadlines for patent and trademark filings in the midst of a natural disaster.

The measure before us is designed to alleviate that pressure by permitting the Patent and Trademark Office director to extend statutory deadlines during emergencies. This section provides an opportunity to aid innovators who, because of devastation, might lose rights to their inventions and creation.

I am pleased to join with those that urge the swift passage of H.R. 4742.

Mr. SMITH of Texas. Madam Speaker, I thank the Gentleman from Wisconsin for moving this legislation to the House floor.

The Committee Chairman did a good job of summarizing how the bill works, so I won't repeat his description.

I would point out that granting the additional authority to the PTO Director under H.R. 4742 is consistent with other actions by the Committee and Congress to assist other individuals and institutions in the Gulf region.

This includes enactment of legislation that allows Federal courts during emergency conditions to operate outside of their geographic domains; provide transportation and subsistence expenses for indigent defendants; and delay or toll judicial proceedings.

Madam Speaker, this is a good bill that will help inventors, trademark holders, and other interested parties maintain their intellectual property rights under adverse conditions.

I urge Members to support H.R. 4742.

Mr. CONYERS. Madam Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 4742.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

NONPROFIT ATHLETIC ORGANIZATION PROTECTION ACT OF 2006

Mr. SENSENBRENNER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1176) to provide immunity for nonprofit athletic organizations in lawsuits arising from claims of ordinary negligence relating to the passage, adoption, or failure to adopt rules of play for athletic competitions and practices, as amended.

The Clerk read as follows

H.R. 1176

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nonprofit Athletic Organization Protection Act of 2006".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Amateur Sports and education-based athletics are an important part of our culture. Sports provide a tremendous opportunity for the youth of America to learn the skills of leadership, teamwork, and discipline. Studies have shown that participation in these activities is directly connected to academic achievement and overall social development.

(2) Amateur athletics are integral to the good health and overall well-being of American society. Nonprofit organizations put forward their best efforts to enact rules that are in the best interests of young people. Injuries will occur as a result of the inherent risks involved in sports. These risks, however, should not work to the detriment of the greater good served by amateur athletics.

(3) Young people who participate in school sports and other amateur competition have lower levels of obesity.

(4) Young people who participate in sports tend to be fitter adults, and suffer fewer health problems as they age.

(5) Playing rules in amateur sports are necessary to provide the opportunity for young people to participate in age- and skill level-appropriate competition.

(6) Sport involves intense physical activity. It also involves a certain element of danger. Rule making is anticipatory, and hence a difficult balancing act. Rules committee members face a constant struggle to balance the tradeoffs of limiting risk and preserving the key elements and sound traditions of the sport. Rules makers must draw unambiguous lines; they do not have the luxury of self-protective vagueness. Given the large number of participants and the risks inherent in sport, injuries cannot be avoided. By deciding to partake in competition, athletes assume such risks. Allowing lawsuits based merely on the good faith development of the rules is wrong and unfair.

(7) Rules makers have been the target of an increasing number of lawsuits claiming negligence due to the adoption, or failure to adopt, particular rules for amateur sports.

(8) Repeatedly defending claims will have a detrimental impact on the ability of rules makers to continue to provide these services, and will discourage the best and brightest coaches, officials, and administrators from serving on rules committees. Additionally, some children may lose the opportunity to participate in organized sports if higher insurance premiums compel amateur athletic organizations to raise fees.

SEC. 3. DEFINITIONS.

In this Act:

(1) ECONOMIC LOSS.—The term "economic loss" means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

(2) HARM.—The term "harm" includes physical, nonphysical, economic, and noneconomic losses.

(3) NONECONOMIC LOSS.—The term "noneconomic loss" means any loss resulting from physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature.

(4) NONPROFIT ORGANIZATION.—The term "nonprofit organization" means—

(A) any organization which is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; or

(B) any not-for-profit organization which is organized and conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare, or health purposes.

(5) NONPROFIT ATHLETIC ORGANIZATION.—The term "nonprofit athletic organization" means a nonprofit organization that has as one of its primary functions the adoption of rules for sanctioned or approved athletic competitions and practices. The term includes the employees, agents, and volunteers of such organization, provided such individuals are acting within the scope of their duties with the nonprofit athletic organization.

(6) STATE.—The term ' State" includes the District of Columbia, and any commonwealth, territory, or possession of the United States.

SEC. 4. LIMITATION ON LIABILITY FOR NONPROFIT ATHLETIC ORGANIZATIONS.

(a) LIABILITY PROTECTION FOR NONPROFIT ATHLETIC ORGANIZATIONS.—Except as provided in subsections (b) and (c), a nonprofit athletic organization shall not be liable for harm caused by an act or omission of the nonprofit athletic organization in the adoption of rules of play for sanctioned or approved athletic competitions or practices if—

(1) the nonprofit athletic organization was acting within the scope of the organization's duties at the time of the adoption of the rules at issue;

(2) the nonprofit athletic organization was, if required, properly licensed, certified, or authorized by the appropriate authorities for the competition or practice in the State in which the harm occurred or where the competition or practice was undertaken; and

(3) the harm was not caused by willful or criminal misconduct, gross negligence, or reckless misconduct on the part of the nonprofit athletic organization.

(b) RESPONSIBILITY OF EMPLOYEES, AGENTS, AND VOLUNTEERS TO NONPROFIT ATHLETIC ORGANIZATIONS.—Nothing in this section shall be construed to affect any civil action brought by any nonprofit athletic organization against any employee, agent, or volunteer of such organization.

(c) EXCEPTIONS TO NONPROFIT ATHLETIC ORGANIZATION LIABILITY PROTECTION.—If the laws of a State limit nonprofit athletic organization liability subject to one or more of the following conditions, such conditions shall not be construed as inconsistent with this section:

(1) A State law that requires a nonprofit athletic organization to adhere to risk management procedures, including mandatory training of its employees, agents, or volunteers.

(2) A State law that makes the nonprofit athletic organization liable for the acts or omissions of its employees, agents, and volunteers to the same extent as an employer is liable for the acts or omissions of its employees.

(3) A State law that makes a limitation of liability inapplicable if the civil action was brought by an officer of a State or local government pursuant to State or local law.

(d) NONAPPLICABILITY TO CERTAIN CLAIMS.—The limitation on liability provided by subsection (a) does not apply to an action or claim arising out of a Federal, State, or local antitrust, labor, environmental, defamation, sexual assault, fraud, sexual molestation, freedom of expression, sexual harassment, tortious interference of contract law, or civil rights law, or any other Federal, State, or local law providing protection from discrimination.

SEC. 5. PREEMPTION.

This Act preempts the laws of any State to the extent that such laws are inconsistent with this Act, except that this Act shall not preempt any State law that provides additional protection from liability relating to the rule-making activities of nonprofit athletic organizations.

SEC. 6. EFFECTIVE DATE.

(a) IN GENERAL.—This Act shall take effect on the date of enactment of this Act.

(b) APPLICATION.—This Act applies to any claim for harm caused by an act or omission of a nonprofit athletic organization that is filed on or after the effective date of this Act but only if the harm that is the subject of the claim or the conduct that caused the harm occurred on or after such effective date.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1176 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 1176, the Nonprofit Athletic Organization Protection Act of 2006. This bill is narrowly tailored to correct specific liability exposure problems for nonprofit sports rulemaking bodies, such as the National Federation of State High School Associations. The nonprofit athletic rulemaking bodies covered by this bill play a critical role in facilitating all levels and all types of sports. Nonprofit rulemaking bodies use the expertise of experienced volunteers to set forth rules for athletic competition and practices that preserve sports traditions and minimize risks to participants.

However, this rulemaking function is a predictive endeavor without the benefit of perfect foresight, and sports involve inherent risks that cannot all be minimized with a rule. Thus, when inevitable accidents do occur, nonprofit rulemaking bodies are often sued along with the local school district, coach, and referees because such organizations are presumed to have "deep pockets."

In 1997, Congress passed the Volunteer Protection Act to shield volunteers from liability for some forms of negligence in response to concerns that America's lawsuit culture was inhibiting this country's risk tradition of volunteerism. However, because the Volunteer Protection Act does not protect organizations, this growing trend of lawsuits has led to a dramatic increase in the insurance premiums for many rulemaking associations. For example, the National High School Federation, which develops rules for 17 different sports, saw a 300 percent increase for insurance premiums in just over 3 years. This increase means that insurance premiums now make up over 10 percent of the Federation's annual budget. These trends deprive the Federation of funds that should be directed towards vital resources, such as sports equipment upgrades or routine field maintenance. If these insurance premiums continue to skyrocket, the rulemaking authorities may be unable to attract the quality of volunteers necessary to write effective rules, or worse, they may be driven out of existence entirely.

This legislation limits liability exposure for these nonprofit athletic rulemaking organizations in a very targeted manner. Modeled on the Volunteer Protection Act, it does not confer blanket immunity. Rather, liability will still attach for gross negligence or reckless, willful or criminal misconduct.

This bill is targeted at liability stemming only from an organization's promulgation of rules of play. During the committee's consideration of the bill, some raised concerns about the extent of the liability protections of the bill and claimed that it would protect, among others, entities that hire child molesters without conducting a background check. To ensure against such an unintended consequence, the legislation adds sexual assault, sexual molestation, and sexual harassment to the list of claims, including antitrust, labor, and civil rights claims, that are specifically exempted from the liability protections of this bill.

So, to be absolutely clear, this bill as it comes to the floor today has been amended to meet every single objection to date about the scope and extent of the liability protections of the bill. Consequently, this bill should enjoy overwhelming bipartisan support.

Further, this bill does not prevent suits against nonrulemaking entities, such as the owner of a field of play or an equipment manufacturer, who are likely to be implicated in a sports-related injury claim.

By curbing the worst excesses of the lawsuit culture Congress can ensure that those who teach our children sports are more concerned about fair play and good sportsmanship than their insurance rates or a potential lawsuit. This bill is supported by the National Federation of State High School Associations, the National Collegiate Athletic Association, the National Council of Youth Sports, the Amateur Athletic Union of the United States, and Little League Baseball, among others.

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Madam Speaker, I would like to submit for the RECORD a letter from Robert Kanaby, executive director of the National Federation of State High School Associations, showing the support of his organization and each of the 50 individual State high school associations for this legislation.

I hope that all my colleagues will join me in passing this bill.

NATIONAL FEDERATION OF
STATE HIGH SCHOOL ASSOCIATIONS,
Indianapolis, IN, March 15, 2006.

DEAR MEMBER OF CONGRESS: On behalf of the National Federation of State High School Associations (NFHS), I am writing to voice our strong support for the "Nonprofit Athletic Organization Protection Act of 2005," H.R. 1176, and urge you to vote for this legislation when it reaches the House floor. On March 2, 2006, the Judiciary Committee voted to support moving this bill forward, and we are looking for your support when the bill reaches the House floor.

Amateur and education-based sports are an important part of our society. These activities provide great benefits for participants and spectators alike. It is widely acknowledged that youth and interscholastic sports are a tremendous asset to young people and an important part of the community. In addition, they provide experiences for athletes that assist them in becoming better human beings and citizens in our society.

The National Federation of State High School Associations, a non-profit organization that makes rules for high school sports, has been the target of liability claims alleging negligence due to the passage or adoption of rules for sanctioned or approved competitions. These allegations have resulted in an increase in the number of liability claims against this organization. The claims are beginning to have a detrimental financial and operational impact on the NFHS and could eventually affect our ability to continue to provide these services to our nation's high schools.

While these claims are believed to be without merit, the cost of defending claims and the uncertainty of judicial proceedings have created significant challenges. It is possible we will need to reconsider providing such rules or guidelines in the future. This may be true of other amateur sports rules makers. Without this legislation, we expect this situation will continue to deteriorate and will further jeopardize non-profit organizations that make rules for amateur athletic competition.

For education-based athletics to continue in America, nonprofit athletic organizations must have the ability to make rules without the threat of these claims.

A list of state associations supporting this legislation by their adoption of the enclosed resolution is attached.

Sincerely,

ROBERT F. KANABY,
Executive Director.

RESOLUTION

Resolved, by the members of the National Council of the National Federation of State High School Associations, representing all 50 states and the District of Columbia, that in the interest of the millions of young people who benefit from participation in amateur sports, the United States Congress be urged to adopt the "Nonprofit Athletic Organization Protection Act of 2004."

Adopted this, 2nd day of July, 2004 in San Diego, California.

NFHS Member State Associations

Alabama High School Athletic Association; Alaska School Activities Association, Inc.; Arizona Interscholastic Association, Inc.; Arkansas Activities Association; California Interscholastic Federation; Colorado High School Activities Association; Connecticut Interscholastic Athletic Conference, Inc.; Delaware Interscholastic Athletic Association; District of Columbia Interscholastic Athletic Association; Georgia High School Association; Hawaii High School Athletic Association; Idaho High School Activities Association; Illinois High School Association; Indiana High School Athletic Association; Iowa High School Athletic Association; Kansas State High School Activities Association, Inc.;

Kentucky High School Athletic Association; Louisiana High School Athletic Association; Maine Principals' Association; Maryland Public Secondary Schools Athletic Association; Massachusetts Interscholastic Athletic Association, Inc.; Michigan High School Athletic Association, Inc.; Minnesota State High School League; Mississippi High School Activities Association, Inc.; Missouri State High School Activities Association; Montana High School Association; Nebraska School Activities Association; Nevada Interscholastic Activities Association; New Hampshire Interscholastic Athletic Association, Inc.; New Jersey State Interscholastic Athletic Association, Inc.;

New York State Public High School Athletic Association, Inc.; North Carolina High School Athletic Association, Inc.; North Dakota High School Activities Association; Ohio High School Athletic Association; Oklahoma Secondary School Activities Association; Oregon School Activities Association; Pennsylvania Interscholastic Athletic Association, Inc.; Rhode Island Interscholastic League, Inc.; South Carolina High School League; S. Dakota High School Activities Assoc.; Tennessee Secondary School

Athletic Association; Texas University Interscholastic League; Utah High School Activities Association; Vermont Principals' Association, Inc.; Virginia High School League; Washington Interscholastic Activities Association; West Virginia Secondary School Activities Commission; Wisconsin Interscholastic Athletic Association; Wyoming High School Activities Association.

Madam Speaker, I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I yield myself such time as I may consume.

I reluctantly oppose this legislation and spoil the hugely bipartisan nature of the Judiciary Committee's appearance before the floor in the House today.

The reason is that not only does H.R. 1176 provide broad immunity for nonprofit athletic organizations from lawsuits in the adoption of rules for sanctioned or approved athletic competition or practices, but it would indirectly immunize these organizations which were cited as the ones supporting the measure from claims of negligence regarding child molestation.

This is a serious matter. And, by the way, this matter has been before the House on suspension and failed earlier this year. The reason is that the most problematic issue is the failure of the other side to completely address the issue of sexual misconduct in their rush to finish out the legislative year. Specifically, while matters of gross negligence are exempted from immunity under the bill, the legislation does provide immunity from lawsuits arising from claims of ordinary negligence. This simply means that these nonprofit athletic organizations are exempt from having to exercise reasonable care. And, additionally, unless 1176 is amended to include an exemption for all State common-law tort claims, this legislation would bar claims against nonprofit athletic organizations based on negligent behavior.

Thus, if a nonprofit athletic organization negligently hired, failed to assess the background of, or conducted negligent oversight of individuals who may well do great physical or emotional or sexual harm to child athletes, this legislation that we are considering would prevent those child athletes from having their day in court. That is the heart of the problem.

Additionally, the measure extends way beyond barring potential frivolous lawsuits in the Federal judicial system. Although lawsuits filed by parents because their child was not put on a team might rightly be dismissed, cases with legal merit, such as a rule which endangers the life of a child, would be dismissed. These lawsuits are necessary, as they call attention to public safety hazards and are needed to protect our Nation's children.

Madam Speaker, I would like to put in the RECORD the letters of the National Alliance to End Sexual Violence, which urges us to carefully examine this measure before us, and which continue to oppose the legislation, as we have earlier; and as well, Madam Speaker, a letter from the three organizations, Public Citizen, Center for Justice and Democracy, and the Alliance for Justice, which urge opposition to H.R. 1176.

DECEMBER 5, 2006.

Hon. JOHN CONYERS, Jr.,
Ranking Member, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR RANKING MEMBER CONYERS: On behalf of the National Alliance to End Sexual Violence (NAESV), we are writing to express our opposition to H.R. 1176, the Nonprofit Athletic Organization Protection Act of 2006. We understand that the bill is being brought up today for a vote on the House floor under suspension of the rules. While changes have been made to the original language of this piece of legislation. NAESV remains concerned that this bill still precludes victims of sexual assault from being able to bring a civil action against nonprofit athletic organizations which have acted negligently.

We are specifically concerned that a nonprofit athletic association could fail to do a criminal background check on an employee and then if that employee sexually assaulted a player then that victim would be precluded from being able to bring a civil suit against the organization for negligence. Since victims would then have no civil remedy available to them, we must strongly oppose this bill and ask that you not support it as well.

As a leading national sexual assault victim advocacy organization, the NAESV believes that passage of this bill would create a serious problem for victims and would not allow them to hold perpetrators and organizations responsible.

We thank you for your consideration of this serious matter, and we would be pleased to discuss this matter with you and/or your staff if that would be helpful. Please feel free to contact our Government Relations Specialist, Ellen Fern, with any further questions.

Sincerely,
MONIKA JOHNSON HOSTLER,
President, The National Alliance To End Sexual Violence.

DECEMBER 5, 2006.

DEAR REPRESENTATIVE: On December 5, Congress is scheduled to take up consideration of H.R. 1176—the Nonprofit Athletic Organization Protection Act. This bill would threaten the health and safety of our nation's athletes—especially student and amateur athletes, including Olympians—by making nonprofit athletic organizations unaccountable regardless of whether or not their negligent acts caused serious injury to an athlete.

H.R. 1176 does more than just immunize nonprofit athletic organizations; it strips away important incentives for such organizations to pay careful attention to the safety of the rules, equipment, and infrastructure used in their events. Current liability standards encourage organizations to follow best practices and to correct dangerous conditions.

In one recent case, a Wisconsin student became a quadriplegic after diving off of a starting block into a pool that was too shallow during a high school swim meet. The athletic association's standards for how deep a pool must be to use a starting block were not in line with national standards. After the student filed a claim against the athletic association, it changed its standards to comply with the standards published by the National Federation of State High School Associations.

This bill creates a disturbing legal double-standard in which the athletic organizations are shielded from suit, while maintaining full access to the courts themselves. Our nation has a proud tradition of amateur athletics through which generations have learned about justice and fair play. Creating one set of rules for one group, and another set of rules for another group is anything but just. Our laws should be at least as fair as our Little Leagues.

H.R. 1176 would deny our athletes vital legal protections. For this reason, we respectfully ask you to oppose H.R 1176.

Sincerely,
LAURA MACCLEERY,
Public Citizen.
JOANNE DOROSHOW,
Center for Justice & Democracy.
DICK WOODRUFF,
Alliance for Justice.

Madam Speaker, I reserve the balance of my time

PARLIAMENTARY INQUIRY

Mr. SENSENBRENNER. Madam Speaker, parliamentary inquiry. Is the House considering a motion to suspend the rules of the bill, as amended?

The SPEAKER pro tempore. That is the form of the motion that the Chair understands was intended and is pending at the desk.

Mr. SENSENBRENNER. Madam Speaker, I yield myself 2 minutes.

Madam Speaker, the gentleman from Michigan (Mr. CONYERS), my good friend, is simply incorrect in his statements that this bill does give blanket immunity for various types of sexual harassment and sexual molestation. Because the bill is being considered as amended, the amended version of the bill that is before the House now, on the bottom of page 7, says nonapplicability to certain claims. And it says: The limitation on liability provided by subsection (a) does not apply to an action or claim arising out of a Federal, State, or local antitrust, labor, environmental, defamation, sexual assault, fraud, sexual molestation, freedom of expression, sexual harassment, tortious interference of contract law, or civil rights law or any other Federal, State, or local law providing protection from discrimination.

So this exemption very clearly deals with the objection that has been expressed by the gentleman from Michigan (Mr. CONYERS). The bill does not provide any immunity whatsoever for all of these types of activities and claims that I have mentioned.

Madam Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Madam Speaker, I have additional letters I would like to insert for the RECORD from Myles Brand, NCAA president; and from the National Council of Youth Sports, to go with the earlier letter from the high school organizations.

Madam Speaker, I am going to dispense with most of my formal statement to try to address the question before us. This bipartisan bill was drafted just to deal with the rules-setting organizations, the rules of play. And the chairman of the committee, whom I thank for bringing this bill up, and the members of the committee were working together to try to address what I believe were extraneous concerns, but if they were real concerns of the House, we needed to address them even though they were not, in my opinion, in the first draft of the bill.

Accidents are going to happen. The question is, will the injuries associated with athletics be allowed at all? How can you play youth football? How can you play youth soccer? How can you have swimming? How can you have wrestling if you are going to make it so that there is no risk?

The balance that all these organizations have to do in their procedures to setting a rule is to balance the risk, the offense and the defense, and the care of the children involved and the young people involved in these sports. What this bill does is try to make it so that the people who are making the rules can't get sued unless in drafting the rules there was gross negligence. It has nothing to do with negligence of how a coach applies a rule, whether there are things that happen during the game that were judgment things. These are about the rules themselves.

The net impact of not doing this has been that most of the major people providing the insurance premiums are looking at dropping this. Others have raised it by 400 percent. What this means for Peewee football; what this means for IHSAA, the Indiana High School Athletic Association; for the NAIA of Small Colleges, they are going to have to drop sports. They aren't going to provide the rules. That means there won't be different guidelines. There will be no different types of youth leagues. There will be no coaches or people willing to draft the rules as you bring these coaches together, because the costs will escalate. They are escalating exponentially. The losses by the different insurance companies are increasing so greatly that most of them are looking at getting out of the business. I hope that the House will carefully consider this so that the kids who so deeply want to play can be involved in these sports.

One of the other byproducts, by the way, of raising insurance premiums is to raise the costs of playing, and this is going to hurt low-income kids the most because suburban kids may be able to afford the higher premiums and they may be able to get coaches who will take the risks or take personal liabilities to be on the things, but this is going to hurt those who most need the sports, in the urban areas and other places where they do not have this opportunity.

I hope that this House will pass, on behalf of small kids, the high school kids, and the college kids of America, a bill that enables them to play and will understand that all this bill does is deal with the general rules of play. And thanks to the chairman's graciousness in working with the minority in this bipartisan bill, we have addressed what I don't believe was in the original bill but takes out all the civil rights questions, all the child abuse questions, and says those aren't relevant here. All it has to do with is rules of the game and whether there was gross negligence in developing the rules of the game.

Madam Speaker, I rise today in strong support of H.R. 1176, the bi-partisan Nonprofit Athletic Organization Protection Act of 2006, which would help protect the ability of amateur athletic rule-making organizations to do the job that they have done for years, and that is to promulgate the rules of play for Little League Baseball, Pop Warner Football, high school athletics, college athletics, including the NCAA and NAIA, club teams and elite amateur sports teams.

I'd like to thank Chairman SENSENBRENNER for moving this important bi-partisan bill through the Judiciary Committee and bringing it to the floor today. The bill before us has been modified since it passed committee to address concerns raised by the minority, and I'd like to thank the Chairman and his staff for their help in clarifying the narrow intent of the legislation which is to ensure that sports rule-makers are not held liable for athlete injuries (in which they had no responsibility). The bill only exempts non-profit rule-making organizations from liability for physical injury caused by an act or omission of the organization in its adoption of rules of play. The bill does not in any way prevent lawsuits from moving forward that claim harm caused by other rules or guidelines or claim gross negligence on the part of the rule-maker.

It is undeniable that amateur athletic teams make a valuable contribution to the lives of young people. Active participation in sports—particularly at a time when obesity among American youth has reached an alarming level—encourages healthy lifestyles, while also imparting important social qualities such as leadership, teamwork and discipline.

Over the past decade, however, amateur athletic rule-making organizations have been forced to defend themselves against a growing number of questionable lawsuits based on claims of negligence for passing or failing to pass rules to eliminate the risks of injury inherent in athletic competition.

Unfortunately, accidents do happen. There will always be injuries associated with athletics but this is nothing new. For decades rule-makers have responded to changes in technology, coaching methods and athletes by making alterations in athletic rules. Each sport is an ever-moving target for rule-makers and no set of rules can ever make participation in sports as we know it, completely "safe." Thus, it would be wrong to punish rule-makers, who in a good faith effort, have sought to anticipate and prevent injuries to the best of their ability.

As liability costs for rule-making bodies have skyrocketed, these legal claims have had a profound impact on the financial stability of amateur and education-based athletic organizations. Several rule makers are now paying double or triple their previous annual premiums. Others have been forced to self-insure at rates significantly higher than previous years. All of these rule-making organizations are finding it more difficult to locate an insurance company to carry their insurance policy since more and more companies are getting out of the amateur athletic insurance business completely.

In testimony before the House Judiciary Committee, Robert Kanaby, Executive Director of the National Association of State High School Associations (NFHS), noted that NFHS had experienced a threefold increase in their annual liability insurance premiums over the three previous years. This organization, which serves over 7 million young people, currently pays in excess of $1 million in annual liability insurance out of a total operating budget of $9 million.

According to the testimony of Mr. Kanaby and other insurance industry experts, the staggering premium increases affecting NFHS and similar rule-making organizations are certain to continue. It is necessary that Congress act now to raise the standard for liability from ordinary negligence to gross negligence. This change in law would allow the volunteer rule-makers—often coaches with knowledge and experience in a particular sport—to continue doing the best job they can to mitigate risk while keeping the game competitive.

If the status quo is maintained, the losers in this situation will be our nation's kids. As premiums continue to rise and with no relief in sight it is becoming increasingly difficult for amateur athletic organizations to continue providing a sporting outlet for our nation's young people. Moreover, it is highly probable that amateur athletic organizations will shortly be forced to either adopt rules of play that are not specifically crafted for a certain age category (for example, adopting college rules for high school athletics) or increase fees charged to participants in order to offset the liability costs. Both of these scenarios are not desirable and would damage youth sport participation.

I hope my colleagues will consider the importance of preserving amateur athletics and join me in voting in favor of the bi-partisan Non-Profit Athletic Organization Protection Act. All of America's young athletes who participate in school-based athletics, Little League or other club sport teams will be thankful for your support.

NATIONAL COLLEGIATE
ATHLETIC ASSOCIATION,
Indianapolis, IN, March 31, 2005.
Hon. MARK SOUDER,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN SOUDER: The NCAA believes that amateur and education-based sports play a valuable role in the development of our nation's youth. The organizations that provide amateur athletics opportunities for America's youth make every attempt to adopt playing rules that will provide participants with a safe and fair experience. However, there remains an inherent risk of injury when participating in sports activities, which constantly puts these organizations at risk of liability. As a result, the viability of these organizations is being threatened due to the escalating cost of liability insurance. Therefore, the NCAA stands in support of your efforts to provide much needed protection for these nonprofit organizations through the "Nonprofit Athletic Organization Protection Act of 2005."

Sincerely,

MYLES BRAND,
President.

Endorsement of H.R. 1176 and S. 567, the Non-Profit Athletic Association Protection Act of 2005, by the National Council of Youth Sports

We are writing to voice our support for the "Non-Profit Athletic Association Protection Act" of 2005.

This is an important issue with respect to amateur sports and those who make playing rules governing amateur athletics. Education-based and community-based athletics are an important part of our culture. They provide a tremendous opportunity to the youth of America by teaching leadership, teamwork, and discipline skills. Studies have shown that participation in these activities is directly tied to academic achievement and overall social development.

Non-profit organizations that administer these activities have been the target of an increasing number of claims and lawsuits in sports injury cases claiming negligence due to the passage or adoption of rules of play for amateur sports. Repeatedly defending claims will have a detrimental impact on their ability to continue to provide these services.

This legislation would shield theses organizations, their directors, officers, employees, representatives, and agents from liability for claims of negligence in sports injury cases involving the passage, failure to pass, adoption, or failure to adopt rules concerning athletic competition.

We the undersigned fully support this legislation and urge its passage. These organizations provide an important service to our nation's youth and have developed a good system to write rules and administer competitions.

Signed, National Federation of State High School Associations (NFHS), National Collegiate Athletic Association (NCAA), National Council of Youth Sports (NCYS), Amateur Athletic Union of the United States (AAU), Amateur Athletic Union (AAU) Baseball, Amateur Softball Association of America, American Amateur Baseball Congress, American Youth Football (AYF), Catholic Youth Organization (Seattle), Dixie Softball, Inc., Dixie Youth Baseball Inc., Excel Sports Network Athletic Association (ESNAA), Georgia State Soccer Association (GSSA), Ice Skating Institute Iowa AAU, Little League Baseball, Magazines4OurTroops, Michigan State Youth Soccer Association, Inc., Mt. Olive Recreation, North American Youth Sport Institute, PBG Police Athletic League, PONY Baseball/Softball, Pop Warner Little Scholars, Inc., TeeBall USA, Sport in Society at Northeastern University, USA Baseball, USA Roller Sports, USA Softball, Women's Sports Foundation

Mr. CONYERS. Madam Speaker, I am glad someone mentioned poor kids will need to be protected more in athletic events, and that is precisely the reason I am opposing this measure, because we are eliminating State civil claims, and I think there has been some confusion on the other side about criminal and civil liabilities.

Madam Speaker, I yield such time as she may consume to the distinguished gentlewoman from California, ZOE LOFGREN.

Ms. ZOE LOFGREN of California. Madam Speaker, I thank the gentleman for yielding.

This bill, I believe, is trying to protect sports organizations, but, unfortunately, it does leave children unprotected from child molesters.

We know that sexual predators volunteer to be involved with children's sports programs and pedophiles routinely use the bond between coach and athlete to prey on children.

A Seattle Times investigation uncovered 159 coaches who had been reprimanded or fired for sexual misconduct between 1993 and 2003, and of those coaches, 98 continued to coach or teach children. An investigation in Texas uncovered 60 incidents of high school coaches being fired or reprimanded as a result of allegations of sexual misconduct with minors. And last month a Maryland high school basketball coach was charged with abusing three minors.

This amendment, the amendment to the bill that has been mentioned, does not fix the problem of providing liability relief to these nonprofits. The bill exempts claims based on Federal, State, and local statutes concerning sexual assault, molestation, or harassment. But the bill grants complete immunity for claims of negligence in establishing rules related to adult supervision. I have here a letter from a scholar, Professor Andy Popper, a professor at the American University School of Law, and I would like to read just a small portion of his letter:

"Common-law tort claims for failure to exercise due care in hiring coaches, investigating backgrounds, or overseeing inappropriate activity would be actionable, but I think a plain reading of section 4(d) and section 5 suggests that those claims would be barred, and that is really quite horrendous from the perspective of children who might be victimized by adults treated in ways that are patently destructive from an emotional or psychological vantage point. What possible reason could there be to pass this bill?"

And he goes on to say: "After reading the bill, I see no language that exempts State common-law tort claims. To the contrary, the specific areas exempted, labor law, antitrust law, statutory claims, et cetera, suggests that Congress intends to exempt very specific areas only. Given that list in 4(d), unless the bill were amended to include an exemption for all State common-law tort claims, the bill will be seen as a bar to cases involving negligent hiring, failing to assess background, negligent oversight of individuals who may well do great harm to children, to athletes, to those most in need of protection."

I would like to note that the National Alliance to End Sexual Violence has asked us to vote against this bill, as amended.

□ 1145

And the reason why, and I quote from President Hostler's letter, as the leading national sexual assault victim advocacy organization, we believe the passage of this bill would create serious problems for victims and would not allow them to hold perpetrators and organizations responsible.

Now, the amended bill tells athletic organizations that they owe children no duty of care. The bill takes away any incentive to take reasonable steps to keep child molesters out and to keep children safe.

Do I suggest that the authors of this bill intend to protect child molesters? I can't imagine that they do. But intent doesn't matter. We are writing law here. And the impact of adopting this bill would, in fact, be to protect child molesters.

Now, I am someone who really believes in Little League. My dad was a Little League manager my entire young life. I have strong memories of sitting in the stands day after day, month after month, watching my brother catch the ball. I believe in Little League. But I also know that my dad, were he alive today, would say, I don't believe in protecting child molesters.

Mr. SENSENBRENNER. Madam Speaker, I yield myself 2 minutes, and I ask the gentlewoman from California to yield.

Ms. ZOE LOFGREN of California. I yield.

Mr. SENSENBRENNER. What were the dates of those two letters that you cited in your previous speech?

Ms. ZOE LOFGREN of California. The letter from the National Alliance to End Sexual Violence is dated December 5 of this year, and the letter from the law professor is dated December 4 of this year.

Mr. SENSENBRENNER. Madam Speaker, I think both of these letters have reached the wrong conclusion. And again, I will quote from the section that does make the nonapplicability to certain claims. That says the limitation on liability provided by subsection (a) does not apply to an action or claim arising out of a Federal, State or local antitrust, labor, defamation, sexual assault, fraud, sexual molestation, freedom of expression, sexual harassment, tortious interference of contract law, or civil rights law or any other Federal, State, or local law providing protection from discrimination.

Now, I don't know how more broadly this exemption could be drafted than that. It is very clear that the complaint about the original bill providing a limitation on liability for sexual molestation or harassment or sexual assault was a legitimate one. So that is why the nonapplicability of certain claims provision was put in here.

This is a red herring. It is not the original bill that people were complaining about. This is a bill that has dealt with that objection, and it should pass.

Madam Speaker, I now yield 2 minutes to the gentlewoman from Texas (Ms. SEKULA GIBBS).

Ms. SEKULA GIBBS. Madam Speaker, I rise in support of H.R. 1176, and I say that because of the experience in my district where we are seeing an increase in children who are suffering from obesity and an increase in propensity to see dropouts in school. And youth athletics is an opportunity for children to stay in school and to stay active and stay fit.

We need to support more opportunities for youth athletics and youth sports. And one of the deterrents for those youth activities in sports is the increase in lawsuits that are being lodged against board members who are in rulemaking positions.

This resolution will go a great distance in protecting parents and grandparents and family members who want to join in and to provide athletic opportunities for their children and who are fearful of being caught up in lawsuits that stem, not from intentional criminal activities, but from inadvertent rulemaking problems.

So protecting and immunizing parents, grandparents and family members who want to participate in setting standards and rules for their children is the right thing to do: It will help our children, in the long run, stay in school, stay fit, and become good American citizens.

So I think that we should not lose sight of the goal of this bill and make sure that we see that it is in the best interests of our children to pass it.

Mr. CONYERS. Madam Speaker, I yield myself as much time as I may consume.

This is an unusual situation that has arisen here. Here we come back in the closing days of the 109th session, and I would think that everything that has occurred before now, that this Congress would be very sensitive and careful not to protect sex predators.

This is not business as usual. We have had a lot of problems in the 109th session of Congress. And yesterday, at 9:30 a.m., we received this change. And we are now told that we don't understand it, and that it has all been taken care of and everything is okay. Well, everything is not okay.

H.R. 1176 provides a carve-out for claims arising from State or Federal assault and harassment laws, a carve-out. The problem is that none of the suits by children against an athletic organization, based on the actions of a coach, sex predator, would arise under these laws. The intentions may have been to correct it, but it is not corrected. And that is the reason that we continue to oppose H.R. 1176.

This is not new information. And those who have been working on this with us in the public sector are all in agreement that the so-called fix that has been referred to is not really a fix at all. It may have been meant to be a fix, but it is not a fix. And it is as simple as that. That is why we are still opposed to this proposal as we were when it came up under suspension earlier in the 108th session.

Madam Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, I am prepared to close if the gentleman will yield back.

Mr. CONYERS. Madam Speaker, I yield as much time as the gentlewoman from California may need, and then we will be ready to close.

Ms. ZOE LOFGREN of California. Madam Speaker, I will be brief.

This bill, or its predecessor bill, H.R. 3369, was not approved when it was brought before the Congress in 2004. It was defeated. And the reason why I believe it was defeated was the concern that, although probably well intentioned, it provided liability relief from predators, from child molesters.

Now, I believe the law professor when he did the analysis. And as the letter is in the record, he cites the cases and does a proper analysis that negligence that results in child molestation would be protected under this bill. We surely cannot be wanting to do that here as this Congress closes.

Now, I have raised this issue in committee. I was, frankly, rather shocked to see this bill on the Suspension Calendar.

As Mr. CONYERS has mentioned, we have not had a wonderful record here in the 109th Congress of doing the right thing to protect children from sexual predators. Let's not compound that problem by enacting this bill today. I urge all of us to vote against it.

And I will say also that in the 110th Congress we should work in a proper way to achieve the goals of supporting Little League and the other organizations, while not letting down the children of our Nation and letting them be victimized by child molesters and sexual predators.

Mr. CONYERS. Madam Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, I yield myself the balance of the time.

Madam Speaker, I think this is an example about the way this place does business. On a bipartisan basis we passed the Adam Walsh Bill and that was signed into law by the President at the end of July. And that was the single greatest protection of children law that had been passed by the Congress in decades. And I was the author of that legislation. I worked with people on both sides of the aisle and on both sides of the Capitol, and I think that this was a really great accomplishment of this Congress. And it shows what can happen when people work in a bipartisan manner.

Now, we get to this bill after the election is over with, and there has been a change of control on both sides of the Capitol. I don't think that it can be disputed that the volunteers who set the rules of play should be exempted from liability. Now, these are the people that write the rule book. You know, they are not the people that actually coach the kids. They are not the people who make the equipment. They are not the people who provide the playing fields and either maintain them properly or don't maintain them properly. They are the ones that write the rule book. And a lot of the rules for amateur sports, whether it is at the high school or college or intramural level or whatever, those rules are designed to protect to the greatest extent possible the kids who compete in those sports, and that is what this bill is designed to protect.

Now, I think that the complaints that were made by my friends on the other side of the aisle, that this bill could have been interpreted to provide immunity or a limitation of liability on those who commit acts of sexual assault or sexual molestation or sexual harassment against the kids were legitimate. And that is why the bill is amended.

Now, when this bill was put on the Suspension Calendar last week by the leadership, we circulated an amendment to the minority party. We gave them the proposed language that is being debated and disputed early yesterday morning, and we never heard from them. And we followed up several times yesterday by staff to get their comments, and we never got any comments. We tried again this morning before this bill came up and never got any comments as well. The first we heard about their opposition to the legislation and the letters that have been cited by the gentlewoman from California (Ms. ZOE LOFGREN) was when we got to the floor today.

Now, that is their prerogative to do that, as it is the prerogative of any Member of this House, whether in the majority or in the minority. But the fact is that what we have heard from the other side of the aisle is designed to defeat this legislation altogether, as it was in the 108th Congress. And that would be a shame, because defeating this legislation is only going to hurt the volunteers who are making rules to protect children, rather than to protect people who might commit sexual offenses against them. We ought to protect the volunteers who make those rules, those volunteers who write the rule book, and the associations that bring those volunteers together so that kids can enjoy sports and play and learn the value of competition and the value of fair play. And if you can't get volunteers to write the rule book, then you are not going to be able to have kids' sports at all. So let's put the kids first and pass this bill.

Mrs. MALONEY. Madam Speaker, I rise today in opposition to H.R. 1176, the "Nonprofit Athletic Organization Protection Act of 2006." This legislation would provide broad immunity to nonprofit athletic associations which enact rules governing athletic competitions. In some cases, these rules have resulted in injuries to children and participants including serious head and spinal injuries because of swimming pools that were too shallow for diving. I also have strong concerns that passage of this legislation would preclude victims of sexual assault from bringing civil lawsuits against nonprofit athletic associations which have acted negligently.

Unfortunately, the Majority, in its rush to adjourn, has brought a bill to the floor that leaves children vulnerable to abuse. I urge my colleagues to vote no.

Mr. SHERMAN. Madam Speaker, today H.R. 1176, the Nonprofit Athletic Organization Protection Act of 2006, was brought to the floor on the suspension calendar. The suspension process should only be used for bills that are non-controversial. The Republican leadership has once again abused the suspension calendar in order to limit debate on divisive issues. Accordingly, I will not vote to suspend the rules.

Mr. CONYERS. Madam Speaker, the following letter from American University, Washington College of Law Professor Andrew F. Popper outlines the problems and concerns with this legislation.

AMERICAN UNIVERSITY,
WASHINGTON COLLEGE OF LAW,
Washington, DC.

Hon. JOHN CONYERS,
Ranking Member, House Committee on the Judiciary, Washington, DC.

DEAR CONGRESSMAN CONYERS, I recently learned that the House of Representative is considering H.R. 1176, a bill that would immunize major non-profits in the university sport/entertainment field and all non-profits involved in children's activities generally. I have testified against this bill in its earlier form and have seen the current version. I very much hope this current version will be rejected. It is an awful bill, as discussed below.

The specific question posed to me was whether this bill would carve out an exception for state tort common law claims against organizations and officials who engaged in behaviors that devastated children, athletes, and others who place their trust in the non-profits that are the subject of this bill. There is reason to think actions will not be possible if this bill becomes law.

State tort law holds out the promise of a real incentive to exercise due care in precisely the kinds of programs this bill describes in its opening sections. The tragedy is, this bill would eliminate those state common law tort claims required to produce those incentives.

The argument has been made that while this bill provides explicitly comprehensive immunity for non-profit organizations in the sports/athletics and related fields, somehow it preserves the necessary state common law tort claims required to secure relief when organizations and their employees and volunteers have failed to exercise that requisite level of care required and a child or young adult has been injured as a result. If the legislation stated directly that it excluded from its unconscionable sweep of liability all State common law tort claims, that argument would have some validity. In fact, the bill does just the opposite, listing precise fields where the immunity would be inapplicable—and in that list, state common law tort claims for negligence is nowhere to be found.

Preservation of state common law tort claims for who those who have been harmed, for children, families, athletes and others swept into this bill, could occur either by direct exclusion from the legislation such as that which is set out in 4(d) of the bill or by a preemption analysis in which a court concludes that the overall meaning of the federal law and its plain text do not preclude state common law tort claims. That is unlikely for two reasons. First, the plain meaning if the bill (congressional intention) is the elimination of liability, and second, the list of those areas that are "preserved" or carved out does not include state common law tort claims.

On the question of preemption, listed at the end of this letter are citations to three fairly recent cases in which federal courts have struggled with the question of whether a federal bill has a preemptive effect on state tort claims. I inserted footnote 14 from the Welding Fume Products Liability case directly below to give you an idea of the complexity of this field. The short of it is, as Richard Ausness said in note 14: "[T]he Court's preemption jurisprudence appears to be bereft of any coherent theory or methodology" and "is in a terrible state. . . ." Therefore, one would not want to leave to subsequent judicial interpretation whether state common law tort claims for failure to exercise due care in hiring coaches, investigating backgrounds, or overseeing inappropriate activity would be actionable.

If it is the intention of the drafters of this legislation to exempt State common law tort claims from liability, they must say so, or the obvious effect of the bill—what will be seen as the clear intent of congress—will dominate.

H.R. 1176 has only one purpose: limitation of liability. It is hard to see any other purpose. As the case law makes clear, the dominant analytical factor in exclusion (carve-out) and preemption cases is congressional intent. The more elaborate interpretations, such as those in the cases below, are required when the purpose of the legislation is regulation of a field and the open question is the extent to which that regulation and a state law can co-exist. Sadly, will not be a question if this bill passes and becomes law.

After reading the bill, I see no language that exempts state common law tort claims. To the contrary, the specific areas exempted (e.g. labor law, antitrust law, statutory claims, etc.) suggest that Congress intends to exempt very specific areas only. Given that list in 4(d), unless the bill were amended to include an exemption for all state common law tort claims, the bill will be seen as a bar to cases involving negligent hiring, failure to assess background, negligent oversight of individuals who may well do great harm to children, to athletes, to those most in need of protection.

A plain reading of Section 4(d) and Section 5 suggests that those claims would be barred—and that is really quite horrendous. Cutting off liability, arbitrarily, undermines the incentives for better products and services. From the perspective of children who might be victimized by adults, treated in ways that are patently destructive from an emotional or psychological vantage point, what possible reason could there be to pass this bill?

During the earlier debates regarding the Volunteer Immunity ACT, supporters contended that while the legislation liberated coaches and volunteers from the risk of liability, even when they were negligent, it left the organizations as viable defendants in the event a plaintiff could fashion a respondent superior theory or a general vicarious liability claim under State law. H.R. 1176 would destroy that protection.

Although the three cases listed below hold out hope that a State common law tort claim might survive, H.R. 1176 is not a bill that regulates a field. Therefore, it would not give rise to the question of whether the federal regulation can co-exist with State law, or whether state law creates obligation "in addition to and different from" federal requirements.

This is exactly the kind of tort reform that has been proposed for the last 25 years: a limitation on liability, blocking those who most need protection from access to the civil justice system. It is clear to see why large nonprofits want to limit liability. It is very hard to see why Congress would give in to that demand when the consequence would be to eviscerate an important set of incentives that protect those likely to be victimized.

Tort reform has always been an unfair fight. Think about the alignment of forces. On the side of those seeking to limit liability is the entire GNP. All of U.S. manufacturing, all of retailing, the health care industry, the pharmaceuticals, the insurance companies (who have as yet produced a coherent reason why this protection is badly needed based on anything resembling a juried study, comprehensive payout or case list, or other credible source), and, in this bill, all of U.S. higher education—every college and university, every athletic program, indeed, every non-profit involved in orchestrating sports and entertainment for tens of millions of children and young adults, and finally, much of the press who have abandoned consumers on this issue, with the hope of never having to pay punitive damages when they defame into reputational oblivion a private citizen.

On the other side, opposing these limits on accountability, are the defenders of the tort system—under-funded and often fragmented consumer groups, a few victims rights groups, some of whom have been mocked as shameless seekers of undeserved damage awards and, of course, trial lawyers. Trial lawyers—the architects of the consumer rights movement, the advocates for you and me when we are injured, the lawyers who represent the consumer perspective—who have been horribly vilified by a decades long comprehensive campaign to undermine their credibility, and in the shadow of this outrageous legislation, student groups (who have a voice, presumably, but are as yet unheard).

This is hardly a fair fight.

And then there is the term "tort reform." Laws that provide the protection for consumers, no incentive for greater safety, and limit the rights of those who lack power are hardly the stuff of reform.

And the data—or lack thereof—regarding the current civil justice system. From the CRS report forward, no credible juried study documents a crisis in the tort or insurance system or in the non-profit world that could conceivably justify legislation that limits arbitrarily consumer rights, as does H.R. 1172.

This is tort reform as I have come to understand it—a series of bills that have but one meaning: reducing accountability and giving consumers nothing in exchange. It is not that it is incomprehensible. In fact, the reasoning is all too understandable. Who would not like to be excused of responsibility after they engaged in misconduct? The fact that the reasoning underlying this bill is understandable, however, does not mean that it is right, proper, just and fair. It is none of those things.

Let me know if you are interested in discussing this further.

Sincerely,

ANDREW F. POPPER,
Professor of Law.

Mr. SENSENBRENNER. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 1176, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those voting have responded in the affirmative.

Mr. CONYERS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

□ 1200

GENEVA DISTINCTIVE EMBLEMS PROTECTION ACT OF 2006

Mr. SENSENBRENNER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6338) to amend title 18, United States Code, to prevent and repress the misuse of the Red Crescent distinctive emblem and the Third Protocol (Red Crystal) distinctive emblem.

The Clerk read as follows:

H.R. 6338

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Geneva Distinctive Emblems Protection Act of 2006".

SEC. 2. GENEVA DISTINCTIVE EMBLEMS.

(a) IN GENERAL.—Chapter 33 of title 18, United States Code, is amended by inserting after section 706 the following:

"§ 706a. Geneva distinctive emblems

"(a) Whoever wears or displays the sign of the Red Crescent or the Third Protocol Emblem (the Red Crystal), or any insignia colored in imitation thereof for the fraudulent purpose of inducing the belief that he is a member of or an agent for an authorized national society using the Red Crescent or the Third Protocol Emblem, the International Committee of the Red Cross, or the International Federation of Red Cross and Red Crescent Societies shall be fined under this title or imprisoned not more than 6 months, or both.

"(b) Except as set forth in section (c) and (d), whoever, whether a corporation, association, or person, uses the emblem of the Red Crescent or the Third Protocol Emblem on a white ground or any sign or insignia made or colored in imitation thereof or the designations 'Red Crescent' or 'Third Protocol Emblem' shall be fined under this title or imprisoned not more than 6 months, or both.

"(c) The following may use such emblems and designations consistent with the Geneva Conventions of August 12, 1949, and, if applicable, the Additional Protocols:

"(1) Authorized national societies that are members of the International Federation of Red Cross and Red Crescent Societies and their duly authorized employees and agents.

"(2) The International Committee of the Red Cross and its duly authorized employees and agents.

"(3) The International Federation of Red Cross and Red Crescent Societies and its duly authorized employees and agents.

"(4) The sanitary and hospital authorities of the armed forces of State Parties to the Geneva Conventions of August 12, 1949.

"(d) This section does not make unlawful the use of any such emblem, sign, insignia, or words which was lawful on or before December 8, 2005, if such use would not appear in time of armed conflict to confer the protections of the Geneva Conventions of August 12, 1949, and, if applicable, the Additional Protocols.

"(e) A violation of this section or section 706 may be enjoined at the civil suit of the Attorney General.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 33 of title 18, United States Code, is amended by inserting after the item relating to section 706 the following new item:

"706a. Geneva distinctive emblems.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 6338 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 6338, the Geneva Distinctive Emblems Protection Act of 2006. Introduced by the gentleman from Arizona (Mr. FLAKE), this legislation will assist in the implementation of important humanitarian programs. The Geneva Convention has long provided for the use of the Red Cross and Red Crescent emblems by governments and national societies to implement medical and humanitarian programs.

In December of 2005, the Geneva Convention, through the Third Additional Protocol, adopted a third distinctive emblem, the Red Crystal, to join the Red Cross and Red Crescent emblems. The adoption of the Red Crystal emblem cleared the path, with the acceptance of Israel's version of the Red Cross, into the Red Cross and Red Crescent movement after being excluded for more than 30 years.

The approval of the Red Crystal emblem provides the American Red Cross, United States military personnel and humanitarian organizations and workers with another option in the circumstances where the Red Cross or the Red Crescent may not be perceived as a neutral emblem. On the day of its adoption, 27 countries, including the United States, signed the Third Additional Protocol.

Since its adoption, the protocol has been signed by more than 49 other nations and becomes effective on January 14, 2007. Current United States law prohibits anyone, including corporations and associations, from wearing or displaying the American National Red Cross emblem or similar insignia for fraudulent purposes. This bill extends these same prohibitions and protections to the Red Crystal emblem and to the Red Crescent emblem by imposing a fine or a prison term for up to 6 months for fraudulently wearing or displaying the Red Crystal and Red Crescent emblems.

This legislation will help deter the fraudulent use of vital symbols of medical and humanitarian aid. I urge my colleagues to join together to pass this bipartisan legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself as much time as I may consume.

I am pleased to join with the chairman in supporting this bipartisan bill. The legislation makes a simple yet extremely important change to current law. It adds the Red Crystal emblem to the list of officially recognized symbols that may be used to denote humanitarian or religious relief efforts. As many know, currently only the Red Cross and Red Crescent emblems are used by humanitarian workers when caring for sick or injured civilians or Armed Forces members overseas.

By adding the Red Crystal symbol to the list of officially recognized emblems, humanitarian workers will have at their disposal yet another symbol that is acceptable in those regions of the world where the cross and crescent are viewed with some level of skepticism.

I would like to thank Mr. FLAKE and the countless number of Democratic members of our committee for taking the lead on this issue, and I strongly urge that my colleagues lend their support to this commonsense proposal.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE), the author of the bill.

Mr. FLAKE. I thank the chairman for yielding.

Mr. Speaker, I appreciate the speed with which this was brought to the floor. This is something the State Department and the administration has asked for. It will allow ratification of a Third Geneva Protocol and protect, as has been said, the Red Crescent as well as the Red Crystal.

This is important, as has been explained, so that those wearing the emblem can be protected in dangerous situations and battlefields, and we can encourage other countries to do the same and offer the same recognition. Again, I thank those who have on a bipartisan basis supported this legislation.

I will not repeat what this does. It has been aptly explained by the chairman and the ranking minority member. I just wish to thank those who have brought this to the floor for doing so and urge its adoption.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 6338.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SOUTHERN IDAHO BUREAU OF RECLAMATION REPAYMENT ACT OF 2006

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5666) to authorize early repayment of obligations to the Bureau of Reclamation within the A & B Irrigation District in the State of Idaho, as amended.

The Clerk read as follows:

H.R. 5666

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Southern Idaho Bureau of Reclamation Repayment Act of 2006".

SEC. 2. EARLY REPAYMENT OF A & B IRRIGATION DISTRICT CONSTRUCTION COSTS.

(a) IN GENERAL.—Notwithstanding section 213 of the Reclamation Reform Act of 1982 (43 U.S.C. 390mm), any landowner within the A & B Irrigation District in the State (referred to in this Act as the "District") may repay, at any time, the construction costs of District project facilities that are allocated to land of the landowner within the District.

(b) APPLICABILITY OF FULL-COST PRICING LIMITATIONS.—On discharge, in full, of the obligation for repayment of all construction costs described in subsection (a) that are allocated to all lands the landowner owns in the District in question, the parcels of land shall not be subject to the ownership and full-cost pricing limitations under Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.), including the Reclamation Reform Act of 1982 (13 U.S.C. 390aa et seq.).

(c) CERTIFICATION.—On request of a landowner that has repaid, in full, the construction costs described in subsection (a), the Secretary of the Interior shall provide to the landowner a certificate described in section 213(b)(1) of the Reclamation Reform Act of 1982 (43 U.S.C. 390mm(b)(1)).

(d) EFFECT.—Nothing in this Act—

(1) modifies any contractual rights under, or amends or reopens, the reclamation contract between the District and the United States; or

(2) modifies any rights, obligations, or relationships between the District and landowners in the District under Idaho State law.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. RADANOVICH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RADANOVICH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5666, sponsored by our colleague, MIKE SIMPSON, allows for the early repayment of capital costs associated with a Federal water project in Idaho. Under existing law, landowners who benefit from this water project cannot prepay the capital costs they owe to the Federal Government.

This bill gives the Bureau of Reclamation the ability to accept prepayment from these landowners. This legislation benefits the American taxpayer because it allows early revenue to flow to the U.S. Treasury, and it helps local landowners by reducing their debt.

I urge my colleagues to support this bill because it is a commonsense bill.

Mr. Speaker, I reserve the balance my time.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation simply allows landowners to pay off their financial obligations for the Bureau of Reclamation's Minidoka Project. We believe that this legislation is appropriate and, in fact, may provide a slight financial benefit to the United States. Mr. Speaker, we have no objection to the enactment of H.R. 5666.

Mr. Speaker, I yield back the balance of my time.

Mr. RADANOVICH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 5666, as amended.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CAPTAIN JOHN SMITH CHESAPEAKE NATIONAL HISTORIC TRAIL DESIGNATION ACT

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5466) to amend the National Trails System Act to designate the Captain John Smith Chesapeake National Historic Trail, as amended.

The Clerk read as follows:

H.R. 5466

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Captain John Smith Chesapeake National Historic Trail Designation Act".

SEC. 2. ADDITION TO NATIONAL SCENIC AND NATIONAL HISTORIC TRAILS.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding at the end the following:

"(25) CAPTAIN JOHN SMITH CHESAPEAKE NATIONAL HISTORIC TRAIL.—

"(A) IN GENERAL.—The John Smith Chesapeake National Historic Trail, a series of water routes extending approximately 3,000 miles along the Chesapeake Bay and the tributaries of the Chesapeake Bay in the States of Virginia, Maryland, and Delaware, and in the District of Columbia, that traces the 1607-1609 voyages of Captain John Smith to chart the land and waterways of the Chesapeake Bay, as generally depicted on the map entitled 'Captain John Smith Chesapeake National Historic Trail Map MD, VA, DE, and DC', numbered P–16/8000 (CAJO), and dated May 2006.

"(B) MAP.—The map referred to in subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

"(C) ADMINISTRATION.—The trail shall be administered by the Secretary of the Interior—

"(i) in coordination with—

"(I) the Chesapeake Bay Gateways and Watertrails Network authorized under the Chesapeake Bay Initiative Act of 1998 (16 U.S.C. 461 note; 112 Stat. 2961); and

"(II) the Chesapeake Bay Program authorized under section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267); and "(ii) in consultation with—

"(I) other Federal, State, tribal, regional, and local agencies; and

"(II) the private sector.

"(D) LAND ACQUISITION.—The United States shall not acquire for the trail any land or interest in land outside the exterior boundary of any federally-managed area without the consent of the owner of the land or interest in land.".

SEC. 3. CHANGE IN AUTHORIZATION.

Section 4 of the Act of July 3, 1930 (16 U.S.C. 81f), is amended in the first sentence by striking "10,472,000" and inserting "8,572,000".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. RADANOVICH. Mr. Speaker, H.R. 5466 introduced by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) would amend the National Trails System Act to designate the Captain John Smith Chesapeake National Historic Trail within the Chesapeake Bay and its tributaries.

This bill would designate a series of water routes along 3,000 miles of the Chesapeake Bay and its tributaries as a natural historic water trail. The trail would include routes in the States of Virginia, Maryland and Delaware and the District of Columbia and would be administered by the Secretary of the Interior, with coordination from the Chesapeake Bay Gateways and Water Trails Network, the Chesapeake Bay program and Federal, State, tribal, regional and local agencies.

The goal of the bill is to educate the public about the 1607 and 1608 voyage of Captain John Smith to chart the waterways of the Chesapeake Bay. Designating the trail would provide new opportunities for education, recreation and historic tourism in the region.

As we approach the 400th anniversary of the Jamestown settlement and the beginning of Captain Smith's exploration in 2007, the enactment of this bill is most timely.

I urge the adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this trail proposal has been thoroughly studied and is widely supported. Our former House colleague and now-retiring Senator from Maryland, PAUL SARBANES, is to be commended for his sponsorship of the Senate companion measure and for his work on behalf of this proposal. We have no objection to H.R. 5466.

Mr. Speaker, I reserve the balance of my time.

Mr. RADANOVICH. Mr. Speaker, I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, I rise in strong support of H.R. 5466. Next year the Commonwealth of Virginia and our great Nation will celebrate the 400th anniversary of the founding of Jamestown, the first English permanent settlement in North America. Designating the Captain John Smith National Chesapeake Historical Trail is an important component of this historic celebration.

The trail traces the route of Captain John Smith on his exploration voyage of the Chesapeake Bay and its tributaries. Captain Smith and his crew of just one dozen men traveled nearly 3,000 miles along the Chesapeake Bay, and it was Captain John Smith's 1612 map which was the first accurate depiction of the Chesapeake Bay region.

Next year the entire world will help us celebrate this historic anniversary, and Virginia is preparing a year-long celebration. The Captain John Smith Chesapeake National Historic Trail will highlight the Chesapeake Bay, and the passage of the bill prior to the 400th anniversary celebration is extremely important.

I would like to thank the bill's sponsor, my distinguished colleague from Virginia (Mrs. JO ANN DAVIS) for her distinguished leadership in this effort. I would also like to thank the House leadership and committee leadership on both sides of the aisle for working to bring this important bill to the floor before the House adjourns.

I urge my colleagues to support the legislation

Mr. RADANOVICH. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I would like to thank the chairman for his leadership and hard work on H.R. 5466, the Captain John Smith National Historic Water Trail, which is very important to my district.

The John Smith Water Trail has support from across the Bay watershed. My colleagues from Virginia, Maryland, Delaware and Pennsylvania have been tremendously supportive. State legislatures, Governors, county governments, local boards of supervisors, citizens groups and nonprofits, including the Chesapeake Bay Foundation, have supported this project.

Also I would like to recognize the leadership of Pat Noonan of the Conservation Fund and Gilbert Grosvenor, chairman of the National Geographic Society, for all of their hard work.

In 1607, Captain John Smith and a small band of Englishmen set foot in North America with the intent of finding gold and quick riches. Instead, they represented the first wave of English colonists that would permanently settle the New World.

Four hundred years ago, 140 men from the Virginia Company settled at Jamestown on the banks of the James River in Tidewater, Virginia. In search of a northwest passage to the Pacific Ocean, Captain John Smith and a dozen men explored the Chesapeake Bay in a small barge. From Jamestown, they explored the Bay's major rivers, the James, the York, the Rappahannock, the Potomac and Susquehanna.

Between 1607 and 1609 Smith mapped and explored nearly 3,000 miles of the Chesapeake Bay. Captain Smith's maps and writings influenced exploration and settlement in the New World for over a century.

During Smith's voyages, he encountered the Native Americans in the Chesapeake Bay watershed. He developed trading relationships with many tribes. He documented the culture, languages and settlements of our country's first people.

This spring, the world will recognize the 400th anniversary of the founding of Jamestown in 1607. The Queen of England will visit America commemorating this significant event. Central to the story of Jamestown is Captain Smith's voyages.

This National Historic Trail designation signifies Captain John Smith's profound influence that shaped the course of our Nation and represents a lasting tribute to the American spirit of discovery and exploration.

Mr. Speaker, I ask my colleagues to support the Captain John Smith Chesapeake National Historic Trail, and I appreciate all the hard work of our chairman and those who put forth their effort in this event.

Mr. HOYER. Mr. Speaker, I rise today in strong support of H.R. 5466, the Captain John Smith Chesapeake National Historic Trail Designation Act. I am pleased to be an original cosponsor of this legislation which was introduced by my colleagues JO ANN DAVIS of Virginia in the House and PAUL S. SARBANES in the Senate.

Nearly 400 years ago, after helping establish the Jamestown colony and enduring capture by the native Powhatan people, Captain John Smith embarked on two voyages to explore the Chesapeake Bay and its tributaries. He and his small crew set off in an open, 28-foot shallop seeking greater knowledge of the region, its inhabitants, and its resources, while also attempting to find the Northwest Passage.

During these and other expeditions, Captain Smith and his crew explored more than 3,000 miles of the Chesapeake Bay watershed. In what is now Maryland's Fifth Congressional District, the team surveyed the Potomac and Patuxent Rivers and disembarked in present day Calvert, St. Mary's, Charles, Prince George's and Anne Arundel Counties.

In 1612, Captain Smith published a map of the Chesapeake Bay region which remains quite accurate and was used for nearly a century by European settlers who colonized the region.

The legislation we consider today will take a critical step in marking Captain Smith's remarkable voyage and underscores the continued importance of the Chesapeake Bay to the people of our region and this Nation.

Passage and enactment of H.R. 5466 will amend the National Trails Act to include the Captain John Smith Chesapeake National Historic Trail—joining such historic routes as the Lewis and Clark expedition and the civil rights march from Selma to Montgomery. However, unlike existing national historic trails, the Captain Smith Trail is unique in that it is almost entirely water-based.

In many instances, those experiencing the trail will have the opportunity to marvel at some of the same sites that Captain Smith and his crew beheld 400 years ago. They will also be able to visit a number of museums and parks along the trail, such as the Calvert Marine Museum, Jefferson Patterson Park, and Piscataway Park, which will help tell the story of this magnificent voyage.

This legislation is supported by the National Park Service, which determined that Captain Smith's Chesapeake Bay voyages meet the criteria for national historic trails as set forth in the National Trails Act. It also has the support of a wide cross section of groups, including the Chesapeake Bay Foundation, the National Geographic Society, and the National Parks Conservation Society.

Mr. Speaker, I again want to underscore my strong support of H.R. 5466 and I urge my colleagues to join with me in voting for this legislation.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today in support of the Captain John Smith Chesapeake National Historic Trail.

This 2,300-mile trail retraces the waterborne route of Captain John Smith, who charted the Chesapeake Bay 400 years ago. The route stretches from the head of the Bay at Havre de Grace to the mouth at Cape Charles, and would enable visitors to explore Captain Smith's tracks, all of which helped to lay the foundation for our beloved Nation.

The journey of Captain John Smith dates back to June 2, 1608, when he and 14 English colonists set out from Jamestown to explore the Chesapeake Bay. The journey took over 3 months to complete and was marked by its success as the first thorough exploration of the Bay area. It was also key in discovering that the Chesapeake Bay did not open up into the Pacific Ocean. Additionally, Captain Smith's map of the Chesapeake opened up the area to thousands of European settlers, who may not have come to America otherwise.

The Chesapeake Bay has a rich and unique heritage, and deserves to be commemorated through passage of this historic water trail. It is only fitting that such a man and such a discovery be a part of Jamestown's 400th commemoration next year. The proposed trail would consist of a circuit of the Chesapeake Bay and its tributaries, of which Captain Smith explored. It would allow visitors, families, school groups and civic organizations to retrace a route of great historic significance. It would also serve to encourage good environmental stewardship of the area to ensure its permanence for future generations.

Mr. Speaker, in closing, I would like to thank the Chesapeake Bay for the impact it has had on its region and the Nation. I ask that my colleagues join me supporting H.R. 5466 and ensure the establishment of the historic Captain John Smith Chesapeake National Historic Trail.

Mr. CASTLE. Mr. Speaker, today I rise in strong support of H.R. 5466, the Captain John Smith Chesapeake National Historic Trail Designation Act, which traces the 1607 and 1608 water voyages of Captain John Smith to chart the land and waterways of the Chesapeake Bay. The water trail extends approximately 3,000 miles along the Chesapeake Bay and its tributaries in Virginia, Maryland, Pennsylvania, Delaware, and in the District of Columbia. The year 2007 will mark the 400th anniversary of the founding of Jamestown and Captain John Smith's monumental voyages of exploration in the Chesapeake Bay, making passage of this legislation and the designation of this route as a national historic trail timely.

Designating this historic trail is an excellent way for Americans to learn about the voyage of Captain John Smith and the valuable resources of the Chesapeake Bay and will help to spur efforts to protect and restore the region's historic and environmental assets. During his voyage, Captain John Smith traveled 45 miles up the Nanticoke River into Delaware. He reached approximately half a mile above Broad Creek, in present-day Sussex County, where he placed a brass cross to symbolize the furthest extent of his exploration. During that time, Captain John Smith met and traded with hundreds of the Kuskarawaok (Nanticoke) Indians who were vital to keeping the Jamestown settlement alive through their knowledge and trade goods.

This project is widely supported in Delaware by Governor Ruth Ann Minner; Delaware Economic Development Office; Department of Natural Resources & Environmental Control; Nanticoke Indian Tribe; New Castle County; City of Seaford; Town of Laurel; Bethany-Fenwick Area Chamber of Commerce; Delmarva Low Impact Tourism Experiences; Greater Seaford Chamber of Commerce; Laurel Chamber of Commerce; Southern Delaware Tourism (Sussex County); University of Delaware; the Conservation Fund in Delaware; and the DuPont Corporation.

As an original cosponsor of this legislation and earlier legislation that authorized the feasibility study of the proposed trail by the National Park Service, I fully back this project and look forward to visiting the portion of the trail that extends along the Nanticoke River in Delaware.

Ms. BORDALLO. Mr. Speaker, I yield back the balance of my time.

Mr. RADANOVICH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 5466, as amended.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

☐ 1215

TEMPORARY CONVEYANCE OF WATER RIGHTS TO DRY PRAIRIE RURAL WATER ASSOCIATION, INC.

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1219) to authorize certain tribes in the State of Montana to enter into a lease or other temporary conveyance of water rights to meet the water needs of the Dry Prairie Rural Water Association, Inc

S. 1219

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY CONVEYANCE OF WATER RIGHTS TO DRY PRAIRIE RURAL WATER ASSOCIATION, INC.

(a) IN GENERAL.—The Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana (referred to in this section as the "Tribes") may, with the approval of the Secretary, enter into a lease or other temporary conveyance of water rights recognized under the Fort Peck-Montana Compact (Montana Code Annotated 85–20–201) with the Dry Prairie Rural Water Association, Incorporated (or any successor non-Federal entity) for the purpose of meeting the water needs of that association, in accordance with section 5 of the Fort Peck Reservation Rural Water System Act of 2000 (Public Law 106–382; 114 Stat. 1454).

(b) CONDITIONS OF LEASE.—With respect to a lease or other temporary conveyance described in subsection (a)—

(1) the term of the lease or conveyance shall not exceed 100 years; and

(2)(A) the lease or conveyance may be approved by the Secretary without monetary compensation to the Tribes; and

(B) the Secretary shall not be subject to liability for any claim relating to any compensation or consideration received by the Tribes under the lease or conveyance.

(C) NO PERMANENT ALIENATION OF WATER.—Nothing in this section authorizes a permanent alienation of any water by the Tribes.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. RADANOVICH. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RADANOVICH. I yield myself such time as I may consume.

Mr. Speaker, S. 1219, introduced by Senator CONRAD BURNS and supported by our Montana colleague, Mr. DENNIS REHBERG, allows two Fort Peck Indian Reservation tribes to lease water to nearby non-Indian communities. Because water supplies are very scarce in northern Montana. Congress authorized the construction of a rural water supply project for the Fort Peck Indian Reservation and some of its neighbors.

With the project now under way, water users realize that the underlying law needs to be clarified to ensure a water transfer can be made. This bill makes this commonsense clarification on a Federal level. The State Water Commission has already approved the conveyance.

I urge my colleagues to support this noncontroversial bill.

Mr. Speaker, I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation is the companion to H.R. 2978, a bill that passed the House of Representatives this past May. S. 1219 offers a sensible and a cooperative solution to a water supply problem in eastern Montana. Too often in this body we are witness to conflicts over resources, especially when it comes to water problems in our western States. This bill is a welcome departure from that.

Mr. Speaker, we strongly support the adoption of the Senate bill 1219.

Ms. BORDALLO. Mr. Speaker, I yield back the balance of my time.

Mr. RADANOVICH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the Senate bill, S. 1219.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

MORE WATER AND MORE ENERGY ACT OF 2006

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5110) to facilitate the use for irrigation and other purposes of water produced in connection with development of energy resources, as amended.

The Clerk read as follows:

H.R. 5110

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "More Water and More Energy Act of 2006".

SEC. 2. PRODUCED WATER.

The Water Resources Research Act of 1984 (42 U.S.C. 10301 et seq.) is amended by adding at the end thereof a new section, as follows:

"SEC. 112. PRODUCED WATER.

"(a) STUDY.—The Secretary, acting through the Commissioner of Reclamation and the Director of the United States Geological Survey, shall conduct a study to identify—

"(1) the technical, economic, environmental (including potential adverse effects on water quality), legal, and other obstacles to increasing the extent to which produced water can be used for irrigation and other purposes; and

"(2) the legislative, administrative, and other actions that could reduce or eliminate such obstacles.

"(b) REPORT.—Not later than one year after the date of the enactment of this section, the Secretary shall report to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate regarding the results of the study required by this section.

"(c) PROJECTS AUTHORIZED.—

"(1) In the implementation of authority available to the Secretary prior to the date of enactment of this section and subject to the availability of funds appropriated for the purpose, the following projects are authorized:

"(A) At least one project in one of the Upper Basin States.

"(B) At least one project in one of the Lower Basin States other than California.

"(C) At least one project in California.

"(2) Funds obligated under this subsection—

"(A) shall not exceed $1,000,000 for any project;

"(B) shall be used to pay not more than 50 percent of the total cost of a project;

"(C) shall not be used for operation or maintenance of any facility; and

"(D) may be in addition to assistance provided by the United States pursuant to other provisions of law.

"(d) ADDITIONAL CONSULTATION, REVIEW, ADVICE, AND COMMENT.—In implementing this section, including preparation of the report required by subsection (b) and the establishment of criteria to be used in connection with award of assistance pursuant to subsection (c), the Secretary shall—

"(1) consult with the Secretary of Energy, the Administrator of the Environmental Protection Agency, and appropriate Governors and local officials;

"(2) review any relevant information developed in connection with research carried out by others, including research carried out pursuant to section 999 of Public Law 109-58, and to the extent the Secretary considers advisable include such information in the report required by paragraph (3);

"(3) seek the advice of individuals with relevant professional or academic expertise and of companies or individuals with industrial experience, particularly experience related to production of oil, natural gas, or other energy resources, including geothermal resources; and

"(4) solicit comments and suggestions from the public.

"(e) RELATIONSHIP TO STATE LAWS AND INTERSTATE AUTHORITIES AND COMPACTS.—Nothing in this section shall be construed as superseding, modifying, abrogating, or limiting—

"(1) the effect of any State law or any interstate authority or compact with regard to any use of water or the regulation of water quantity or quality; or

"(2) the applicability or effect of any Federal law or regulation.

"(f) DEFINITIONS.—In this section:

"(1) The term 'produced water' means water from an underground source, that is brought to the surface as part of the process of exploration for or development of oil, natural gas, coalbed methane, or any other substance to be used as an energy source.

"(2) The term 'Secretary' means the Secretary of the Interior.

"(3) The term 'Upper Basin States' means the States of Colorado, New Mexico, Utah, and Wyoming.

"(4) The term 'Lower Basin States' means the States of Arizona, California, and Nevada.

"(5) The term 'project' means the provision of financial assistance for the development of a facility to demonstrate the feasibility, effectiveness, and safety of processes to increase the extent to which produced water may be recovered and made suitable for use for irrigation, municipal or industrial uses, or other purposes.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

"(1) $1,000,000 to carry out the study required by subsection (a); and

"(2) $5,000,000 to carry out the other provisions of this section.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. RADANOVICH. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RADANOVICH. Mr. Speaker, I yield myself such time as I may consume.

H.R. 5110, sponsored by our colleague from Colorado, MARK UDALL, authorizes the Department of the Interior to fund projects for the potential use of extracted water for irrigation and other purposes. It will not surprise anybody that water is scarce in the West, but it may surprise some that a potential source of good quality water is just beneath the land surface and is being wasted every day.

During the process of energy development, about 22 million barrels of water are extracted each year, with most of that water pumped back underground. This legislation will facilitate the use of this abundant water for irrigation and other beneficial purposes. It could potentially help us find new water from what is now a virtually untapped water resource.

I thank the gentleman from Colorado for introducing this legislation, and I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation, introduced by my colleague on the Resources Committee, Mr. MARK UDALL, presents an exciting opportunity to solve critical water problems in locations with producing oil and gas wells.

Water is almost always brought to the surface along with oil and gas production, and most of the time the water is a very poor quality. For the oil and gas industry, this water is usually a waste product, something to be disposed of.

Mr. UDALL has recognized this problem of so-called produced water as a unique opportunity to solve critical water problems, and, as my colleagues are aware, this is especially important in the arid western States. This legislation will authorize a study and a limited number of demonstration projects to validate the concept that contaminated water produced from oil and gas wells can in fact be treated and put to beneficial use.

We are appreciative of the hard work Mr. UDALL has done to move this legislation through the Resources Committee.

Mr. Speaker, we strongly support the adoption of H.R. 5110.

Mr. Speaker, I reserve the balance of my time.

Mr. RADANOVICH. Mr. Speaker, I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Speaker, I thank the gentlewoman from Guam for yielding me time, and I thank her for her service to the House.

Mr. Speaker, obviously I rise in support of my bill, H.R. 5110, and I want to begin by thanking Chairman POMBO and Ranking Member RAHALL, as well as subcommittee Chairs RADANOVICH and GIBBONS and Ranking Members NAPOLITANO and GRIJALVA, for making it possible for the House to consider this today.

As we have heard, the bill's purpose is to help change an industry problem that is in the energy industry into an opportunity, not just for oil and gas producers, but for everyone else who would benefit from increased supplies of usable water. Especially in the arid West, that covers everyone, not least our hard-pressed ranchers and farmers.

The focus of the bill is what is called produced water, the underground water extracted in connection with development of energy sources like oil, natural gas or coalbed methane.

The bill would do two things, Mr. Speaker. It would first direct Reclamation and the USGS to identify the obstacles to the greater use of produced water and how they could be reduced or eliminated. Second, it would provide for Federal help in building three pilot plants to demonstrate ways to treat produced water to make it suitable for irrigation or other uses.

One of these pilot plants would be in the Colorado River's upper basin, one would be in either Arizona or Nevada, and the third one would be in California. Under the bill, the Federal Government would pay up to half the cost of building each plant, but no more than $1 million for any one plant, and then no Federal funds could be used for operating the plants themselves.

The bill's goals are reflected in its title, which is the More Water and More Energy Act of 2006. More water because of the way it would help supplement the water available for agriculture, municipal or other uses, and more energy because keeping produced water on the surface instead of reinjecting it into the ground can make it possible to recover more oil and gas from the subsurface. These are two goals I think we all can share, and this bill helps us achieve it.

I would urge its support. I want to thank again in closing Congressman RADANOVICH and my good friend from Guam for acknowledging this bill today and yielding me the time.

Ms. BORDALLO. Mr. Speaker, we have no further speakers, and I yield back the balance of my time. Again I want to take this opportunity to thank Mr. UDALL, who is a water expert who has done a great deal of work on this particular piece of legislation.

Mr. RADANOVICH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 5110, as amended.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

LOWELL NATIONAL HISTORICAL PARK BOUNDARY ADJUSTMENT ACT

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 395) to adjust the boundary of Lowell National Historical Park, and for other purposes.

The Clerk read as follows:

H.R. 395

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lowell National Historical Park Boundary Adjustment Act".

SEC. 2. AMENDMENTS.

The Act entitled "An Act to provide for the establishment of the Lowell National Historical Park in the Commonwealth of Massachusetts, and for other purposes" approved June 5, 1978 (Public Law 95–290; 92 Stat. 290; 16 U.S.C. 410cc et seq.) is amended as follows:

(1) In section 101(a), by adding a new paragraph after paragraph (2) as follows:

"(3) The boundaries of the park are modified to include five parcels of land identified on the map entitled 'Boundary Adjustment, Lowell National Historical Park,' numbered 475/81,424B and dated September 2004, and as delineated in section 202(a)(2)(G).".

(2) In section 202(a)(2), by adding at the end the following new subparagraph:

"(G) The properties shown on the map identified in subsection (101)(a)(3) as follows:

"(i) 91 Pevey Street.

"(ii) The portion of 607 Middlesex Place.

"(iii) Eagle Court.

"(iv) The portion of 50 Payne Street.

"(v) 726 Broadway.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. RADANOVICH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RADANOVICH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 395, introduced by Mr. MEEHAN of Massachusetts and supported by the administration, would authorize the Secretary of the Interior to acquire five small tracts of land totaling less than 1 acre to complete development of the Canal Way, a linear park and walkway along Lowell's 5.6 mile historic power canal system. The acquisition of these tracts will provide the access points necessary for development, maintenance and surveillance necessary to complete the Canal Way.

I urge the adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the majority has already explained the purpose of H.R. 395, which was introduced by my colleague from Massachusetts, Representative MARTY MEEHAN.

This is really a housekeeping measure. The five parcels to be added to the park total less than 1 acre. Yes, that is correct, less than 1 acre. The gentleman from Massachusetts, Representative MEEHAN, is to be commended for his efforts on behalf of the Lowell National Historical Park. He has worked diligently to advance the preservation and the interpretation of the historic resources located at this historical park, and the addition of these parcels will help further that goal.

☐ 1230

So, Mr. Speaker, we support H.R. 395, and I urge adoption of the legislation by the House today.

Mr. Speaker, I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield as much time as he may consume to my colleague from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Speaker, it has been indicated what this bill would do relative to small tracts of land.

I want to say that the Lowell National Historical Park was created in 1978, and it really created the vision for my hometown of Lowell, Massachusetts. Lowell was the cradle of America's industrial revolution, and it was determined by this Congress that it was worthy of preservation.

For 30 years, starting in the 1800s, Lowell led the Nation in cotton textile production. Harnessing the power of the mighty Merrimack River, it gave Lowell the fuel for this Nation's largest manufacturing engine.

Today, because of the work of so many people in the city of Lowell and the National Park Service, the Lowell National Historic Park continues to tell the story of America's industrial revolution right in Lowell.

The mark stands as a bridge to the past and a looking glass to the future. The same land that hosted textile mills are now home to high-tech companies and a university where nanotechnology research is flourishing.

The park, the first urban park of the Nation, is also a study in contrast. The old brick mills, emblematic of industry and development, are surrounded by pristine, open, green space. As the park has developed and improved, so too has the community around it. The park attracts three-quarters of a million visitors each year, and the ripple effect of that is significant.

Since the park has come into existence, Lowell has been named a distinctive designation city by the National Trust for Historic Preservation and an all-American city by the National Civic League.

This bill will keep the progress of this park rolling, allowing the last two miles of Lowell's historic canalway to be accessed by the public.

I want to thank the park superintendent Michael Creasey, Peter Aucella, and the others who are involved in this project. This is a community project that continues this resolve. This legislation is important for continued development of the park, and I thank my colleagues on both sides of the aisle for their support of this legislation.

Ms. BORDALLO. Mr. Speaker, again, I thank Mr. MEEHAN from the great State of Massachusetts for his diligent work on this piece of legislation

Mr. Speaker, I yield back the balance of my time.

Mr. RADANOVICH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 395.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PROVIDING FOR PRESERVATION OF HISTORIC CONFINEMENT SITES

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 1492) to provide for the preservation of the historic confinement sites where Japanese Americans were detained during World War II, and for other purposes.

The Clerk read as follows:

Senate amendments

On page 2, line 15 through 20, strike and insert:

(b) GRANTS.—

(1) CRITERIA.—The Secretary, after consultation with State, local, and tribal governments, other public entities, educational institutions, and private nonprofit organizations (including organizations involved in the preservation of historic confinement sites), shall develop criteria for making grants under paragraph (2) to assist in carrying out subsection (a).

(2) PROVISION OF GRANTS.—Not later than 180 days after the date on which funds are made available to carry out this Act, the Secretary shall, subject to the availability of appropriations, make grants to the entities described in paragraph (1) only in accordance with the criteria developed under that paragraph.

On page 3, line 21, strike "25 percent" and insert: *"50 percent"*.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. RADANOVICH. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RADANOVICH. Mr. Speaker, I yield myself such time as may consume.

H.R. 1492, introduced by Congressman BILL THOMAS, would establish a grant program within the Department of the Interior to protect, preserve, and interpret historic confinement sites where Japanese Americans were detained during World War II.

While there are two units in the National Park System that recognize the internment period, there are many who believe that other internment sites should also be preserved short of becoming a part of the park system. This bill would further that purpose by providing funds, with a partial private match.

The Senate amendment broadens the consultation requirement to develop criteria for making grants, provides a timeline for making grants, and increases the nonFederal matching requirement. These are all improvements to the original bill and we support them.

I urge the adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the changes made to this legislation by the Senate have improved the bill, and we continue to support the passage of H.R. 1492. Representatives Doris Matsui and Mike Honda are to be commended for their tireless efforts on behalf of this proposal. We also recognize the senior Senator from the State of Hawaii in the other body, and that is the Honorable Daniel K. Inouye, for his distinguished work in advancing this important legislation.

Within 3 months of the attack on Pearl Harbor on December 7, 1941, Executive Order 9066 authorized the removal of over 100,000 Japanese Americans from their homes and their relocation to isolated internment camps in Arkansas, Arizona, California, Colorado, Idaho, Utah and Wyoming. Decades later, our Nation came to understand and regret the grave mistakes of the past and the unacceptable premise that American citizens could lose their constitutional rights in the name of security. The internment camps stand as a stark testimonial to the underlying error of that premise.

As we mentioned when the House first approved this measure on November 15, 2005, the injustice of internment is not some distant, historical artifact. Rather, for former Members of this body, such as former Transportation Secretary Norman Mineta, or our late colleague, Representative Robert Matsui, internment was a painful reality.

Today, this bill is a testament to the legacy of these loyal Americans and honors the memory of their struggles. This legislation is not only a tribute to those who suffered the injustice of internment but also to the triumphs of our distinguished former colleagues. We urge support for H.R. 1492 in their names and in the names of all those who have faced, or continue to face, injustice.

Mr. Speaker, I reserve the balance of my time.

Mr. RADANOVICH. Mr. Speaker, I yield as much time as he may consume to the gentleman from California (Mr. THOMAS)

Mr. THOMAS. Mr. Speaker, I thank my colleague, the gentleman from California, and I also want to thank Congressman RADANOVICH and Congresswoman BORDALLO for the work that the Resources Committee has done, especially Chairman POMBO, and again salute my colleagues MIKE HONDA and DORIS MATSUI, DEVIN NUNES, also a member of the committee, and, as was indicated, Senators assisting us in moving this in a reasonable fashion, Senators DOMENICI, THOMAS, AKAKA and INOUYE.

This legislation is, in essence, a modest effort to provide the structure and resources necessary for citizens, schools, communities and others to undertake projects in the actual locales in which the so-called internment camps were located. For more than a decade, I represented one of those camps in Inyo County, Manzanar. I also came into the Congress with Bob Matsui.

The understanding of this period in our history is essential. It has to do with fundamental rights, even of native-born citizens in time of war.

The ability to preserve the actual sites and provide, if you will, an on-the-ground understanding was rapidly slipping away from us because of the simple distance of time from when this occurred and what has been happening in what were once very remote areas of Utah and California and other States.

So I am very, very pleased that both the House and the Senate has responded in a reasonable time frame to provide some monetary resources, matched by those who are committed to maintain the memory, not for the purpose of rubbing in what happened, but to remember it so that it does not happen again.

I thank the gentleman

Ms. BORDALLO. Mr. Speaker, I yield as much time as he wishes to consume to the gentleman from California (Mr. HONDA), my good friend, the chairman of the Congressional Asian Pacific American Caucus who spent time in an internment camp as an infant.

Mr. HONDA. Mr. Speaker, I thank the gentlewoman from Guam, my colleague and friend, for yielding me the time to address this important measure on the floor today.

Mr. Speaker, I rise in strong support of H.R. 1492, a measure to provide for the preservation of the historic confinement sites where Americans of Japanese descent, of Japanese ancestry, were detained during World War II.

I thank very personally Chairman BILL THOMAS for his steadfast leadership in introducing and working so effectively and ardently to move this bill forward. I am also pleased to be an original cosponsor of this measure, along with Congresswoman DORIS MATSUI. I thank the Committee on Resources and the Senate for their successful efforts to bring us to this point where this bill is about to go to the President to be signed into law.

When I was a member of the California State Assembly, I had the privilege of passing legislation to create the California Civil Liberties Public Education Program. The measure created a program to fund grants for educational activities and the development of educational materials to ensure that the events surrounding the exclusion, forced removal and incarceration of Japanese Americans would be remembered.

This program has also shed light on how Executive Order 9066, the order paving the way for the internment, impacted others such as Italian and German Americans and the people of Japanese ancestry living in Latin America.

While my bill in California helped to preserve the stories of the internment period, this bill will help to preserve the physical and tangible reminders of this period and will have a deep impact on our ability to make the stories real for future generations.

This bill uses the phrase "confinement sites" so funds may be used not only for 10 internment camps but for associated sites as well.

The internment sites, Manzanar, Topaz, Minidoka, Heart Mountain, Tule Lake, Gila River, Poston, Amache where I was born, Rohwer, Jerome and related confinement sites stand as an important and powerful lesson for this Nation.

Ultimately, by preserving these sites we will demonstrate the Nation's commitment to equal justice under the law and preserve a true American lesson.

I commend the groups making up the Japanese American National Heritage Coalition and its constituent groups, and the work of Gerald Yamada and Floyd Mori in bringing this issue to Congress. I would also like to take this opportunity to wish my friend John Tateishi a speedy recovery and to thank him for his commitment to upholding civil rights as he steps down from his long and accomplished career as national director of the Japanese American Citizens League.

Finally, I again wish to thank Chairman BILL THOMAS for his passionate dedication to making this bill a reality. The Japanese American community thanks you for your heartfelt commitment to this important issue and is overjoyed that it can be a part of the final act of your illustrious career in Congress.

Ms. BORDALLO. Mr. Speaker, it is now my distinct privilege to yield as much time as she may consume to the gentlewoman from California (Ms. MATSUI), our colleague from Sacramento, who has worked diligently on this legislation and who understands firsthand the importance of preserving the internment sites, as she was born at the Poston internment camp in Arizona.

Ms. MATSUI. Mr. Speaker, I thank the gentlewoman from Guam for yielding me this time.

Mr. Speaker, the internment of thousands of Japanese Americans during World War II is a painful part of our past. The memories of the time that so many innocent Americans spent in stark and isolated camps continue to resonate today.

We honor the memories of those people not by forgetting what happened, nor do we honor them by proclaiming that such events could never occur in today's United States. Instead, we honor the past by preserving the sites where the internment took place. In doing so, we deepen our understanding of the internment, and we help educate future generations about how to avoid this recurrence.

Preserving these internment sites is a solemn task we all bear. That is why the legislation before us today is so important.

It directs the Federal Government to partner with local entities to identify and protect internment sites. In the process, it will help to demonstrate our country's commitment to equality, justice and liberty for all.

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These are the founding principles of our Republic. We have no greater responsibility as Members of Congress than to protect and further these ideals. This legislation will help us do so by communicating the lessons of the internment to our children and grandchildren.

It has been a distinct pleasure of mine to collaborate with so many of my colleagues to bring this legislation to the House today. I would like to extend my special thanks to my colleague from California, Chairman THOMAS; and, as he mentioned, he came to the class with my late husband, Bob. His leadership has been absolutely instrumental in helping to craft this bill and to advance it to the point of passage. I would also like to thank my dear colleague Mr. HONDA for his tireless advocacy. He has proven to be a leader on internment preservation issues. He has shepherded this bill through the legislation process, and I truly appreciate his efforts. I am proud to stand with him and with Chairman THOMAS as original cosponsors of this timely and necessarily legislation.

Let us pass it today so that those who come after us, like my two young grandchildren Anna and Robby, can visit the places where their grandparents, great grandparents, and great, great grandparents were wrongly imprisoned. Let us pass it today so that those who come after us will know the places where their ancestors struggled for freedom in the country that they loved, and let us pass it today so that those who come after us will have a physical reminder of what they will never allow to happen again.

Ms. BORDALLO. Mr. Speaker, in conclusion, I want to again acknowledge all of the Members of both Chambers who have worked hard on this legislation: Congressman THOMAS, Congressman HONDA, Congressman MATSUI, Senator INOUYE, Senator AKAKA, and the leadership of both the Senate Energy and Natural Resources Committee and the House Resources Committee. It has been a privilege of mine to serve with Chairman POMBO and Congressman RAHALL. We are going to miss working with Chairman THOMAS and Chairman POMBO. We appreciate their support of this legislation, and we look forward to continuing to work under the leadership of Congressman RAHALL. I thank my friend from California (Mr. RADANOVICH) for managing these bills with me today

Mr. Speaker, I yield back the balance of my time.

Mr. RADANOVICH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 1492.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

INNOCENT SPOUSE PROTECTION ACT

Mr. RAMSTAD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6111) to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending, as amended.

The Clerk read as follows

H.R. 6111

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TAX COURT REVIEW OF REQUESTS FOR EQUITABLE RELIEF FROM JOINT AND SEVERAL LIABILITY.

(a) IN GENERAL.—Paragraph (1) of section 6015(e) of the Internal Revenue Code of 1986 (relating to petition for tax court review) is amended by inserting ", or in the case of an individual who requests equitable relief under subsection (f)" after "who elects to have subsection (b) or (c) apply".

(b) CONFORMING AMENDMENTS.—

(1) Section 6015(e)(1)(A)(i)(II) of such Code is amended by inserting "or request is made" after "election is filed".

(2) Section 6015(e)(1)(B)(i) of such Code is amended—

(A) by inserting "or requesting equitable relief under subsection (f)" after "making an election under subsection (b) or (c)", and

(B) by inserting "or request" after "to which such election".

(3) Section 6015(e)(1)(B)(ii) of such Code is amended by inserting "or to which the request under subsection (f) relates" after "to which the election under subsection (b) or (c) relates".

(4) Section 6015(e)(4) of such Code is amended by inserting "or the request for equitable relief under subsection (f)" after "the election under subsection (b) or (c)".

(5) Section 6015(e)(5) of such Code is amended by inserting "or who requests equitable relief under subsection (f)" after "who elects the application of subsection (b) or (c)".

(6) Section 6015(g)(2) of such Code is amended by inserting "or of any request for equitable relief under subsection (f)" after "any election under subsection (b) or (c)".

(7) Section 6015(h)(2) of such Code is amended by inserting "or a request for equitable relief made under subsection (f)" after "with respect to an election made under subsection (b) or (c)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to liability for taxes arising or remaining unpaid on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. RAMSTAD) and the gentleman from New York (Mr. MCNULTY), each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. RAMSTAD. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 6111, a bill to provide the U.S. Tax Court with jurisdiction to review innocent spouse relief claims. I urge my colleagues to join me in passing this legislation introduced by our distinguished colleague and friend from California, Representative TAUSCHER.

Under current law, married couples who submit joint tax returns are individually responsible for paying the taxes owed to the Federal Government. The Internal Revenue Service can, however, relieve this responsibility, Mr. Speaker, in situations where one spouse was unaware that the other spouse understated the amount of taxes due on their joint return. This type of relief, called innocent spouse relief, is granted at the discretion of the IRS. Currently, if the IRS denies a claim for innocent spouse relief, the tax court which specializes in tax law, does not have jurisdiction to review the IRS decision. This bill would provide the tax court with authority to review these claims by innocent spouses.

Mr. Speaker, we have the opportunity today to allow innocent spouses to take their cases to the Federal court with the most knowledge and expertise in handling tax matters. The tax court's experience with tax cases should ensure that denials of claims for innocent spouse relief are handled both fairly and expeditiously.

Mr. Speaker, I commend my colleague and friend, Representative TAUSCHER, for her leadership and key work on this issue. The Senate has passed a similar provision, and I urge my colleagues to do the same by voting in favor of this important commonsense legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. MCNULTY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 6111, legislation which enhances the innocent spouse equitable relief provision of the Internal Revenue Code. I believe that the enactment of this proposal will provide a straightforward and noncontroversial solution to the unfair treatment of innocent spouses under current law. Through only minor legislative modifications, this bill clarifies the statute's original intent, affording innocent spouses the necessary recourse to ensure their cases and circumstances are given a fair hearing.

Mr. Speaker, at this time, I would like to yield such time as she may consume to the sponsor of this legislation, the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Speaker, please let me thank my colleague, Mr. MCNULTY, for his great leadership and my distinguished colleague from Minnesota, Mr. RAMSTAD, for his friendship and leadership, too.

Mr. Speaker, I rise in really strong support of the Innocent Spouse Protection Act. Along with my great friend and colleague Senator FEINSTEIN of California, I introduced this legislation because I believe that it will provide a straightforward solution to the unfair treatment of innocent spouses under the current law.

Under the current Tax Code, the IRS may relieve an innocent spouse of liability for unpaid taxes if it would be unfair to hold that spouse responsible. No recourse exists, however, to prevent the IRS from seizing assets or garnishing wages if relief is not approved. The story of one Californian provides an example of the problem.

The IRS seized all of her husband's income to pay a tax liability incurred 20 years earlier, very long before they were married, which is clearly not the responsibility of this spouse. But because the IRS seized all of the income, the taxes on the income remained unpaid and, as you can imagine, the ball keeps rolling along.

When this woman's spouse died, the IRS pursued the innocent spouse for the taxes on her deceased husband's income. Along rolls the ball. She was forced to then sell her family home and all of her property owned jointly with her husband. In fact, the IRS may have her wages garnished along with funds set aside for her in a trust by a probate court in a completely unrelated family matter.

Recent decisions by the Eighth and Ninth Circuit Courts of Appeals have denied the tax court jurisdiction over petitions for equitable relief. Consequently, there are no mechanisms for review or appeal of these IRS decisions.

The aim of this legislation is to provide an avenue through which these decisions may be appealed. This bill in no way guarantees relief, but rather fixes the broken appeals process for these IRS decisions.

Mr. Speaker, I urge my colleagues to support this small change that is supported by my colleagues on the Ways and Means Committee that will have a profound effect on the lives of many innocent spouses who deserve their day in court.

Mr. MCNULTY. Mr. Speaker, I yield back the balance of my time.

Mr. RAMSTAD. Mr. Speaker, we have no further speakers on this bill, I urge my colleagues to support H.R. 6111, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. RAMSTAD) that the House suspend the rules and pass the bill, H.R. 6111, as amended.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. RAMSTAD. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous materials on the subject of the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 56 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 1404

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PRICE of Georgia) at 2 o'clock and 4 minutes p.m.

APPOINTMENT OF CONFEREES ON H.R. 5682, HENRY J. HYDE UNITED STATES AND INDIA NUCLEAR COOPERATION PROMOTION ACT OF 2006

Mr. HYDE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5682) to exempt from certain requirements of the Atomic Energy Act of 1954 a proposed nuclear agreement for cooperation with India, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. LANTOS

Mr. LANTOS. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

> Mr. Lantos moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 5682 be instructed to recede to the provisions contained in section 105(8) of the Senate amendment.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from California (Mr. LANTOS) and the gentleman from Illinois (Mr. HYDE) each will control 30 minutes.

The Chair recognizes the gentleman from California.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume to explain the motion.

Mr. Speaker, this motion instructs the conferees to H.R. 5682, the U.S.-India Nuclear Cooperation Promotion Act, to maintain section 105(8) of the Senate amendment. This section requires a determination by the President that India is fully and actively participating in U.S. and international efforts to dissuade, sanction and contain Iran for its nuclear program consistent with United Nations Security Council resolutions.

Mr. Speaker, I voted in favor of a motion to recommit H.R. 5682 that was offered by my friend Mr. MARKEY during floor consideration of the bill. That motion would have required a similar determination on Iran. I strongly believed that obtaining such an assessment of India's policy in this regard is a critical piece of information to aid our deliberations when we consider an actual agreement for civil nuclear cooperation with India as required by H.R. 5682.

Mr. Speaker, my view has not changed. I am a strong supporter of expanding nuclear cooperation with India, which I believe will greatly benefit both of our great countries. But, Mr. Speaker, we should ensure that we have all relevant information that could pertain to our deliberations regarding expanding nuclear cooperation with India.

I strongly urge my colleagues to support this motion to instruct.

Mr. Speaker, I reserve the balance of my time.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the administration has strongly requested that the conferees remove from the conference report Senator HARKIN's amendment regarding Iran. This motion would instruct the House conferees to ensure that that language was retained in the conference report. This is one item that well-meaning Members can honorably dispute. But there is not enough time remaining to delay passage of this conference report. Therefore, I have no objection to the motion.

Mr. MARKEY. Mr. Speaker, I rise in support of the Motion to Instruct Conferees. The recommital motion I offered when this bill came to the floor in July would have required the President to certify that India is fully supporting U.S. efforts to prevent Iran from acquiring weapons of mass destruction. The gentleman from California Mr. LANTOS supported my amendment, and I thank him for that, but my amendment unfortunately failed.

In the Senate, a similar but less expansive amendment offered by Sen. HARKIN was successful, and that is the amendment supported by this Motion to Instruct.

The Harkin Amendment would require the President to certify that India was abiding by United Nations Security Council resolutions regarding Iran. Since those resolutions are already binding under international law, that is a low enough bar that the President could make such a certification for almost any country in the world. India would certainly pass.

The Harkin Amendment doesn't do everything that I would like it to, but I believe that it is nonetheless an important provision to keep in the final bill.

But now the Bush Administration is objecting to even this modest requirement. Last week, Secretary Rice wrote to Chairman HYDE and Ranking Member LANTOS asking that all of the significant nonproliferation provisions added by the Congress be removed. She also argued that the Harkin Amendment would be viewed by India as an "additional condition," and therefore the requirement must be removed.

So it seems that the Bush administration is refusing to ask a close ally, India, to abide by established international law and assist in preventing Iran from going nuclear.

Apparently, the Bush Administration has entered the nuclear twilight zone. It can go to war in Iraq to disarm imaginary WMD, but not a word to India in this nuclear agreement about helping us stand up to Iran's WMD programs? I ask my colleagues: Whose foreign policy is the Administration promoting?

This is a modest suggestion. I think we actually should be doing more, and I and other House Members have sent a letter to Chairman HYDE and Ranking Member LANTOS outlining some of the other critical nuclear nonproliferation provisions that are the minimum requirements that we should be including in this bill. I hope that they are included in the final conference report.

But we really do need to ensure that India is not able to simultaneously reap the benefits of nuclear cooperation with the U.S. and others, while continuing to support Iran's efforts to maintain a renegade nuclear program. I urge all of my colleagues to vote for this Motion to Instruct Conferees, because we absolutely must halt Iran's nuclear ambitions.

Mr. HYDE. Mr. Speaker, I yield back the balance of my time.

Mr. LANTOS. Mr. Speaker, I urge all of my colleagues to strongly support this motion to instruct.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from California (Mr. LANTOS).

The motion to instruct was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

Messrs. HYDE, BOEHNER and LANTOS.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 1070, by the yeas and nays;

H.R. 1176, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

EXPRESSING SENSE OF HOUSE REGARDING HIRING OF MEMBERS OF ARMED FORCES

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 1070, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HUNTER) that the House suspend the rules and agree to the resolution, H. Res. 1070, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 403, nays 0, not voting 29, as follows

[Roll No. 524]

YEAS—403

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Harris
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sekula Gibbs
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—29

Baca
Becerra
Cubin
Davis (FL)
Davis, Tom
Evans
Fattah
Ford
Gibbons
Granger
Gutierrez
Hart
Jefferson
Knollenberg
Kolbe
Lucas
McDermott
McKinney
Murtha
Norwood
Osborne
Paul
Sanders
Simmons
Sullivan
Sweeney
Taylor (MS)
Walsh
Watson

□ 1436

Mr. LEVIN changed his vote from "nay" to "yea."

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table

Stated for:

Ms. HART. Mr. Speaker, on rollcall No. 524, I was unavoidably detained. Had I been present, I would have voted "yea."

NONPROFIT ATHLETIC ORGANIZATION PROTECTION ACT OF 2006

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1176, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 1176, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 219, nays 187, answered "present" 1, not voting 25, as follows

[Roll No. 525]

YEAS—219

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert

Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Case
Castle
Chabot
Chandler
Chocola
Cole (OK)
Conaway
Cramer
Crenshaw
Cuellar
Culberson
Davis (KY)
Davis (TN)
Davis, Jo Ann
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
English (PA)
Everett
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kuhl (NY)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller, Gary
Murphy
Musgrave
Myrick
Neugebauer
Northup
Nunes
Nussle
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Schmidt
Schwarz (MI)
Sekula Gibbs
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shuster
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (MS)
Taylor (NC)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—187

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Clay
Cleaver
Clyburn
Coble
Conyers
Cooper
Costa
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Doyle
Emanuel
Emerson
Engel
Eshoo
Etheridge
Farr
Filner
Fitzpatrick (PA)
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Harman
Hastings (FL)
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kirk
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Manzullo
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Platts
Pomeroy
Price (NC)
Rahall
Rangel
Regula
Reyes
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Saxton
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Shimkus
Sires
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

ANSWERED "PRESENT"—1

Johnson (IL)

NOT VOTING—25

Baca
Becerra
Berman
Cubin
Davis, Tom
Evans
Fattah
Ford
Gibbons
Granger
Gutierrez
Jefferson
Kolbe
Lucas
McDermott
McKinney
Murtha
Norwood
Osborne
Paul
Sanders
Simmons
Sweeney
Thomas
Watson

☐ 1445

Mr. KIRK, Mr. BROWN of Ohio, and Mrs. CAPITO changed their vote from "yea" to "nay."

Mr. JOHNSON of Illinois changed his vote from "yea" to "present."

So (two-thirds of those voting having not responded in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this chamber today. I would like the RECORD to show that, had I been present, I would have voted "yea" on rollcall vote 524 and "no" on rollcall vote 525.

AUTHORIZING PRINTING OF "UNITED STATES HOUSE OF REPRESENTATIVES, THE COMMITTEE ON WAYS AND MEANS: A HISTORY, 1789–2006"

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the concurrent resolution (H. Con. Res. 495) authorizing the printing as a House document of "United States House of Representatives, The Committee on Ways and Means: A History, 1789–2006," and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the concurrent resolution, as follows

H. CON. RES. 495

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. PRINTING OF DOCUMENT.

(a) IN GENERAL.—The document entitled "United States House of Representatives, The Committee on Ways and Means: A History, 1789–2006", prepared under the direction of the Office of the Historian, United States House of Representatives, shall be printed as a House document, with illustrations and suitable binding, in a style and manner determined by the Joint Committee on Printing.

(b) ADDITIONAL COPIES.—With respect to the document described in subsection (a), in addition to the usual number there shall be printed the lesser of—

(1) 1,500 copies, of which 50 shall be bound in leather for the use of Members of the Committee on Ways and Means and 500 shall be casebound for distribution by the Committee on Ways and Means; or

(2) the maximum number of copies for which the total production and printing cost does not exceed $40,000, with production and distribution to be allocated in the same proportion as described in paragraph (1).

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

UNBORN CHILD PAIN AWARENESS ACT

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, tomorrow the House is scheduled to consider H.R. 6099, the Unborn Child Pain Awareness Act. If passed, this bill would ensure that women are informed of the pain experienced by their unborn child at 20 weeks after fertilization.

The bill also gives expecting mothers an opportunity to request pain medicine for their baby. Medical evidence asserts that an unborn child can feel pain at 20 weeks, if not earlier.

According to a report by the Centers for Disease Control, approximately 1.4 percent of the abortions in the U.S. are performed at or after 20 weeks following fertilization. This means that nearly 20,000 women are not given complete information regarding the excruciating pain experienced by their unborn child.

Mr. Speaker, it is our responsibility as legislators and more importantly, as human beings to empower women, their husbands or partners with all the facts, and not merely a sugar-coated version of the truth.

Therefore, I urge my colleagues on both sides of the aisle to support women's right for information and vote "yes" on H.R. 6099.

BRING THE TROOPS HOME NOW

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, on September 30, 2006, this House appropriated $70 billion in bridge funds for the war in Iraq. There is talk now of another appropriation of $130 billion in the spring, bringing the total for the war in Iraq to $200 billion for a single fiscal year.

This House is going to have to make an historic decision in the spring, and I want the American people to know right now that the money is in the budget to bring our troops home. There is no need for an additional appropriation of $130 billion. That will only keep the troops there. You want the troops to come home, the money is there right now in the budget to bring the troops home. We don't have to keep this war going.

The American people voted for a new direction in November, and that new direction is something they are entitled to. We don't have to dig a deeper grave in Iraq. We can bring the troops home and bring them home now because the money is there now to bring the troops home. The money is there now to bring the troops home. The money is there now to bring the troops home.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CAPTAIN DAVID FRASER, TEXAS WARRIOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, "Duty, honor, country: Those three hallowed words reverently dictate what you ought to be, what you can be, what you will be. They are your rallying point to build courage when courage seems to fail, to regain faith when there seems to be little cause for faith, to create hope when hope becomes forlorn.

"In my dreams I hear again the crash of guns, the rattle of musketry, the strange, mournful mutter of the battlefield. But in the evening of my memory always I come back to West Point. Always there are echoes and reechoes: Duty, honor, country."

Mr. Speaker, General Douglas MacArthur spoke these words to West Point graduates of what the American soldier should be.

Captain David Fraser, West Pointer, personified these words. For the last year, Captain David Fraser patrolled the vast desert battlefields of war-torn Iraq in search of the enemies of freedom.

This December, his tour of duty was over and he would be coming back to Fort Hood, Texas, to spend Christmas with those he cared about.

But on November 26, 2006, 25-year-old Captain Fraser and three other soldiers were killed in Baghdad by a cowardly enemy using an improvised explosive device called an IED.

Captain Fraser excelled at life. He was a native of Spring, Texas. He attended Westfield High School where he was an honor student and a star cross-country athlete. Twice he led the team to qualify for the Texas State cross-country meet. His senior year, Captain Fraser led the boy's team to the first cross-country district title in over 19 years. He was voted the most athletic of his senior class at Westfield.

He was a devout Christian who remained active in his faith, whether he be in Texas or West Point, or stationed in lands far, far away. He was always willing to lend a hand at Sunday school or participate in Christian community events. His faith was his cornerstone. Those who knew Captain Fraser knew a man who was respected and admired by all. He was a born leader, always doing the right thing.

Captain Fraser applied to the West Point Military Academy, he said, out of sense of duty and as his way of giving back to a country that provided him with unlimited opportunities. Such powerful words, Mr. Speaker, of patriotism from one of America's finest.

Captain Fraser had a family history of military service. His mother, Helen; his father, Richard; his brother, Patrick, all served in the United States Armed Forces. He wanted to continue that proud tradition at West Point.

At West Point he ran like the West Texas wind as a member of the cross-country and track teams. Captain Fraser was also a superior student in the classroom. He graduated from that tough academy with honors as the top student in civil engineering. His academic performance promised Captain Fraser a faculty position at West Point during his career.

An accomplished soldier, Captain Fraser completed the rigorous Army Ranger, Airborne, and Air Assault schools. He was relentless in his determination to succeed.

In December 2005, Captain Fraser was deployed to Iraq, assigned to the 3rd Battalion, 67th Armor Regiment, 4th Brigade, 4th Infantry Division, and commanded several units. Recently he commanded a combat engineering platoon responsible for locating and disarming mines and other explosive devices implanted along Baghdad roads by insurgents. It was his mission to protect our soldiers and innocent Iraqis from the unseen enemy, the violent militants, the violent anarchists, those who stand against freedom and liberty.

As a decorated serviceman, Captain Fraser was the recipient of the Overseas Service Ribbon, the Iraqi Campaign Medal, the Global War on Terrorism Service Medal, and the National Defense Service Medal. For his service while in Iraq during a time of war, he was also awarded the Army Service Ribbon.

For his valor during combat on November 26, Captain Fraser was awarded the Bronze Star and the Purple Heart.

Captain Fraser, this photograph I have of him while at West Point, he gave his life for his country, and he will be missed throughout the Spring, Texas, community by those whose lives he positively impacted.

Today Captain Fraser has finally come home to Texas. In fact, he is being buried now, as I speak on the House floor. Taps is being played for this Texas individual, for this committed countryman.

The Fraser family and the Spring, Texas, community will always remember that their son died a hero, serving this great country of ours and defending the basic rights of life and liberty and freedom.

Captain David Fraser lived and died as General MacArthur said, "for duty, for honor, for country."

So God bless the Fraser family and God bless David Fraser and God bless all those who wear the uniform of the American warrior.

And that's just the way it is.

□ 1500

PASS COMMONSENSE GUN LAWS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. McCARTHY) is recognized for 5 minutes.

Mrs. McCARTHY. Mr. Speaker, last month the people voiced their opinion of the 109th Congress. Their message was loud and clear. It is time for common sense, and I hope we can follow the people's lead and pass some commonsense legislation coming this January.

I am particularly interested in commonsense legislation that will keep guns out of the hands of criminals without infringing on anyone's second amendment right. When it comes to commonsense gun laws, the Congress has a dismal record.

Thus far this Congress has given corrupt and incomplete gun dealers immunity from negligent lawsuits. This Congress has made it a crime for two police departments to share information from ATF's ballistics database. This Congress has tied the hands of law enforcement during times of disaster and has made it possible for guns to be brought into hurricane shelters.

But next year I am hoping for a fresh start when it comes to commonsense gun laws. Last spring our Judiciary Committee's Subcommittee on Crime, Terrorism, and Homeland Security approved H.R. 1415, the NICS Improvement Act. That is a bill that I had introduced a number of years ago. This is a bill that would improve the effectiveness of the existing National Instant Criminal Background Check System, the database used to check firearms buyers for any criminal record or other disqualifying criteria. Overall, the NICS has been a great success. Since 1994 more than 1.2 million individuals have been turned down because of a failed background check. NICS also provides the vast majority of honest gun sellers with peace of mind in knowing that they are selling their products to citizens who will use them safely and legally.

However, the NICS system is only as good as the information that is put into it. And, unfortunately, many States do not have the resources necessary to enter all of their disqualifying criteria into the NICS system. This is thanks, in part, to the many unfunded mandates this Congress has imposed upon the States. The end result is that felons and others who are not permitted by existing law to buy guns are passing background checks and buying guns through legitimate means. In fact, 28 States have automated less than 75 percent of their criminal history records. In 15 States domestic violence restraining orders are not accessible through the NICS system.

Mr. Speaker, each year we see thousands and thousands of people dying because of gun violence. We see so many more being wounded because of gun violence. We have a chance to enforce the laws that are on the books, but we need to help the States get the money to computerize the information that they have. We can save lives, number one. We can cut down on health care costs. And all that can be done by passing the NICS Act.

The bill was passed a couple years ago. Unfortunately, the Senate ran out of time. In January we here in Congress will be working 5 days a week; and I am hoping with that we will have the time to pass the laws that this country expects us to do, bread-and-butter issues to make us safe, to help the economy. We can do this. And I am hoping that the Judiciary Committee will bring up the NICS bill, pass it this year, and get it over to to Senate so that we can pass it there and have the President sign it.

The people spoke on November 7 and we here in Congress, Republicans and Democrats, will be working together. We have very large issues in front of us, but let us not forget about the small issues also, those quality-of-life issues for our constituents. Let us show America that we can do better. This Congress, this next Congress, will do better, and we will do a better job.

PROSECUTION OF TWO U.S. BORDER PATROL AGENTS: URGING A PRESIDENTIAL PARDON

The SPEAKER pro tempore (Mr. BOUSTANY). Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I am on the floor today to bring to the attention of the House the unjust prosecution of two U.S. Border Patrol agents and to urge the President of the United States to pardon these two men.

Agents Ramos and Compean were found guilty in a Federal court for wounding a Mexican drug smuggler who brought 743 pounds of marijuana across our southern border into Texas. These agents never should have been prosecuted for their actions last year; yet they had been sentenced to 11 and 12 years in Federal prison respectively. Agent Ramos served Border Patrol for 9 years and was a former nominee for Border Patrol Agent of the Year. Agent Compean had 5 years of experience as a Border Patrol agent. By attempting to apprehend an illegal alien drug smuggler, these agents were simply doing their job to protect the American people. These agents should have been commended for their actions, but instead the U.S. Attorney's Office prosecuted the agents and granted full immunity to the drug smuggler for his testimony against our agents. The drug smuggler received full medical care in El Paso, Texas; was permitted to return to Mexico; and is now suing the Border Patrol for $5 million for violating his civil rights. He is not an American citizen. He is a criminal.

Although it is clear that these agents fired shots at the drug smuggler to defend themselves and the border they patrol, Ramos and Compean were convicted mainly on the testimony of a habitual drug smuggler who claimed he was unarmed.

A sealed indictment for drug charges forbade the defense for calling into question the integrity of the drug smuggler as a witness. An October 26 article by Sara Carter of the Inland Valley Daily Bulletin quotes two of the drug smuggler's family members who said he "has been smuggling drugs since he was 14 and wouldn't move drugs unless he had a gun on him." Mr. Speaker, this came from the family member who knows this drug dealer. The family member also reported that the drug smuggler had been bragging about the money he is going to get in a lawsuit against the United States of America.

Despite my repeated requests for an investigation of this case and a request by a dozen Members of Congress for the President to pardon the agents, this administration has ignored the concerns of countless citizens who have decried the unjust prosecution of these two heroes. Mr. Speaker, I am calling on the President to listen to the concerns of the American people and to make it a top priority to pardon these two agents.

In closing, Mr. Speaker, I would like to share the last paragraph of my November 15 letter to the President: "Mr. President, you have an opportunity to reverse a great injustice committed against two agents who have given years of their life in service to this Nation and who have been unjustly punished for doing their job to protect our homeland. On January 17 of 2007, both Agents Ramos and Compean must surrender themselves to Federal authorities unless action is taken to overturn their sentences.

"I strongly urge you, Mr. President, to listen to the concerns of the American people and use the power of your office to pardon these two agents."

Mr. Speaker, I want to say again in closing that these two agents are heroes of this great Nation, and if anything, they should be rewarded and not crucified by the Federal Government for doing their job.

Please, Mr. President, listen to the American people.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members to direct their remarks to the Chair.

THE LAME DUCK SESSION AND IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I am pleased to be back in Washington for the final session of the 109th Congress. I only wish that the current leaders on the other side of the aisle had used their final days in the majority to actually exercise leadership and do something constructive for the American people. Instead we are here for the lamest of all possible lame duck sessions.

Just look at what we have done today. With all due respect to my Resources Committee colleague Mr. SIMPSON, the Southern Idaho Bureau of Reclamation Repayment Act of 2006 really isn't one of the most pressing matters facing our Nation. And what about the Captain John Smith Chesapeake National Historic Trail Designation Act?

My friends, we are in the middle of a war, a failed war, which a majority of the American people no longer want any part of; a war which, by the admission of the President's own choice for

Secretary of Defense, we are not winning. More than 2,900 of our best and brightest American troops are dead because of this failed policy. At least 46,000 have been wounded, severely wounded. And it is not as if they have sacrificed for a noble cause. Iraq, which was supposed to spontaneously blossom into a democracy the minute our troops arrived, has instead been plunged into a civil war as a direct result of the American occupation. In fact, a lot of people are saying that "civil war" is really too generous a term for what is happening in Iraq. It is actually much worse. "Civil war" implies two sides battling it out for state control. What we have here is many factions of thuggish militia and vigilantes terrorizing the streets and killing indiscriminately. The director of the CIA recently referred to the violence as "Satanic."

So why then are we spending the people's time and the people's money deliberating on naming a room in the Capitol? It is no wonder people have lost confidence in Congress to do the Nation's work effectively. Instead of doing what we were elected to do, we are waiting with bated breath for the findings of a blue ribbon commission to tell us what to do in Iraq. Mr. Speaker, this is political cowardice, pure and simple. The Congress doesn't want to confront the problem and doesn't want to challenge the President. So we pass the buck to a group of unelected so-called wise men who appear prepared to offer a watered-down compromise that will satisfy actually no one. I think it is appalling. What are we here to do if not to address the issues of national security, war and peace, and life and death?

And the White House, meanwhile, persists in a stubborn state of denial. The President continues to say he will not leave until the mission is complete, but at this point there is no clear mission nor how to know when it is complete. As he consistently has, the President is leaving open the very real possibility that our troops will be in Iraq for as long as he occupies the Oval Office.

The White House obviously wasn't listening to the message that was sent on November 7. But we are a co-equal branch of government, and we owe it to the American people to push for a course correction in Iraq. Obviously we won't make any progress on that front this week, but I look forward to the new year when the quacking stops and we will have a new Congress with a mandate and the fortitude to bring an end to this disastrous occupation and to bring our troops home.

URGING REFORM OF IMMIGRATION POLICY PERTAINING TO SANCTUARY CITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. SEKULA GIBBS) is recognized for 5 minutes.

Ms. SEKULA GIBBS. Mr. Speaker, I rise today to speak regarding a subject that is very important to my constituents in Congressional District 22 of Texas and has great national interest as well. This consideration is regarding much needed reform on our Nation's immigration policies, especially those policies that regard such sanctuary cities, as they are known.

As you are aware, my colleague from Texas, Congressman JOHN CULBERSON, led a successful effort to place an amendment in a recent bill that passed the House of Representatives but has not come forward through the Senate, and this bill disallows Federal funding to those cities who do not provide information to Federal immigration officers regarding illegal aliens. Cities such as Houston, cities that operate under general orders such as that signed by a police chief, those orders that prevent police officers from asking about the immigration status of criminals who commit claim C misdemeanors. Such sanctuary policies have contributed to rising crime rates and to, unfortunately, deaths of police officers, such as the death of Police Officer Rodney Johnson in Houston, who was killed this year by an illegal immigrant, one who had been arrested three times and deported once but then subsequently returned to Texas.

Americans are indeed saddened at the loss of our troops in the war in Iraq and also the war conducted across the world against terrorists. We have lost almost 2,900 troops in the war in Iraq. But this figure has to be placed into perspective. We have been given information by Representatives STEVE KING, Republican from Iowa, who used data from the Government Accountability Office, the Violent Crimes Institute of Atlanta, and AAA Foundation, that says that 12 Americans are murdered every day by illegal aliens and 13 Americans are estimated to be killed by illegal aliens who are driving while intoxicated. This gives us a total of almost 4,700 Americans who are murdered annually by illegal aliens. These statistics must not go unrecognized. They call out for action.

Americans also are losing their property rights. Those rights are being trampled in favor of the rights of illegal aliens. Recently a jury awarded $210,000 in damages against a rancher who was attempting to protect his property against trespassing by individuals that he thought were illegal aliens but turned out not to be, but he was really attempting to defend his property. He will ultimately be required to pay $98,000 for trying to defend his property against trespassers. What about his rights? Ranchers have been put on notice that if they attempt to prevent armed trespassers from crossing their property, they could face financial ruin with charges of civil rights violations, especially if those trespassers happen to be illegal aliens.

This is not right. Legal is legal and illegal is illegal. Illegal immigrants should not be accorded more rights than American citizens.

Mr. Speaker, this is a very important issue to the constituents in the congressional district in my part of Texas, Southeast Texas, District 22. Tackling the problem of illegal immigration will require full cooperation of all of our government resources, local, State, and Federal, and I call on this body to work diligently to help us solve this situation. We are all Americans and we must pull together to address difficult issues such as this. Taxpayers demand accountability from elected officials across our country, and they have made it clear that they will not tolerate uncooperative or inefficient use of government resources and their tax dollars.

I would like to urge you to work hard to ensure that this important provision that deals with sanctuary city policies is included in any version of immigration bills that do progress into law through this body.

HONORING DR. MARION FLECK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico (Mr. UDALL) is recognized for 5 minutes.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to pay tribute to Dr. Marion Fleck, co-founder of the College of Nursing at the Health Sciences Center of the University of New Mexico. She was recently honored at a large gathering in Albuquerque, both for her enormous contributions to the field of nursing and also for her 90th birthday.

Marion Fleck is truly a remarkable lady, and her story is legendary. Born in Wisconsin on September 4, 1916, she earned a degree in nursing in her home State, a master's from Yale University, and a doctorate from the University of New Mexico with honors. In 1955 Dr. Fleck and Mary Jane Carter met with then UNM President Tom Popejoy, whose support led to his securing $60,000 from the New Mexico legislature that year to found the first baccalaureate program in nursing in the State. Out of that initial funding, the college grew to graduate thousands of nurses over the years in every aspect of patient care: teaching, research, and all the nursing specialties. Of particular triumph, the UNM College of Nursing will be graduating its first Ph.D. candidates in the 2007 academic year.

Dr. Fleck was Dean of the UNM College of Nursing in the mid-1970s and also served in other important positions in the community. She worked in public health and also served for 17 years as the director of school nursing for the Albuquerque public schools.

She is loved and admired for her commitment and devotion to better health care by her fellow professionals, by students, and by the untold numbers of the community that she has served so well.

Dr. Fleck's late husband was also a legend in public education. Dr. Martin Fleck was a professor and chair of biology at the University of New Mexico. Like his wife, he was a caring and involved member of his community, serving on committees that either founded or supported the symphony, public parks and many educational programs. He was also a devoted family man who, with his wife, raised his children, Martin and Ann Hara.

Dr. Marion Fleck is a visionary whose unwavering enthusiasm, vigorous efforts and diligent action blazed the course for others. She inspired both students and health professionals to be the best they could and to strive to follow her example of commitment and devotion to professional nursing and public health. Because of her courageous and determined spirit over a century ago, thousands of citizens across New Mexico and the Nation have received quality trained nurses to strive to make a better life for others. I respectfully ask my colleagues to join me today in paying the highest tribute to a New Mexico treasure and a great American, Dr. Marion Fleck.

Thank you, Dr. Fleck, for your many years of extraordinary service.

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HEALTH CARE EXPENDITURES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Georgia (Mr. PRICE) is recognized for 60 minutes as the designee of the majority leader.

Mr. PRICE of Georgia. Mr. Speaker, I want to thank you so very much for allowing me to come to the floor. I want to thank the leadership for allowing me to come and talk about an issue that is extremely, extremely important and timely right now as we complete congressional business this week.

I would like to talk a bit about health care and health care expenditures and how the current system is set up that will, I believe, and many people believe, adversely affect how patients are treated across our Nation. And it has to do with the Medicare program, and it has to do with something called a sustainable growth rate, or SGR, which is currently the way in which it is determined on the part of the government how physicians are compensated for caring for Medicare patients.

Now, before I came to Congress, Mr. Speaker, as you know, and others, I was a physician, orthopedic surgeon; practiced over 20 years in private practice of orthopedic surgery on the north side of Atlanta. And there are probably another 10 or 12 physician Members of the United States House of Representatives, and each of us knows and appreciates and understands that the manner in which the government has decided reimbursement for physicians over the past number of years has resulted in, in many cases, in many cases across this Nation, a disincentive for physicians to be able to see patients.

And that is an important point that we need to think about, Mr. Speaker, because as that disincentive has increased over a period of time, and I, and many others would argue that it continues to increase. In fact, it is getting much, much worse. There is a decrease in the access that patients have to quality care all across this Nation, and we are seeing it in numbers that we will talk about today, time and time again, especially in many of the specialties, subspecialties.

So what has happened with the manner in which the government makes decisions regarding reimbursement, regarding how much physicians are paid for services, oftentimes what has happened is that patients can no longer find doctors, having difficulty finding doctors. So what we would like to do for the next few moments is to chat about, to discuss this issue of physician reimbursement as it relates to patient access to care and to talk about this SGR, sustainable growth rate.

I joke back home about how the SGR really is not a sustainable growth rate; it is an unsustainable reduction rate, URR, and we will have some numbers that will back that up.

Oftentimes when we think about the expenditure of health care dollars in this Nation, we think, well, every single dollar is obviously going to doctors to take care of patients. In fact, that is not what happens. And this chart is a great example of that.

This is national health care expenditures in the year 2004, the most recent for which this kind of data is available. The total in 2004 was $1.88 trillion, Mr. Speaker, $1.88 trillion of money being spent on health care. And I always, whenever I present this kind of information in a forum where individuals can ask questions, they are always surprised to find that a relatively small portion of that health care dollar goes to their doctors. In fact, on this pie chart, only 21 percent goes for what are called clinical services; that has physician/clinical services, which means what it takes to take care of patients, ordering tests and prescription drugs and the like.

In fact, the amount of money going to physicians out of a given health care dollar is in the low teens, 12, 13, 14 percent on the dollar, which means that it really is pennies out of the health care dollar that we are spending in this Nation that goes to the individuals who are providing the vast majority of the care.

Now, that is not to say that these other things aren't important; but it is important to appreciate, Mr. Speaker, that the amount of compensation, the reimbursement, the providing of the cost for the services that are being provided by physicians is a relatively small portion of the health care dollar. And that is important, because what we have seen over the past number of years is that the way in which the Federal Government is reaching their targets as to how much they spend on health care is to decrease the reimbursement for physicians, and therein lies the significant problem.

So how did we end up in this boat?

Well, in 1965, middle '60s, Medicare was passed. And at that time, the manner in which it was determined how much physicians should be paid and therefore what kind of access patients had to physician care was that each individual physician would bill Medicare for certain services, and then the amount of difference between the amount that Medicare paid and what they had billed, the physicians were then allowed to then what's called balance bill or bill the patient. And initially this program compensated the physicians, as I mentioned, on the basis of their charges, and allowed them to balance bill.

What happened over a period of time, for a variety of reasons, and I would suggest, not necessarily physician related, but in 1975 the Medicare payments were continued to be linked to physicians. But the annual increase in cost, the annual increase in fees began to be limited by what was called and is called the Medicare economic index or MEI. And because the changes were not enough to prevent the total payments from rising more than were desired at that time, from 1984 through 1991, the yearly change in fees was determined specifically by legislation.

So between 1984 and 1991, instead of allowing physicians to bill for certain procedures and certain activities that they would perform in taking care of patients, what happened is that Congress decided, between 1984 and 1991, what physicians in the Medicare program would be compensated for those procedures or that activity. And then starting in 1992, this charge-based system was replaced by what was called a physician fee schedule. And this fee schedule bases payment for individual services on measures of the relative resources provided to them.

Now, this is extremely important because in 1992 was the time when the Federal Government, and we as a Nation, decided, in essence, we will determine at the beginning of the year, January 1, how much money we will spend for health care for the entire year to come. Without regard to how many patients there were to be seen, what kind of health challenges and problems they had, we were going to set this finite pot of money as a Nation and say, this is what we will spend on health care. It doesn't make a whole lot of sense when you think about it, because those kinds of things are not necessarily predictable.

Now, at that time it was stated that' that schedule, this physician fee schedule, was not intended to control spending; but it was designed to redistribute the spending among various physician specialties, so if it was determined by the Federal Government that thoracic surgeons were gaining too much of this small portion of the pie, then they would shift that money to another specialty, remembering that when those monies are shifted, what happens is that many patients oftentimes lose access to the care of a quality physician.

Now, the schedule was updated at that time, in 1992, using a combination of the Medicare economic index that I mentioned before and an adjustment factor that was designed to counteract changes in volume of services being delivered per beneficiary. That adjustment factor was known as the volume performance standard. And over a period of time, relatively short period of time, that led to significant variability in the amount of payment rates. And Congress then replaced, in 1998, all of this system with what is currently in place, which is called the sustainable growth rate.

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Now, the sustainable growth rate is something that has come under significant scrutiny, because in fact it hasn't been a growth rate; it has been, as I mentioned before, a reduction rate. It hasn't answered the true question of how we are going to provide services as a Nation, how the physicians of this Nation are going to provide appropriate health care services to patients all across the Nation and what kind of compensation they should receive.

Many people, when I talk about this at home to folks and talk in health care conferences, many people really don't appreciate and understand that, in fact, the Federal Government is setting reimbursement rates for physicians all across this Nation, the kind of price-fixing that we have as a Nation said, no, it doesn't work in any other industry. But, in fact, that is the way we do it in health care.

The reason that it is important and not just related to Medicare is that the vast majority, Mr. Speaker, the vast majority of insurance companies tie their reimbursement rates of physicians to what the reimbursement rate is for Medicare. So what happens is that an individual insurance company will impose reimbursement for physicians of a certain percentage, 100 percent of Medicare, 90 percent of Medicare, 110 percent of Medicare. The result is that, de facto, the Federal Government is setting the reimbursement rates for physicians all across this country, and it hasn't worked well. It hasn't worked well.

The SGR mechanism aims to control spending on physician services provided under Part B of Medicare, which is where the physician block is, but it is also where other services are. It does so by setting, once again, an overall target amount of spending on certain types of goods and services, as well as payments that Medicare makes for certain items. As I mentioned, there are other things besides physician payment in this portion of this pie; for instance, laboratory tests and X-rays, imaging services and many of the physician-administered drugs.

Now, the Congress had two main goals in mind when it adopted the SGR mechanism: the sustainable growth rate mechanism, ensuring adequate access to physician services and controlling Federal spending on those services in a much more predictable way than that volume performance standard did. The problem is that the SGR accomplishes neither well.

We find ourselves now over the past few years in a very, very difficult situation. Since 2002, the spending measured by the SGR method has consistently been above targets established by the formula. As a result, the SGR mechanism under current law will substantially reduce payment rates for physician services over the next several years. Payment rates would decline by a total of somewhere between 25 and 40 percent, 40 percent, over that period of time.

I have got some charts that will demonstrate a few other matters as they relate to physician reimbursement and access to care and quality care.

This is a chart that compares the payments for varying aspects of our health care delivery system, and each of these bars, there are four bars, for Medicare Advantage which is part of the Medicare program, hospitals, nursing homes and then physicians on the far right portion of the chart.

It is important to keep in mind that the physician portion of this was slated for a decrease in all of these years, but these are the actual payments that have gone out, increases in payments or decreases in payments over the past 4 years. The portion of the Medicare program Medicare Advantage has seen decreases in the 5 to 7 percent range over the past 4 years.

Hospitals, appropriately, they do it, they perform a wonderful service in our health care systems. What they have seen is increases in the range of 3, 3½ percent over the last 4 years. Nursing homes, a comparable level.

It is important that when we have this discussion that we get across the point that nobody, nobody is saying that these numbers necessarily ought to decrease, because hospitals and Medicare Advantage, nursing homes, all of them are providing an absolutely vital and imperative service. The problem comes, I and many others would suggest, in the final group of numbers, which is where the physicians have been over the last 4 years, remembering that the physicians were slated for a decrease every year.

What that means is when physician reimbursement goes down, physicians who have been contemplating retirement say, well, it is just not going to cover my costs anymore; I am not going to be able to practice, too many headaches from the Federal Government. And many of them retire prematurely.

I am a third-generation physician. My grandfather saw patients until he was 94 years old. I guess there are some that would argue that he ought not to have been seeing patients at that time, but physicians routinely, over the last 30 to 100 years of the history of our Nation, routinely retired at a much later date than the general population. They oftentimes practiced into their seventies and eighties.

That whole trend, that whole trend has changed completely, so that now we see physicians retiring, if not at the rate of their peers in other businesses and other endeavors, in fact, many physicians are retiring at a much younger age because of a combination of factors: litigation problems, reimbursement problems, aspects of governmental intervention, regulation kinds of things. But what that means is that when physicians retire is that patients have a decreasing likelihood of having access to care, and that is where the concern lies.

When you see this chart here and the past 4 years as it relates to physician reimbursement, what has happened is that physician increase in 2004 and 2005 was in about the 1.5 percent range last year. It was absolutely flat.

So the proposal for this next year, a 5.1 percent decrease that will take effect, Mr. Speaker, in less than 30 days, in less than 30 days unless this Congress acts, unless this Congress acts, and there are incredible surveys and statistics and information we have on what the consequences, what will be the consequences to American health care if that 5.1 percent decrease takes effect.

As I mentioned a little bit ago, that decrease is slated to be year after year after year for the next 6 to 8 years. So it is not that a 5.1 percent decrease in fiscal year 2007 would result in a significant increase in 2008 or 2009 or 2010 so that folks could plan their future in terms of their practice and caring for their patients; that would be followed by a 5 percent decrease in 2008, a 5 percent decrease in 2009, a 5 percent decrease in 2010 and so on and so on.

The challenges are huge, because what will happen if we allow this to occur is that patients, many patients across this Nation will have continuing and increasing difficulty in finding a physician to care for them. The information on the amount of the number of physicians who would see these decreases, because it isn't absolutely even 5 percent across the board for every single physician, is that the vast majority of physicians would see more than a 5 percent, a 1 to 5 percent cut.

In fact, some physicians would seek decreases in their reimbursement of 16 to 20 percent, 13 percent of those would see decreases up to 15 percent. So you see where the nationwide effect would be. Sometimes you will hear folks from the Center from Medicare and Medicaid Services saying, yes, but some folks would be getting increases. I think that is arguable.

However, even if that were true, it is only in the 6 percent range, and it is not among the primary care folks, the internists, family medicine specialists, family practitioners, those individuals all would be seeing a decrease.

Remember, Mr. Speaker, the consequence of a decrease in physician reimbursement rate in Medicare means that there is a ripple effect throughout the entire system, so that insurance companies reimburse physicians at a decreased rate, and consequently what happens is that patients, patients lose their ability to see physicians all across this Nation.

Now, any of that might be okay if, if there were decreases in the costs of providing the services. But you and I both know, Mr. Speaker, that when you go to your doctor, there are more tests that are oftentimes taken now, because the technology is available. I know when I go it oftentimes seems to me that there are more people in the office itself, and most often they are individuals who are not necessarily involved in the actual care, they are individuals who are involved in the administrative side of a medical practice; so they are filling out the paperwork for the insurance company or filling out the paperwork for the government. So the costs continue to increase.

This chart here is titled "The Gap Between Cost Increases and Payment Updates," and this goes from 2001 through 2007, so the past 6 or 7 years. If you take zero percent at 2001 as the baseline, what has happened to physician practice costs over that period of time is that the annual increase has bumped up each and every year. Each and every year the costs of providing the service to patients in any practice has increased, and that is just like anything else in our economy, by and large.

Now what has happened to physician payments or physician reimbursement over that period of time, and you see, Mr. Speaker, where the challenge is, because this line is not even flat, it is a continual, continual decrease over a period of time.

Again, the problem, the consequence of this, is that patients are not able to see the physicians that they desire oftentimes or they are not able to find a physician to take care of them. It has been estimated that fully a quarter of patients out there who are trying to find a primary care physician who will accept Medicare cannot do it. They cannot do it right now.

When you talk with physician groups about what are the consequences, again this kind of decrease in 2007, what is going to happen? Nearly half of the physicians who say if that decrease goes into effect, then what will happen is that they, their practice, will no longer be able to take new Medicare patients.

Mr. Speaker, you and I both know that as members of the baby-boom generation that we are demographically an aging population in this Nation, and there are more and more individuals who are reaching Medicare age. Now, if there are more and more individuals reaching Medicare age, and fewer and fewer physicians or physician practices who are able to take new Medicare patients into their practice, then, as you see, Mr. Speaker, it means that access to care is limited and consequently quality health care in this Nation will suffer. That is the magnitude of the challenge that we are talking about.

As I mentioned before, there are a dozen or so physicians in the United States Congress, and I am pleased to have, hopefully, many of them join us today, this evening, to talk about this issue. I am so pleased to have my good colleague and friend from Georgia, Congressman PHIL GINGREY, who is a fellow physician and obstetrician/gynecologist. Both he and I served in the Georgia State senate together, and we are both privileged to serve here in the United States House of Representatives.

I thank you so much for coming today and sharing some words about what is truly, truly a matter that we must address as a Congress this week.

Mr. GINGREY. Mr. Speaker, and Dr. PRICE, thank you for giving me the opportunity to weigh in on this. I appreciate Representative, Doctor PRICE, leading this hour. It is such an important issue and time, of course, is of the essence. The physicians, the chart that Dr. PRICE is showing, is a clear indication that, as he points out, Mr. Speaker, the cost of doing business, in this instance, the business of providing medical care to our seniors especially, continues to go up, as does the cost of doing business in any other profession.

Yet the reimbursement is not even staying level. Our physicians, our providers, are not just running in place, they are losing ground each and every year, and that therefore the need is to try to fix this ultimately on a permanent basis by eliminating this flawed formula, this so-called SGR way of reimbursing our providers.

But at this point we have to do something about the scheduled 5.1 percent decrease update, a loss of reimbursement for the fiscal year, or calendar year 2007. And we have a very short period of time to do this. Dr. PRICE and Dr. BOUSTANY and Dr. BURGESS and the other physicians, medical and dental, doctors in this House of Representatives, hopefully on both sides of the aisle, understand the urgency of this.

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It is not about necessarily boosting the income of any of our providers, although those who practice the specialty of primary care, our pediatricians, our family practitioners, our general internists, their income is certainly not extravagant by any stretch of the imagination.

But it is really about, and I am sure that Dr. Price has already mentioned this, the availability of providers for our seniors. That pressure is getting greater each and every day. Thank God, they are living longer and healthier lives, and I think the Medicare part D provision that we passed in November of 2003 is really adding to that well-being, that our seniors are going to get the benefit of a prescription drug coverage that they never had.

But if we don't have any of these primary care physicians willing to accept these patients because we are not paying them enough to even reimburse their practice overhead, much less a small profit margin, as has been pointed out by my colleagues, then the situation gets worse and worse.

So thank you to my colleague and friend, Dr. Price. As a physician, Members are here today to try to emphasize the importance to each and every Member, to our leadership. Let's get this done. Let's make sure that we not only mitigate a 5.1 percent loss that is calculated on the basis of this flawed formula, but let's have a positive, a slight increase of maybe 1 percent for all of our providers. Then if voluntary reporting is a part of this bill, then, fine, increase it a little bit more. That is an issue that Dr. Price may want to discuss in more detail as we go forward in the hour.

But I want to thank him again for taking the leadership on this issue and giving me an opportunity to weigh in.

Mr. PRICE of Georgia. Mr. Speaker, I thank my colleague for coming and joining us today and pointing out the importance of this, but also pointing out very clearly the urgency of this matter.

As I mentioned before, if this Congress doesn't act, then what happens on January 1, less than 30 days away, is that patients will have less access to high quality health care than they do today; patients all across this Nation, not just Medicare patients, patients all across this Nation, from birth to their last days.

It is extremely important that we as a Congress address this. Again, it is not just Medicare. It ripples into all sorts of other insurance company reimbursement to physicians all across this Nation. I think that is important to appreciate, because with the election results on November 7 of this year, what has happened is that the party in power will shift after the first of the year, and there are some on the other side of the aisle, some of my friends on the other side of the aisle believe we ought to move toward a Medicare system for all, for all people across this Nation. I personally believe that would be an absolute disaster in terms of the level of quality care available to patients all across this Nation. I believe that for a variety of reasons, not the least of which is this kind of issue.

What we see is a Congress that has been for years, not just 2, 3, 4, 5 years, for years, decades, has struggled with how to fashion reimbursement for health care across this Nation. I believe that as we continue to move in the direction of greater control at the level of the Federal Government, that what happens is that we actually decrease the access of patients to care and decrease the quality of care that is provided.

So I thank my colleague from Georgia so very, very much for doing this and for pointing out the urgency of this, the importance of acting while we are here this week.

There are a number of proposals that are available in order to allow us to solve this problem, and I urge my colleagues on both sides of the aisle to embrace one of these and try to make certain that we do so before we head home.

I am so pleased to be joined by a new Member of the United States Congress, another physician Member, Dr. SHELLEY SEKULA GIBBS from Texas, a practicing dermatologist before she came to Congress, who has great experience in the community back in Texas and served on the local city council and has struggled as well, I know, with the kind of ability to deliver high quality health care to her patients.

We appreciate you coming today and look forward to your insights and perspective as it relates to patient access to care and the sustainable growth rates.

Ms. SEKULA GIBBS. Thank you very much, Dr. Price. I appreciate you bringing the subject up for the people at home so that they can understand where their Medicare premiums are going and how the Medicare dollars are being spent.

I want to also thank Congressman Dr. GINGREY, Dr. BOUSTANY, Dr. BURGESS and a number of the other physician Congress Members who have worked very diligently to bring this issue to the floor and ask the American people for their support and understanding of how to make health care more accessible to our seniors.

I think that having family members, like many of us, who are under the Medicare program, it is easy to see how Medicare has become more and more complex over the years and how each time there is one of these actions that you detailed chronologically, 1965 when it was implemented it was much simpler and easier. There were also fewer seniors at that time to cover. Then as time passed, the government looked for ways to reduce expenditures, reduce spending, but at the same time we saw other pressures coming to bear on the senior population.

We saw the fact that more and more people are living longer. They are having vigorous, active lives; and they want to have access to activities that will allow them to enhance those lives. They are working longer. They are active in sports.

In order to achieve that and to make sure that they can participate fully, and that is what I want when I hit those years as well, it requires a lot of work on the part of the physicians and the health care industry. That means that they have to have access to physicians; they have to have access to primary care doctors. And I was one of those before I was a specialist. I went through that residency. I know how hard that is, to take care of the whole person and to work and interrelate with a specialist. It is very difficult, and it requires the right kind of individual to do that.

We need to support it. And the primary care doctors are the ones who get hit sometimes the hardest. In your graph that you showed on which doctors are going to receive a little tiny bit more with that 5 percent cut, and the vast majority, 95 percent are going to get cut, quite frequently it is the primary care doctors who get stuck in that. And we want to encourage people to go into primary care and take that loving hand who will help our seniors.

But those patients are more complicated. They require more medical care when they do get sick, and they require more specialists to bring them out of those medical crises and restore them back to their health so they can get back to the business of living full quality lives.

I have been a physician for over 20 years, and I have watched as the Medicare situation has gone really from a situation of more and more complicated and the reimbursements now are going down, down, down. I have watched it, how it affects my father and my mother.

My father, who recently passed away, was lucky enough to receive veterans benefits. That really moved him out of the Medicare arena and allowed him to have access to the benefits he deserved through the VA.

My mother, on the other hand, has witnessed something that I hope others never have to see, but she actually has had a physician, a primary care doctor in a small town in south Texas, go bankrupt, go out of business.

That is shocking, to think that someone who has spent all the years that this doctor did in training and becoming a quality physician could then lose their practice. It is predominantly because in a small town in south Texas many of the younger people who have private insurance, some of them move away. And who are left? A lot of the seniors.

Now, it is not to say that is all that is left, but whenever that balance of having a larger and larger Medicare practice goes out of kilt, sometimes the physician can't even keep their doors open because there are so many patients who are there, complicated, elderly patients who need that care, and they can't get the reimbursement to keep those doors open, to pay their staff, to keep the lights on and to pay the rising medical malpractice insurance that goes along with it these days.

So the notion, knowing that that already happened to my mother and she lost that doctor who she really trusted and he went out of business, knowing that that happened before this cut goes into place, I shudder to think what will happen across small towns all over the Nation if they are visited with a 5 percent cut, not only in 2007, but then a large cut in 2008 and another cut in 2009. What will that do to the primary care doctors who are trying to give that care across the small towns of our country? We can't let that happen.

So I really support you today, Dr. Price, in asking the colleagues here on the floor, give the physicians an opportunity to continue to deliver care to the seniors. Don't make it so hard that they have to limit the flow of the seniors who are coming in their doors.

That will happen first. They won't out and out quit, but they will start to limit the numbers that they take. And that is also very disabling to a senior, when they call and say, do you take Medicare, don't make it so that they hear on the other end, I am sorry, we can't see you. That is not right, and we need to open the doors so that more seniors can have access to health care.

I join you in asking for that, and I hope that our colleagues will find a way to fix this situation and allow the seniors across the country to continue to receive the very best health care that is available in the world.

Mr. PRICE of Georgia. Thank you so very much for your comments and your participation and for your commitment to service, to standing up and rising and being a Member of the House of Representatives. We commend you and thank you for what you have done and appreciate your perspective and your expertise.

You said it better than anybody could about this isn't about necessarily reimbursement or money for physicians, this is about access to care. Because when that physician closed his or her doors in small-town Texas, which is not unlike small-town America anywhere, then those patients, those citizens, those American citizens, lose their access to care.

So this is an urgent issue. It is absolutely imperative that we in this Congress address it. Once again I call on colleagues on both sides of the aisle to make certain that we do so this week.

I am pleased as well to be joined by some other physician colleagues. Dr. Boustany, Congressman BOUSTANY, is a fellow freshman Member from Louisiana, a cardio-thoracic surgeon, has great expertise in this area and an understanding and appreciation for the finances of what it takes to deliver health care, but more importantly for the finances and what it takes to provide that kind of access to quality health care that patients all across our Nation deserve and expect. So I welcome you, Congressman BOUSTANY, and look forward to your comments.

Mr. BOUSTANY. Mr. Speaker, I am pleased to be here today. I want to thank my colleague and friend from Georgia for organizing this hour and for yielding me time.

A December 1 Congressional Quarterly article mentioned that a colleague from California across the aisle shed crocodile tears, "crocodile tears for providers who faced a cumulative cut of almost 30 percent under the Medicare physician payment formula." This colleague quipped that he had difficulty sympathizing with providers who might be giving up their golf games.

Instead of revoking negative stereotypes to justify cuts under an artificial price control formula, Congress ought to consider the real injustice the formula imposes on patients, such as an 85-year-old caregiver who has to wait longer and drive further so her ailing husband can visit a physician.

While Medicare does not force providers to treat Medicare patients, especially when the cost of providing care exceeds declining payments, for seniors who turn 65, it is Medicare or no care. It is virtually impossible for someone at age 65 to find insurance coverage for physician services outside of Medicare part B.

Medicare needs to honor its commitment, and seniors need more than access to a waiting list. MedPAC, the independent Federal body created to advise Congress on Medicare reimbursement issues, calls the Medicare physician payment formula "a flawed inequitable mechanism for volume control." It says it could "threaten beneficiaries' access to care."

In fact, the agency already warns that subsets of beneficiaries report access problems. In 2005, more than one in five Medicare beneficiaries reported that they sometimes, usually or always experienced delays in getting an appointment. The same proportion indicated that they had difficulty finding a new primary care physician to treat them. MedPAC also writes that among the subset of people who reported any problems, Medicare beneficiaries were somewhat more likely in our 2005 sample to characterize the problem as big versus small than their privately insured counterparts.

☐ 1600

Also, the share of Medicare beneficiaries indicating that they experienced big problems accessing a primary care physician grew in both 2004 and 2005 samples. One in four seniors who faced access problems said that their problem finding a doctor was because they were covered by Medicare, and this is simply unacceptable.

Equally troubling is a recent survey reporting that 38 percent of responding physicians indicate that they would decrease the number of new Medicare patients they accept when the next physician payment cut occurs and Medicare payments continue falling below the cost of providing care.

Congress might avoid a cut this year, and it is imperative that we do that, while leaving the artificial price control intact, as it did for 2003, 2004 and 2005. Yet officials with the Congressional Budget Office have repeatedly explained that the formula requires these automatic cuts to be made up in future years. This kick-the-can approach might seem like the least expensive on paper, but it is clearly unsustainable. The formula must be changed. Otherwise, the annual cuts will become more difficult to avoid, and the problem of access will only grow worse.

Congress needs to look past government accounting gimmicks and realize that adequate payments will help to ensure timely care and be more cost-effective for the overall program than addressing serious health problems with more intrusive and costly medical procedures later.

Also, all Americans have a personal stake in this issue, and once informed of the cuts, people understand that cuts mean more than just a canceled golf game. Almost 9 out of 10 respondents agree that cuts would severely limit seniors' access to physicians.

Seniors want the freedom to access their physicians, but cuts will exacerbate projected provider shortages as the baby-boom generation, one-third of our workforce, becomes Medicare eligible. MEDPAC aptly warns that the formula's cuts could "discourage medical students and residents from becoming primary care physicians."

Today, fewer radiologists specialize in mammography and fewer surgeons complete breast cancer fellowships. In addition, fewer students are entering the specialty of heart and lung surgery, while half of the heart and lung surgeons in the United States intend to retire within the next decade, and more than 70 percent plan to retire within 13 years.

Mr. Speaker, it is disappointing that some lawmakers want to expand price-fixing in Medicare under the false label of negotiation. Economists widely agree that artificial price controls lead to scarcity, which is why Americans do not rely on them in other sectors of our economy and why we must develop market-based alternatives in Medicare.

Congress, Mr. Speaker, has a duty to avoid the cuts and to replace the artificial price control formula with a realistic physician payment system that protects patient access.

Mr. PRICE of Georgia. Mr. Speaker, I thank Congressman BOUSTANY so much and appreciate your perspective and the stories that you told and the statistics you brought to us because it really puts a face on it. When we have the kind of divisive conversations that oftentimes occur on the floor of the House, it is not helpful, does not help patients all across this Nation. So I appreciate you bringing that perspective.

You mentioned again many of the ripples that occur when these kinds of decisions are made here. What happens in terms of access to care is maybe the most important thing, but what also happens is it ripples down the line of what bright young men and women across this country choose as a profession. Are they choosing to go into medicine; are they choosing to go into some of the more difficult subspecialties that many of us will require the care from over our lifetime? And what is indeed happening is that they are not choosing those things. They are not choosing to go into medicine in the numbers that they have in the past. So the ripple effect is huge.

All of it boils down to a decreasing access to care that patients have across this Nation and a decreasing access to quality care across this Nation.

I am so humbled by the participation of many of our physician colleagues in this hour on the floor of the House today. And Congressman BURGESS from Texas has joined us, an individual who has great expertise in the health care arena, a preeminent member of the Energy and Commerce Committee, and has a wonderful perspective and has talked about this issue since his arrival in Congress and has put on the table specific solutions.

So I welcome him today and thank you for your comments.

Mr. BURGESS. Mr. Speaker, I thank the gentleman for his kind comments.

Of course, the gentleman from Georgia has already done a great task with the posters this afternoon, but let me just reuse one that was seen a little bit earlier today.

This one tells such a great story, but unfortunately, it only tells a portion of the story. The year I took office was 2003. That means my last active year in practice was the year 2002, and missing from this graph, the year 2002, is a similar downward bar when doctors received the 5.1 percent what we euphemistically called a negative update. So the actual physicians' compensation for the 5- or 6-year moving budgetary window that we are all so fond of talking about has in fact been much less than is actually shown on this graph. And that is an important point to be made because, as we can see, all of the other aspects that deal with health care reimbursement once a year receive a cost of living, a market-basket update, but physicians' offices are expected to bear the brunt of cost reductions on a year-by-year basis.

As you so eloquently pointed out a few moments ago, that is unsustainable for any small business. If you are losing something on every transaction, you do not make it up in volume and stay in practice for very long.

One of the things that I think is so important that we discuss, we spend some time discussing this afternoon, as hopefully we get to a resolution of this problem in the conference committee that is now going on, is to talk a little bit about the pay-for-performance aspect of it. So much of the physicians' reimbursement is tied up in the talk of the pay-for-performance concept.

I would just like to submit that if we drive the best doctors out of providing Medicare services, if we really let the train run off the tracks on this, we will not be able to pay enough for performance in the future if we do not recruit our best and brightest to be the physicians of tomorrow, as Dr. PRICE has so eloquently stated, or if we drive out doctors who are in their mid-forties to their mid-sixties, doctors who are at the peak of their diagnostic abilities, the peak of their skills in the operating room. If these individuals stop seeing Medicare patients, we then make the whole system more expensive to administer if we have only the second and third tier of providers involved in that care.

Well, one of the things that we hear talked about is a pay-for-performance indicator, one that has the initials PVRP that stands for Physician Voluntary Reporting Program. Now, this is a program that is going to be articulated by CMS some point later in this year, and the reason I am concerned about it is we are being asked to accept the PVRP performance indicators as the standard against which we are going to judge physician practices for years to come, and we have not yet seen them in their totality. These are rules that will be put out by CMS some time later this year, perhaps April, perhaps May or perhaps June.

My understanding of the PVRP program is that it is largely a structural program and not necessarily outcomes-based. That is, does every diabetic receive a hemoglobin A1C test every so many months, rather than do we look at the world of diabetic patients within this physician's care and make certain that the emergency room visits and the out-of-control hospitalizations are, in fact, in line with what would be expected.

Earlier this year, I introduced bill, H.R. 5866, to repeal the SGR formula in its totality, in order to acknowledge that there is a growing sentiment out there that some type of performance measure has to be built in. I did ask that the individual quality organizations that are already in place be allowed to provide voluntary guidelines for physicians to follow. These quality measures taken as a whole provide a balanced overview of the performance of an individual doctor or clinic or billing unit, if you will.

The whole idea was that they would be consistent; they would be relevant. They would be not overly burdensome time to collect and they would account for patient satisfaction. The goal of the system was fair assessment to reduce health care costs, improve health care outcomes, but very importantly, not contribute to the problem that we already have in this country of health care disparities in some communities.

Therefore, in order to account for the differences in patient population, health status and compliance, these formulas would need to be very tightly drawn.

In addition, there would be a measure reported back to the physician himself or herself as to how they did in comparison with their peer groups. These report cards, if you will, would not necessarily be made generally available to the public, but whether or not a physician or a clinic complied with the data that was required, would be made public.

I think it is important to give providers, to give clinics, to give doctors some measure of flexibility in this regard, and whether it be the participation in a medical home, whether it be the participation in the PVRP program, whether it be the participation in the national quality forum programs, that any of these should be seen as complying with the intent of the legislation to provide quality measures. They should be voluntary, and any increase in reimbursement should not necessarily be tied to the baseline of quality reporting, but an additional increase in reimbursement would be provided to those physicians and clinics and offices that did indeed provide some type of reporting data.

Again, I want to thank the gentleman from Georgia for bringing this very timely issue to the floor of the Congress. I do know there is a lot of work going on on this very issue right now, and my goal in this is to be helpful in the overall process and make certain that in the future we do not saddle physicians' offices and physicians' practices with additional reporting requirements that are not voluntary, that are mandatory, that are punitive in their nature and end up decreasing the overall quality and character of medicine that we have grown to enjoy in this country.

I thank the gentleman from Georgia.

Mr. PRICE of Georgia. Thank you so much for your perspective and for your wisdom in this area. It is extremely helpful and positive and productive for the debate that we are having or the discussion that we are having.

I think you point out a very important aspect, and that is, this voluntary reporting requirement that might come soon for physicians is an increase in the regulation. And as you so appropriately point out, it ought not be punitive in nature, because if it is, what we will see in addition to the challenges that we have with levels of reimbursement, decreasing access that patients have to care, we will see further decrease in physicians in the community, and that will significantly harm the ability of patients to see physicians and get the care that they so appropriately deserve and require.

Sometimes you will hear folks say in this debate or this discussion, well, there really is not an access problem. And in having some discussions with the folks at the Center for Medicare Medicaid Services, the high-level individuals in the department who are charged with making certain that physicians are there to take care of patients from a Federal Government perspective, I had a specific conversation with one of them.

I said it is imperative that you not continue to decrease the reimbursement to physicians because they will no longer be able to cover the costs of providing that care and they will decrease the number of Medicare patients, if not end seeing Medicare patients all together.

The response from that individual was chilling, Mr. Speaker. What that person said was, well, we have not seen it yet, and until we do, we have not cut them enough.

Mr. Speaker, that is not the kind of collegial activity that we know to be productive in health care. It also takes incredible advantage of the Hippocratic oath that all physicians take in this Nation.

I have come to a conclusion that has been very difficult over the past decade, and it is more so true now, I believe, than ever before, and that is, that our health care system is held together today by many things but not the least of which is the altruism of the physicians involved in caring for patients who understand and appreciate the importance of that care and also respect and recognize that the oath that they took to care for patients, oftentimes regardless of the reimbursement, is the most important thing, but that takes advantage of the goodwill of so many men and women who are highly trained and educated across this Nation and who each of us rely on for high-quality health care.

Because all of us are patients at some point, every single one of us. So it is imperative that we do the right thing here as a Congress and make certain that we address this issue.

Sometimes you will hear folks say there is not an access problem, like the fellow at CMS who made that statement. Let me point out, Mr. Speaker, a couple items.

A recent survey, a recent study by the Medicare Payment Advisory Commission charged with looking into these things found that even before these cuts that we are talking about today might go into effect, 25 percent, fully one-quarter of Medicare patients looking for a new primary care physician are having difficulty finding one.

☐ 1615

One out of every four new Medicare patients is having difficulty finding a primary care physician, and that is all the more important as we mentioned before, Mr. Speaker, that our population is aging. The demographics are making it such that we are seeing a graying of our population. So more and more Medicare patients will be coming online.

The congressionally created Council on Graduate Medical Education, which is the body charged with making certain that we have high quality physicians trained in this Nation, have reported existing or looming physician shortages. In fact, they are predicting that as again the baby boomers enter Medicare and more seniors are requiring health care, that the country will experience a shortage of 100,000 physicians over the next 15 years. 100,000 physicians over the next 15 years. And that is an important time frame to talk about because that is about the time that it takes to train a physician. From undergraduate school to medical school and through residency, it is somewhere between 10, 12, 15 years, sometimes even longer.

Mr. Speaker, it is appropriate that we are discussing this. It is urgent, it is urgent that we correct this remarkable, remarkable challenge that we have to make certain that all patients across this Nation have the opportunity to see and be seen and cared for by a caring, high quality physician.

In closing, Mr. Speaker, let me just say that you have heard much discussion about the problem, you have heard some discussion about the solution. I would point out that I think there is a short-term solution and a long-term solution. A short-term solution is to make certain that the cuts that have been envisioned and are on the books right now and will take place on January 1 if the Congress does not act, to make certain that those decreasing reimbursements don't occur. It is imperative that we make certain that those don't occur so that we maintain the opportunity for patients all across this Nation to see their physicians.

In the long term, it requires either a fix of the formula or truly changing the system that we have in place that provides for reimbursement of physicians so that we can ensure into generations to come that we have a system in place that respects individuals who are caring for patients and, more importantly, respects patients' opportunity to receive access to the highest quality health care that is available.

And the system that we currently have will not provide for that. It will not deliver that kind of health care system not only today but into the future. And so I challenge and ask my colleagues on both sides of the aisle, we have so much opportunity to do good in this institution, this is one of those instances that ought not be a Republican challenge or a Democrat challenge. It is an American challenge, and we need to come together to make certain that we address this in a way that allows patients all across this Nation to continue to have access or to regain access to the highest quality health care that is available.

I thank once again the leadership for allowing me to organize this hour. I thank my colleagues who participated and brought so much wisdom and light to this issue. I appreciate the leadership for allowing me this time, and I thank you, Mr. Speaker.

VACATING 5-MINUTE SPECIAL ORDER

The SPEAKER pro tempore. Without objection, the 5-minute Special Order speech of the gentleman from Illinois (Mr. KIRK) is vacated.

There was no objection.

IRAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Illinois (Mr. KIRK) is recognized for 60 minutes.

Mr. KIRK. Mr. Speaker, our American body politic is turning to a renewed examination of Iran, its government, and our relations with that country. It has become an important member of the OPEC oil-producing cartel. Iran is also a state sponsor of terrorism and a leading voice for one part of Shia Islam.

Recently, Iran elected a new president, a leader who replaced a moderate but ineffectual office holder who had presented Iran in a softer light, hiding a continuing policy of supporting terror and a nuclear program largely hidden from the view of the Nuclear Nonproliferation Treaty that Iran signed and the U.N. inspectors who enforced it.

Iran's new president, Mahmoud Ahmadinejad, has presented an entirely new face for the government of Iran. We have heard various quotes by the Iranian president in news media sources, but nowhere have all of President Ahmadinejad's statements on key topics been presented in one place for a review by the American public and our allies. Recently, I asked the Congressional Research Service to compile a list entitled "Ahmadinejad In His Own Words" and I present it to the House today. History can be a very good guide in informing us on the direction of countries, of movements of dictators. When we are well informed, we may see the warning signs of dangers ahead so that the American people, our government, and our allies can respond with the most effective and least costly policies to avoid a coming danger. Our past teaches us that we failed to see the coming danger from Germany and Japan, and that mistake led us into a very costly Second World War. Conversely, President Truman saw the threat of the Soviet Union, and his response, including the Marshall Plan, the Voice of America, and NATO, helped the United States avoid a third and costly world war.

Our lessons teach us that tyrants or would-be tyrants often tell us what they are going to do long before they do it. And if we listen, if we truly listen, then the warnings that we are given can move us to action to avert a humanitarian crisis or even a future war involving the United States or our allies. President Ahmadinejad has been prolific on the subject of Israel, of Jews, and of the Holocaust.

And who is this new president of Iran? Mahmoud Ahmadinejad was born in Garmsar, southeast of Tehran in 1956. He is the fourth son of an Iranian iron worker who had seven children. He and his family migrated to Tehran when he was one year old. He got his diploma and was admitted to the University of Science and Technology in the field of civil engineering, where he ranked 130th among nationwide university entrance exams in 1975. He was accepted as an MS student at that same university and in 1986 got his doctorate in the field of engineering and traffic transportation and planning.

Following the 1979 Iranian revolution, he became a member of the ultraconservative faction of the Office for Strengthening Unity. Between universities and theological seminaries, the OSU was established by Ayatollah Mohammad Beheshti, one of Khomeini's key collaborators, to organize Islamist students against the rapidly growing Mojahedin-e Khalq. When the idea of storming the American embassy in Tehran was raised by Ahmadinejad's OSU, he also suggested storming the Soviet embassy as well.

With the start of Iraq's war against Iran in 1980, Ahmadinejad rushed to the western fronts to fight against the enemy, and he volunteered to join the special forces of the Islamic Revolution's Guard Force in 1986. He served in the Revolution Guards Corps in intelligence and security operation.

Ahmadinejad was a senior officer in the Special Brigade of Revolutionary Guards stationed at the Ramazan Garrison near Kermanshah in western Iran. It was there at his headquarters of the Revolutionary Guards' extra territorial operations that he helped mount attacks on Iran's borders. His work in the Revolutionary Guards was related to the suppression of dissidents in Iran and abroad, and he personally participated in covert operations in Iraq around the city of Kirkuk.

With the formation of the elite Qods, Jerusalem, Force of the Iranian Revolutionary Guards, Ahmadinejad became one of its senior commanders. He directed assassinations in the Middle East and Europe, including the assassination of Iranian Kurdish leader Abdorrahman Qassemlou, who was shot dead by senior officers of the Revolutionary Guards at a Vienna apartment in July of 1989. Ahmadinejad was a key planner of that murder. He also is reported to have been involved in planning an attempt to assassinate author Salman Rushdie.

Ahmadinejad served as a governor of Maku and Khoy cities in the northwestern West Azarbaijan province for 4 years in the 1980s, and he was an adviser to the governor general of the western province of Kurdistan for 2 years. While serving as a cultural adviser to then Ministry of Culture and Higher Education in 1983, he was appointed as governor general of the newly established province of Ardebil. He was elected as the exemplary governor general for three consecutive years, but in 1997 the newly installed Khatami moderate administration removed Ahmadinejad from his post as a governor general.

Ahmadinejad returned to university to teach in 1997, and there he also became involved in the cultural and political work of Ansar-i Hizbullah, the Followers of the Party of God, a violent Islamic vigilante group.

In April of 2003, Ahmadinejad was appointed the mayor of Tehran by the capital's municipal council, dominated by hard-line Islamic Iran Developers Coalition. As mayor, he reversed many of the policies of previous moderate and reformist mayors, placing serious and religious emphasis on the activities of cultural centers, turning them into prayer halls. He also closed fast-food restaurants and required all male employees to have beards and wear long sleeves. He instituted the separation of elevators for men and women in municipal offices and also suggested the burial of bodies of the martyrs of the Iran-Iraq war in the major city squares of his capital, Tehran.

Ahmadinejad was also a member of the hard-line Islamic Revolution Devotees' Society. While they endorsed another candidate in the 2005 election, it was Ahmadinejad that emerged out of that flawed process, for it was during the elections in 2005 in Iran that thousands of moderate candidates were knocked off the ballot by Iran's ruling council of clerics. As one of the candidates still allowed to be on the ballot, Mahmoud Ahmadinejad won the presidency on June 24, 2005.

Now, since being elected the president of Iran, Ahmadinejad has left no doubt about his views on Jews, Israel, and the Holocaust, On October 25, 2005, in advance of Iran's Jerusalem Day, established by Ayatollah Khomeini, he wrote at a conference for the Society Defense of the Palestinian Nation and Islamic Students Union. In his speech, he described his vision for an age-old confrontation between the world of Islam and, as he put it, the world of arrogance, that is the West, portraying Israel and Zionism as the spearhead of the West against the Islamic nation.

He emphasized in that speech the need to eliminate Israel, which he said was an attainable goal. He delivered this speech before several representatives of Hezbollah and its leader, Hassan Nasrallah, and Hamas leader Khaled Mash'al.

Speaking to a student conference entitled, "A World Without Zionism," Mahmoud Ahmadinejad stated: "Very soon this stain that is Israel will vanish from the center of the Islamic world, and that is attainable. The people who sit in closed rooms cannot decide this matter. The Islamic people cannot allow this historic enemy to exist in the heart of the Islamic world. I hope that Palestinians will maintain their wariness and intelligence, much as they have pursued their battles in the last 10 years. This will be a brief period, and if we pass through it successfully, the process of eliminating the Zionist regime will be smooth and simple.

□ 1630

"Our dear Imam Khomeini ordered that the occupying regime in Jerusalem be wiped off the face of the earth. This was a very wise statement."

On April 15, 2006, at the opening of a conference on supporting Palestinians he said, "Like it or not, the Zionist regime is headed towards annihilation."

On April 27, 2006, he stated in a speech in the western Iranian town of Zanjan, carried on live state television, "The regime in Israel will one day vanish."

On May 11, 2006, in a reference to Israel, in a speech to students and instructors at the University of Jakarta, "I advise all of you to pack up and move out of the region before being caught in the fire they have started in Lebanon."

On July 8, 2006, speaking to regional officials at the opening of a two-day conference in Tehran on the security of Iraq he said, "The basic problem in the Islamic world is the existence of the Zionist regime, and the Islamic world and the region must mobilize to remove this problem."

On July 29, 2006, during an emergency meeting with Muslim leaders he said, "The real cure for the Lebanon conflict is the elimination of the Zionist regime, but there should be first an immediate cease-fire."

On August 3, 2006, in a speech before the Organization of the Islamic Conference, to Presidents and Prime Ministers and policymakers of 17 Muslim-majority nations in Malaysia, a major international conference, he said, "The Zionist regime is fraudulent and illegitimate and cannot survive."

On October 19, 2006, speaking to crowds of people in Islamshahr, southwest of Tehran, he said, "The regime in Israel will be gone, definitely. You," the western powers, "should know that any government that stands by the Zionist regime from now on will not see any result but the hatred of people."

Earlier this year Congressman STEVE ISRAEL and I had lunch with Iran's Ambassador to the United Nations in New York. After a businesslike 20-minute discussion, the Ambassador for the Islamic Republic of Iran entered into a 30-minute monologue on how he believed the Holocaust in Europe had not happened.

After about half an hour I interrupted the Ambassador and told him I was surprised that he used our time to discuss the Iranian nuclear nonproliferation commitment, under a treaty that Iran had signed, to instead discuss issues: number one, of which there was no significant debate about the Holocaust occurring; number two, on events happening over half a century ago; and number three, all occurring outside Iran.

Iran's Ambassador said that his President had ordered him to deny the Holocaust. It was no accident. And on several occasions, we have seen President Ahmadinejad has tried to convince his people that indeed there was no Holocaust.

On December 1, 2005, in a speech to thousands in the southeastern city of Zahedan in southeastern Sistan va Baluchistan Province, and this was carried on Iranian television, he said, "Today, the Europeans have created a myth in the name of Holocaust and consider it to be above God, religion and the prophets. If you committed this big crime, then why should the oppressed Palestinian people pay the price? This is our proposal: If you committed the crime, then give part of your own land in Europe, the United States, Canada or Alaska to them so the Jews can establish their country."

On April 24, 2006, at a press conference in Tehran, he said, "Every German-born is indebted to the arrogant and greedy Zionists. Sixty years after the war, why do the Palestinians have to burn in the crimes of Zionists under the pretext of the Second World War."

And on December 8, 2005, speaking at a press conference on the sidelines of an Organization of the Islamic Conference antiterrorism summit in Mecca, Saudi Arabia, he said, "Today, they have created a myth in the name of the Holocaust and consider it to be above God, religion and the prophets. If you," Europeans "committed this big crime, then why should the oppressed Palestinian nation pay the price? You should pay the compensation yourself. This is our proposal: Give a part of your own land in Europe, the United States, Canada or Alaska to them so that the Jews can establish their country."

This is President Ahmadinejad in his own words that I place before the House, all accurately translated and provided in one place by the Congressional Research Service to present clearly a rising danger to our allies in Israel and to the West in general.

Tomorrow we will see the results of the bipartisan Iraq Study Group report. This report is the work of serious men and women. It will lay out well thought out proposals for the United States in the Middle East.

One proposal that it may contain is to increase our dialogue with Iran. Now we should always talk with every country and every leader, but we should have this dialogue with Iran in an informed way so our discussion is clearly led by knowing with whom we are speaking. We should not begin our dialogue with Iran from a position of ignorance as to what the president of Iran has already said to large crowds in published works and on their national television.

What I have laid before the House this afternoon is Ahmadinejad in his own words, so that as we begin a new phase of U.S. relations in the Middle East, we begin by learning more and knowing about this man and what he believes and what he thinks he must do to the world.

I was looking briefly at a recently translated quote by another leader who said, "Why does the world shed crocodile tears over the richly merited fate of the small Jewish minority? What has happened to the conscience of the world when millions in Germany are suffering from hunger and misery? I ask the American people: Are you prepared to receive in your midst these well-poisoners of people and the universal spirit of Christianity?"

It may sound like a recent speech from President Ahmadinejad. It was actually the works of Adolf Hitler published in the magazine Staatszeitung.

Looking at these words, we have an eerie echo of the past, but potentially a warning of the future. I lay them before the House today so we see them all clearly for who this leader is, what he has stated publicly, and where he would like to take his Nation and its relation with his neighbors in the Middle East.

I want to thank Peter Black, senior historian for the U.S. Holocaust Memorial Museum, and Greta Stults and Harold Edinger for their help in these translations.

With that, we have laid Ahmadinejad, in his own words, before the House on this very special week for U.S. foreign policy in the Middle East.

APPALACHIAN STATE UNIVERSITY FOOTBALL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, it was just about a year ago that I had the privilege of standing before the House to recognize and congratulate the 2005 NCAA Division I-AA football national champions, Appalachian State University.

I am here today to congratulate Appalachian State University's football team and coaches for another outstanding year of many triumphs. The Mountaineers football team has now reached the playoff semifinals and currently is 12-1, tying last year's record when the team won the NCAA Division I-AA championship, the university's first-ever national championship.

Not only is head coach Jerry Moore the winningest coach in the Southern Conference's history, he was named the American Football Coaches Association (AFCA) Region 2 Coach of the Year, his fourth such honor during his 18 years at ASU. Coach Moore has now achieved his 100th Southern Conference victory and its 150th win at ASU.

The players of this year's team have also earned seven national accolades, including, but not limited to the following: Running back Kevin Richardson, who is only a junior and is a candidate for the Walter Payton Award, set and matched seven school records with his 131 rushing yards and four touchdowns in last week's win over Montana State. He is also ASU's all-time leader in career points with 282.

Defensive tackle Omarr Byrom led the team with 3.5 sacks in the game against Montana State while the total number of sacks by the defense was 7. Both of these feats broke school records for playoff games.

I applaud the players and coaches who are getting the recognition they so deserve, and I am proud to represent Appalachian State University in Congress. I particularly want to compliment Coach Moore for his faith and his expression of his faith and being the wonderful role model he is, along with his assistant coaches.

Please join me in wishing the Appalachian State University football team good luck in this weekend's game against Youngstown State. Go Mountaineers!

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 41 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 2142

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SESSIONS) at 9 o'clock and 42 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 6346, EXTENDING PERMANENT NORMAL TRADE RELATIONS TO VIETNAM

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 109–718) on the resolution (H. Res. 1092) providing for consideration of the bill (H.R. 6346) to extend certain trade preference programs, to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Vietnam, to modify temporarily certain rates of duty and make other technical amendments to the trade laws, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 109–719) on the resolution (H. Res. 1093) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Ms. PELOSI) for today and December 6.

Mr. LUCAS (at the request of Mr. BOEHNER) for today on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mrs. MCCARTHY, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. UDALL of New Mexico, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

(The following Members (at the request of Mr. WALDEN of Oregon) to revise and extend their remarks and include extraneous material:)

Mr. KIRK, for 5 minutes, today.

Mr. POE, for 5 minutes, today and December 6, 7, and 8.

Mr. JONES of North Carolina, for 5 minutes, today and December 6 and 7.

Mr. HEFLEY, for 5 minutes, December 6.

Mr. MORAN of Kansas, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today and December 6, 7, and 8.

Ms. SEKULA GIBBS, for 5 minutes, today and December 6, 7, and 8.

Ms. FOXX, for 5 minutes, today and December 6, 7, and 8.

SENATE BILLS AND A CONCURRENT RESOLUTION REFERRED

Bills and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under a rule, referred as follows:

S. 994. An act to authorize the Attorney General to make grants to improve the ability of State and local governments to prevent the abduction of children by family members, and for other purposes; to the Committee on the Judiciary.

S. 3759. An act to name the Armed Forces Readiness Center in Great Falls, Montana, in honor of Captain William Wylie Galt, a recipient of the Congressional Medal of Honor; to the Committee on Armed Services.

S. 4014. An act to endorse further enlargement of the North Atlantic Treaty Organization (NATO) and to facilitate the timely admission of Albania, Croatia, Georgia, and Macedonia to NATO, and for other purposes; to the Committee on International Relations.

S. 4073. An act to designate the outpatient clinic of the Department of Veterans Affairs located in Farmington, Missouri, as the "Robert Silvey Department of Veterans Affairs Outpatient Clinic"; to the Committee on Veterans' Affairs.

S. Con. Res. 119. Concurrent resolution expressing the sense of Congress that public policy should continue to protect and strengthen the ability of farmers and ranchers to join together in cooperative self-help efforts; to the Committee on Agriculture.

ENROLLED BILLS AND JOINT RESOLUTION—SIGNED

Mrs. Haas, Clerk of the House, reported and found truly enrolled bill and joint resolution of the House of the following titles, which were thereupon signed by the Speaker on Wednesday, November 15, 2006.

H.R. 6326. An act to clarify the provision of nutrition services to older Americans.

H.J. Res. 100. Joint resolution making further continuing appropriations for the fiscal year 2007, and for other purposes.

Mrs. Haas, Clerk of the House, further reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker pro tempore, Mr. WOLF, on Monday, November 20, 2006:

H.R. 2383. An act to redesignate the facility of the Bureau of Reclamation located at 19550 Kelso Road in Byron, California, as the "C.W. 'Bill' Jones Pumping Plant".

H.R. 3817. An act to withdraw the Valle Vidal Unit of the Carson National Forest in New Mexico from location, entry, and patent under the mining laws, and for other purposes.

H.R. 4000. An act to authorize the Secretary of the Interior to revise certain repayment contracts with the Bostwick Irrigation District in Nebraska, the Kansas Bostwick Irrigation District No. 2, the Frenchman-Cambridge Irrigation District, and the Webster Irrigation District No. 4, all a part of the Pick-Sloan Missouri Basin Program, and for other purposes.

H.R. 4559. An act to provide for the conveyance of certain National Forest system land to the towns of Laona and Wabeno, Wisconsin, and for other purposes.

H.R. 5061. An act to direct the Secretary of the Interior to convey Paint Bank National Fish Hatchery and Wytheville National Fish Hatchery to the State of Virginia.

H.R. 5103. An act to provide for the conveyance of the former Konnarock Lutheran Girls School in Smyth County, Virginia, which is currently owned by the United States and administered by the Forest Service, to facilitate the restoration and reuse of the property, and for other purposes.

H.R. 5585. An act to improve the netting process for financial contracts, and for other purposes.

H.R. 5690. An act to adjust the boundaries of the Ouachita National Forest in the States of Oklahoma and Arkansas.

H.R. 6121. An act to amend the Federal Water Pollution Control Act to reauthorize a program relating to the Lake Pontchartrain Basin, and for other purposes.

On Monday, December 4, 2006:

H.R. 3699. An act to provide for the sale, acquisition, conveyance, and exchange of certain real property in the District of Columbia to facilitate the utilization, development, and redevelopment of such property, and for other purposes.

H.R. 4377. An act to extend the time required for construction of a hydroelectric project, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature on Friday, November 17, 2006, to enrolled bills of the Senate of the following titles:

S. 101. An act to convey to the town of Frannie, Wyoming, certain land withdrawn by the Commissioner of Reclamation.

S. 4001. An act to designate certain land in New England as wilderness for inclusion in the National Wilderness Preservation system and certain land as a National Recreation Area, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House reports that on November 16, 2006, she presented to the President of the United States, for his approval, the following bills.

H.J. Res. 100. Making further continuing appropriations for the fiscal year 2007, and for other purposes.

H.R. 6326. To clarify the provision of nutrition services to older Americans.

Karen L. Haas, Clerk of the House further reports that on November 21, 2006, she presented to the President of the United States, for his approval, the following bills.

H.R. 409. To provide for the exchange of land within the Sierra National forest, California, and for other purposes.

H.R. 860. To provide for the conveyance of the reversionary interest of the United States in certain lands to the Clint Independent School District, El Paso County, Texas.

H.R. 1129. To authorize the exchange of certain land in the State of Colorado.

H.R. 3085. To amend the National Trails System Act to update the feasibility and suitability study originally prepared for the Trail of Tears National Historic Trail and provide for the inclusion of new trail segments, land components, and campgrounds associated with that trail, and for other purposes.

H.R. 5842. To compromise and settle all claims in the case of Pueblo of Isleta v. United States, to restore, improve, and develop the valuable on-reservation land and natural resources of the Pueblo, and for other purposes.

Karen L. Haas, Clerk of the House further reports that on December 4, 2006, she presented to the President of the United States, for his approval, the following bills.

H.R. 2383. To redesignate the facility of the Bureau of Reclamation located at 19550 Kelso Road in Byron, California, as the "C.W. 'Bill' Jones Pumping Plant".

H.R. 3817. To withdraw the Valle Vidal Unit of the Carson National Forest in New Mexico from location, entry, and patent under the mining laws, and for other purposes.

H.R. 4000. To authorize the Secretary of the Interior to revise certain repayment contracts with the Bostwick Irrigation District in Nebraska, the Kansas Bostwick Irrigation District No. 2, the Frenchman-Cambridge Irrigation District, and the Webster Irrigation District No. 4, all a part of the Pick-Sloan Missouri Basin Program, and for other purposes.

H.R. 4559. To provide for the conveyance of certain National Forest System land to the towns of Laona and Wabeno, Wisconsin, and for other purposes.

H.R. 5061. To direct the Secretary of the Interior to convey Paint Bank National Fish Hatchery and Wytheville National Fish Hatchery to the State of Virginia.

H.R. 5103. To provide for the conveyance of the former Konnarock Lutheran Girls School in Smyth County, Virginia, which is currently owned by the United States and administered by the Forest Service, to facilitate the restoration and reuse of the property, and for other purposes.

H.R. 5585. To improve the netting process for financial contracts, and for other purposes.

H.R. 5690. To adjust the boundaries of the Ouachita National Forest in the States of Oklahoma and Arkansas.

H.R. 6121. To amend the Federal Water Pollution Control Act to reauthorize a program relating to the Lake Pontchartrain Basin, and for other purposes.

ADJOURNMENT

Mr. BISHOP of Utah. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 44 minutes p.m.), the House adjourned until tomorrow, Wednesday, December 6, 2006, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the fourth quarter of 2005 and the first and second quarter of 2006, pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. ALCEE HASTINGS AND VANESSA GRIDDINE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 16 AND MAR. 28, 2006

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Alcee Hastings	3/16	3/20	Belarus	951.500	445.00						
Vanessa Griddine	3/20	3/21	Austria	144.62	176.00						
	3/21	3/23	Germany	1337.96	806.00						
	3/23	3/27	Ukraine	7554.80	1.496.00						
	3/27	3/28	Germany		358.00						
Committee total											

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ALCEE HASTINGS, Chairman, Mar. 31, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. ROBERT LAWRENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 8 AND MAY 12, 2006

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Robert Lawrence	5/8	5/12	Mongolia		925.00		7,838.00				8,763.00
Committee total					925.00		7,838.00				8,763.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

J. DENNIS HASTERT, Chairman, May 22, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. ROBERT COGORNO, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 30 AND AUG. 6, 2006

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Robert Cogorno	7/30	8/6	China		1,626.85		9,250.25				10,877.60
Committee total					1,626.85		9,250.25				10,877.60

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ROBERT COGORNO, Sept. 5, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO NATO PARLIAMENTARIAN ASSEMBLY MEETING IN PARIS, FRANCE AND NATO MEETING IN ST. PETERSBURG, RUSSIA, AND RAF MILDENHALL, UNITED KINGDOM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 26 AND JUNE 5, 2006

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Joel Hefley	5/26	6/1	France		4,344.00		(3)				
	6/1	6/4	Russia		456.00		(3)				
	6/4	6/5	United Kingdom		211.00		(3)				5,011.00
Hon. Mike Bilirakis	5/26	6/1	France		4,344.00		(3)				
	6/1	6/4	Russia		456.00		(3)				
	6/4	6/5	United Kingdom		211.00		(3)				5,011.00
Hon. John Boozman	5/26	6/1	France		4,344.00		(3)				
	6/1	6/4	Russia		456.00		(3)				
	6/4	6/5	United Kingdom		211.00		(3)				5,011.00
Hon. Dan Burton	5/26	5/31	Paris		3,620.00		[3] 5,174.61				8,794.61
Hon. Ben Chandler	5/26	6/1	France		4,344.00		(3)				
	6/1	6/4	Russia		456.00		(3)				
	6/4	6/5	United Kingdom		211.00		(3)				5,011.00
Hon. Jo Ann Emerson	5/26	6/1	France		4,344.00		(3)				

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO NATO PARLIAMENTARIAN ASSEMBLY MEETING IN PARIS, FRANCE AND NATO MEETING IN ST. PETERSBURG, RUSSIA, AND RAF MILDENHALL, UNITED KINGDOM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 26 AND JUNE 5, 2006—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	6/1	6/4	Russia		456.00		(3)				
	6/4	6/5	United Kingdom		211.00		(3)				5,011.00
Hon. Paul Gillmor	5/26	5/31	Paris		3,620.00		[3] 3,364.61				6,984.61
Hon. Bart Gordon	5/26	5/31	Paris		3,620.00		[3] 3,364.61				6,984.61
Hon. Dennis Moore	5/26	6/1	France		4,344.00		(3)				
	6/1	6/4	Russia		456.00		(3)				
	6/4	6/5	United Kingdom		211.00		(3)				5,011.00
Hon. Mike Ross	5/26	6/1	France		4,344.00		(3)				
	6/1	6/4	Russia		456.00		(3)				
	6/4	6/5	United Kingdom		211.00		(3)				5,011.00
Hon. John Shimkus	5/26	6/1	France		4,344.00		(3)				
	6/1	6/4	Russia		456.00		(3)				
	6/4	6/5	United Kingdom		211.00		(3)				5,011.00
Hon. John Tanner	5/26	6/1	France		4,344.00		(3)				
	6/1	6/4	Russia		456.00		(3)				
	6/4	6/5	United Kingdom		211.00		(3)				5,011.00
Hon. Ellen Tauscher	5/26	5/31	Paris		3,620.00		[3] 3,760.03				7,380.03
Hon. Tom Udall	5/26	6/1	France		4,344.00		(3)				
	6/1	6/4	Russia		456.00		(3)				
	6/4	6/5	United Kingdom		211.00		(3)				5,011.00
Melissa Adamson	5/26	6/1	France		4,344.00		6,683.11				11,027.11
Kathy Becher	5/26	6/1	France		4,344.00		[3] 3,318.50				
	6/1	6/4	Russia		456.00		(3)				
	6/4	6/5	United Kingdom		211.00		(3)				8,329.50
Paul Gallis, Ph.D.	5/26	6/1	France		4,344.00		6,683.11				11,027.011
Kay King, Ph.D.	5/26	6/1	France		4,344.00		[3] 3,318.50				
	6/1	6/4	Russia		456.00		(3)				
	6/4	6/5	United Kingdom		211.00		(3)				8,329.50
Janice McKinney	5/26	6/1	France		4,344.00		[3] 4,356.50				
	6/1	6/4	Russia		456.00		(3)				
	6/4	6/5	United Kingdom		211.00		(3)				9,367.50
Susan Olson	5/26	6/1	France		4,344.00		(3)				
	6/1	6/4	Russia		456.00		(3)				
	6/4	6/5	United Kingdom		211.00		(3)				5,011.00
Marilyn Owen	5/26	6/1	France		4,344.00		6,683.11				11,027.11
Patrick Prisco	5/26	6/1	France		4,344.00		[3] 3,318.50				
	6/1	6/4	Russia		456.00		(3)				
	6/4	6/5	United Kingdom		211.00		(3)				8,329.50
Mark Wellman	5/26	6/1	France		4,344.00		[3] 3,318.50				
	6/1	6/4	Russia		456.00		(3)				
	6/4	6/5	United Kingdom		211.00		(3)				8,329.50
Delegation Expenses:											
Representational Functions									31,167.09		31,167.09
Miscellaneous									1,108.68		1,108.68

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

JOEL HEFLEY, Chairman, June 30, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO UKRAINE, TURKEY, IRAQ, KUWAIT, PAKISTAN, AFGHANISTAN, AND GERMANY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 29 AND JUNE 3, 2006

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Roy Blunt	5/29	5/30	Ukraine		337.00				11.56		348.56
Hon. Steny Hoyer	5/29	5/30	Ukraine		337.00				11.56		348.56
Hon. James Clyburn	5/29	5/30	Ukraine		337.00				11.56		348.56
Hon. Rodney Frelinghuysen	5/29	5/30	Ukraine		337.00				11.56		348.56
Hon. Sam Graves	5/29	5/30	Ukraine		337.00				11.56		348.56
Bill Cable	5/29	5/30	Ukraine		337.00				11.56		348.56
Brian Diffell	5/29	5/30	Ukraine		337.00				11.56		348.56
Hon. Roy Blunt	5/30	5/31	Turkey		257.00						257.00
Hon. Steny Hoyer	5/30	5/31	Turkey		257.00						257.00
Hon. James Clyburn	5/30	5/31	Turkey		257.00						257.00
Hon. Rodney Frelinghuysen	5/30	5/31	Turkey		257.00						257.00
Hon. Sam Graves	5/30	5/31	Turkey		257.00						257.00
Bill Cable	5/30	5/31	Turkey		257.00						257.00
Brian Diffell	5/30	5/31	Turkey		257.00						257.00
Hon. Roy Blunt	5/31	6/1	Iraq								
Hon. Steny Hoyer	5/31	6/1	Iraq								
Hon. James Clyburn	5/31	6/1	Iraq								
Hon. Rodney Frelinghuysen	5/31	6/1	Iraq								
Hon. Sam Graves	5/31	6/1	Iraq								
Bill Cable	5/31	6/1	Iraq								
Brian Diffell	5/31	6/1	Iraq								
Hon. Roy Blunt	6/1	6/1	Kuwait						14.42		14.42
Hon. Steny Hoyer	6/1	6/1	Kuwait						14.42		14.42
Hon. James Clyburn	6/1	6/1	Kuwait						14.42		14.42
Hon. Rodney Frelinghuysen	6/1	6/1	Kuwait						14.42		14.42
Hon. Sam Graves	6/1	6/1	Kuwait						14.42		14.42
Bill Cable	6/1	6/1	Kuwait						14.42		14.42
Brian Diffell	6/1	6/1	Kuwait						14.42		14.42
Hon. Roy Blunt	6/1	6/2	Pakistan		309.00						309.00
Hon. Steny Hoyer	6/1	6/2	Pakistan		309.00						309.00
Hon. James Clyburn	6/1	6/2	Pakistan		309.00						309.00
Hon. Rodney Frelinghuysen	6/1	6/2	Pakistan		309.00						309.00
Hon. Sam Graves	6/1	6/2	Pakistan		309.00						309.00
Bill Cable	6/1	6/2	Pakistan		309.00						309.00
Brian Diffell	6/1	6/2	Pakistan		309.00						309.00
Hon. Roy Blunt	6/2	6/2	Afghanistan								
Hon. Steny Hoyer	6/2	6/2	Afghanistan								
Hon. James Clyburn	6/2	6/2	Afghanistan								

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO UKRAINE, TURKEY, IRAQ, KUWAIT, PAKISTAN, AFGHANISTAN, AND GERMANY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 29 AND JUNE 3, 2006—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Rodney Frelinghuysen	6/2	6/2	Afghanistan								
Hon. Sam Graves	6/2	6/2	Afghanistan								
Bill Cable	6/2	6/2	Afghanistan								
Brian Diffell	6/2	6/2	Afghanistan								
Hon. Roy Blunt	6/2	6/3	Germany		328.00						328.00
Hon. Steny Hoyer	6/2	6/3	Germany		328.00						328.00
Hon. James Clyburn	6/2	6/3	Germany		328.00						328.00
Hon. Rodney Frelinghuysen	6/2	6/3	Germany		328.00						328.00
Hon. Sam Graves	6/2	6/3	Germany		328.00						328.00
Bill Cable	6/2	6/3	Germany		328.00						328.00
Brian Diffell	6/2	6/3	Germany		328.00						328.00
Committee total					8,617.00				181.86		8,798.86

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[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ROY BLUNT, Chairman, June 30, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO IRAQ AND QATAR, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 2 AND JUNE 4, 2006

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. J. Dennis Hastert	6/2	6/3	Iraq				(3)				
Hon. Ray LaHood	6/2	6/3	Iraq				(3)				
Hon. A. Dutch Ruppersberger	6/2	6/3	Iraq				(3)				
Hon. Adam Putnam	6/2	6/3	Iraq				(3)				
John F. Eisold, MD	6/2	6/3	Iraq				(3)				
Scott Palmer	6/2	6/3	Iraq				(3)				
Margaret Peterlin	6/2	6/3	Iraq				(3)				
Bryan Harbin	6/2	6/3	Iraq				(3)				
Ron Bonjean	6/2	6/3	Iraq				(3)				
Hon. J. Dennis Hastert	6/3	6/4	Qatar		851.00		(3)				851.00
Hon. Ray LaHood	6/3	6/3	Qatar		851.00		(3)				851.00
Hon. A. Dutch Ruppersberger	6/3	6/3	Qatar		851.00		(3)				851.00
Hon. Adam Putnam	6/3	6/3	Qatar		851.00		(3)				851.00
John F. Eisold, MD	6/3	6/3	Qatar		851.00		(3)				851.00
Scott Palmer	6/3	6/3	Qatar		851.00		(3)				851.00
Margaret Peterlin	6/3	6/3	Qatar		851.00		(3)				851.00
Bryan Harbin	6/3	6/3	Qatar		851.00		(3)				851.00
Ron Bonjean	6/3	6/3	Qatar		851.00		(3)				851.00
Committee total					7,659.00						7,659.00

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[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

J. DENNIS HASTERT, Chairman, June 13, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO JORDAN, IRAQ, AND SPAIN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND JULY 4, 2006

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. John A. Boehner	7/1	7/1	Jordan		289.00		(3)				289.00
Hon. Jim Saxton	7/1	7/1	Jordan		289.00		(3)				289.00
Hon. Jim Ryun	7/1	7/1	Jordan		289.00		(3)				289.00
Hon. Rick Larsen	7/1	7/1	Jordan		289.00		(3)				289.00
Hon. Thaddeus McCotter	7/1	7/1	Jordan		289.00		(3)				289.00
Hon. Devin Nunes	7/1	7/1	Jordan		289.00		(3)				289.00
John F. Eisold, MD	7/1	7/1	Jordan		289.00		(3)				289.00
Wilson Livingood	7/1	7/1	Jordan		289.00		(3)				289.00
Jen Stewart	7/1	7/1	Jordan		289.00		(3)				289.00
Thomas Hawley	7/1	7/1	Jordan		289.00		(3)				289.00
Josh Holly	7/1	7/1	Jordan		289.00		(3)				289.00
Hon. John A. Boehner	7/1	7/3	Iraq				(3)				
Hon. Jim Saxton	7/1	7/3	Iraq				(3)				
Hon. Jim Ryun	7/1	7/3	Iraq				(3)				
Hon. Rick Larsen	7/1	7/3	Iraq				(3)				
Hon. Thaddeus McCotter	7/1	7/3	Iraq				(3)				
Hon. Devin Nunes	7/1	7/3	Iraq				(3)				
John F. Eisold, MD	7/1	7/3	Iraq				(3)				
Wilson Livingood	7/1	7/3	Iraq				(3)				
Jen Stewart	7/1	7/3	Iraq				(3)				
Thomas Hawley	7/1	7/3	Iraq				(3)				
Josh Holly	7/1	7/3	Iraq				(3)				
Hon. John A. Boehner	7/3	7/4	Spain		277.00		(3)				277.00
Hon. Jim Saxton	7/3	7/4	Spain		277.00		(3)				277.00
Hon. Jim Ryun	7/3	7/4	Spain		277.00		(3)				277.00
Hon. Rick Larsen	7/3	7/4	Spain		277.00		(3)				277.00
Hon. Thaddeus McCotter	7/3	7/4	Spain		277.00		(3)				277.00
Hon. Devin Nunes	7/3	7/4	Spain		277.00		(3)				277.00
John F. Eisold, MD	7/3	7/4	Spain		277.00		(3)				277.00
Wilson Livingood	7/3	7/4	Spain		277.00		(3)				277.00
Jen Stewart	7/3	7/4	Spain		277.00		(3)				277.00
Thomas Hawley	7/3	7/4	Spain		277.00		(3)				277.00
Josh Holly	7/3	7/4	Spain		277.00		(3)				277.00
Committee total					6,226.00						6,226.00

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

J. DENNIS HASTERT, July 18, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO PORTUGAL, CYPRUS, KENYA AND SENEGAL, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND JULY 9, 2006

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. David Dreier	7/1	7/2	Portugal		291.00	(3)					291.00
Hon. David Pryce	7/1	7/2	Portugal		291.00	(3)					291.00
Hon. Rush Holt	7/1	7/2	Portugal		291.00	(3)					291.00
Hon. John Boozman	7/1	7/2	Portugal		291.00	(3)					291.00
Hon. Michael Capuano	7/1	7/2	Portugal		291.00	(3)					291.00
Brad Smith	7/1	7/2	Portugal		291.00	(3)					291.00
Janice McKinney	7/1	7/2	Portugal		291.00	(3)					291.00
Rachel Leman	7/1	7/2	Portugal		291.00	(3)					291.00
Robert Lawrence	7/1	7/2	Portugal		291.00	(3)					291.00
John Lis	7/1	7/2	Portugal		291.00	(3)					291.00
Tommy Ross	7/1	7/2	Portugal		291.00	(3)					291.00
Hon. David Dreier	7/2	7/4	Cyprus		640.00	(3)					640.00
Hon. David Pryce	7/2	7/4	Cyprus		640.00	(3)					640.00
Hon. Rush Holt	7/2	7/4	Cyprus		640.00	(3)					640.00
Hon. John Boozman	7/2	7/4	Cyprus		640.00	(3)					640.00
Hon. Michael Capuano	7/2	7/4	Cyprus		640.00	(3)					640.00
Hon. Donald Payne	7/3	7/4	Cyprus		640.00	(3)	3,374.00				640.00
Brad Smith	7/2	7/4	Cyprus		640.00	(3)					640.00
Janice McKinney	7/2	7/4	Cyprus		640.00	(3)					640.00
Rachael Leman	7/2	7/4	Cyprus		640.00	(3)					640.00
Robert Lawrence	7/2	7/4	Cyprus		640.00	(3)					640.00
John Lis	7/2	7/4	Cyprus		640.00	(3)					640.00
Tommy Ross	7/2	7/4	Cyprus		640.00	(3)					640.00
Hon. David Dreier	7/4	7/8	Kenya		1,125.00	(3)	615.00				1,740.00
Hon. David Pryce	7/4	7/8	Kenya		1,125.00	(3)	615.00				1,740.00
Hon. Rush Holt	7/4	7/8	Kenya		1,125.00	(3)	615.00				1,740.00
Hon. John Boozman	7/4	7/8	Kenya		1,125.00	(3)	615.00				1,740.00
Hon. Michael Capuano	7/4	7/8	Kenya		1,125.00	(3)	615.00				1,740.00
Hon. Donald Payne	7/4	7/8	Kenya		1,125.00	(3)	615.00				1,740.00
Hon. Adam Schiff	7/4	7/8	Kenya		1,125.00	(3)	4,627.00				5,752.00
Brad Smith	7/4	7/8	Kenya		1,125.00	(3)	615.00				1,740.00
Janice McKinney	7/4	7/8	Kenya		1,125.00	(3)	615.00				1,740.00
Rachael Leman	7/4	7/8	Kenya		1,125.00	(3)	615.00				1,740.00
Robert Lawrence	7/4	7/8	Kenya		1,125.00	(3)	615.00				1,740.00
John Lis	7/4	7/8	Kenya		1,125.00	(3)	615.00				1,740.00
Tommy Ross	7/4	7/8	Kenya		1,125.00	(3)	615.00				1,740.00
Hon. David Dreier	7/8	7/9	Senegal		336.00	(3)					336.00
Hon. David Pryce	7/8	7/9	Senegal		336.00	(3)					336.00
Hon. Rush Holt	7/8	7/9	Senegal		336.00	(3)					336.00
Hon. John Boozman	7/8	7/9	Senegal		336.00	(3)					336.00
Hon. Michael Capuano	7/8	7/9	Senegal		336.00	(3)					336.00
Hon. Donald Payne	7/8	7/9	Senegal		336.00	(3)					336.00
Hon. Adam Schiff	7/8	7/9	Senegal		336.00	(3)					336.00
Brad Smith	7/8	7/9	Senegal		336.00	(3)					336.00
Janice McKinney	7/8	7/9	Senegal		336.00	(3)					336.00
Committee total											43,591.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

J. DENNIS HASTERT, Chairman, July 24, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO LIBERIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 8 AND JULY 13, 2006

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Rachael Leman	7/8	7/13	Liberia		1,208.00	(3)	6,162.00				7,370.00
Tommy Ross	7/8	7/13	Liberia		1,208.00	(3)	6,162.00				7,370.00
Committee total											14,740.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

J. DENNIS HASTERT, Chairman, July 24, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO COLOMBIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 14 AND AUG. 18, 2006

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Rachael Leman	8/14	8/22	Colombia		1,104.00		1,785.00				2,889.00
Thomas Ross	8/14	8/22	Colombia		1,104.00		1,687.00				2,791.00
Committee total											5,680.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

J. DENNIS HASTERT, Chairman, Sept. 6, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2006

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Janice Helwig		5/2	United States	Dollars			5,001.88				5,001.88
	5/3	6/30	Austria	Euros	21,018.00						21,018.00
Committee total					21,018.00		5,001.88				26,019.88

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHRISTOPHER H. SMITH, Chairman, Aug. 15, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2006

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Jerry Moran	4/19	4/21	Switzerland		815.52		6,545.86				7,361.38
Tyler Wegmeyer	4/19	4/21	Switzerland		815.52		6,545.86				7,361.38
Bryan Dierlam	4/19	4/21	Switzerland		815.52		6,545.86				7,361.38
Committee total					2,446.56		19,637.58				22,084.14

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BOB GOODLATTE, Chairman, July 19, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APRIL 1 AND JUNE 30, 2006

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Jim Kolbe	4/8	4/10	Georgia		520.00				624.01		1,144.01
	4/10	4/12	Armenia		403.41				999.02		1,402.43
	4/12	4/12	Azerbaijan		732.00				1,324.48		2,056.48
Commercial Airfare							8,195.65				8,195.65
Robert Blair	4/8	4/10	Georgia		520.00				624.01		1,144.01
	4/10	4/12	Armenia		403.41				999.02		1,402.43
	4/12	4/12	Azerbaijan		732.00				1,324.48		2,056.48
Commercial Airfare							7,656.65				7,656.65
Hon. John R. Carter	4/11	4/12	Jordan		273.00						273.00
	4/12	4/13	Iraq		0.00						
	4/13	4/14	Jordan		273.00						273.00
Commercial Airfare							7,835.90				7,835.90
Hon. C.W. Bill Young	4/17	4/19	Malta		474.32		(3)				474.32
	4/19	4/21	Greece		675.71		(3)				675.71
	4/21	4/23	Moroco		1,257.28		(3)				1,257.28
Douglas Gregory	4/17	4/19	Malta		474.32		(3)				474.32
	4/19	4/21	Greece		675.71		(3)				675.71
	4/21	4/23	Morocco		1,257.28		(3)				1,257.28
Hon. Henry Bonilla	4/17	4/19	Malta		474.32		(3)				474.32
	4/19	4/21	Greece		675.71		(3)				675.71
	4/21	4/23	Morocco		1,257.28		(3)				1,257.28
Hon. Rodney Frelinghuysen	4/17	4/19	Malta		474.32		(3)				474.32
	4/19	4/21	Greece		675.71		(3)				675.71
	4/21	4/23	Morocco		1,257.28		(3)				1,257.28
Hon. Kay Granger	4/17	4/19	Malta		474.32		(3)				474.32
	4/19	4/21	Greece		675.71		(3)				675.71
	4/21	4/22	Morocco		628.64		(3)				628.64
Commercial Airfare							4,292.29				4,292.29
John Shank	4/17	4/19	Malta		474.32		(3)				474.32
	4/19	4/21	Greece		675.71		(3)				675.71
Commercial Airfare							3,814.67				3,814.67
Misc. Travel Costs							45.00				45.00
Paul Terry	4/17	4/19	Malta		474.32		(3)				474.32
	4/19	4/21	Greece		675.71		(3)				675.71
	4/21	4/23	Morocco		1,257.28		(3)				1,257.28
Hon. Jo Ann Emerson	4/19	4/24	Switzerland		815.22						815.22
Commercial Airfare							6,545.86				6,545.86
Hon Jim Kolbe	5/19	5/22	Egypt		746.22				1,931.02		2,677.24
Hon. Nita Lowey	5/19	5/22	Egypt		746.22				1,931.02		2,677.24
Hon. Carolyn C. Kilpatrick	5/19	5/22	Egypt		746.22				1,931.02		2,677.24
Hon. Jim Moran	5/19	5/22	Egypt		746.22				1,931.02		2,677.24
Hon. Roger Wicker	5/19	5/22	Egypt		746.22				1,931.02		2,677.24
Elizabeth Phillips	5/19	5/22	Egypt		746.22				1,931.02		2,677.24
Hon. Nita M. Lowey	5/29	5/30	Turkey		672.00						672.00
Hon. Kay Granger	6/24	6/24	Kuwait				(3)				
	6/24	6/25	Iraq				(3)				
	6/25	6/25	Kuwait				(3)				
	6/25	6/26	Iceland		371.00		(3)				371.00
Committee total					25,157.61		38,386.02		17,481.14		81,024.77

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent, if U.S. currency is used, enter amount expended.

[3] Military air transportation.

JERRY LEWIS, Chairman, June 26, 2006

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS (SURVEYS AND INVESTIGATION STAFF), HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2006

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
HOUSE COMMITTEES											
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JERRY LEWIS, Chairman, July 10, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2006

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Visit to Iraq, Bahrain, Jordan, Pakistan, Afghanistan with CODEL Tiahrt, April 7–14, 2006:											
Hon. Frank LoBiondo	4/8	4/10	Jordan		546.00						546.00
	4/8	4/9	Iraq								
	4/10	4/12	Bahrain		674.00						674.00
	4/12	4/13	Afghanistan								
	4/13	4/14	Pakistan		309.00						309.00
Commercial Transportation							7,435.13				7,435.13
Visit to Iraq, Jordan, April 10–15, 2006:											
Hon. John McHugh	4/11	4/12	Jordan		273.00						273.00
	4/12	4/13	Iraq								
	4/13	4/14	Jordan		273.00						273.00
Commercial Transportation							7,840.80				7,840.80
Hon. Michael Conaway	4/11	4/12	Jordan		273.00						273.00
	4/12	4/13	Iraq								
	4/13	4/14	Jordan		273.00						273.00
Commercial Transportation							7,840.00				7,840.00
Hon. Madeleine Bordallo	4/11	4/12	Jordan		273.00						273.00
	4/12	4/13	Iraq								
	4/13	4/14	Jordan		273.00						273.00
Commercial Transportation							7,840.80				7,840.80
Mr. Kevin Coughlin	4/11	4/12	Jordan		273.00						273.00
	4/12	4/13	Iraq								
	4/13	4/14	Jordan		273.00						273.00
Commercial Transportation							7,840.80				7,840.80
Visit to Iraq, United Arab Emirates, Jordan, Israel with CODEL Shays, April 16–22, 2006:											
Hon. Jim Marshall	4/17	4/18	Jordan		546.00						546.00
	4/18	4/18	Iraq								
	4/18	4/19	United Arab Emirates		377.00						377.00
	4/19	4/20	Jordan								
	4/20	4/22	Israel		794.00						794.00
Commercial Transportation							7,822.00				7,822.00
Visit to Italy, Malta, Greece, Kosovo, Morocco with CODEL Young, April 17–22, 2006:											
Hon. Neil Abercrombie	4/18	4/19	Malta		119.00						119.00
	4/19	4/19	Kosovo								
	4/19	4/21	Greece		354.00						354.00
	4/21	4/23	Morocco		1,232.00						1,232.00
Visit to Austria, Czech Republic with CODEL JoAnn Davis, April 18–23, 2006:											
Hon. Susan Davis	4/18	4/21	Austria		528.00						528.00
	4/21	4/22	Czech Republic		370.00						370.00
Hon. Solomon Ortiz	4/18	4/21	Austria		528.00						528.00
	4/21	4/22	Czech Republic		370.00						370.00
Hon. Silvestre Reyes	4/18	4/21	Austria		528.00						528.00
	4/21	4/22	Czech Republic		370.00						370.00
Visit to Iraq, Kuwait, April 19–25, 2006:											
Hon. Jim Saxton	4/20	4/21	Kuwait		406.00						406.00
	4/21	4/22	Iraq								
	4/22	4/23	Kuwait		406.00						406.00
Commercial Transportation							8,243.19				8,243.19
Hon. Thelma Drake	4/20	4/21	Kuwait		406.00						406.00
	4/21	4/22	Iraq								
	4/22	4/23	Kuwait		406.00						406.00
Commercial Transportation							7,135.19				7,135.19
Hon. Steven Israel	4/20	4/21	Kuwait		406.00						406.00
	4/21	4/22	Iraq								
	4/22	4/23	Kuwait		406.00						406.00
Commercial Transportation							8,240.19				8,240.19
Mr. Thomas Hawley	4/20	4/21	Kuwait		406.00						406.00
	4/21	4/22	Iraq								
	4/22	4/23	Kuwait		406.00						406.00
Commercial Transportation							7,135.19				7,135.19
Ms. Lorry Fenner	4/20	4/21	Kuwait		406.00						406.00
	4/21	4/22	Iraq								
	4/22	4/23	Kuwait		406.00						406.00
Commercial Transportation							8,792.19				8,792.19
Visit to Belgium with CODEL Bennett, April 28–30, 2006:											
Hon. Loretta Sanchez	4/28	4/30	Belgium		392.00						392.00
Visit to Costa Rica, Nicaragua with CODEL Burton, May 6–9, 2006:											
Hon. Todd Akin	5/6	5/9	Costa Rica		351.00						351.00
	6/9	6/9	Nicaragua								
Hon. Madeleine Bordallo	5/6	5/9	Costa Rica		351.00						351.00
	6/9	6/9	Nicaragua								
Visit to Luxembourg, Jordan, Iraq, Bahrain, Pakistan, Afghanistan, Spain, May 27–June 3, 2006:											
Hon. Robin Hayes	5/27	5/28	Luxembourg		172.00						172.00
	5/28	5/29	Jordan		273.00						273.00
	5/29	5/29	Iraq								
	5/29	5/30	Bahrain		154.00						154.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2006—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	5/30	5/31	Pakistan		309.00						309.00
	5/31	6/1	Afghanistan		75.00						75.00
	6/1	6/2	Spain		294.00						294.00
Hon. Jeff Miller	5/27	5/28	Luxembourg		172.00						172.00
	5/28	5/29	Jordan		273.00						273.00
	5/29	5/29	Iraq								
	5/29	5/30	Bahrain		154.00						154.00
	5/30	5/31	Pakistan		309.00						309.00
	5/31	6/1	Afghanistan		75.00						75.00
	6/1	6/2	Spain		294.00						294.00
Mr. Joe Wilson	5/27	5/28	Luxembourg		172.00						172.00
	5/28	5/29	Jordan		273.00						273.00
	5/29	5/29	Iraq								
	5/29	5/30	Bahrain		154.00						154.00
	5/30	5/31	Pakistan		309.00						309.00
	5/31	6/1	Afghanistan		75.00						75.00
	6/1	6/2	Spain		294.00						294.00
Ms. Stephanie Sanok	5/27	5/28	Luxembourg		172.00						172.00
	5/28	5/29	Jordan		273.00						273.00
	5/29	5/29	Iraq								
	5/29	5/30	Bahrain		154.00						154.00
	5/30	5/31	Pakistan		309.00						309.00
	5/31	6/1	Afghanistan		75.00						75.00
	6/1	6/2	Spain		294.00						294.00
Ms. Julie Unmacht	5/27	5/28	Luxembourg		172.00						172.00
	5/28	5/29	Jordan		273.00						273.00
	5/29	5/29	Iraq								
	5/29	5/30	Bahrain		154.00						154.00
	5/30	5/31	Pakistan		309.00						309.00
	5/31	6/1	Afghanistan		75.00						75.00
	6/1	6/2	Spain		294.00						294.00
Committee total					21,368.00		86,166.28				107,534.28

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DUNCAN HUNTER, Chairman, July 31, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE BUDGET, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2006

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Scott Garrett	4/7	4/8	Germany				3,926.50				3,926.50
	4/8	4/10	Georgia		520.00		([3])				520.00
	4/10	4/12	Armenia		403.41		([3])				403.41
	4/12	4/13	Azerbaijan		361.50		([3])				361.50
	4/13	4/13	United States				3,583.47				3,583.47
Hon. Brian Baird	5/19	5/22	Egypt		200.00		([3])				200.00
Hon. Henry Cuellar	5/27	5/28	Luxembourg		172.00		([3])				172.00
	5/28	5/29	Jordan		273.00		([3])				273.00
	5/29	5/29	Iraq				([3])				
	5/29	5/30	Bahrain		154.00		([3])				154.00
	5/30	5/31	Pakistan		309.00		([3])				309.00
	5/31	6/1	Afghanistan		75.00		([3])				75.00
	6/1	6/1	Spain		294.00		([3])				294.00
Committee total					2,761.91		7,509.97				10,271.88

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

JIM NUSSLE, Chairman, July 31, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2006

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HOWARD P. McKEON, Chairman, July. 18, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APRIL 1 AND JUNE 30, 2006

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
David Nelson	4/17	4/22	England		2,200.00		7,592.52				9,792.52
	4/22	4/25	France		1,359.00		135.00				1,494.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APRIL 1 AND JUNE 30, 2006—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Kelli Andrews	4/17	4/22	England		2,200.00		7,592.52				9,792.52
	4/22	4/25	France		1,359.00		135.00				1,494.00
Karen Christian	4/17/	4/22/	England		2,200.00		7,592.52				9,792.52
	4/22	4/25,	France		1,359.00		135.00				1,494.00
Hon. Albert Wynn	4/17	4/20	Austria		704.00		(3)				704.00
	4/21	4/22	Czech Republic		153.00		(3)				153.00
Richard Frandsen	5/2	5/6	France		1,648.00		2,248.00				3,896.00
Hon. Mike Ferguson	5/4	5/6	Greece		369.00		(3)				369.00
	5/6	5/7	Jordan		314.00		(3)				314.00
	5/7	5/7	Iraq				(3)				
	5/8	5/8	Turkey		378.00		(3)				378.00
	5/9	5/9	Germany		329.00		(3)				329.00
Hon. Joe Pitts	5/4	5/6	Greece		294.00		(3)				294.00
	5/6	5/7	Jordan		239.00		(3)				239.00
	5/7	5/7	Iraq				(3)				0.00
	5/8	5/8	Turkey		303.00		(3)				303.00
	5/9	5/9	Germany		254.00		(3)				254.00
Hon. Marsha Blackburn	6/24	6/24	Kuwait				(3)				
	6/24	6/25	Iraq		61.00		(3)		(7.48)		53.52
	6/25	6/26	Iceland		371.00		(3)				371.00
Committee total					16.094.00		13,182.00		(7.48)		41.517.08

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

JOE BARTON, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 31, 2006 AND JUNE 30, 2006

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Nicole Austin	3/31	4/4	Brazil		743.00		2,659.00				3,402.00
Hon. Melvin L. Watt	4/18	4/22	Italy		738.00	(3)					738.00
	4/22	4/24	Germany		368.00	(3)					368.00
Committee total					1,849.00		2,659.00				4,508.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

MIKE G. OXLEY, Chairman, July 20, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2006

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Jim Kaiser	4/15	4/19	Mexico		1,233.00		1,400.75				2,633.75
	4/19	4/22	Guatemala		756.00						756.00
Marc Wheat	4/15	4/18	Austria		528.00		6,258.08				6,786.08
	4/18	4/20	Estonia		516.00						516.00
Dennis Kilcoyne	4/15	4/19	Mexico		1,063.00		1,331.75				2,394.75
	4/19	4/22	Guatemala		465.00						465.00
Michelle Gress	4/17	4/21	Mexico		1,236.00		1,217.75				2,453.75
John Cuaderes	4/8	4/14	Kenya		1,372.92		7,215.44				8,588.36
Michael Wiebe	4/8	4/14	Kenya		1,372.92		7,215.44				8,588.36
Michael McCarthy	4/17	4/18	Jordan		273.00		4,997.46				5,270.46
	4/18	4/19	United Arab Emirates		377.00						377.00
	4/19	4/20	Jordan		273.00						273.00
	4/20	4/22	Israel		794.00						794.00
Darrell Issa	4/28	4/30	Belgium		392.00						392.00
Christopher Shays	4/17	4/18	Jordan		546.00		6,203.00				6,749.00
	4/18	4/19	United Arab Emirates		377.00						377.00
	4/20	4/22	Israel		397.00						397.00
Nick Palarino	4/17	4/18	Jordan		546.00		6,203.00				6,749.00
	4/18	4/19	United Arab Emirates		377.00						377.00
	4/20	4/22	Israel		794.00						794.00
Kenny Marchant	5/6	5/9	Costa Rica		351.00		677.69				1,028.69
Stephen Lynch	4/20	4/21	Kuwait		406.00		7,701.15				8,107.15
	4/22	4/23	Kuwait		406.00						406.00
Committee total					14,851.84		50,421.51				65273.35

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

TOM DAVIS, Chairman, July 18, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOMELAND SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2006

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
HOUSE COMMITTEES Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒											

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PETER T. KING, Chairman, July 18, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 31 AND JUNE 30, 2006

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Candace Abbey	4/18	4/21	Austria		528.00						528.00
	4/21	4/22	Czech Republic		370.00		(3)				370.00
Hon. Gary Ackerman	4/18	4/21	Austria		528.00						528.00
	4/21	4/22	Czech Republic		370.00		(3)				370.00
David Adams	4/18	4/21	Austria		528.00						528.00
	4/21	4/22	Czech Republic		370.00						370.00
	4/17	4/18	Outbound Airfare				3,271.35				3,271.35
	5/20	5/22	Egypt		324.00		(3)				324.00
Douglas Anderson	5/29	6/4	Philippines		1,106.00		6,220.00				7,326.00
Michael Beard	5/12	5/14	Netherlands		616.00						616.00
	5/14	5/16	Croatia		540.00						540.00
Commercial airfare	5/12	5/16					6,754.58				6,754.58
Hon. Shelley Berkley	4/18	4/21	Austria		528.00						528.00
Commercial airfare	4/21	4/22					3,391.31				3,391.31
Hon. Howard Berman	5/19	5/22	Egypt		124.00		(3)				124.00
Melanie Bixby	4/11	4/14	Mali		516.59		7,032.00				7,548.59
	6/12	6/15	South Africa		500.00		9,973.73				10,473.73
Ted Brennan	4/23	4/24	Venezuela		325.00		2,664.80				2,989.80
Theresa Budd	4/18	4/22	Italy		738.00						738.00
	4/22	4/24	Germany		368.00		(3)				368.00
Edward Burrier	4/17	4/22	India		1,286.00		6,868.60				8,154.60
Hon. Dan Burton	5/6	5/9	Costa Rica		351.00		(3)				351.00
Frank Cotter	4/18	4/22	Italy		738.00						738.00
	4/22	4/24	Germany		368.00		(3)				368.00
Janice Cotter	4/18	4/22	Italy		738.00						738.00
	4/22	4/24	Germany		368.00		(3)				368.00
Hon. Jo Ann Davis	4/18	4/21	Austria		528.00						528.00
	4/21	4/22	Czech Republic		370.00		(3)				370.00
Hon. William Delahunt	4/23	4/24	Venezuela		325.00		2,246.80				2,571.80
Kerry Dumbaugh	5/8	5/13	Mongolia		925.00		7,838.00				8,763.00
Hon. Eliot Engel	4/18	4/21	Austria		528.00						528.00
	4/21	4/22	Czech Republic		370.00						370.00
	4/21	4/22	Kosova		1,022.50						1,022.50
Commercial airfare	4/22	4/25					4,167.33				4,167.33
Hon. Eni Faleomavaega	4/4	4/7	Germany		942.00		6,003.99				6,945.99
Jim Farr	4/18	4/22	Italy		738.00						738.00
	4/22	4/24	Germany		368.00		(3)				368.00
Hon. Jeff Flake	4/18	4/22	Italy		738.00						738.00
	4/22	4/24	Germany		368.00		(3)				368.00
Bart Forsyth	5/27	5/30	Austria		536.00						536.00
	5/30	6/1	Kenya		476.00						476.00
Commercial airfare	5/27	6/1					8,984.44				8,984.44
Daniel Getz	5/29	6/3	Mexico		1,056.00		2,610.08				3,666.08
Kristen Gilley	5/29	6/3	Philippines		907.00		6,240.00				7,147.00
Dennis Halpin	4/9	4/12	Singapore		700.00						700.00
	4/12	4/15	Japan		1,000.00						1,000.00
Commercial airfare	4/9	4/15					10,020.33				10,020.33
	5/27	6/5	China		1,881.00		8,460.13				10,341.13
Hans Hogrefe	5/27	6/5	China		899.00		9,524.13				10,423.13
Hon. Henry Hyde	4/18	4/22	Italy		738.00				[4] 64.17		802.17
	4/22	4/24	Germany		368.00		(3)				368.00
Hon. Darrell Issa	4/18	4/22	Italy		738.00						738.00
	4/22	4/24	Germany		368.00		(3)				368.00
Jonathan Katz	4/9	4/11	Turkey		706.00		6,459.35				7,165.35
	5/31	6/1	Germany		314.34		6,319.28				6,633.62
Sarah Kiko	4/18	4/21	Austria		528.00						528.00
	4/21	4/22	Czech Republic		370.00		(3)				370.00
David Killion	5/27	5/30	Austria		536.00						536.00
	5/30	6/1	Kenya		476.00						476.00
Commercial airfare	5/27	6/1					13,467.97				13,467.97
Sheila Klein	4/18	4/22	Italy		738.00						738.00
	4/22	4/24	Germany		368.00		(3)				368.00
Kay King	4/18	4/21	Austria		528.00						528.00
	4/21	4/22	Czech Republic		370.00		(3)				370.00
Commercial airfare	4/18	4/22					5,440.07				5,440.07
Hon. Thomas Lantos	5/13	5/14	Netherlands		616.00						616.00
	5/14	5/16	Croatia		540.00		[4] 788.00				1,328.00
Commercial airfare	5/13	5/16					6,754.58				6,754.58
John Lis	5/8	5/13	Mongolia		925.00		7,838.00				8,763.00
Don MacDonald	4/17	4/22	India		1,276.00		6,868.60				8,144.60
Ryan McCarthy	5/27	5/30	Austria		536.00						536.00
	5/30	6/1	Kenya		476.00						476.00
Commercial airfare	5/27	6/1					12,720.05				12,720.05
James McCormick	5/30	6/3	Philippines		907.00		6,240.00				7,147.00
John Mackey	4/15	4/18	Austria		528.00						528.00
	4/18	4/20	Estonia		516.00						516.00
Commercial airfare	4/15	4/20					6,258.08				6,258.08
	5/29	6/3	Mexico		1,056.00		2,630.08				3,686.08
Alan Makovsky	5/5	5/6	Greece		344.00						344.00
	5/6	5/7	Jordan		273.00						273.00
	5/7	5/8	Turkey		303.00						303.00
	5/8	5/9	Germany		314.00		(3)				314.00
	5/29	6/5	Turkey		2,329.00		6,503.87				2,329.00
	6/23	6/25	Switzerland		724.00		6,163.63				6,887.63

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 31 AND JUNE 30, 2006—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Pearl-Alice Marsh	4/9	4/10	United Kingdom		390.00						390.00
	4/10	4/14	Nigeria		285.00						285.00
Commercial airfare	4/9	4/14					7,762.13				7,762.13
	5/30	6/3	Equatorial Guinea		379.00		7,322.47				7,701.47
	6/12	6/15	South Africa		752.70		14,732.93				15,485.63
Hon. Gregory Meeks	4/23	4/24	Venezuela		325.00		2,069.80				2,394.80
	5/6	5/9	Costa Rica		351.00		(3)				351.00
	5/26	5/28	Peru		526.00						526.00
	5/28	5/29	Colombia		234.00						234.00
Commercial airfare	5/26	5/29					2,911.00				2,911.00
Richard Mereu	4/20	4/25	Austria		880.00		5,111.19				5,991.19
Francis Miko	5/8	5/13	Mongolia		925.00		7,838.00				8,763.00
Tom Mooney	4/18	4/22	Italy		738.00						738.00
	4/22	4/24	Germany		368.00		(3)				368.00
Paul Oostburg Sanz	4/11	4/14	Mali		365.00		7,028.92				7,393.92
Hon. Mike Pence	5/5	5/6	Greece		344.00						344.00
	5/6	5/7	Jordan		273.00						273.00
	5/7	5/8	Turkey		303.00						303.00
	5/8	5/9	Germany		314.00		(3)				314.00
Patrick Prisco	4/17	4/18	Germany		353.00				(3)		353.00
	4/18	4/22	Italy		738.00						738.00
	4/22	4/24	Germany		368.00		(3)				368.00
Hon. Dana Rohrabacher	4/7	4/10	Austria		183.69				[4]1,479.76		1,663.45
	4/10	4/13	Qatar								
	4/13	4/16	Germany		454.52						454.52
Commercial airfare	4/7	4/16					12,451.67				12,451.67
Laura Rush	4/18	4/21	Austria		528.00						528.00
	4/21	4/22	Czech Republic		370.00		(3)				370.00
Sue Schiesser	4/18	4/22	Italy		738.00						738.00
	4/22	4/24	Germany		368.00		(3)				368.00
Doug Seay	4/14	4/22	Italy			1,476.00					1,476.00
	4/22	4/24	Germany		368.00						368.00
Commercial airfare	4/13	4/14					5,963.95				5,963.95
Thomas Sheehy	4/17	4/22	India		1,481.00		6,868.60				8,349.60
Sam Stratman	4/15	4/18	Austria		528.00						528.00
	4/18	4/20	Estonia		516.00						516.00
Commercial airfare	4/15	4/20					6,258.08				6,258.08
	5/5	5/6	Greece		344.00						344.00
	5/6	5/7	Jordan		273.00						273.00
	5/7	5/8	Turkey		303.00						303.00
	5/8	5/9	Germany		314.00		(3)				314.00
	6/9	6/15	South Africa		1,160.00		10,015.71				11,175.71
Gregory Simpkins	4/9	4/10	United Kingdom		390.00						390.00
	4/10	4/13	Nigeria		285.00						285.00
Commercial airfare	4/9	4/13					7,762.00				7,762.00
	5/29	6/2	Equatorial Guinea		202.00		7,322.47				7,524.47
Mark Walker	5/6	5/9	Costa Rica		351.00		(3)				351.00
	5/29	6/3	Mexico		1,056.00		2,610.08				3,666.08
Hon. Diane Watson	5/6	5/9	Costa Rica		351.00		(3)				351.00
Lynne Weil	4/9	4/12	Singapore		696.00						696.00
	4/12	4/15	Japan		998.00						998.00
Commercial airfare	4/9	4/15					10,020.33				10,020.33
Hillel Weinberg	4/18	4/21	Austria		654.00						654.00
	4/21	4/22	Czech Republic		320.00						320.00
Commercial airfare	4/18	4/22					5,440.07				5,440.07
	4/28	4/30	Belgium		192.00		(3)				192.00
	6/23	6/25	Switzerland		724.00		6,183.63				6,907.63
Hon. Robert Wexler	4/9	4/11	Turkey		706.00		6,463.86				7,169.86
	5/31	6/1	Germany		314.34		6,319.28				6,633.62
Judy Wolverton	4/18	4/22	Italy		738.00						738.00
	4/22	4/24	Germany		368.00		(3)				368.00
Committee total					72,677.68		354,391.33		[4]2,331.93		429,400.94

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Indicates Delegation Costs.

HENRY HYDE, Chairman

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND JULY 7, 2006

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Joseph R. Pitts	7/2	7/7	Belgium		2,292.27		(3)				2,292.27
Hon. Robert B. Aderholt	7/2	7/7	Belgium		2,292.27		(3)				2,292.27
Hon. G. K. Butterfield	7/2	7/7	Belgium		2,292.27		(3)				2,292.27
Hon. Benjamin L. Cardin	7/2	7/7	Belgium		1,001.89		[4]3,186.50				4,188.39
Hon. Alcee L. Hastings	7/2	7/8	Belgium		3,720.27		[4]6,411.22				10,131.49
Hon. Gwen Moore	7/2	7/7	Belgium		2,292.27		(3)				2,292.27
Hon. Hilda Solis	7/2	7/5	Belgium		1,415.01		[4]3224.73				4,639.74
Hon. Diane E. Watson	7/2	7/7	Belgium		2,292.27		(3)				2,292.27
Tiernen Donald	7/2	7/7	Belgium		2,292.27		(3)				2,292.27
Janice Helwig	7/2	7/7	Belgium		1,948.76		867.16				2,815.92
Kyle Parker	7/5	7/7	Belgium		1,111.89		[4]3,206.39				4,318.28
Patrick Prisco	7/2	7/7	Belgium		2,292.27		(3)				2,292.27
Dorothy Douglas Taft	7/2	7/7	Belgium		2,167.27		(3)				2,167.27
Knox Thames	7/2	7/7	Belgium		1,572.27		(3)				1,572.27
Fred Turner	7/2	7/8	Belgium		3,720.27		6,411.22				10,131.49
Bill Van Horne	7/2	7/7	Belgium		2,292.27		(3)				2,292.27
DELEGATION EXPENSES											
									7,701.78		7,701.78

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND JULY 7, 2006—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Committee total					34,995.79		23,307.22		7,701.78		66,004.79

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Commercial and military air transportation.

JOSEPH R. PITTS, Chairman, Aug. 4, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 7 AND AUG. 19, 2006

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Daniel P. Coughlin	8/9	8/11	South Korea		326.00						326.00
	8/11	8/13	Philippines		244.00						244.00
	8/13	8/14	Singapore		306.00						306.00
	8/15	8/17	Fiji		214.00						214.00
Committee total					1,090.00						1,090.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DANIEL P. COUGHLIN, Sept. 11, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JULY 31, 2006

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
D. Brian Zimmer	4/14	4/22	Italy		889.00		5,388.75				6,277.75
Bobby Vassar	4/14	4/22	Italy		889.00		5,388.75				6,277.75
Allison Beach	4/14	4/22	Italy		889.00		5,388.75				6,277.75
Hon. F. James Sensenbrenner, Jr.	4/09	4/16	Russia		2,996.00		5,211.82				8,207.82
Phil Kiko	4/09	4/16	Russia		2,996.00		5,211.82				8,207.82
Hon. Howard Coble	4/14	4/17	Austria		378.00						378.00
	4/18	4/20	Estoria		336.00		6,258.00				6,594.00
Hon. F. James Sensenbrenner, Jr.	4/23	4/25	Canada		823.68		1,853.63				2,677.31
Phil Kiko	4/23	4/25	Canada		823.68		1,853.63				2,677.31
Committee total					11,020.36		36,555.15				47,575.51

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

F. JAMES SENSENBRENNER, JR., Chairman, July 27, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RESOURCES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2006

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Jim Costa	5/5	5/6	Greece		294.00		(3)				294.00
	5/6	5/7	Jordan		239.00		(3)				239.00
	5/7	5/8	Turkey		303.00		(3)				303.00
	5/8	5/9	Germany		254.00		(3)				254.00
Hon. Dennis Cardoza	5/22	5/22	Gitmo				(3)				
Dave Whaley	6/15	6/21	West Indies		1,650.00		802.00				2,452.00
Committee total					2,740.00		802.00				3,542.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

RICHARD W. POMBO, Chairman, July 27, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2006

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Louise Slaughter	6/7	6/7	Canada				1,545.88				1,545.88
Laura E. Pardue	6/7	6/7	Canada				1,545.88				1,545.88
Committee total							3,091.76				3,091.76

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAVID DREIER, Chairman, July 20, 2006.

(AMENDED) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2006

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Sherwood Boehlert	1/3	1/8	New Zealand (Antarctica)		1,120.27	(3)	(3)		41,060.28		42,180.50
Hon. Roscoe Bartlett	1/3	1/8	New Zealand (Antarctica)		1,120.27	(3)	(3)		41,060.28		1,120.20
Hon. Bob Inglis	1/3	1/8	New Zealand (Antarctica)		1,120.27	(3)	(3)		41,060.28		1,120.20
Hon. John Gingery	1/3	1/8	New Zealand (Antarctica)		1,120.27	(3)	(3)		41,060.28		1,120.20
Hon. Bob Cramer	1/3	1/8	New Zealand (Antarctica)		1,120.27	(3)	(3)		41,060.28		1,120.20
Hon. Darlene Hooley	1/3	1/8	New Zealand (Antarctica)		1,120.27	(3)	(3)		41,060.28		1,120.20
Hon. Lincoln Davis	1/3	1/8	New Zealand (Antarctica)		1,120.27	(3)	(3)		41,060.28		1,120.20
Hon. Brad Miller	1/3	1/8	New Zealand (Antarctica)		1,120.27	(3)	(3)		41,060.28		1,120.20
Hon. Jim Costa	1/3	1/8	New Zealand (Antarctica)		1,120.27	(3)	(3)		41,060.28		1,120.20
Hon. Ben Chandler	1/3	1/8	New Zealand (Antarctica)		1,120.27	(3)	(3)		41,060.28		1,120.20
Tim Clancy	1/3	1/8	New Zealand (Antarctica)		1,120.27	(3)	(3)		41,060.28		1,120.20
Elizabeth Grossman	1/3	1/8	New Zealand (Antarctica)		1,120.27	(3)	(3)		41,060.28		1,120.20
Amy Carroll	1/3	1/8	New Zealand (Antarctica)		1,120.27	(3)	(3)		41,060.28		1,120.20
John Kenkus	1/3	1/8	New Zealand (Antarctica)		1,120.27	(3)	(3)		41,060.28		1,120.20
Chuck Atkins	1/3	1/8	New Zealand (Antarctica)		1,120.27	(3)	(3)		41,060.28		1,120.20
Committee total					19,044.66				41,060.28		60,104.94

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

SHERWOOD BOEHLERT, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2006

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Sheila Jackson-Lee	5/27	5/28	Luxembourg		172.00	(3)	(3)				172.00
	5/28	5/29	Jordan		273.00	(3)	(3)				273.00
	5/29	5/29	Iraq			(3)	(3)				
	5/29	5/30	Bahrain		154.00	(3)	(3)				154.00
	5/30	5/31	Pakistan		309.00	(3)	(3)				309.00
	5/31	6/1	Afghanistan		75.00	(3)	(3)				75.00
	6/1	6/2	Spain		294.00	(3)	(3)				294.00
Hon Judy Biggert	6/24	6/25	Iraq			(3)	(3)				
	6/25	6/26	Iceland		371.00	(3)	(3)				371.00
Committee total					1,648.00						1,648.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Furnished by DOD.

SHERWOOD BOEHLERT, Chairman, July 25, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SMALL BUSINESS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2006

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Matthew Szymanski	4/9	4/21	China		3,066.00		10,154.63	(3)	370.67		13,591.30
Sean Deverey	4/9	4/15	China		1,492.00		7,248.70				8,740.70
Rich Beutel	4/9	4/15	China		1,492.00		7,228.70				8,720.70
Committee total											31,052.70

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Returned.

DONALD A. MANZULLO, Chairman, July 28, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUN. 30, 2006

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☑

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DOC HASTINGS, Chairman, July 11, 2006.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2006

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Jerrold Nadler	1/16	1/16	Guantanamo Bay				(3)				
Hon. Corrine Brown	1/14	1/16	Liberia		232.00		4,860.18				5,092.18

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2006—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. John Duncan	1/16	1/19	Switzerland		708.00		(3)				708.10
Hon. Jim Oberstar	1/16	1/19	Switzerland		708.00		(3)				708.10
Hon. E.B. Johnson	1/16	1/19	Switzerland		708.00		(3)				708.10
Hon. Corrine Brown	1/16	1/19	Switzerland		708.00		(3)				708.10
Hon. Henry Brown	1/16	1/19	Switzerland		708.00		(3)				708.10
Hon. John Boozman	1/16	1/19	Switzerland		708.00		(3)				708.10
Fraser Verrusio	1/16	1/19	Switzerland		708.00		(3)				708.10
John Cullather	1/16	1/19	Switzerland		708.00		(3)				708.10
Jim Coon	1/16	1/19	Switzerland		708.00		(3)				708.10
Jim Tymon	1/16	1/19	Switzerland		708.00		(3)				708.10
Stephanie Manning	1/16	1/19	Switzerland		708.00		(3)				708.10
Geoff Bowman	1/16	1/19	Switzerland		708.00		(3)				708.10
Hon. John Duncan	1/19	1/21	Poland		672.00		(3)				672.10
Hon. Jim Oberstar	1/19	1/21	Poland		672.00		(3)				672.10
Hon. E.B. Johnson	1/19	1/21	Poland		672.00		(3)				672.10
Hon. Corrine Brown	1/19	1/21	Poland		672.00		(3)				672.10
Hon. Henry Brown	1/19	1/21	Poland		672.00		(3)				672.10
Hon. John Boozman	1/19	1/21	Poland		672.00		(3)				672.10
Fraser Verrusio	1/19	1/21	Poland		672.00		(3)				672.10
John Cullather	1/19	1/21	Poland		672.00		(3)				672.10
Hon. John Duncan	1/21	1/24	Romania		834.00		(3)				834.10
Hon. Jim Oberstar	1/21	1/24	Romania		834.00		(3)				834.10
Hon. E.B. Johnson	1/21	1/24	Romania		834.00		(3)				834.10
Hon. Corrine Brown	1/21	1/24	Romania		834.00		(3)				834.10
Hon. Henry Brown	1/21	1/24	Romania		834.00		(3)				834.10
Hon. John Boozman	1/21	1/24	Romania		834.00		(3)				834.10
Fraser Verrusio	1/21	1/24	Romania		834.00		(3)				834.10
John Cullather	1/21	1/24	Romania		834.00		(3)				834.10
Jim Coon	1/21	1/24	Romania		834.00		(3)				834.10
Jim Tymon	1/21	1/24	Romania		834.00		(3)				834.10
Stephanie Manning	1/21	1/24	Romania		834.00		(3)				834.10
Geoff Bowman	1/21	1/24	Romania		834.00		(3)				834.10
Hon. John Duncan	1/24	1/26	Morocco		596.00		(3)				596.10
Hon. Jim Oberstar	1/24	1/26	Morocco		596.00		(3)				596.10
Hon. E.B. Johnson	1/24	1/26	Morocco		596.00		(3)				596.10
Hon. Corrine Brown	1/24	1/26	Morocco		596.00		(3)				596.10
Hon. Henry Brown	1/24	1/26	Morocco		596.00		(3)				596.10
Hon. John Boozman	1/24	1/26	Morocco		596.00		(3)				596.10
Fraser Verrusio	1/24	1/26	Morocco		596.00		(3)				596.10
John Cullather	1/24	1/26	Morocco		596.00		(3)				596.10
Jim Coon	1/24	1/26	Morocco		596.00		(3)				596.10
Jim Tymon	1/24	1/26	Morocco		596.00		(3)				596.10
Stephanie Manning	1/24	1/26	Morocco		596.00		(3)				596.10
Geoff Bowman	1/24	1/26	Morocco		596.00		(3)				596.10
Lloyd Jones	3/19	3/21	Italy		1,173.00		7,768.32	(4)			8,941.32
Elizabeth Megginson	3/19	3/21	Italy		1,173.00		7,748.32	(4)			8,921.32
Fraser Verrusio	3/19	3/21	Italy		1,173.00		7,748.32	(4)			8,921.32
John Anderson	3/19	3/21	Italy		1,173.00		7,768.32	(4)			8,941.32
Ken Kopocis	3/19	3/21	Italy		1,173.00		7,768.32	(4)			8,941.32
Geoff Bowman	3/19	3/21	Italy		1,173.00		7,768.32	(4)			8,941.32
Ryan Seiger	3/19	3/21	Italy		1,173.00		7,768.32	(4)			8,941.32
Lloyd Jones	3/21	3/23	United Kingdom		880.00						880.00
Elizabeth Megginson	3/21	3/23	United Kingdom		880.00						880.00
Fraser Verrusio	3/21	3/26	United Kingdom		1,760.00						1,760.00
John Anderson	3/21	3/23	United Kingdom		880.00						880.00
Ken Kopocis	3/21	3/23	United Kingdom		880.00						880.00
Geoff Bowman	3/21	3/23	United Kingdom		880.00						880.00
Ryan Seiger	3/21	3/23	United Kingdom		880.00						880.00
Lloyd Jones	3/23	3/26	Netherlands		1,621.00						1,621.00
Elizabeth Megginson	3/23	3/25	Netherlands		1,044.00						1,044.00
John Anderson	3/23	3/26	Netherlands		1,621.00						1,621.00
Ken Kopocis	3/23	3/26	Netherlands		1,621.00						1,621.00
Geoff Bowman	3/23	3/26	Netherlands		1,621.00						1,621.00
Ryan Seiger	3/23	3/26	Netherlands		1,621.00						1,621.00
Committee total					61,484.00		59,198.42				120,682.42

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

[4] Round trip airfare.

DON YOUNG, Chairman, July 27, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2006

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Eddie Bernice Johnson	6/25	6/26	Iceland		345.00						345.00
Hon. Corrine Brown	5/31	6/3	Georgia		930.00	9,358.80					10,288.80
Hon. Corrine Brown	6/3	6/6	France		43,470.00						1,470.00
Hon. Lincoln Davis	5/5	5/6	Greece		344.00						344.00
Hon. Lincoln Davis	5/6	5/7	Jordan		273.00						273.00
Hon. Lincoln Davis	5/7	5/8	Turkey		303.00						303.00
Hon. Lincoln Davis	5/8	5/9	Germany		314.00						314.00
Hon. William Shuster								(4)			
Hon. Tim Holden								(4)			
Hon. Julia Carson								(4)			
Charles Ziegler								(4)			
Daniel Mathews								(4)			
Trinta Brown	4/8	4/10	Rome		6,720.00			(4)			63,019.08
Hon. William Shuster											
Hon. Tim Holden											
Hon. Julia Carson											

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2006—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Charles Ziegler											
Daniel Mathews											
Trinta Brown	4/10	4/12	United Kingdom		6,360.00						6,360.00
Hon. William Shuster											
Hon. Tim Holden											
Hon. Julia Carson											
Charles Ziegler											
Daniel Mathews											
Trinta Brown	4/12	4/15	Amsterdam		7,038.00						7,038.00
Hon. Luis Fortuno	4/18	4/22	Italy		738.00		(3)				738.00
Hon. Luis Fortuno	4/22	4/24	Germany		368.00						368.00
Committee total					25,214.00		65,657.88				90,871.88

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Round trip air fare.

DON YOUNG, Chairman, July 27, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON VETERANS' AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2006

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

STEVE BUYER, Chairman, July 25, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2006.

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Todd Tiahrt	4/8	4/9	Middle East		546.00						
	4/10	4/11	Middle East		337.00						
	4/12	4/13	Middle East		309.00						
Commercial airfare							7,414.13				8,606.13
Hon. Silvestre Reyes	4/8	4/9	Middle East		546.00						
	4/10	4/11	Middle East			337.00					
	4/10	4/11	Middle East		337.00						
	4/12	4/13	Middle East		309.00						
Military airfare											1,192.00
Kathleen Reilly	4/8	4/9	Middle East		546.00						
	4/10	4/11	Middle East		337.00						
	4/12	4/13	Middle East		309.00						
Military airfare											1,192.00
George Pappas	4/8	4/9	Middle East		546.00						
	4/10	4/11	Middle East		337.00						
	4/12	4/13	Middle East		309.00						
Military airfare											1,192.00
Michael Delaney	4/8	4/9	Middle East		546.00						
	4/10	4/11	Middle East		337.00						
Military Airfare	4/12	4/13	Middle East	309.00							1,192.00
Hon. John Tierney	4/18	4/19	Middle East		799.00						
	4/20	4/21	Middle East		546.00						
Commercial airfare							7,410.57				8,755.57
Brian Morrison	4/18	4/19	Middle East		799.00						
	4/20	4/21	Middle East		546.00						
Commercial airfare							6,762.57				8,107.57
Hon. Michael Rogers	4/12	4/12	Middle East		334.00						
	4/13	4/14	Middle East		606.00						
Commercial airfare							6,183.06				7,123.06
Michael Ennis	4/12	4/12	Middle East		334.00						
	4/13	4/14	Middle East		606.00						
Commercial airfare							6,460.06				7,400.06
James Lewis	4/19	4/20	Europe		352.00						
Commercial airfare							5,995.89				6,347.89
George Pappas	5/28	5/30	South America		975.00						
	5/31	6/01	South America		268.00						
	6/2	6/5	South America		702.00						
Commercial airfare							3,551.96				5,496.96
Kelly Gaffney	5/28	5/30	South America		975.00						
	5/31	6/01	South America		268.00						
	6/2	6/5	South America		702.00						
Commercial airfare							3,196.96				5,141.96
Frank Rose	5/28	5/30	South America		975.00						
	5/31	6/01	South America		268.00						
	6/2	6/5	South America		702.00						
Commercial airfare							3,196.96				5,141.96
Hon. Robert Cramer	4/13	4/15	Africa		1,100.00						
	4/16	4/17	Africa		288.00						
	4/18	4/20	Africa		351.00						
Commercial airfare							6,718.14				8,457.14
Hon. Rush Holt	6/4	6/6	Europe		534.00						
Commercial airfare							3,512.35				4,046.35

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2006.—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Committee total											79,392.65

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PETER HOEKSTRA, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JOINT COMMITTEE ON TAXATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2006

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
HOUSE COMMITTEES											
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHUCK GRASSLEY, Chairman, July 10, 2006.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10074. A letter from the Chairman, Committee on Ways and Means, transmitting authorization of the printing of the document entitled, "United States House of Representatives, The Committee on Ways and Means: A History, 1789-2006," as required by H.Con.Res. 495; (H. Doc. No. 109-155); and ordered to be printed.

10075. A letter from the General Counsel/Chief of Staff, Committee on the Judiciary, transmitting the printing of the History of the House Committee on the Judiciary 1813-2007, pursuant to H. Con. Res. 423; (H. Doc. No. 109-153); and ordered to be printed.

10076. A letter from the Chairman, Farm Credit Administration, Department of Agriculture, transmitting the Department's final rule — Organization; Standards of Conduct and Referral of Known or Suspected Criminal Violations; Eligibility and Scope of Financing; Loan Policies and Operations; Funding and Fiscal Affairs, Loan Policies and Operations, and Funding (RIN: 3052-AC15) received November 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10077. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — 2005 Dairy Disaster Assistance Payment Program (RIN: 0560-AH59) received November 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10078. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Gypsy Moth Generally Infested Areas; Addition of Areas in Virginia [Docket No. APHIS-2006-0171] received November 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10079. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Oriental Fruit Fly; Add a Portion of San Bernadino County, CA, to the List of Quarantined Areas [Docket No. APHIS-2006-0151] received November 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10080. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — 2005 Cottonseed Payment Program (RIN: 0560-AH63) received November 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10081. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Noxious Weeds; South African Ragwort and Madagascar Ragwort [Docket No. APHIS-2006-0019] received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10082. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Change in Disease Status of Namibia With Regard to Foot-and-Mouth Disease and Rinderpest [Docket No. APHIS-2006-0037] received October 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10083. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Removal of Obsolete Regulations (RIN: 0560-AH65) received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10084. A letter from the COngressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Asian Longhorned Beetle; Additions to Quarantined Areas [Docket No. APHIS-2006-0127] received October 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10085. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Food Labeling; Guidelines for Voluntary Nutrition Labeling of Raw Fruits, Vegetables, and Fish [Docket No. 2001N-0548] (formerly Docket No. 01N-0548) received October 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10086. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Combating Trafficking in Persons (DFARS Case 2004-D017) (RIN: 0750-AF11) received November 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10087. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; PAN Carbon Fiber — Deletion of Obsolete Restriction (DFARS Case 2006-D033) (RIN: 0750-AF48) received November 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10088. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Foreign Acquisition Procedures [DFARS Case 2005-D012] (RIN: 0750-AF21) received November 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10089. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Definition of Terrorist Country (DFARS Case 2006-D034) (RIN: 0750-AF47) received November 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10090. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Trade Agreements Threshold and Morocco Free Trade Agreement (DFARS Case 2005-D017) (RIN: 0750-AF29) received November 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10091. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Free Trade Agreements — Guatemala and Bahrain (DFARS Case 2006-D028) (RIN: 0750-AF49) received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10092. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Congressional Notification of Architect-Engineer Services/Military Family Housing Contracts

(DFARS Case 2006-D015) (RIN: 0750-AF41) received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10093. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Berry Amendment Notification Requirement (DFARS Case 2006-D006) (RIN: 0750-AF33) received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10094. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulaiton Supplement; Acquisition of Major Weapon Systems as Commercial Items (DFARS Case 2006-D012) (RIN: 0750-AF38) received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10095. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Buy American Act Exemption for Commercial Information Technology. (DFARS Case 2005-D011) (RIN: 0750-AF23) received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10096. A letter from the Liaison Officer, Department of Defense, transmitting the Department's final rule — Department of Defense Personnel Security Program Regulation [DoD-2006-OS-0038] received October 19, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10097. A letter from the Liaison Officer, Department of Defense, transmitting the Department's final rule — Settling Personnel and General Claims and Processing Advance Decision Requests [DOD-2006-OS-132] (RIN: 0790-AG47) received October 19, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10098. A letter from the Liaison Officer, Department of Defense, transmitting the Department's final rule — Waiver of Debts Resulting from Erroneous Payments of Pay and Allowances [DOD-2006-OS-133] (RIN: 0790-AG90) received October 19, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10099. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Counterintelligence Evaluation Regulations [Docket No. CN-03-RM-01] (RIN: 1992-AA33) received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10100. A communication from the President of the United States, transmitting notification of His decision to take no action to suspend or prohibit the proposed merger between Alcatel and Lucent Technologies, Inc., pursuant to 50 U.S.C. app. 2170; to the Committee on Financial Services.

10101. A letter from the Under Secretary for Rural Development, Department of Agriculture, transmitting the Department's final rule — Business and Industry Guaaranteed Loan Program (RIN: 0570-AA54) received November 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10102. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10103. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Disposition of HUD — Acquired Single Family Property; Good Neighbor Next Door Sales Program [DOcket No. FR-4712-F-03] (RIN: 2502-AH72) received November 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10104. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Disposition of HUD — Acquired Single Family Property: Disciplinary Actions Against HUD — Qualified Real Estate Brokers [Docket No. FR-4871-F-02] (RIN: 2502-AI08) received November 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10105. A letter from the Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Extension of Minimum Funding Under the Indian Housing Block Grant Program [Docket No. FR-5093-I-01] (RIN: 2577-AC69) received October 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10106. A letter from the Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Demolition or Disposition of Public Housing Projects [Docket No. FR-4598-F-02] (RIN: 2577-AC20) received November 2, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10107. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Coporation, transmitting the Corporation's final rule — Assessment Dividends (RIN: 3064-AD07) received November 2, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10108. A letter from the Acting Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Deposit Insurance Regulations; Inflation Index; Certain Retirement Accounts and Employee Benefit Plan Accounts (RIN: 3064-AD01) received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10109. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — One-Time Assessment Credit (RIN: 3064-AD08) received November 2, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10110. A letter from the Acting Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Revisions To Reflect the Merger of the Bank Insurance Fund and the Savings Association Insurance Fund (RIN: 3064-AD04) received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10111. A letter from the General Counsel, Federal Housing Finance Board, transmitting the Board's final rule — Affordable Housing Program Amendments [No. 2006-17] (RIN: 3069-AB26) received November 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10112. A letter from the General Counsel, Federal Housing Finance Board, transmitting the Board's final rule — Federal Home Loan Bank Elective Directors [No. 2006-12] (RIN: 3069-AB31) received November 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10113. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — General Lending Maturity Limit and Other Financial Services (RIN: 3133-AD30) received November 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10114. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Share Insurance and Appendix (RIN: 3133-AD18) received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10115. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Amendments to the Tender Offer Best-Price Rules [Release Nos. 34-54684; IC-27542; File No. S7-11-05] (RIN: 3235-AJ50) received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10116. A letter from the Under Secretary, Department of Agriculture, transmitting the Department's final rule — National Research Initiative Competitive Grants Program — Revisions to Administrative Provisions (RIN: 0524-AA32) received September 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10117. A letter from the Deputy Under Secretary, Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting the Department's final rule — Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Miscellaneous Provisions (RIN: 0584-AB10) received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10118. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — For-Profit Center Participation in the Child and Adult Care Food Program (RIN: 0584-AD66) received October 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10119. A letter from the Secretary, Department of Education, transmitting the Department's final rule — Discretional Grant Programs — received October 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10120. A letter from the Acting Assistant Secretary, Office of Postsecondary Education, Department of Education, transmitting the Department's final rule — Upward Bound Program — received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10121. A letter from the Asst. Gen. Counsel, Div. of Regulatory Services, Department of Education, transmitting the Department's final rule — Upward Bound Program — received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10122. A letter from the Assistant General Counsel for Regulations, Office of General Counsel, Department of Education, transmitting the Department's final rule — Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance (RIN: 1870-AA11) received October 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10123. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Title I — Improving the

Academic Achievement of the Disadvantaged (RIN: 1810-AA97) received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10124. A letter from the Asst. Gen. Counsel, Division of Regulatory Services, Department of Education, transmitting the Department's final rule — Student Assistance General Provisions; Federal Pell Grant Program; Academic Competitiveness Grant Program; and National Science and Mathmatics Access to Retain Talent Grant Program (RIN: 1840-AC86) received November 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10125. A letter from the Asst. Gen. Counsel. Division of Regulatory Services, Department of Education, transmitting the Department's final rule — Federal Student Aid Programs (RIN: 1840-AC87) received November 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10126. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Discretionary Grant Programs — received November 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10127. A letter from the Secretary, Department of Education, transmitting the Department's final rule — Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance (RIN: 1870-AA11) received November 1, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10128. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Head Start Program (RIN: 0970-AC26) received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A): to the Committee on Education and the Workforce.

10129. A letter from the Director, Directorate of Standards and Guidance, Department of Labor, transmitting the Department's final rule — Occupational Exposure to Hexavalent Chromium [Docket No. H054A] (RIN: 1228-AB45) received November 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10130. A letter from the Director, OLMS, Office of Policy, Rpts. & Disclosure, Department of Labor, transmitting the Department's final rule — Labor Organization Annual Financial Reports for Trusts in Which a Labor Organizations Is Interested, Form T-1 (RIN: 1225-AB54) received October 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10131. A letter from the Assistant Secretary, EBSA, Department of Labor, transmitting the Department's final rule — Prohibited Transaction Exemption (PTE) 2006-16; Class Exemption To Permit Certain Loans of Securities by Employee Benefit Plans [Application Nos. D-08295 and D-10365] (RIN: 1210-ZA10) received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10132. A letter from the Interim Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received October 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10133. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Laws, Department of Energy, transmitting the Department's final rule — State Energy Program (RIN: 1904-AB63) received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10134. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Procedures for the Acquisition of Petroleum for the Strategic Petroleum Reserve (RIN: 1901-AB16) received November 2, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10135. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Energy Conservation Program: Test Procedures for Distribution Transformers; Correction [Docket No. EE-TP-98-550] (RIN: 1904-AA85) received October 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10136. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Recordkeeping Requirements for Human Food and Cosmetics Manufactured From, Processed With, or Otherwise Containing, Material From Cattle [Docket No. 2004-N-0257] (RIN: 0910-AF48) received October 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10137. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Schedule of Controlled Substances: Placement of Embutramide Into Schedule III [Docket No. DEA-269F] received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10138. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri [EPA-R07-OAR-2006- 0837; FRL-8239-3] received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10139. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Ohio Particulate Matter [EPA-OAR-R05-2005-OH-0005; FRL-8228-2] received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10140. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; North Carolina; Redesignation of the Rocky Mount 8-Hour Ozone Nonattainment Area to Attainment [EPA-R04-OAR-2006-0676-200622 (a); FRL-8239-5] received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10141. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Nitrogen Oxides Allowance Allocations for 2008 [EPA-R03-OAR-2006-0629; FRL-8239-9] received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10142. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Administrative Reporting Exemption for Certain Air Releases of NOx (NO and NO2) [EPA-HQ-SFUND-2003-0022; FRL-8227-7] (RIN: 2050-AF02) received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10143. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Consumer and Commercial Products, Group II: Control Techniques Guidelines in Lieu of Regulations for Flexible Packaging Printing Materials, Lithographic Printing Materials, Letterpress Printing Materials, Industrial Cleaning Solvents, and Flat Wood Paneling Coatings [EPA-HQ-OAR-2006-0672; FRL-8228-4] received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10144. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Final Rule to Implement the 8-Hour Ozone National Ambient Air Quality Standard — Phase 2; Final Rule to Implement Certain Aspects of the 1990 Amendments Relating to New Source Review and Prevention of Significant Deterioration as they Apply in Carbon Monoxide, Particulate Matter and Ozone NAAQS; Final Rule for Reformulated Gasoline; Correction [OAR-2003-0079; FRL-8227-6] (RIN: 2060-AJ99) received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10145. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to Ambient Air Monitoring Regulations [EPA-HQ-OAR-2004-0018; FRL-8227-2] (RIN: 2060-AJ25) received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10146. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Soiurces: Other Solid Waste Incineration Units [EPA-HQ-OAR-2003-0156; FRL-824608] (RIN: 2060-AN95) received November 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10147. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Bernalillo County, New Mexico [EPA-R06-OAR-2006-0570 FRL-8246-9] received November 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10148. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans Florida: Lockheed Martin Aeronautics Company [EPA-R04-OAR-2005-FL-0002-200530(a); FRL-8246-2] received November 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10149. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Louisiana; Baton Rouge Ozone Nonattainment

Area Vehicle Miles Traveled Offset Analysis [EPA-R06-OAR-2006-0390; FRL-8244-6] received November 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10150. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units [EPA-HQ-OAR-2006-0497; FRL-8243-2] (RIN: 2060-AN96) received November 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10151. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Adequacy of Nebraska Municipal Solid Waste Landfill Program [EPA-R07-RCRA-2006-0878; FRL-8242-6] received November 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10152. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Adequacy of Missouri Municipal Solid Waste Landfill Program [EPA-R07-RCRA-2006-0877; FRL-8242-9] received November 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10153. A letter from the Attorney, Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule — Biennial Regulatory Review of Regulations Administered by the Wireline Competition Bureau [WC Docket No. 02-313] received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10154. A letter from the Senior Legal Advisor, Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Children's Television Obligations of Digital Television Broadcasters [MM Docket No. 00-167] received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10155. A letter from the Chief of Staff/Assoc. Chief, Wireless Telecom. Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Part 97 of the Commission's Rules Governing the Amateur Radio Services [WT Docket No. 04-140] received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10156. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (Lake Park, Florida) [MB Docket No. 05-147; RM-10823] Reclassification of License of Station WHYI-FM, Fort Lauderdale, Florida [BLH-20050225AAQ] received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10157. A letter from the Associate Bureau Chief, WTB, Federal Communications Commission, transmitting the Commission's final rule — Amendment of the Commission's Rules Regarding Dedicated Short-Range Communication Services in the 5.850-5.925 GHz Band (5.9 GHz Band) [WT Docket No. 01-90] Amendment of Part 2 and 90 of the Commission's Rules to Allocate the 5.850-5.925 GHz Band to te Mobile Service for Dedicated Short Range Communications of Intelligent Transportation Services [ET Docket No. 98-95; RM-9096] received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10158. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — New PURPA Section 210(m) Regulations Applicable to Small Power Production and Cogeneration Facilites [Docket No. RM06-10-000] received November 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10159. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Revisions to the Blanket Certificate Regulations and Clarification Regarding Rates [Docket No. RM06-7-000; Order No. 686] received November 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10160. A letter from the Deputy General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Regulations Implementing the Regulatory Policy Act of 2005: Coordinating the Processing of Federal Authorizations for Applications under Section 3 and 7 of the Natural Gas Act and Maintaining a Complete Consolidated Record [Docket No. RM06-1-000] received November 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10161. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Charges for Reproducing Records (RIN: 3150-AH66) received October 19, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10162. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Facility Change Process Involving Items Relied On For Safety (RIN: 3150-AH96) received October 19, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10163. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 23-06 informing of an intent to sign the Cooperation in Global Positioning System and Navigation Warfare Research, Development, Test and Evaluation Memorandum of Understanding between the United States and Australia, Belgium, Canada, Denmark, France, Germany, Italy, Netherlands, Norway, Spain, South Korea, Sweden, and the United Kingdom, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

10164. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 22-06 informing of an intent to sign the Joint Strike Fighter Initial Operational Test and Evaluation Memorandum of Understanding between the United States and the United Kingdom, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

10165. A communication from the President of the United States, transmitting the Department's report on the activities of the Multinational Force and Observers (MFO) and U.S. participation in that organization for the period January 16, 2004, to January 15, 2005, pursuant to Public Law 97-132, section 6; to the Committee on International Relations.

10166. A communication from the President of the United States, transmitting as required by Executive Order 13313 of July 31, 2003 a six-month periodic report on the national emergency with respect to Burma declared by Executive Order 13047 of May 20, 1997, pursuant to 50 U.S.C. 1641(c); to the Committee on International Relations.

10167. A communication from the President of the United States, transmitting as required by Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the Development Fund for Iraq that was declared in Executive Order 13303 of May 22, 2003, pursuant to 50 U.S.C. 1641(c); to the Committee on International Relations.

10168. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on International Relations.

10169. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on employment of United States citizens by certain international organizations, pursuant to Public Law 102-138, section 181; to the Committee on International Relations.

10170. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on International Relations.

10171. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 07-05, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Saudi Arabia for defense articles and services; to the Committee on International Relations.

10172. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 07-04, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Pakistan for defense articles and services; to the Committee on International Relations.

10173. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed export defense articles or services to the Government of Italy (Transmittal No. DDTC 067-06); to the Committee on International Relations.

10174. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to Section 620C(c) of the Foreign Assistance Act of 1961, as amended, and in accordance with section 1(a)(6) of Executive Order 13313, a report prepared by the Department of State and the National Security Council on the progress toward a negotiated solution of the Cyprus question covering the period August 1, 2006 through September 30, 2006; to the Committee on International Relations.

10175. A letter from the Acting U.S. Global AIDS Coordinator, Department of State, transmitting a report on the President's Emergency Plan for AIDS Relief: Gender-Based Violence and HIV/AIDS, as requested in House Report 109-152, accompanying H.R. 3057; to the Committee on International Relations.

10176. A letter from the Assistant Secretary for Legislative Affairs, Department of

State, transmitting a report pursuant to the heading "Loan Guarantees to Israel" in Chapter 5 of Title I of the Emergency Wartime Supplemental Appropriations Act, 2003 (Pub. L. 108-11); to the Committee on International Relations.

10177. A letter from the Assistant Director, Policy, Department of the Treasury, transmitting the Department's final rule—Global Terrorism Sanctions Regulations; Terrorism Sanctions Regulations; Foreign Terrorist Organizations Sanctions Regulations—received October 19, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

10178. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to Syria that was declared in Executive Order 13338 of May 11, 2004; to the Committee on International Relations.

10179. A communication from the President of the United States, transmitting an alternative plan for locality pay increase payable to civilian Federal employees covered by the General Schedule (GS) and certain other pay systems in January 2007, pursuant to 5 U.S.C. 5305(a)(3); (H. Doc. No. 109-154); to the Committee on Government Reform and ordered to be printed.

10180. A letter from the Administrator and Chief Executive Officer, Department of Energy, transmitting the 2006 Annual Report of the Bonneville Power Administration, pursuant to 16 U.S.C. 839(h)(12)(B) Public Law 96-501, section 4(h)(12)(A) (94 Stat. 2711); to the Committee on Government Reform.

10181. A letter from the Secretary, Department of Energy, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2006 to September 30, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

10182. A letter from the President, African Development Foundation, transmitting a letter fulfilling the annual requirements contained in the Inspector General Act of 1978, as amended, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

10183. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the semiannual report on the activities of the Office of Inspector General for the six-month period ending September 30, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

10184. A letter from the Executive Director, Christopher Columbus Fellowship Foundation, transmitting pursuant to the Accountability of Tax Dollars Act, the Foundation's Form and Content Reports for the year ended September 30, 2006, as prepared by the U.S. General Services Administration; to the Committee on Government Reform.

10185. A letter from the Chairman, Commission on Civil Rights, transmitting the Commission's Performance and Accountability Report for fiscal year 2006, pursuant to the Government Performance and Results Act of 1993 and the Office of Management and Budget Memorandum M-04-20; to the Committee on Government Reform.

10186. A letter from the Acting Chairman, Consumer Product Safety Commission, transmitting the Commission's FY 2006 Performance and Accountability Report; to the Committee on Government Reform.

10187. A letter from the Chief Human Capital Officer, Corporation for National & Community Service, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

10188. A letter from the Chief Executive Officer, Corporation for National & Community Service, transmitting the Corporation's Report on Final Action as a result of Audits in respect to the semiannual report of the Office of the Inspector General for the period from April 1, 2006 through September 30, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

10189. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the Board's Performance and Accountability Report for FY 2006, as required by the Government Performance and Results Act and the Accountability of Tax Dollars Act of 2002; to the Committee on Government Reform.

10190. A letter from the Secretary, Deparment of Labor, transmitting the FY 2006 Annual Report on Performance and Accountability; to the Committee on Government Reform.

10191. A letter from the Director for Acquisitions management and Procurement Executive, Department of Commerce, transmitting the Department's Annual Progress Report to Congress, covering interagency activities and DoC-specific activities between June 1, 2005 and August 31, 2006; to the Committee on Government Reform.

10192. A letter from the Deputy Secretary, Department of Defense, transmitting the Board's Performance and Accountability Report for FY 2006, as required by the Government Performance and Results Act and the Accountability of Tax Dollars Act of 2002; to the Committee on Government Reform.

10193. A letter from the Secretary, Department of Education, transmitting the Department's Fiscal Year 2006 Performance and Accountability Report; to the Committee on Government Reform.

10194. A letter from the Secretary, Department of Energy, transmitting the Department's Performance and Accountability Report for FY 2006; tc the Committee on Government Reform.

10195. A letter from the Secretary, Department of Homeland Security, transmitting the Department's FY 2006 Performance and Accountability Report; to the Committee on Government Reform.

10196. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

10197. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

10198. A letter from the Secretary, Department of Housing and Urban Development, transmitting the Department's FY 2006 Report on Performance and Accountability; to the Committee on Government Reform.

10199. A letter from the Secretary, Department of Housing and Urban Development, transmitting a copy of the Government National Mortgage Association (Ginnie Mae) management report for the fiscal year ended September 30, 2006, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

10200. A letter from the Acting Assistant Attorney General for Administration, Department of Justice, transmitting the Department's FY 2006 Performance and Accountability Report; to the Committee on Government Reform.

10201. A letter from the Assistant Secy for Administration & Management, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

10202. A letter from the Human Resources Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

10203. A letter from the Secretary, Department of Labor, transmitting the semiannual report on the activities of the Office of Inspector General of the National Labor Relations Board for the period April 1, 2006 through September 30, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

10204. A letter from the Secretary, Department of Transportation, transmitting the Department's FY 2006 Performance and Accountability Report; to the Committee on Government Reform.

10205. A letter from the Secretary, Department of Veterans Affairs, transmitting the Department's Annual Performance and Accountability Report for FY 2006; to the Committee on Government Reform.

10206. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's Fiscal Year 2006 Performance and Accountability Report; to the Committee on Government Reform.

10207. A letter from the Administrator, Environmental Protection Agency, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2006, through September 30, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

10208. A letter from the Deputy Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the Commission's (EEOC's) Year 2006 Inventories of Commercial and Inherently Governmental Activities in accordance with the Federal Activities Inventory Reform (FAIR) Act of 1998; to the Committee on Government Reform.

10209. A letter from the Deputy Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the Board's Performance and Accountability Report for FY 2006; to the Committee on Government Reform.

10210. A letter from the Chairman, Farm Credit System Insurance Corporation, transmitting the Corporation's consolidated report addressing the Federal Managers' Financial Integrity Act and the Inspector General Act Amendments of 1978, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

10211. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's FY 2006 Performance and Accountability Report, prepared in conformance with the Government Performance and Results Act (GPRA) of 1993 (Pub. L. 103-62) and OMB Circular A-11; to the Committee on Government Reform.

10212. A letter from the President, Federal Financing Bank, transmitting the Annual Management Report of the Federal Financing Bank for fiscal year 2006, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

10213. A letter from the General Counsel, Federal Housing Finance Board, transmitting the Board's final rule — Privacy Act and Freedom of Information Act; Implementation [No. 2006-19] (RIN: 3069-AB32) received November 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

10214. A letter from the Chairman, Federal Housing Finance Board, transmitting the Board's annual report, also referred to as the Performance and Accountability Report, for fiscal year 2006; to the Committee on Government Reform.

10215. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's semiannual report on the activities of the Office of Inspector General for the period April 1, 2006 to September 30, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

10216. A letter from the Executive Director, Federal Retirement Thrift Investment Board, transmitting a report in compliance with the Inspector General Act and the Federal Managers' Financial Integrity Act, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

10217. A letter from the Chairman, Federal Trade Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period from April 1, 2006 through September 30, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

10218. A letter from the Acting Senior Procurement Executive, OCAO, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulations; Federal Acquisition Circular 2005-13 [Docket FAR-2006-0023, Sequence 5] received November 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

10219. A letter from the Administrator, General Services Administration, transmitting the Administration's thirty-fifth report on audit final action, as well a s the semiannual report on the Office of Inspector General for the period April 1, 2006 through September 30, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

10220. A letter from the Director and Chief Financial Officer, Holocaust Memorial Museum, transmitting the Performance and Accountability Report (PAR) for Fiscal Year 2006 for the Museum as required under the Accountability of Tax Dollars (ATD) Act; to the Committee on Government Reform.

10221. A letter from the Chairman, International Trade Commission, transmitting a copy of the Commission's Performance and Accountability Report for FY 2006; to the Committee on Government Reform.

10222. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's Performance and Accountability Report for FY 2006, required by the Government Performance and Results Act, the Accountability of Tax Dollars Act, and the Federal Managers Financial Integrity Act; to the Committee on Government Reform.

10223. A letter from the Archivist, National Archives and Records Administration, transmitting the Administration's Fiscal Year 2006 Performance and Accountability Report; to the Committee on Government Reform.

10224. A letter from the Chairman, National Endowment for the Arts, transmitting pursuant to the "Accountability of Tax Dollars Act of 2002" and related guidance from the Office of Management and Budget, the Endowment's Performance and Accountability Report for FY 2006; to the Committee on Government Reform.

10225. A letter from the Chairman, National Endowment for the Humanities, transmitting the Performance and Accountability Report for fiscal year 2006, as required by OMB Circular Number A-11; to the Committee on Government Reform.

10226. A letter from the Chairman, National Mediation Board, transmitting the Board's Performance and Accountability Report for FY 2006; to the Committee on Government Reform.

10227. A letter from the Director, National Science Foundation, transmitting the Foundation's Performance and Accountability Report for FY 2006; to the Committee on Government Reform.

10228. A letter from the Chairman, National Transportation Safety Board, transmitting the Board's report on the actions taken to ensure that audits are conducted of its programs and operations for fiscal year 2006, pursuant to 5 U.S.C. app. 8G(h)(2); to the Committee on Government Reform.

10229. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the FY 2006 Performance and Accountability Report, prepared in accordance with the Reports Consolidation Act of 2000 and the Government Performance and Results Act of 1993; to the Committee on Government Reform.

10230. A letter from the Inspector General, Nuclear Regulatory Commission, transmitting the Commission's Fiscal Year 2006 Performance Report, in accordance with the Government Performance and Results Act of 1993; to the Committee on Government Reform.

10231. A letter from the General Counsel, Occupational Safety and Health Review Commission, transmitting the Commission's final rule — Regulations Implementing the Privacy Act of 1974 — received October 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

10232. A letter from the General Counsel, Occupational Safety and Health Review Commission, transmitting the Commission's final rule — Regulations Implementing the Freedom of Information Act — received October 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

10233. A letter from the Chairman, Occupational Safety and Health Review Commission, transmitting the FY 2006 Annual Program Accountability Report, required by the Government Performance and Results Act; to the Committee on Government Reform.

10234. A letter from the Director, Office of Government Ethics, transmitting the Office's Fiscal Year 2006 Performance and Accountability Report; to the Committee on Government Reform.

10235. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Soliciation of Federal Civilian and Uniformed Service Personnel For Contributions to Private Voluntary Organizations — Eligibility and Public Accountability Standards (RIN: 3206-AL05) received November 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

10236. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Suspension of Enrollment in the Federal Employees Health Benefits (FEHB) Program for Peace Corps Volunteers (RIN: 3203-AK90) received November 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

10237. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Allotments From Federal Employees (RIN: 3206-AJ88) received November 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

10238. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Absence and Leave; SES Annual Leave (RIN: 3206-AK72) received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

10239. A letter from the President & CEO, Overseas Private Investment Corporation, transmitting the Corporation's annual report in compliance with the Inspector General Act Amendments of 1988; to the Committee on Government Reform.

10240. A letter from the President & CEO, Overseas Private Investment Corporation, transmitting the Corporation's annual Management Report for FY 2006, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

10241. A letter from the Director, Peace Corps, transmitting the Peace Corps' Performance and Accountability Report for FY 2006; to the Committee on Government Reform.

10242. A letter from the Interim Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's Annual Management Report for Fiscal Year 2006, as required under OMB Circular No. A-11, Section 230-3, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

10243. A letter from the Chairman, Postal Rate Commission, transmitting the Commission's System Security Plan; to the Committee on Government Reform.

10244. A letter from the Board Members, Railroad Retirement Board, transmitting a copy of the Board's Performance and Accountability Report for Fiscal Year 2006, including the Office of Inspector General's Auditor's Report, Report on Internal Control, and Report on Compliance with Laws and Regulations; to the Committee on Government Reform.

10245. A letter from the Director of Legislative Affairs, Railroad Retirement Board, transmitting the Board's Strategic Plan for 2006 through 2011; to the Committee on Government Reform.

10246. A letter from the Chairman, Securities and Exchange Commission, transmitting the Commission's Performance and Accountability Report for fiscal year 2006; to the Committee on Government Reform.

10247. A letter from the Director, Selective Service System, transmitting the annual report under the Federal Managers' Financial Integrity Act for FY 2006, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

10248. A letter from the Commissioner, Social Security Administration, transmitting the Administration's Fiscal Year 2006 Performance and Accountability Report; to the Committee on Government Reform.

10249. A letter from the Chairman, U.S. Postal Service, transmitting the semiannual report on activities of the Inspector General for the period ending September 30, 2006 and the Management Response for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

10250. A letter from the Director, U.S. Trade and Development Agency, transmitting the Agency's Performance and Accountability Report including audited financial statements for fiscal year 2006; to the Committee on Government Reform.

10251. A letter from the Acting Assistant, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Rota Bridled White-eye (Zosterops rotensis) (RIN: 1018-AU32) received October 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10252. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — New Mexico Regulatory Program [NM-045-FOR] received October 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10253. A letter from the Acting Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting; Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2006-07 Late Season (RIN: 1018-AU42) received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10254. A letter from the Acting Deputy Assistant Administrator for Regulatory Programsn, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Aleutian District of the Bering Sea and Aleutian Islands [Docket No. 060216045-6045-01; I.D. 100406B] received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10255. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area [Docket No. 060216045-6045; I.D. 100506C] received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10256. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the 2006 Golden Tilefish and Snowy Grouper Commercial Fisheries [Docket No. 060525140-6221-02; I.D. 092606D] received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10257. A letter from the Assistant Administrator, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Altantic Highly Migratory Species; Recreational Atlantic Blue and White Marlin Landings Limit; Amendments to the Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks and the Fishery Management Plan for Atlantic Billfish [Docket No. 030908222-6241-02; I.D. 051603C] (RIN: 0648-AQ65) received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10258. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Emergency Secretarial Action; Extension [Docket No. 060209031-6092; I.D. 020606C] received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10259. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of teh Exclusive Economic Zone Off Alaska; Atka Mackeral in the Western Aleutian District of the Bering Sea and Aleutian Islands Management [Docket No. 060216045-6045-01; I.D. 100506B] received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10260. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock in the Bering Sea and Aleutian Islands [Docket No. 060216045-6045-01; I.D. 100306D] received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10261. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of teh Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area [Docket No. 060216045-6045-01; I.D. 100306E] received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10262. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries off West Coast States; Pacific Coast Groundfish Pacific Coast Groundfish Fishery; End of the Pacific Whiting Primary Season for the Mothership Sector [Docket No. 051014263-6028-03; I.D. 100206A] received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10263. A letter from the Deputy Assistant Adminitrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Pacific Coast Groundfish Fishery' Specifications and Management Measures; Correction [Docket No. 051014263-6249-04; I.D. 120805A] (RIN: 0648-AU00) received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10264. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No. 060216044-6044-01; I.D. 092606B] received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10265. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pelagic Shelf Rockfish in the Central Regulatory Area of the Gulf of Alaska [DOcket No. 060216044-6044-01; I.D. 100206B] received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10266. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 060216044-6044-01; I.D. 092606C] received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10267. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No. 001005281-0369-02; I.D. 091306A] received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10268. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Specifications and Management Measures; Inseason Adjustments [Docket No. 051014263-6028-03; I.D. 092106A] received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10269. A letter from the Director, Office of Sustianable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Trawl Gear in the Gulf of Alaska [Docket No. 060216044-6044-01; I.D. 100606A] received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10270. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery of the Gulf of Mexico [Docket No. 051128312-6192-02; I.D. 111605A] (RIN: 0648-AS15) received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10271. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Amendment 18A [Docket No. 060425111-6205-02; I.D. 041906B] (RIN: 0648-AN09) received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10272. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 060216044-6044-01; I.D. 091806B] received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10273. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Adjustments of Pacific Cod Total Allowable Catch Amount in the Bering Sea and Aleutian Islands [Docket No. 060216045-6045-01; I.D. 091806A] received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10274. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic;

Snapper-Grouper Fishery Off the Southern Atlantic States, Amendment 13C [Docket No. 060525140-6221-02; I.D. 051106B] (RIN: 0648-AT75) received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10275. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries in the Western Pacific; Hawaii-based Shallow-set Longline Fishery [Docket No. 060317076-6076-01; I.D. 031606D] (RIN: 0648-AU41) received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10276. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries [I.D. 092506B] received October 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10277. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Spiny Dogfish Fishery; Commercial Period 1 Quota Harvested [Docket No. 060418103-6181-02; I.D. 091806D] received October 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10278. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #7 — Adjustments of the Recreational Fishery from U.S.-Canada Border to Cape Falcon, Oregon [Docket No. 060427113-6113-01; I.D. 092106D] received October 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10279. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #8 — Adjustment of the Commercial Salmon Fishery from Horse Mountain to Point Arena, California [Docket No. 060427113-6113-01; I.D. 092106C] received October 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10280. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Actions #5 and #6 — Modifications of the Commercial Salmon Fishery from U.S. — Canada Border, to Cape Falcon, Oregon [Docket No. 060427113-6113-01; I.D. 092006E] received October 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10281. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #4 — Adjustments of the Recreational Fishery from U.S. — Canada Border, to Cape Falcon, Oregon [Docket No. 060427113-6113-01; I.D. 092006D] received October 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10282. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #9 — Adjustments of the Commercial Salmon Fishery from Cape Falcon, Oregon to U.S. — Canada Border [Docket No. 060427119-6113-01; I.D. 092106B] received October 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10283. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #3 — Adjustment of the Commercial Salmon Fishery from the U.S. — Canada Border to Cape Falcon, Oregon [Docket No. 060427113-6113-01; I.D. 092106E] received October 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10284. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Herring Fishery; Total Allowable Catch Harvested for Management Area 1A [Docket No. 051130316-6047-02; I.D. 101706A] received November 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10285. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for New York [Docket No. 051104293-5344-02; I.D. 102706A] received November 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10286. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery, Framework Adjustment 42; Monkfish Fishery, Framework Adjustment 3 [Docket No. 060606150-6240-02; I.D. 053106A] (RIN: 0648-AT24) received November 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10287. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Processor Vessels Using Pot Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 060216045-6045-01; I.D. 101206F] received November 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10288. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Non-American Fisheries Act Crab Vessels Catching Pacific Cod for Processing by the Offshore Component in the Western Regulatory Area of the Gulf of Alaska [Docket No. 060216044-6044-01; I.D. 101106A] received November 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10289. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Wildlife; Sea Turtle Conservation [Docket No. 050315074-6117-02; I.D. 022405B] (RIN: 0648-AS92) received November 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10290. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fraser River Sockeye Salmon Fisheries; Inseason Orders [I.D. 102406A] received November 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10291. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Norteastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Correction [Docket No. 060719196-6271-02; I.D. 071106F] (RIN: 0648-AU54) received November 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10292. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska; Revision to the Final 2006 and 2007 Harvest Specifications for Groundfish [Docket No. 060606148-6274-02; I.D. 112805A] received November 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10293. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries in the Western Pacific; Western Pacific Bottomfish and Seamount Groundfish Fisheries; Guam Bottomfish Management Measures [Docket No. 060724200-6275-02; I.D. 071106G] received November 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10294. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Surfclam and Ocean Quahog Fisheries; Suspension of Minimum Atlantic Surfclam Size Limit for Fishing Year 2007 [Docket No. 900124-0127; I.D. 101906A] received November 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10295. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Control of Sodium Permanganate as a List II Chemical [Docket No. DEA-254F] (RIN: 1117-AA90) received November 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10296. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Schedules of Controlled Substances: Exempt Anabolic Steroid Products [Docket No. DEA-277F] (RIN: 1117-AA98) received November 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10297. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Technical Correction of Two Anabolic Steroid Names [Docket No. DEA-288F] (RIN: 1117-AB02) received November 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10298. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Schedules of Controlled Substances: Exempt Anabolic Steroid Products [Docket No. DEA-289I] (RIN: 1117-AB04) received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10299. A letter from the Rules Administrator, Federal Bureau of Prisons, Department of Justice, transmitting the Department's final rule — Bureau of Prisons Central Office, Regional Offices, Institutions, and Staff Training Centers: Removal of Addresses From Rules [BOP-1136-F] (RIN: 1120-AB36) received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10300. A letter from the Acting General Counsel, Department of Justice, transmitting the Department's final rule — Review of Custody Determinations [EOIR Docket No. 143F; AG Order No. 2838-2006] (RIN: 1125-AA47) received October 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10301. A letter from the Senior Counsel, Department of Justice, transmitting the Department's final rule — Review of Custody Determinations [EOIR Docket No. 143F; AG Order No. 2838-2006] (RIN: 1125-AA47) received October 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10302. A letter from the Administrator, Office of Foreign Labor Certification, Department of Labor, transmitting the Department's final rule — Labor Condition Applications and Requirements for Employers Using Nonimmigrants on H-1B Visas in Speciality Occupations and as Fashion Models; Labor Attestations Regarding H-1B1 Visas (RIN: 1205-AB38) received November 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10303. A letter from the Federal Register Certifying Officer, Department of the Treasury, transmitting the Department's final rule — Federal Process Agents of Surety Corporations (RIN: 1520-AB08) received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10304. A letter from the Federal Register Certifying Officer, Department of the Treasury, transmitting the Department's final rule — Obtaining Payments from the Judgement Fund and Under Private Relief Bills (RIN: 1510-AA52) received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10305. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Shipping and Transportation; Technical, Organizational, and Conforming Amendments [USCG-2006-25697] (RIN: 1625-ZA10) received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10306. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Geographical Extension of Coast Guard Authority to Enforce Naval Vessel Protection Zones; Conforming Amendment [USCG-2006-25411] (RIN: 1625-ZA11) received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10307. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Vessel Documentation: Lease Financing for Vessel Engaged in the Coastwise Trade [USCG-2005-20258] (RIN: 1625-AA95) received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10308. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; New Jersey Intracoastal Waterway (NJICW), Grassy Sound Channel, Great Channel, and Townsend Inlet, NJ [CGD05-06-045] (RIN: 1625-AA09) received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10309. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Broad Creek, Cedar Creek, and Nanticoke River, DE [CGD05-06-044] (RIN: 1625-AA09) received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and. Infrastructure.

10310. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Regulations for Marine Events; Patapsco River, Inner Harbor, Baltimore, MD [CGD05-06-078] (RIN: 1625-AA08) received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10311. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Back River, Poquoson, VA [CGD05-06-075] (RIN: 1625-AA08) received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10312. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; John H. Kerr Reservoir, Clacksville, VA [CGD05-06-068] (RIN: 1625-AA08) received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10313. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Sunset Lake, Wildwood Crest, NJ [CGD05-06-066] (RIN: 1625-AA08) received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10314. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbrigde Operation Regulations; Housatonic River, Stratford, CT [CGD01-06-111] received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10315. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Gulf Intracoastal Waterway, Harvey, LA [CGD08-06-035] received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10316. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Chelsea River, Chelsea and East Boston, MA [CGD01-06-121] received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10317. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Kennebec River, Bath and Woolwich, ME [CGD01-06-120] received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10318. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Atlantic Intracoastal Waterway mile 1072.2, Hollywood, Broward County, FL [CGD07-06-204] (RIN: 1625-AA09) received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10319. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; BART Transbay Tube Seismic Upgrade, San Francisco, CA [COTP San Francisco Bay 06-022] (RIN: 1625-AA00) received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10320. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Alaska, Narrow Cape, Kodiak Island, AK [COTP Western Alaska 06-003] (RIN: 1625-AA00) received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10321. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Susquehanna River, Havre de Grace, MD [CGD05-06-093] (RIN: 1625-AA00) received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10322. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation; Sunfish World Championship Regatta, Charleston Harbor, SC [CGD07-06-174] (RIN: 1625-AA08) received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10323. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations, Strait Thunder Hydroplane Races, Port Angeles, WA [CGD13-06-044] (RIN: 1625-AA08) received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10324. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135BJ, -135ER, -135KE, -135KL, and -135LR Airplanes; and Model EMB-145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes [Docket No. FAA-2004-19676; Directorate Identifier 2004-NM-138-AD; Amendment 39-14717; AD 2006-16-17] (RIN: 2120-AA64) received November 7, 2006, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10325. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Aerospatiale Model ATR42-500 Airplanes and Model ATR72-212A Airplanes [Docket No. FAA-2006-25610; Directorate Identifier 2005-NM-260-AD; Amendment 39-14727; AD 2006-17-06] (RIN: 2120-AA64) received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10326. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F27 Mark 050 Airplanes [Docket No. FAA-2006-25641; Directorate Identifier 2006-NM-114-AD; Amendment 39-14730; AD 2006-17-09] (RIN: 2120-AA64) received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10327. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Mitsubishi Heavy Industries MU-2B Series Airplanes [Docket No. FAA-2006-23884; Directorate Identifier 2006-CE-13-AD; Amendment 39-14726; AD 2006-17-05] (RIN: 2120-AA64) received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10328. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Mitsubishi Heavy Industries MU-2B Series Airplanes [Docket No. FAA-2006-23883; Directorate Identifier 2006-CE-12-AD; Amendment 39-14722; AD 2006-17-01] (RIN: 2120-AA64) received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10329. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; GROB-WERKE GMBH & CO KG Model G102 ASTIR CS Sailplanes [Docket No. FAA-2006-24253; Directorate Identifier 2006-CE-23-AD; Amendment 39-14723; AD 2006-17-02] (RIN: 2120-AA64) received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10330. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Airplanes [Docket No. FAA-2006-23889; Directorate Identifier 2005-NM-252-AD; Amendment 39-14714; AD 2006-16-14] (RIN: 2120-AA64) received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10331. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-10-10F and MD-10-30F Airplanes and Model MD-11 and MD-11F Airplanes [Docket No. FAA-2006-23850; Directorate Identifier 2005-NM-126-AD; Amendment 39-14715; AD 2006-16-15] received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10332. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Cessna Aircraft Company Models 172R, 172S, 182T, T182T, 206H, and T206H Airplanes [Docket No. FAA-2006-25262; Directorate Identifier 2006-CE-39-AD; Amendment 39-14725; AD 2006-17-04] (RIN: 2120-AA64) received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10333. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Stemme GmbH & Co. KG Models S10, S10-V, and S10-VT Sailplanes [Docket No. FAA-2006-24641; Directorate Identifier 2006-CE-27-AD; Amendment 39-14724; AD 2006-17-03] (RIN: 2120-AA46) received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10334. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135BJ Airplanes [Docket No. FAA-2006-24366; Directorate Identifier 2006-NM-040-AD; Amendment 39-14716; AD 2006-16-16] (RIN: 2120-AA64) received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10335. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-102, -103, and -106 Airplanes, and Model DHC-8-200 and DHC-8-300 Series Airplanes [Docket No. FAA-2006-24867; Dierctorate Identifier 2006-NM-064-AD; Amendment 39-14773; AD 2006-20-04] (RIN: 2120-AA64) received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10336. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 Airplanes [Docket No. FAA-2005-22974; Directorate Identifier 2005-NM-180-AD; Amendment 39-14774; AD 2006-20-05] (RIN: 2120-AA64) received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10337. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Airplanes [Docket No. FAA-2006-24865; Directorate Identifier 2005-NM-194-AD; Amendment 39-14771; AD 2006-20-02] (RIN: 2120-AA64) received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10338. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Corporation Models 250-C30, 250-C40, and 250-C47 Series Turboshaft Engines [Docket No. FAA-2005-23392; Directorate Identifier 2005-NE-47-AD; Amendment 39-14776; AD 2006-20-07] received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10339. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Air Tractor, Inc. Models AT-802 and AT-802A Airplanes [Docket No. FAA-2006-24710; Directorate Identifier 2006-CE-29-AD; Amendment 39-14779; AD 2006-20-10] (RIN: 2120-AA64) received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10340. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Lycoming Engines (L)O-360, (L)-IO-360, AEIL-360, O-540, IO-540, AEIO-540, (L)TIO-540, IO-580, and IO-720 Series Reciprocating Engines. [Docket No. FAA-2006-24785; Directorate Identifier 2006-NE-20-AD; Amendment 39-14778; AD 2006-20-09] (RIN: 2120-AA64) received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10341. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter Model AS350B, B1, B2, B3, BA, D, and AS355E Helicopters [Docket No. FAA-2006-25773; Directorate Identifier 2006-SW-16-AD; Amendment 39-14758; AD 2006-19-01] (RIN: 2120-AA64) received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10342. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell RCZ-833J/K, -851J/K, and -854J Communication (COM) Units, Equipped with XS-852E/F/ Mode S Transponders; and Honeywell XS-856A/B and -857A Mode S Transponders; Installed on But Not Limited to Certain Transport Category Airplanes [Docket No. FAA-2006-24639; Directorate Identifier 2005-NM-171-AD; Amendment 39-14761; AD 2006-19-04] (RIN: 2120-AA64) received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10343. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-10-10 and DC-10-10F Airplanes; Model DC-10-15 Airplanes; Model DC-10-30 and DC-10-30F, (KC-10A and KDC-10) Airplanes; Model DC-10-40 and DC-10-40F Airplanes; Model MD-10-10F and MD-10-30F Airplanes; and Model MD-11 and MD-11F Airplanes [Docket No. FAA-2006-24787; Directorate Identifier 2006-NM-043-AD; Amendment 39-14760; AD 2006-19-03] (RIN: 2120-AA64) received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10344. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-600, B4-600R, and F4-600R Series Airplanes, and Model A300 C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes) [Docket No. FAA-2006-25047; Directorate Identifier 2006-NM-028-AD; Amendment 39-14759; AD 2006-19-02] (RIN: 2120-AA64) received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10345. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cirrus Design Corporation Models SR20 and SR22 Airplanes [Docket No. FAA-2006-24254; Directorate Identifier 2006-CE-24-AD; Amendment 39-14767; AD 2006-19-10] (RIN: 2120-AA64) received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10346. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330, A340-200 and A340-300 Airplanes [Docket No. FAA-2006-24793; Directorate Identifier 2006-NM-056-AD; Amendment 39-14764; AD 2006-19-

07] (RIN: 2120-AA64) received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10347. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Aircraft Company Model B300 Airplanes [Docket No. FAA-2005-22103; Directorate Identifier 2005-CE-42-AD; Amendment 39-14766; AD 2006-19-09] (RIN: 2120-AA64) received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10348. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gippsland Aeronautics Pty. Ltd. Model GA8 Airplanes [Docket No. FAA-2006-24955; Directorate Identifier 2006-CE-31-AD; Amendment 39-14768; AD 2006-19-11] (RIN: 2120-AA64) received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10349. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777-200 and -300 Series Airplanes [Docket No. FAA-2005-22874; Directorate Identifier 2005-NM-173-AD; Amendment 39-14769; AD 2006-19-12] (RIN: 2120-AA64) received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10350. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310 Airplanes [Docket No. FAA-2006-25421; Directorate Identifier 2006-NM-074-AD; Amendment 39-14770; AD 2006-20-01] (RIN: 2120-AA64) received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10351. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319, A320, and A321 Airplanes [Docket No. FAA-2006-24990; Directorate Identifier 2006-NM-013-AD; Amendment 39-14772; AD 2006-20-03] (RIN: 2120-AA64) received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10352. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B16 (CL-604) Airplanes and Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2006-15724; Directorate Identifier 2006-NM-197-AD; Amendment 39-14742; AD 2006-18-04] (RIN: 2120-AA64) received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10353. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777-200LR Series Airplanes Powered by General Electric (GE) Model GE90-110B Engines, and Model 777-300ER Series Airplanes Powered by GE Model GE90-115B Engines [Docket No. FAA-2006-26028; Directorate Identifier 2006-NM-222-AD; Amendment 39-14786; AD 2006-20-51] (RIN: 2120-AA64) received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10354. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Kokohanok, AK [Docket No. FAA-2006-25180; Airspace Docket No. 06-AAL-19] received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10355. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Mountain Village, AK [Docket No. FAA-2006-25181; Airspace Docket No. 06-AAL-20] received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10356. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Iliamna, AK [Docket No. FAA-2006-25182; Airspace Docket No. 06-AAL-21] received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10357. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Class E; Saint (St.) Mary's, AK [Docket No. FAA-2006-25184; Airspace Docket No. 06-AAL-22] received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10358. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; West Plains, MO. [Docket No. FAA-2006-25502; Airspace Docket No. 06-ACE-10] received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10359. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Mineral Point, WI [Docket No. FAA-2006-24448; Airspace Docket No. 06-AGL-02] received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10360. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Pinedale, WY [Docket No. FAA-2005-23361; Airspace Docket No. 05-ANM-17] received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10361. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment to Class E Airspace; Kalispell MT [Docket No. FAA-2005-23157; Airspace Docket No. 05-ANM-15] received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10362. A letter from the Trial Attorney, FRA, Department of Transportation, transmitting the Department's final rule — Track Safety Standards; Inspections of Joints in Continuous Welded Rail (CWR) [Docket No. FRA-2005-22522] (RIN: 2130-AB71) received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10363. A letter from the Deputy Assistant Chief Counsel, FRA, Department of Transportation, transmitting the Department's final rule — Passenger Equipment Safety Standards; Miscellaneous Amendments and Attachment of Safety Appliances on Passenger Equipment [Docket No. FRA-2005-23080, Notice No. 2] (RIN: 2130-AB67) received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10364. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30500, Amdt. No. 3172] received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10365. A letter from the FMCSA Regulatory Ombudsman, Department of Transportation, transmitting the Department's final rule — Enforcement of Operating Authority Requirements [Docket No. FMCSA-2002-13015] (RIN: 2126-AA78) received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10366. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Additional Types of Child Restraint Systems that May be Furnished and Used on Aircraft [Docket No. FAA-2006-25334; Amendment Nos. 91-292; 121-326; 125-51; and 135-106] (RIN: 2120-AI76) received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10367. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Guidelines for Awarding Clean Water Act Section 319 Base Grants to Indian Tribes and Request for Proposals from Indian Tribes for Competitive Grants Under Clean Water Act 319 in FY 2007 (CFDA 66.460 — Nonpoint Source Implementation Grants: Funding Opportunity Number EPA-OW-OWOW-07-1) received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10368. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — NASA Implementation of Earned Value Management (EVM) (RIN: 2700-AD29) received November 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

10369. A letter from the Deputy General Counsel, National Aeronautics and Space Administration, transmitting the Administration's final rule — Code of Conduct for International Space Station Crew (RIN: 2700-AC40) received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

10370. A letter from the Acting Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Small Business Innovation Research (SBIR) and Small Business Technology Transfer (RIN: 2700-AD17) received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

10371. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — NASA Grant and Cooperative Agreement Handbook — Training Grant and Award Procedures (RIN: 2700-AD30) received October 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

10372. A letter from the Associate Chief Counsel for Import Administration, Department of Commerce, transmitting the Department's final rule — Procedures for Importation of Supplies for Use in Emergency Relief

Work [Docket No. 060602144-6270-02] (RIN: 0625-AA71) received November 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10373. A letter from the Secretary, Department of Health and Human Services, transmitting the seventh annual report on the Temporary Assistance for Needy Families (TANF) program, as required by Title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; to the Committee on Ways and Means.

10374. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Entry of Softwood Lumber Products From Canada (RIN: 1505-AB73) received October 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10375. A letter from the Administrator, Office of Workforce Security, Department of Labor, transmitting the Department's final rule — Federal-State Unemployment Compensation Program (UC); Confidentiality and Disclosure of State UC Information (RIN: 1205-AB18) received November 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10376. A letter from the Director, Regulations & Rulings Div., Department of the Treasury, transmitting the Department's final rule — Establishment of the Tracy Hills Viticultural Area (2003R-508P) [T.D. TTB-54; Re: Notice No. 54] (RIN: 1513-AA89) received November 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10377. A letter from the Director, Regulations & Rulings Div., Department of the Treasury, transmitting the Department's final rule — Los Carneros Viticultural Area; Technical Amendment (2006R-224P) [T.D. TTB-55] (RIN: 1513-AB32) received November 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10378. A letter from the Chief, Regulations and Publications Branch, Internal Revenue Service, transmitting the Service's final rule — Transition Relief for Indian Tribal Governmental Plans [Notice 2006-89] received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10379. A letter from the Chief, Regulations and Publications, Internal Revenue Service, transmitting the Service's final rule — User Fees Relating to Enrollment [TD 9288] (RIN: 1545-BF68) received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10380. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Additional Transition Relief under Section 409A [Notice 2006-79] received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10381. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Delay in the Effective Date of New User Fee Charges for Processing Form 882 [Notice 2006-90] received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10382. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2006-41) received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10383. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Administrative Appeal of Proposed Adverse Determination of Tax-Exempt Status of Bond Issue (Rev. Proc. 2006-40) received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10384. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Alternative Fuel and Alternative Fuel Mixtures; Blood Collector Organizations [Notice 2006-92] received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10385. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Extension of Replacement Period of Livestock Sold on Account of Drought in Specified Counties [Notice 2006-91] received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10386. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Changes in accounting periods and in methods of accounting. (Rev. Proc. 2006-45) received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10387. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — TIPRA Amendments to Section 199 [TD 9293] (RIN: 1545-BF88) received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10388. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Bureau of Labor Statistics Price Indexes for Department Stores — August 2006 (Rev. Rul. 2006-53) received October 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10389. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Guidance Regarding Appraisal Requirements for Noncash Charitable Contributions [Notice 2006-96] received October 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10390. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Attained Age of the Insured Under Section 7702 [TD 9287] (RIN: 1545-CD00) received October 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10391. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Use of Electronic Media for Providing Employee Benefit Notices and Making Employee Benefit Elections and Consents [TD 9294] (RIN: 1545-BD68) received October 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10392. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Election of Alternative Funding Schedule (Announcement 2006-70) received September 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10393. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Bureau of Labor Statistics Prices Indexes for Department Stores — July 2006 (Rev. Rul. 2006-48) received October 2, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10394. A letter from the Chief, Publications and Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Fringe Benefits Aircraft Valuation Formula (Rev. Rul. 2006-47) received October 2, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10395. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Guidance on the Application of Section 911 to U.S. Individuals Working at Guantanamo Bay [Notice 2006-84] received October 2, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10396. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Attained Age of the Insured Under Section 7702 [TD 9287] (RIN: 1545-BE53) received October 2, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10397. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2006-50) received October 2, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10398. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2006-38) received October 2, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10399. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — "Tie-breaking" Rule for Two or More Taxpayers Claiming a Child as a QualifyingChild [Notice 2006-86] received October 2, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10400. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Electricity Produced and Open-loop-Biomass [Notice 2006-88] received October 2, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10401. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Low-Income Housing Credit (Rev. Rul. 2006-51) received October 2, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10402. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Appeals Settlement Guidelines: Discounts on Family Limited Partnerships — received October 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10403. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Changes in accounting periods and in methods of accounting (Rev. Proc. 2006-46) received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10404. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Standards for Calculating Energy Savings for the New Energy Efficient Home Credit

Internal Revenue Code 45L (Announcement 2006-88) received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10405. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Treatment of Income in Excess of Daily Accruals on Residual Interests (Rev. Rul. 2006-58) received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10406. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Guidance Concerning Use of 2001 CSO Tables Under Section 7702 [Notice 2006-95] received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10407. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — AJCA Modifications to the Section 6011, 6111, and 6112 Regulations [TD 9295] (RIN: 1545-BF98) received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10408. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Taxation and Reporting of Excess Inclusion Income by REITs, RICs, and Other Pass-Through Entities [Notice 2006-97] received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10409. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — United States Income Tax Treaties That Meet the Requirements of Section 1(h)(11)(C)(i)(II) [Notice 2006-101] received November 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10410. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Phase-out of Credit for New Qualified Hybrid Motor Vehicles and New Advanced Lean Burn Technology Motor Vehicles [Notice 2006-78] received October 2, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10411. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Treatment Under Section 367(b) of Property Used to Purchase Parent Stock in Certain Triangular Reorganizations [Notice 2006-85] received October 2, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10412. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Miscellaneous Changes to Collection Due Process Procedures Relating to Notice and Opportunity for Hearing upon Filing of Notice of Federal Tax Lien [TD 9290] (RIN: 1545-BB96) received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10413. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2006-55) received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10414. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Miscellaneous Changes to Collection Due Process Procedures Relating to Notice and Oportunity for Hearing Prior to Levy [TD 9291] (RIN: 1545-BB97) received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10415. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Changes in accounting periods and in methods of accounting (Rev. Proc. 2006-43) received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10416. A letter from the Chief, Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Methods of Determining Paragraph (e)(1) Wages for Purposes of the Section 199(b)(1) Wage Limitation on the Section 199 Deduction (Rev. Proc. 2006-47) received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10417. A letter from the Acting Branch Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Partner's Distributive Share: Foreign Tax Expenditures [TD 9292] (RIN: 1545-BB11) received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10418. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Reimbursements and other expenses allowance arrangements: Anti-abuse provision (Rev. Rul. 2006-56) received November 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10419. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Credit for Increasing Research Activities [TD 9296] (RIN: 1545-BD60) received November 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10420. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rates Update [Notice 2006-104] received November 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10421. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Residence Rules Involving U.S. Possessions [TD 9297] (RIN: 1545-BG02) received November 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10422. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Substantiation of Expenses of Native Alaskan Whaling Captains (Rev. Proc. 2006-50) received November 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10423. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2007 Standard Mileage Rates (Rev. Proc. 2006-49) received November 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10424. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tax forms and instructions (Rev. Proc. 2006-51) received November 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10425. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Taxation of DISC Income to Shareholders (Rev. Rul. 2005-54) received November 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10426. A letter from the Acting Chief, Publications & Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Revenue Procedure: Reduction of Penalty for Understanding Tax by Adequate Disclosure of an Item on Return (Rev. Proc. 2006-48) received November 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10427. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Weighted Avergae Interest Rates Updates [Notice 2006-94] received October 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10428. A letter from the Acting SSA Regulations Officer, Social Security Administration, transmitting the Administration's final rule — Continuing Disability Review Failure to Cooperate Process [Docket No. SSA 2006-0083] (RIN: 0960-AG19) received November 2, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10429. A letter from the Acting SSA Regulations Officer, Social Security Administration, transmitting the Administration's final rule — Representatives Payment Policies and Administrative Procedure for Imposing Penalties for False or Misleading Statements or Withholding of Information (RIN: 0960-AG09) received October 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10430. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Hospital Outpatient Prospective Payment System and CT 2007 Payment Rates; CY 2007 Update to the Ambulatory Surgical Center Covered Procedures List; Medicare Administrative Contractors; and Reporting Hospital Quality Data for FY 2008 Inpatient Prospective Payment System Annual Payment Update Program — HCAHPA Survey, SCIP, and Mortality [CMS-1506-FC; CMS-4125-f] (RIN: 0938-AO15) received November 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

10431. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Home Health Prospective Payment System Rate Update for Calendar Year 2007 and Deficit Reduction Act of 2005 Changes to Medicare Payment for Oxygen Equipment and Capped Rental Durable Medical Equipment; Final Rule [CMS-1304-F] (RIN: 0938-AN76) received November 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

10432. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Revisions to Payment Policies, Five-Year Review of Work Relative Value Units, Changes to the Practice Expense Methodology Under the Physician Fee Schedule, and Other Changes to Payment Under Part B; Revisions to the Payment Policies of Ambulance Services Under the Fee Schedule for Ambulance Services; and Ambulance Inflation

Factor Update for CY 2007 [CMS-1321-FC and CMS-1317-F] (RIN: 0938-AO24) received November 23, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

10433. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's final rule — Medicaid Program; State Allotments for Payment of Medicare Part B Premiums for Qualifying Individuals: Federal Fiscal Year 2006 and Fiscal Year 2007 [CMS-2231-F] (RIN: 0938-AO31) received October 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Omitted from the Record of November 15, 2006]

Mr. BARTON of Texas: Committee on Energy and Commerce. H.R. 4591. A bill to implement the Stockholm Convention on Persistent Organic Pollutants, the Protocol on Persistent Organic Pollutants to the Convention on Long-Range Transboundary Air Pollution, and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade; with an amendment (Rept. 109–714). Referred to the Committee of the Whole House on the State of the Union.

[Filed on December 5, 2006]

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 4997. A bill to permanently authorize amendments made by the Immigration and Nationality Technical Corrections Act of 1994 for the purpose of permitting waivers of the foreign country residence requirement with respect to certain international medical graduates; with amendments (Rept. 109–715). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARTON of Texas: Committee on Energy and Commerce. H.R. 3248. A bill to amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes; with an amendment (Rept. 109–716). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 5782. A bill to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes; with an amendment (Rept. 109–717, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARTON of Texas: Committee on Energy and Commerce. H.R. 5782. A bill to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes; with an amendment (Rept. 109–717, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. DREIER: Committee on Rules. House Resolution 1092. Resolution providing for consideration of the bill (H.R. 6346) to extend certain trade preference programs, to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Vietnam, to modify temporarily certain rates of duty and make other technical amendments to the trade laws, and for other purposes (Rept. 109–718). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 1093. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 109–719). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

[The following action occurred on Nov. 17, 2006]

Pursuant to clause 2 of rule XII the Committee on Homeland Security discharged from further consideration of H.R. 1317.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[The following actions occurred on November 17, 2006]

H.R. 921. Referral to the Committee on Education and the Workforce extended for a period ending not later than December 8, 2006.

H.R. 1078. Referral to the Committee on Ways and Means extended for a period ending not later than December 8, 2006.

H.R. 1317. Referral to the Committee on Armed Services extended for a period ending not later than December 8, 2006.

H.R. 4880. Referral to the Committee on Homeland Security extended for a period ending not later than December 8, 2006.

H.R. 5312. Referral to the Committees on Energy and Commerce and Ways and Means extended for a period ending not later than December 8, 2006.

H.R. 5393. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than December 8, 2006.

H.R. 5695. Referral to the Committee on Energy and Commerce extended for a period ending not later than December 8, 2006.

H.R. 5814. Referral to the Committees on Ways and Means and Energy and Commerce extended for a period ending not later than December 8, 2006.

House Concurrent Resolution 424. Referral to the Committee on Energy and Commerce extended for a period ending not later than December 8, 2006.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. FLAKE (for himself, Mr. Lantos, Mr. Coble, Mr. Ackerman, Mr. Inglis of South Carolina, Mr. Waxman, Ms. Ros-Lehtinen, Mr. Van Hollen, Mr. Burton of Indiana, Mrs. Maloney, Mr. King of New York, Mr. Wexler, Mr. Tancredo, Mr. Weiner, Ms. Wasserman Schultz, Mr. Rohrabacher, Mr. Berman, Mr. Kirk, Mr. Crowley, Mr. Shays, Mrs. McCarthy, Ms. Schakowsky, Mr. Engel, Ms. Matsui, Ms. Watson, Mr. Higgins, Mr. Holt, Mr. Israel, Mr. Udall of Colorado, Mr. Rothman, Mr. Nadler, Mr. Doggett, Mr. Hastings of Florida, Mr. Gene Green of Texas, and Ms. Harman):

H.R. 6338. A bill to amend title 18, United States Code, to prevent and repress the misuse of the Red Crescent distinctive emblem and the Third Protocol (Red Crystal) distinctive emblem; to the Committee on the Judiciary, considered and passed.

By Mr. OWENS:

H.R. 6339. A bill to establish the Homeland Security Community Mobilization Program; to the Committee on Education and the Workforce, and in addition to the Committees on Transportation and Infrastructure, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BASS (for himself and Mr. Bradley of New Hampshire):

H.R. 6340. A bill to clarify provisions relating to statutory copyright licenses for satellite carriers; to the Committee on the Judiciary.

By Mr. SKELTON:

H.R. 6341. A bill to extend oversight and accountability related to United States reconstruction funds and efforts in Iraq by extending the termination date of the Office of the Special Inspector General for Iraq Reconstruction; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUYER (for himself and Mr. Evans):

H.R. 6342. A bill to amend title 38, United States Code, to extend certain expiring provisions of law administered by the Secretary of Veterans Affairs, to expand eligibility for the Survivors' and Dependents' Educational Assistance program, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. RADANOVICH (for himself and Ms. Harman):

H.R. 6343. A bill to amend the Congressional Charter of The American National Red Cross to modernize its governance structure, to enhance the ability of the board of governors of The American National Red Cross to support the critical mission of The American National Red Cross in the 21st century, and for other purposes; to the Committee on International Relations.

By Mr. SOUDER:

H.R. 6344. A bill to reauthorize the Office of National Drug Control Policy Act; to the Committee on Government Reform, and in addition to the Committees on Energy and Commerce, the Judiciary, Armed Services, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACHUS (for himself, Mr. Oxley, and Mr. Frank of Massachusetts):

H.R. 6345. A bill to make a conforming amendment to the Federal Deposit Insurance Act with respect to examinations of certain insured depository institutions, and for other purposes; to the Committee on Financial Services.

By Mr. THOMAS:

H.R. 6346. A bill to extend certain trade preference programs, to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Vietnam, to modify temporarily certain rates of duty and make other technical amendments to the trade laws, and for other purposes; to the Committee on Ways and Means.

By Mr. BARTON of Texas:

H.R. 6347. A bill to provide for the protection of health and safety during certain disasters; to the Committee on Energy and Commerce.

By Mr. BARTON of Texas:

H.R. 6348. A bill to direct the Secretary of Homeland Security to provide for enhanced security of chemical facilities, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BARTON of Texas:

H.R. 6349. A bill to establish within the Department of Homeland Security an Office of Emergency Communications that will carry out the department's responsibilities related to emergency communications; to the Committee on Energy and Commerce, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARTON of Texas:

H.R. 6350. A bill to provide for the continuing operation of the Metropolitan Medical Response Program; to the Committee on Energy and Commerce, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARTON of Texas:

H.R. 6351. A bill to establish a voluntary framework through which commercial mobile service providers can elect to transmit emergency alerts to subscribers; to the Committee on Energy and Commerce, and in addition to the Committees on Science, and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARTON of Texas:

H.R. 6352. A bill to amend the Homeland Security Act of 2002 with respect to the position of Chief Medical Officer; to the Committee on Homeland Security, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOUSTANY (for himself, Mr. ALEXANDER, Mr. MELANCON, Mr. MCCRERY, Mr. LUCAS, Mr. HINOJOSA, Mr. SALAZAR, Mr. BOSWELL, Mr. JEFFERSON, and Mr. CUELLAR):

H.R. 6353. A bill to extend the suspension of the limitation on the period for which certain borrowers are eligible for guaranteed farm operating loans; to the Committee on Agriculture.

By Mr. BURGESS:

H.R. 6354. A bill to amend the Internal Revenue Code of 1986 to increase the credit for biodiesel used as a fuel; to the Committee on Ways and Means.

By Mr. CARTER:

H.R. 6355. A bill to make funds available for program integrity purposes, including the data mining project, under the Federal Crop Insurance Act; to the Committee on Agriculture.

By Mr. COSTELLO:

H.R. 6356. A bill to provide for the research, development, and demonstration of coal gasification technology as an energy source in ethanol production; to the Committee on Science.

By Mr. CROWLEY:

H.R. 6357. A bill to amend part D of title XVIII of the Social Security Act to limit the monthly amount of prescription drug cost-sharing for full-benefit dual eligible individuals and other lowest-income individuals under the Medicare Prescription Drug Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DELAURO (for herself, Mr. WAXMAN, Mr. MCDERMOTT, Mr. HONDA, Mr. SHAYS, Mr. GONZALEZ, Mr. WEXLER, Ms. MATSUI, Mr. HINOJOSA, and Mr. WALSH):

H.R. 6358. A bill to amend the National and Community Service Act of 1990 to establish a Summer of Service State grant program, a Summer of Service national direct grant program, and related national activities, and for other purposes; to the Committee on Education and the Workforce.

By Mr. DICKS:

H.R. 6359. A bill to require the establishment of a Department of Veterans Affairs outpatient clinic at the Olympic Medical Center, Port Angeles, Washington; to the Committee on Veterans' Affairs.

By Mr. DICKS:

H.R. 6360. A bill to provide for the establishment of a Department of Veterans Affairs community-based outpatient clinic in Clallam County, Washington; to the Committee on Veterans' Affairs.

By Mr. DOOLITTLE (for himself and Ms. MATSUI):

H.R. 6361. A bill to authorize the Secretary of the Interior to conduct a special resources study of the Tule Lake Segregation Center in Modoc County, California, to determine the suitability and feasibility of establishing a unit of the National Park System; to the Committee on Resources.

By Mr. FORTENBERRY:

H.R. 6362. A bill to amend the Clean Air Act to exclude agricultural particulates from the national ambient air quality standards for particulate matter, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FORTUÑO:

H.R. 6363. A bill to provide for an additional requirements payment under the Help America Vote Act of 2002 to ensure that Puerto Rico is treated in the same manner as other States for purposes of determining the amount of the requirements payment made under such Act, and for other purposes; to the Committee on House Administration.

By Mr. GALLEGLY (for himself, Mr. LANTOS, Ms. ROS-LEHTINEN, Mr. WEXLER, and Mr. ACKERMAN):

H.R. 6364. A bill to authorize grants to the Eurasia Foundation, and for other purposes; to the Committee on International Relations.

By Mr. ISRAEL:

H.R. 6365. A bill to authorize the Director of the Federal Emergency Management Agency to make grants to distributors of electricity for the purpose of upgrading their electrical distribution systems to provide protection against hurricanes; to the Committee on Transportation and Infrastructure.

By Mr. JONES of North Carolina:

H.R. 6366. A bill to amend sections 5313 and 5318 of title 31, United States Code, to reform certain requirements for reporting cash transactions, and for other purposes; to the Committee on Financial Services.

By Mr. KING of Iowa:

H.R. 6367. A bill to terminate the Internal Revenue Code of 1986; to the Committee on Ways and Means.

By Mrs. MALONEY (for herself, Mr. HINCHEY, Mr. GRIJALVA, and Mr. CONYERS):

H.R. 6368. A bill to provide for a study by the National Academy of Engineering regarding improving the accuracy of collection of royalties on production of oil, condensate, and natural gas under leases of Federal lands and Indian lands, and for other purposes; to the Committee on Resources.

By Mrs. MALONEY:

H.R. 6369. A bill to suspend temporarily the duty on stick and golf umbrellas; to the Committee on Ways and Means.

By Mr. NADLER:

H.R. 6370. A bill to provide for the purchase of textbooks and the establishment of the Textbook Recycling Program, and for other purposes; to the Committee on Education and the Workforce.

By Mr. NADLER:

H.R. 6371. A bill to amend the Federal Rules of Evidence to create an explicit privilege to preserve medical privacy; to the Committee on the Judiciary.

By Mr. OBERSTAR:

H.R. 6372. A bill to designate the Federal building and United States courthouse and customhouse located at 515 West First Street in Duluth, Minnesota, as the "Gerald W. Heaney Federal Building and United States Courthouse and Customhouse"; to the Committee on Transportation and Infrastructure.

By Mr. RENZI (for himself, Mr. PASTOR, and Mr. FRANKS of Arizona):

H.R. 6373. A bill to authorize and direct the exchange and conveyance of certain National Forest land and other land in southeast Arizona; to the Committee on Resources.

By Mr. SCHIFF (for himself, Mr. GOHMERT, and Mr. FEENEY):

H.R. 6374. A bill to address the effect of the death of a defendant in Federal criminal proceedings; to the Committee on the Judiciary.

By Mr. SOUDER:

H.R. 6375. A bill to amend title 10, United States Code, to require the Secretary of Defense to submit to Congress an annual report and to provide notice to the public on congressional initiatives in funds authorized or made available to the Department of Defense; to the Committee on Armed Services.

By Mr. YOUNG of Alaska:

H.R. 6376. A bill to provide that Federal property reversions on land deeded to the Municipality of Anchorage be conveyed to the Municipality in order to unencumber the Municipality's title; to the Committee on Resources.

By Mr. MARKEY (for himself, Ms. NORTON, Mr. COBLE, Mr. NEAL of Massachusetts, Mr. FILNER, Mr. MEEHAN, Mr. WAXMAN, Mr. OWENS, Mr. JOHNSON of Illinois, Mr. OLVER, Mr. TIERNEY, Mr. MCGOVERN, Mr. FRANK of Massachusetts, Mr. CAPUANO, Mr. LYNCH, Mr. DELAHUNT, Mr. MEEKS of New York, Mr. TOWNS, Mr. FOSSELLA, Mrs. MALONEY, Mr. MCNULTY, Mr. MCDERMOTT, Mr. DAVIS of Illinois, Ms. Watson, Mr. Allen, Mr. Larson of Connecticut, Mr. Simmons, Ms. DeLauro, Mr. Kennedy of Rhode Island, Mr. Langevin, Mr. Ryan of Ohio, Mrs. Jones of Ohio, Ms. Jackson-Lee of Texas, Mr. Hastings of Florida, Mr. Moore of Kansas, Mr. Serrano, Mr. Lantos, Ms. Matsui, Mr. Higgins, Mr. Boren, Mr. Sabo, Mr. Stearns, Mr. Hulshof, Mr. Shimkus, Mr. Levin, Mr. Nadler, Ms. DeGette, Mrs. Capps, Mrs. Davis of California, Mr. Schiff, Ms. Eshoo, Mr. Kind, Mr. Obey, Mr. Moran of Virginia, Ms. Baldwin, Mr. Farr, and Mr. Inslee):

H. Con. Res. 497. Concurrent resolution to honor the memory of Arnold "Red" Auerbach: to the Committee on Government Reform.

By Mr. YOUNG of Alaska:

H. Con. Res. 498. Concurrent resolution recognizing 200 years of research, service to the people of the United States, and stewardship of the marine environment by the National Oceanic and Atmospheric Administration and its predecessor agencies, and for other purposes; to the Committee on Resources, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DREIER (for himself and Mr. Price of North Carolina):

H. Res. 1088. A resolution expressing support for Lebanon's democratic institutions and condemning the recent terrorist assassination of Lebanese parliamentarian and Industry Minister Pierre Amin Gemayel; to the Committee on International Relations.

By Mr. STEARNS (for himself, Mr. Garrett of New Jersey, Mr. Mack, Mr. Franks of Arizona, Mr. Rohrabacher, Mr. Paul, Mr. Feeney, Mr. Sessions, Mr. Smith of Texas, Mr. Tiahrt, Mr. Petri, Mr. Pence, Mr. McCotter, Mr. Renzi, Mr. Hensarling, Mr. Burton of Indiana, Mr. Putnam, Mr. Daniel E. Lungren of California, Mr. King of Iowa, Mr. Akin, Mr. Fossella, Mr. Ferguson, Mr. Bass, Mr. Kuhl of New York, Mr. Campbell of California, Mr. Cannon, Ms. Foxx, Mr. Oxley, Mr. LoBiondo, Mrs. Blackburn, Mr. Brady of Texas, Mr. Carter, Mr. Conaway, Mrs. Cubin, Mr. Sam Johnson of Texas, Mr. McHenry, Mr. McKeon, Mr. Blunt, Mr. Tancredo, Mr. Weldon of Florida, Mr. Barrett of South Carolina, Mr. Hall, Mr. Cantor, Mr. Flake, Mr. Shadegg, Mr. Crenshaw, Mr. Smith of New Jersey, Mr. Saxton, Mr. Frelinghuysen, Mrs. Musgrave, Mr. Ryan of Wisconsin, Ms. Ros-Lehtinen, Mr. Wicker, Mr. Gary G. Miller of California, Mr. Gillmor, and Mr. Davis of Illinois):

H. Res. 1089. A resolution honoring the life of Milton Friedman; to the Committee on Government Reform.

By Mr. CONYERS (for himself, Mr. Sensenbrenner, Mr. Rangel, Mr. Nadler, Ms. Lee, and Mr. Scott of Virginia):

H. Res. 1090. A resolution honoring the life of Ruth Brown and her copyright royalty reform efforts on behalf of rhythm and blues recording artists; to the Committee on the Judiciary.

By Mr. HASTINGS of Florida (for himself, Mr. Hoyer, Ms. Ros-Lehtinen, Mr. Ackerman, Mrs. Maloney, Mr. Gene Green of Texas, Ms. Wasserman Schultz, Mr. Waxman, Ms. Schakowsky, Mr. Meek of Florida, Mr. Engel, Mr. McNulty, Mr. Israel, Mr. Nadler, Mr. Wexler, and Mr. Crowley):

H. Res. 1091. A resolution condemning in the strongest terms Iran's commitment to hold an international Holocaust denial conference on December 11-12, 2006; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 127: Mr. Rothman.

H.R. 519: Ms. Sekula Gibbs.

H.R. 676: Mr. Brady of Pennsylvania.

H.R. 709: Ms. Sekula Gibbs.

H.R. 722: Mr. Meehan.

H.R. 799: Mr. Honda.

H.R. 814: Mr. Gutierrez.

H.R. 839: Ms. Moore of Wisconsin.

H.R. 1079: Mr. Pombo.

H.R. 1298: Mrs. Napolitano.

H.R. 1306: Mr. Neal of Massachusetts.

H.R. 1317: Mr. Smith of Washington.

H.R. 1345: Mr. Sam Johnson of Texas.

H.R. 1376: Mr. Conyers and Ms. DeGette.

H.R. 1402: Mrs. Cubin and Mrs. Jones of Ohio.

H.R. 1517: Ms. Sekula Gibbs.

H.R. 1549: Mr. Thompson of Mississippi.

H.R. 1558: Ms. Watson and Ms. DeLauro.

H.R. 1634: Mr. Andrews.

H.R. 1671: Mrs. Maloney.

H.R. 1709: Ms. Kilpatrick of Michigan.

H.R. 1823: Mr. Gutierrez.

H.R. 1849: Mr. Latham and Mr. Boren.

H.R. 2014: Mr. Rogers of Kentucky.

H.R. 2230: Mr. Kennedy of Rhode Island.

H.R. 2317: Mr. Pascrell.

H.R. 2421: Mr. Evans, Mr. Gary G. Miller of California, and Mrs. Biggert.

H.R. 2592: Mr. Gutierrez.

H.R. 2945: Mr. Lynch.

H.R. 3012: Mr. LoBiondo.

H.R. 3103: Mrs. Maloney.

H.R. 3190: Mr. McCotter.

H.R. 3313: Mr. Meehan.

H.R. 3352: Mr. Graves.

H.R. 3427: Mr. Andrews and Mr. Price of North Carolina.

H.R. 3478: Mr. Wu.

H.R. 3559: Mrs. Cubin.

H.R. 3715: Mr. Thompson of Mississippi.

H.R. 3738: Ms. Jackson-Lee of Texas and Mr. Davis of Illinois.

H.R. 3954: Mr. Delahunt.

H.R. 3957: Mr. Fortenberry.

H.R. 4211: Mr. Hastings of Florida.

H.R. 4232: Mr. Wynn.

H.R. 4384: Mr. Meehan.

H.R. 4597: Mr. Oberstar, Mr. Reyes, Mr. Latham, Mr. Baker, Mr. Bachus, Mr. Issa, Mr. Brady of Texas, Ms. Foxx, and Mr. King of Iowa.

H.R. 4751: Mr. Kildee and Mr. Larsen of Washington.

H.R. 4808: Mr. McHugh.

H.R. 4873: Mr. Allen.

H.R. 4903: Mr. King of New York.

H.R. 4924: Mr. Boustany, Mr. Lewis of California, Mr. Cuellar, Mr. Salazar, Mr. Bonilla, Mr. Burgess, Mr. Bachus, Mr. Calvert, Mr. Brady of Texas, Mr. Hobson, Mr. Delahunt, Ms. Bordallo, Mr. Terry, Mr. Sessions, Mr. Brown of South Carolina, Mr. Porter, Mr. Baker, Mr. Bartlett of Maryland, Mr. Farr, Mr. Burton of Indiana, Mrs. Schmidt, Mrs. Jo Ann Davis of Virginia, Mr. Putnam, Mr. Castle, Mr. Moran of Kansas, Mr. Gary G. Miller of California, Mrs. Drake, Mr. LaHood, Mr. Petri, Mr. McCaul of Texas, Mr. Larsen of Washington, Mr. Goode, Mrs. Capito, Mr. Chandler, Mr. Tiahrt, Mr. Jefferson, Mr. Lincoln Diaz-Balart of Florida, Ms. Kilpatrick of Michigan, Mr. Garrett of New Jersey, Mr. Costa, Ms. Kaptur, Mr. Rothman, Mr. Gilchrest, Mr. Regula, Ms. Matsui, Mr. Michaud, Mr. Moran of Virginia, Mr. Cannon, Mr. Sam Johnson of Texas, Ms. Corrine Brown of Florida, Mr. Shimkus, Mrs. McMorris Rodgers, Mr. Frelinghuysen, Mr. Keller, Mr. Camp of Michigan, Mr. Taylor of North Carolina, Mr. Marchant, Mr. McHugh, Mr. Conaway, Mr. Fossella, Ms. Jackson-Lee of Texas, Mr. Ortiz, Mr. Walden of Oregon, Mr. Ryan of Wisconsin, Mr. Crenshaw, Mr. Rogers of Kentucky, Mr. Young of Florida, Mr. Saxton, Mr. Gingrey, Mr. Hayworth, Mr. Gene Green of Texas, Mr. Platts, Mr. Price of Georgia, Mrs. Miller of Michigan, Mr. Bonner, Ms. Pryce of Ohio, Mr. Chabot, Mr. Culberson, Mr. Scott of Georgia, Mr. Johnson of Illinois, Mr. Wicker, Ms. Watson, Mr. Doolittle, Mr. Davis of Kentucky, Mr. Smith of Texas, Mr. Neugebauer, Mr. Renzi, Mr. Cummings, Mr. Alexander, Mr. Kildee, Mr. Akin, Ms. Granger, Mr. Gerlach, Mr. McKeon, Mr. Berman, Mr. Oxley, Mr. Graves, Mr. Knollenberg, Mrs. Christensen, Mr. Manzullo, Ms. Ginny Brown-Waite of Florida, Mr. Holden, Mr. Wolf, Mr. Smith of New Jersey, Mr. King of New York, Mr. Linder, Mr. Shuster, Mr. Turner, Mr. Bishop of Georgia, Mr. Shays, Ms. Ros-Lehtinen, Mr. English of Pennsylvania, Mr. Hall, Mr. Visclosky, Mr. Kirk, Mr. Kingston, Mr. Pastor, Mr. Rush, Mr. Tom Davis of Virginia, Mr. Davis of Illinois, Mr. Nadler, Mr. Lantos, Mr. Clay, Mr. Payne, Mr. Hunter, Mr. Weldon of Florida, Mr. Hayes, Mr. Barrett of South Carolina, Mr. Pence, Mr. Weller, Mr. Thomas, Mr. Rogers of Michigan, Mr. Kennedy of Rhode Island, Mr. Murtha, Mr. Jenkins, and Mr. Osborne.

H.R. 5150: Mr. Carnahan.

H.R. 5182: Mr. Dingell and Mrs. Maloney.

H.R. 5247: Mr. Stark.

H.R. 5292: Mr. McCotter.

H.R. 5348: Ms. Eshoo, Mr. Doggett, Mr. Wu, and Mr. Boren.

H.R. 5388: Ms. Watson and Mr. Davis of Illinois.

H.R. 5466: Mr. Stark.

H.R. 5478: Mr. Platts.

H.R. 5500: Mr. Cannon.

H.R. 5525: Mr. Andrews.

H.R. 5550: Ms. Moore of Wisconsin.

H.R. 5554: Mr. Putnam.

H.R. 5557: Mr. Kucinich.

H.R. 5674: Mrs. Davis of California.

H.R. 5704: Mr. Boehlert, Mr. Keller, Ms. Kilpatrick of Michigan, Ms. Norton, and Mr. Clyburn.

H.R. 5729: Mr. Waxman.

H.R. 5738: Mr. Scott of Georgia.

H.R. 5755: Mr. Alexander and Mr. Smith of New Jersey.

H.R. 5772: Mr. Cole of Oklahoma.

H.R. 5782: Mr. Oberstar, Mr. DeFazio, and Mr. Murphy.

H.R. 5784: Ms. Kilpatrick of Michigan.

H.R. 5829: Mr. Hinojosa.

H.R. 5836: Mr. Frank of Massachusetts, Mrs. Davis of California, and Ms. Schakowsky.

H.R. 5905: Mr. Emanuel.

H.R. 5948: Mr. Engel.

H.R. 5984: Mrs. Cubin.

H.R. 6030: Mr. Duncan and Mrs. Capps.

H.R. 6041: Mr. Goode, Mr. Goodlatte, Ms. Jackson-Lee of Texas, Mr. Gohmert, and Ms. Baldwin.

H.R. 6046: Mr. Bishop of Georgia, Mr. Hastings of Florida, and Mrs. Christensen.

H.R. 6057: Mr. Radanovich, Mr. Hyde, Mr. Shadegg, Mr. Royce, Mr. Pombo, Mr. Boozman, Mr. Culberson, Mr. Burgess, and Mr. Weller.

H.R. 6064: Mr. Rothman.

H.R. 6066: Mr. Rangel and Mr. Cummings.

H.R. 6084: Mrs. Johnson of Connecticut.

H.R. 6093: Mr. Ehlers, Mr. Duncan, Mr. Gillmor, Mr. Cantor, Mr. Allen, and Mr. Upton.

H.R. 6099: Mr. Murphy, Mr. Wicker, Mr. Stupak, Mr. Norwood, Mr. Fitzpatrick of Pennsylvania, Ms. Harris, Mr. Rogers of Alabama, Mr. Fortuño, Mr. Hayes, Mr. Baker, Mr. Sullivan, Mrs. Cubin, Mr. Taylor of Mississippi, Mr. Kingston, Mr. Daniel E. Lungren of California, Mrs. Schmidt, Mr. Linder, Mr. Shuster, Mr. Alexander, Mr. Feeney, Mr. Bishop of Utah, Mr. Platts, Mr. Mica, Mr. Bilbray, Mr. Smith of Texas, Ms. Sekula Gibbs, and Mr. Beauprez.

H.R. 6132: Mr Boren, Mr. Larsen of Washington, and Mr. Moran of Kansas.

H.R. 6135: Mr. Frelinghuysen.

H.R. 6145: Mr. Souder.

H.R. 6149: Ms. Bordallo, Mr. Kucinich, and Mr. Blumenauer.

H.R. 6155: Mr. Doolittle, Mr. King of Iowa, Mr. Sessions, Mr. Neugebauer, and Mr. McCaul of Texas.

H.R. 6175: Mr. Capuano.

H.R. 6221: Mr. Farr.

H.R. 6229: Ms. Jackson-Lee of Texas.

H.R. 6235: Ms. Schakowsky, Mr. Wexler, and Mr. Boucher.

H.R. 6269: Mr. Kirk.

H.R. 6311: Mr. Strickland.

H.R. 6313: Mr. Evans, Mr. Langevin, Mr. Butterfield, Mr. Doggett, Mr. Bishop of New York, Mr. Brown of Ohio, Mr. Baird, Mr. Brady of Pennsylvania, Ms. Matsui, Mrs. Napolitano, Mr. Meek of Florida, Mr. Ackerman, Mrs. Maloney, Mrs. Capps, Mr. Oberstar, Ms. Watson, Mr. McGovern, Mr. Gonzalez, Mr. Holt, Mr. Levin, Mr. Lynch, Ms. Berkley, Mr. Kucinich, Mr. Wexler, Mr. Etheridge, Mr. Waxman, Ms. DeLauro, Mr. Allen, Mr. Cleaver, Mr. DeFazio, Mr. Frank of Massachusetts, Ms. Moore of Wisconsin, Mr. Serrano, Ms. Woolsey, Mr. Young of Florida, Mr. Spratt, Mr. Berman, Ms. Lee, Ms. Zoe Lofgren of California, Mr. Dicks, Ms. Jackson-Lee of Texas, Ms. Harman, Mr. Sires, Mr. McHugh, Mr. Carnahan, and Ms. Schakowsky.

H.R. 6316: Mr. Blumenauer, Mr. DeFazio, Ms. Hooley, Mr. Inslee, Mr. Larsen of Washington, Mr. Hastings of Washington, Mr. Dicks, Mr. McDermott, Mr. Reichert, Mr. Daniel E. Lungren of California, Mr. Thompson of California, Mr. Herger, Mr. Doolittle, Mr. Smith of Washington, Mrs. Davis of California, Mr. Simpson, and Mrs. McMorris Rodgers.

H.R. 6331: Mr. Aderholt.

H.R. 6333: Ms. Ros-Lehtinen, Mr. Norwood, and Ms. Bordallo.

H.R. 6334: Mr. Paul, Mr. Hefley, and Mr. Doolittle.

H.J. Res. 73: Mr. Wynn.

H. Con. Res. 154: Mr. McCotter.

H. Con. Res. 343: Ms. Velázquez, Mr. Weiner, and Mr. Serrano.

H. Con. Res. 346: Mr. Wicker.

H. Con. Res. 482: Mr. Frank of Massachusetts.

H. Con. Res. 486: Mr. McCotter.

H. Res. 335: Mr. Evans, Mr. Cleaver, and Ms. Bean.

H. Res. 518: Mr. Jindal, Mrs. Myrick, Mr. Boustany, Mr. Bradley of New Hampshire, Mr. Wynn, and Mr. Baird.

H. Res. 790: Mr. Souder, Mr. Ryan of Ohio, and Mr. Bishop of New York.

H. Res. 962: Mr. Burton of Indiana, Mr. Rohrabacher, Ms. Lee, and Mr. Tancredo.

H. Res. 1008: Mr. Jones of North Carolina and Mr. McNulty.

H. Res. 1051: Mr. Leach, Ms. Jackson-Lee of Texas, Mr. McHenry, Mr. Moran of Kansas, Mr. Bilbray, Mr. Latham, Mr. Nunes, Mr. Boehner, Mr. Hobson, Mr. Weldon of Florida, Mr. Keller, Ms. Ginny Brown-Waite of Florida, Mr. Fortenberry, Mr. Flake, Mr. Royce, Mr. Poe, Mr. Scott of Georgia, Ms. Harris, Mr. King of Iowa, Mr. Barrett of South Carolina, Mr. Simpson, Mr. Murphy, Mr. Mica, Mr. Boozman, Mr. Miller of Florida, Mr. Wilson of South Carolina, Mr. Weller, Mr. Fossella, and Mr. Forbes.

H. Res. 1063: Ms. Wasserman Schultz.

H. Res. 1070: Mr. Hayes and Mr. Buyer.

H. Res. 1080: Mr. Burton of Indiana, Mr. Crowley, Mr. Waxman, Ms. Jackson-Lee of Texas, Mr. Wolf, Mr. Lantos, Mr. McCotter, Mr. Rothman, Ms. Schakowsky, Mr. Shimkus, and Mr. Honda.

H. Res. 1082: Mr. Murtha, Mr. Brady of Pennsylvania, Mr. English of Pennsylvania, and Mr. Gerlach.

H. Res. 1084: Ms. DeLauro, Mr. Payne, Ms. Linda T. Sánchez of California, Mr. Udall of Colorado, Mr. Waxman, Mrs. Christensen, Mr. Al Green of Texas, and Ms. Woolsey.

H. Res. 1087: Mrs. Biggert and Mr. Payne.

SENATE—*Tuesday, December 5, 2006*

The Senate met at 12 noon and was called to order by the Honorable RICHARD BURR, a Senator from the State of North Carolina.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our Father in heaven, the giver of all good gifts, guide our Senators as they carry heavy responsibilities. Lead them to do what is right rather than what is politically expedient. Deliver them from the traps of seeking selfish interests and illumine their minds to sacrifice for the good of all. May their ambitions never blind them to the opportunities to help the lost, the lonely, and the least.

Lord, God of Hosts, lead our lawmakers with Your power to a humility that unites hearts and builds alliances. Help them to dwell secure in Your peace. We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable RICHARD BURR led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, December 5, 2006.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD BURR, a Senator from the State of North Carolina, to perform the duties of the Chair.
>
> TED STEVENS,
> *President pro tempore.*

Mr. BURR thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, I hope everyone has had a good Thanksgiving recess—enjoyable, relaxing. We have a busy few days ahead of us as we have our final week for the 109th Congress, and there are a number of priorities we need to address.

We have the Gates nomination. The hearing on that nomination began this morning. It is our intent to have the Senate address and complete action on this nomination no later than this Friday.

We have a continuing resolution. I was just talking to the Democratic leader about that. The continuing resolution does expire at midnight on Friday. Absent action on any other appropriations, this continuing resolution will extend funding for Government operations into 2007, and it will not contain earmarks or policy initiatives.

Also on the agenda are various tax, trade, and health extenders. Bipartisan Senate work has been spearheaded by Senator GRASSLEY and Senator BAUCUS. They assembled a package of necessary tax, trade, and health policy extensions. That is being filed as we speak.

Fourth, yesterday Senate conferees were named to the United States-India civil nuclear cooperation deal. The burden now falls on the Senate and House conferees to conclude final work on this very important piece of legislation. It would implement a nuclear power technology sharing agreement with the United States and India. This morning I talked with Prime Minister Singh of India, who underscored the importance of this legislation.

Fifth, the Senate is also close to action on the bioterrorism bill, a bill we had worked on in a bipartisan way. This legislation will make improvements and enhancements in our ability to anticipate and react to bioterrorism attacks—again a bipartisan priority. I very much hope we will be able to finish that this week as well.

Sixth, we have the Vietnam trade agreement. If the House can act on the Vietnam trade agreement, the Senate will act on that measure.

There are a whole range of other legislative initiatives that the Senate will consider as they do become available. These will include necessary programmatic extensions as well as any cleared nominations, so we have a packed agenda.

Specifically for today, this afternoon we will begin with the time until 2 p.m. set aside for Senator DEWINE. I will have a brief statement. The Democratic leader will have a brief statement after my opening remarks and announcements this morning. Shortly after 2 o'clock today we will proceed to the consideration of the Agriculture appropriations bill. Following the statements from the bill's managers, Senator CONRAD will be recognized to offer his amendment on agricultural disaster. It is expected a point of order will be raised to the Conrad amendment, and a vote on the motion to waive will occur around 5 o'clock this afternoon. That will be the first rollcall vote this week. We have a number of items to address over the course of the week, which I have outlined.

Mr. President, I do want to make a very brief statement.

JUDICIAL NOMINATIONS

Mr. FRIST. Mr. President, there is a very common question I been asked over the last several days: During your 4-year tenure as majority leader, what has been the most constitutionally challenging issue confronting the Senate?

I didn't have to think very long. I very quickly came to this whole topic of judicial filibusters, which unfortunately reflected one of the most difficult and challenging aspects of this institution over the last 4 years; that is, the partisanship that would come to the surface and the obstruction that resulted from that partisanship. It was this unprecedented use of these filibusters, judicial filibusters, in the last two Congresses that came very close to fundamentally disrupting the Senate's relationship with the executive branch and the Senate's relationship with the judicial branch. It impaired the Senate's ability to discharge a very basic constitutional obligation—to advise and consent.

In the process, Senate traditions were damaged. I believe they have been resolved. I am very hopeful that this partisanship will not resurface in future Congresses. In those 214 years between 1789 and 2003, exactly one judicial nominee was stopped by filibuster, and over that period of 214 years that single case was a lonely historical aberration. Until this Congress and the Congress right before that, the previous Congress, which was my first as leader, we had this Senate tradition literally shattered and we saw in that one Congress, and it continued into this Congress; after 214 years of one blocked nominee by filibuster, there were 10 in that very short period of time. So for decades we have had two great Senate traditions that existed side by side: For one, a general respect

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

for the filibuster itself, and the other, a consensus that judicial nominations brought to the floor would receive an up-or-down vote.

Filibusters, of course, are periodically conducted on legislative matters. Sometimes successfully and sometimes they are ended by cloture. However, filibusters on judicial nominees have not impeded this basic constitutional responsibility of our Senate's advice and consent, that important role in judicial nominations. In the exceedingly rare cases in the past where filibusters were attempted on these nominations, very quickly cloture was always invoked with bipartisan support, support from both sides, and the filibusters ceased.

But in the last Congress, the previous Congress, these judicial filibusters became an instrument of partisan politics. As I said, I hope that such partisan politics can be set aside in the future.

Due to these filibusters—again, a whole series of them in the last Congress and this Congress—the Senate traditions were set aside. They were set aside but then also they collided before they were set aside. If matters were left to their own purpose, either the power to give advice and consent would yield to the filibuster or the filibuster would ultimately have to yield to advise and consent. So in response to these tradition-shattering filibusters, we sought to create a precedent. The precedent came to be known as the constitutional option, and that would guarantee a very simple principle, one which had been respected over time by tradition here. And that is after substantial debate each judicial nominee brought to the floor would get an up-or-down vote.

Proceeding with the constitutional option was painful to many Senators, including myself, because of that respect for minority rights. But even these longstanding rights can take on new forms from time to time and become abused. That is exactly what happened in the last Congress. We could not permit the filibuster, the judicial filibuster, to take root, to become the new precedent in this Congress and therefore, to restore constitutional precedent, the constitutional option—putting it forth on the floor, bringing it to the floor—became a necessary last resort.

It was fascinating because once we stood on principle and moved toward that constitutional option, literally the night before we carried it out, a compromise was reached and important Senate traditions were restored. Senate traditions all of a sudden came back to what they had always been up until two Congresses ago, and that is the filibusters would be confined to "extraordinary circumstances." That is an exercise of self-restraint, something, again, I encourage this new Congress to adhere to in the future.

So after that, Democrats who would be voting against these nominees by continuing these filibusters did switch and did allow these nominees to, for the most part, pass.

If we had not put that constitutional option on the table, great nominees never would have been confirmed. But for the constitutional option, judicial filibusters would have become an ever more routine part of business on the floor and, but for the constructional option, deal brokers would have had no deal to broker.

Because we acted, the sword of the judicial filibuster was sheathed. Highly qualified nominees who would have been blocked now sit on courts of appeals. Sam Alito, who was, in fact, himself subject of a failed filibuster, now serves on the U.S. Supreme Court. The problem of judicial filibusters was of monumental importance. It affected the internal functioning of the Senate, that relationship between the Senate and the Presidency and the relationship between the Senate and the courts. It was the biggest challenge that I confronted as majority leader and was the issue of largest consequence for our constitutional system.

Mr. President, to reiterate, during my tenure as majority leader, the most vexatious and constitutionally challenging issue confronting the Senate was judicial filibusters. This tactic threatened to disrupt fundamentally the Senate's relationship with coordinate branches of Government and to impair the Senate's ability to discharge its constitutional obligation to advise and consent. In the process, Senate traditions were damaged.

In the 214 years between 1789 and 2003, exactly one judicial nominee was stopped by filibuster. That case occurred in 1968, when President Lyndon Johnson nominated Abe Fortas to be Chief Justice of the U.S. Supreme Court. The filibuster that erupted was broadly bipartisan, mainly on ethics grounds, but many commentators worried about the constitutional implications the filibuster presented. Chief among them was the Senate majority leader, Mike Mansfield. In Senate debate on September 25, 1968, he put this issue squarely:

> I reiterate we have a constitutional obligation to consent or not to consent to this nomination. We may evade that obligation, but we cannot deny it. As for any post, the question which must be faced is simply: Is the man qualified for the appointed position? That is the only question. It cannot be hedged, hemmed, or hawed. There is one question: Shall we consent to this Presidential appointment? A Senator or group of Senators may frustrate the Senate indefinitely in the exercise of its constitutional obligation with respect to this question. In so doing, they presume great personal privilege at the expense of the responsibilities of the Senate as a whole, and at the expense of the constitutional structure of the Federal Government.

For 35 years thereafter, Senator Mansfield's words were given heed, and the Fortas case remained a lonely historical aberration. But in the last Congress—my first as leader—the minority shattered Senate traditions and filibusters blocked 10 nominees.

It began with the nomination of Miguel Estrada to serve on the Court of Appeals for the District of Columbia. Mr. Estrada epitomized the American dream. An immigrant from Honduras, he arrived in America speaking no English, but he graduated from Harvard Law School, and argued numerous cases before the Supreme Court while serving as a Deputy Solicitor General. The American Bar Association gave him its highest recommendation and his confirmation by the Senate seemed assured.

But the confirmation vote never came. Each time we sought a consent agreement to limit debate, the minority leadership objected. In open session, they remarked that no amount of debate time would be sufficient and that they would not permit the Senate to vote.

After 13 days, I filed a cloture motion to close debate. Every Republican voted for it along with a handful of Democrats, but the minority held firm and we fell short with 55 votes. This process was repeated on the Estrada nomination six more times. But the discipline imposed by the minority leadership never weakened and we never budged a single vote.

Debate was not the issue. Obstruction was the issue. Finally, to the shame of the Senate and the harm of the American people, Mr. Estrada asked President Bush to withdraw his nomination.

Before the last Congress, the record number of cloture votes on a judicial nomination was two and no nomination with clear majority support ever died by filibuster. The Estrada case rewrote that tradition, and for the worse. On Miguel Estrada, seven cloture votes were taken, to no avail. He was a nominee who plainly could have been confirmed, but he was denied an up or down vote.

And the Estrada case was just the beginning. After Miguel Estrada, nine additional nominees were filibustered and the minority threatened filibusters on six more.

As the filibusters began to mushroom, Democratic Senator Zell Miller and I introduced a cloture reform resolution. Our proposal would have permitted an end to filibusters of nominations after reasonable and substantial debate. The Senate Rules Committee held a hearing on our resolution and reported it with an affirmative recommendation.

But the proposal languished on the Senate calendar, facing a certain filibuster from Senators opposed to cloture reform. Quite simply, those who undertook to filibuster these nominees wanted no impediments put in their way.

Consent orders had failed to resolve this issue, as had cloture and a rules change through the regular order. So we looked to the 2004 elections. And we made judicial filibusters an election issue in many States.

Notwithstanding election outcomes strengthening the margin of the majority, the minority dug in, saying that they had not filibustered too many nominees but too few. So even election outcomes failed.

When the present Congress convened last January, I was urged to move immediately for a change in Senate procedure so that these unprecedented filibusters could not be repeated. But I decided on a more measured and less confrontational course. Rather than move immediately to change procedure, I promoted dialogue at the leadership and committee level to seek a solution to this problem. Rather than act on the record of the last Congress, I hoped that the passage of a clearly won election and presence of new Democratic leadership would result in a sense of fairness being restored.

Sadly, these hopes were not fulfilled. More filibusters were promised, not only against seven nominees President Bush resubmitted but also against other nominees as then yet to be proposed. A renewal of filibusters against persons denied an up or down vote in the last Congress was a grave problem and would be reason enough for reform. Threatening filibusters against new nominees compounded the wrong and was further reason for reform. My choice was stark: accept a new tradition of judicial filibusters or act to address them.

For many decades, two great Senate traditions existed side by side. These were a general respect for the filibuster and a consensus that nominations brought to the floor would receive an up or down vote. Filibusters have been periodically conducted on legislation, sometimes successfully and sometimes ended by cloture. However, filibusters have not impeded the Senate's advice and consent role on nominations. In the exceedingly rare cases they were attempted, cloture was always invoked with bipartisan support and the filibusters ceased.

But in the last Congress, judicial filibusters became instruments of partisan politics. Organized and promoted by the minority leadership, these filibusters proved resilient to cloture.

Due to these filibusters, the two great Senate traditions that used to coexist came to collide. If matters were left in this posture, either the power to advise and consent would yield to the filibuster or the filibuster would yield to the power to advise and consent.

Until these judicial filibusters were launched, the Senate lived by the principle that filibusters would not impede the exercise of constitutional confirmation powers and that a majority of Senators could vote to confirm or reject a nominee brought to the floor. The unparalleled filibusters undermined that tradition, denying nominees the courtesy of an up or down vote. They represented an effort by a Senate minority to obstruct the duty of the full Senate to advise and consent. The current minority claimed it had no choice but to filibuster, because Republicans controlled the White House and Senate. But the minority's conclusion defied history.

For 70 of the 100 years of the last century, the same party controlled the Presidency and the Senate, but the minority party leadership exercised restraint and refused to filibuster judicial nominees. The past half-century amply illustrates this point. During the Kennedy and Johnson administrations, Democrats controlled the Senate, but the Republican minority leader Everett Dirksen did not filibuster judicial nominees. While President Carter was in office, Democrats controlled the Senate, but Republican leader Howard Baker did not filibuster judicial nominees. For President Reagan's first 6 years, Republicans controlled the Senate, but Democratic Leader ROBERT BYRD did not filibuster judicial nominees. In President Clinton's first 2 years, Democrats had the Senate but Republican leader Bob Dole did not filibuster judicial nominees. During all those years, all those Congresses, and all those Presidencies, nominees brought to the floor got an up or down vote.

Democrats argued that by curbing judicial filibusters, the Senate would turn into a rubberstamp. But for more than two centuries, those filibusters did not exist. Shall we conclude that for 200 years the Senate was a rubberstamp and only now awakened to its responsibilities? What of those minority leaders who did not filibuster? Were they also rubberstamps? Was Dirksen? Was Baker, Was BYRD? Was Dole? Could the minority be right that only through the filibuster may the Senate's advice and consent check be vindicated? This was a novel conclusion and it stained the reputation of the great Senators that preceded us.

To make their case against curbs on judicial filibusters, the minority cited the 1968 nomination of Abe Fortas to be Chief Justice of the U.S. Supreme Court, and Franklin Roosevelt's court-packing plan of 1937. But use of these examples was an overreach and drew false comparisons.

In 1968, Abe Fortas was serving on the Supreme Court as an Associate Justice. Three years earlier, he had been confirmed by the Senate by voice vote, following a unanimous affirmative recommendation from the Judiciary Committee. Then Chief Justice Earl Warren announced his retirement, effective on the appointment of his successor. President Lyndon Johnson proposed to elevate Fortas to succeed Warren.

The non-controversial nominee of 1965 became the highly controversial nominee of 1968. Justice Fortas was caught in a political perfect storm. Some Senators raised questions of ethics. Others complained about cronyism. Yet others were concerned about Warren Court decisions. And still others thought that with the election looming weeks away, a new President should fill the Warren vacancy. But this political perfect storm was thoroughly bipartisan in nature, and reflected concerns from certain Republicans as well as numerous southern and northern Democrats.

Senator Mike Mansfield brought the Fortas nomination to the Senate floor late on September 24, 1968. After only 2 full days of debate, Mansfield filed a cloture motion. Almost a third of the 26 Senators who signed the cloture motion were Republicans, including the Republican whip. The vote on cloture was 45 yeas and 43 nays, well short of the two-thirds then needed to close debate. Nearly a third of Republicans supported cloture, including the Republican whip. Nearly a third of Democrats opposed it, including the Democratic whip. Of the 43 negative votes on cloture, 24 were Republican and 19 were Democratic.

Opponents of cloture claimed that debate had been too short in order to develop the full case against the Fortas nomination. In contrast to the Miguel Estrada filibuster, no one claimed that debate would go on endlessly and that no amount of time would be sufficient. Indeed, those who opposed cloture denied there was a filibuster at all.

So, the Fortas case was not analogous to the judicial filibusters we now confront. Support for and opposition to Fortas was broadly bipartisan, a fact that stands in stark contrast to the partisan filibusters that began in the last Congress as an instrument of party policy. At most, it was opposition to one man, and was not an effort to leverage judicial appointments through the threat of a filibuster-veto. The Fortas opposition came together in one aberrational moment. Nothing like it had happened in the previous 180 years and nothing like it was repeated for the next 35 years. Absolutely, it did not represent a sustained effort by a party minority to shatter Senate confirmation traditions and exercise a filibuster-veto destructive of checks and balances. No comparison can be made between that single aberrational moment and the pattern of judicial filibusters we confronted.

The minority also contended that if Republicans moved against the judicial filibusters, we would follow in the footsteps of Franklin Roosevelt's attempt to pack the Supreme Court. But this was a comparison without basis.

Frustrated by the Supreme Court's ruling unconstitutional several New

Deal measures, President Roosevelt sought legislation to pack the court by appointing a new Justice for every sitting Justice over the age of 70. In a fireside chat, he compared the three branches of Government to a three horse team pulling a plow. Unless all three horses pulled in the same direction, the plow could not move. To synchronize all the horses, Roosevelt proposed to pack the court.

Roosevelt's effort was a direct assault on the independence of the judiciary and plainly undermined the principles of separation of powers and checks and balances. He failed in a Senate with 76 members of his own party.

No good analogy can be drawn between what Roosevelt attempted and our effort to end judicial filibusters. Unlike Roosevelt, Republicans were not trying to undermine the separation of powers. And unlike Roosevelt, Republicans were not trying to destabilize checks and balances, but to restore them.

That the judicial filibusters undermined a longstanding Senate tradition is evident. But traditions are not laudable merely because they are old. This tradition is important because it underpins a vital constitutional principle that the President shall nominate, subject to the advice and consent of the Senate. When filibusters are used to block a vote, the advice and consent of the Senate is not possible.

A cloture vote to end a filibuster is not advice and consent within the Constitution's meaning. Notwithstanding the minority's claim, nominees denied a confirmation vote due to filibuster were "rejected." Instead, what was rejected was the constitutional right of all Senators to vote up or down on the nominees.

To require a cloture threshold of 60 votes for confirmation disturbs checks and balances between the executive and the Senate and creates a strong potential for tyranny by the minority. A minority may hold hostage the nomination process, threatening to undermine judicial independence by filibustering any appointment that does not meet particular ideological or litmus tests.

The Constitution provides that a duly elected executive shall nominate, subject to advice and consent by a majority of the Senate. Implicit in that structure is that the President and the Senate shall be politically accountable to the American people, and that accountability will be a sufficient check on the decisions made by each of them. That was the system by which we Americans addressed nominations for more than two centuries, until the last Congress. But judicial filibusters would replace that system with one that gave the minority a filibuster-veto in the confirmation process.

Trying to legitimize their judicial filibusters, the minority took to the floor to extol the virtue of filibusters generally. And as to legislative filibusters, I agree with them. But judicial filibusters are not cut from the same cloth as legislative filibusters and must not receive similar treatment. So, I concur with the sentiments Senator Mansfield expressed during the Fortas debate:

> In the past, the Senate has discussed, debated and sometimes agonized, but it has always voted on the merits. No Senator or group of Senators has ever usurped that constitutional prerogative. That unbroken tradition, in my opinion, merely reflects on the part of the Senate the distinction heretofore recognized between its constitutional responsibility to confirm or reject a nominee and its role in the enactment of new and far-reaching legislative proposals.

History demonstrates that filibusters have almost exclusively been applied against the Senate's own constitutional prerogative to initiate legislation, and not against nominations. Judicial filibusters put fundamental constitutional values in jeopardy, hallowed principles of checks and balances, the separation of powers and an independent judiciary.

Having exhausted all other alternatives and unwilling to acquiesce in the judicial filibusters, we in the Republican leadership looked for a solution. We recognized that article I, section 5 of the Constitution states that "each House may determine the Rules of its proceedings". In short, that means the Constitution gives the Senate the power to govern itself. And we proposed to draw on that power to change how the Senate ends debate on judges. We called this the constitutional option, and we built support for it.

The Senate is an evolving institution. Its rules and processes are not a straitjacket. Over time, adjustments have occurred in Senate procedure to reflect changes in Senate behavior. Tactics no longer limited by self-restraint became restricted by new rules and precedents.

In response to the tradition-shattering filibusters, we sought to create a precedent. And that precedent would guarantee that after substantial debate, each judicial nominee brought to the floor got an up or down vote.

As I said, proceeding with the constitutional option was painful to many Senators, including myself, because minority rights are deeply respected. But even longstanding rights can take new forms and become abused. And that is what happened when judicial filibusters damaged Senate traditions. We could not permit the precedent of these filibusters to take root. To restore Senate traditions, the constitutional option became a necessary last resort.

As we moved toward a vote on the constitutional option, a compromise was reached, and important Senate traditions were restored. Filibusters were confined to "extraordinary circumstances"—an exercise of self-restraint. So some Democrats who had routinely supported the judicial filibusters began voting for cloture.

Of this I am confident: but for the constitutional option, great nominees never would have been confirmed. But for the constitutional option, judicial filibusters would have become ever more routine. And but for the constitutional option, deal brokers would have had no deal to broker.

Because we acted, the sword of the filibuster was sheathed. Highly qualified nominees who would have been blocked now sit on courts of appeals. And Samuel Alito, who was the subject of a failed filibuster, now serves on the U.S. Supreme Court.

The problem of judicial filibusters was of monumental importance. It affected the internal functioning of the Senate, the relationship between the Senate and the Presidency, and the relationship between the Senate and the courts. It was the biggest challenge I confronted as majority leader and the issue of largest consequence for our constitutional system.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

HONORING MARY ARNOLD

Mr. REID. Mr. President, in life we all have changes. They are so difficult to accept. In the last month or so, I have had a lot of changes in my life. One of the changes that has been so troubling for me is that we have lost a friend in the Senate. Ralph Waldo Emerson said:

> Sorrow makes us all children again. [It] destroys all differences of intellect. The wisest know nothing.

The family member we have lost is Mary Arnold. She was such a wonderful, pleasant, thoughtful, kind person. Anyone would recognize her even though they wouldn't know her by name, simply because of her description—beautiful white hair, elegantly dressed every day, a wonderful smile. She never drew attention to herself, but she was so good for the institution. She sat right back here every day we were in session.

She was the best when things weren't going so well. She was here for more than two decades. She was the best when things were real tumultuous here on the floor. If somebody wanted an easel for a chart, that was available. She directed the pages as to what they were supposed to do and not do. She always did it with such a pleasantness.

I first met Mary Arnold when her daughter worked here. She was a Republican floor person. She, like her mom, had this great, disarming smile. I was not in the city when the funeral took place and was unable to attend, but I saw in the program a picture of the deceased Mary Arnold. She looked exactly like her daughter. Exactly. She could have passed for her daughter.

She came to Washington over 40 years ago. Born in the late 1930s in Jonesboro, Arkansas, she attended Memphis State University. She worked as a flight attendant—a stewardess, as they used to be called. All the stewards and stewardesses are very attractive people, but in the old days that was a requirement. Stewardesses had to look real good; Mary Arnold looked real good. I am sure she was a great flight attendant, a stewardess.

She worked for a number of Members of Congress, including Congressman Harvey of Indiana and Representative Zion. She worked for the Sergeant at Arms, of course.

She was a wonderful person. I had conversations with her. She loved animals, especially the ugly little dogs people fall in love with, Boston terriers. She was in love with her Boston terriers. She was a wonderful person. Coming to the Senate today and not having Mary back there is a tremendous loss to me and to the Senate. I want her wonderful daughter Mary Elizabeth to know she will be missed. Her spirit is something all in the Senate should have a little bit of. My thoughts are with Mary wherever she might be and my love and respect for her family is paramount as a result of the wonderful person she was.

Mr. FRIST. Mr. President, as the Democratic leader has so eloquently described, it is hard to imagine the smiles and the charm of Mary Miller Arnold will no longer grace the Senate.

I have had the opportunity to talk to her daughter Mary Elizabeth several times since her mom's demise. The love and the respect, that bond a mother and a daughter together share, is magnificent; it sparkles so much in her voice today.

Mary was a fellow Tennessean. She will be remembered most for her uncanny ability to very efficiently enforce the Senate rules at this door, without sacrificing at any point in time her unfailing, consistent professionalism, her dedication, her polite demeanor.

The Senate simply could not function, we all know, without our staff and committed staff. We 100 Senators are, for the most part, the face of the Senate, but it is people such as Mary who are here, day after day, the cogs in the wheels behind it, who keep this Senate moving along, keep it ticking.

She was the pulse of the Senate, in many ways. To Mary's friends and to her family, let me say, our thoughts and prayers are with you during these difficult days ahead. To quote Senator BYRD from the other day, she was "one of a kind."

She had a tangible presence in the Senate. We are lesser now with the loss of her southern grace.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, I join with the majority leader and the Democratic leader in a tribute to Mary Miller Arnold who served us so well in the Senate and recently passed away. We join in expressing our condolences to Mary Arnold's family, her husband Ed, her son Edwin, Jr., and her daughter Mary Elizabeth.

Her sudden and unexpected death comes as a shock to all of us as we return to the Senate Chamber expecting to see her smiling face as we have for so many years. I am so used to seeing her sitting near the door on the bench where the Democratic staffers sit. What an impression she made every single day I saw her. Perfect posture; impeccably dressed, every hair in place, always gracious, always professional, carried herself with such dignity and grace.

Those who watch C–SPAN across America will know her instantly because she was part of the Senate process, part of the Senate family. She sat just as straight, just as polished, even before the C–SPAN cameras. She did this because of the respect she had for the Senate and for her role, which was very important. She loved the Senate and everything it stood for. She considered it a privilege to work in the U.S. Capitol, as we all do, and especially on the Senate floor.

I didn't know until the other day that Mary actually began working for a Republican Congressman from Illinois, Roger Zion. She moved to Washington in 1960 with her husband Ed, who had taken a job with a congressman from Indiana. Her daughter Mary Elizabeth worked in the Republican cloakroom for several years while she was a law student. As for Mary's own political affiliation, I don't have any idea. She was a true professional. It is to her credit that she was in service to the Democratic side of the aisle but had equal respect for both sides of the aisle. She was beyond partisanship. She really was a part of the whole Senate family. She treated everyone with such respect and professionalism, so gracious to junior staffers and pages and Senators alike.

She performed so many countless acts of kindness in the 21 years she served here. People are now speaking out about those and I am glad they shared some of them. If a coworker needed a kind word, Mary was one of the first. Once a coworker had a financial difficulty, Mary found out about it and lent that person some money, then gently refused to accept full repayment. She was such a good and generous person. Mary will be missed.

I yield the floor.

The ACTING PRESIDENT pro tempore. The minority leader.

FINAL WEEK OF THE 109TH CONGRESS

Mr. REID. Mr. President, today we begin the final week, as I understand it, for the work created for the 109th Congress. There are only a few days left to complete a mountain of work, 2 years of work, really. The mission we have before the Senate these next few days is an impossible mission. It is truly a mission impossible, but we have to try.

The American people made it clear last month they want Members to work together. The judgment was held on whether a one-party town works and the American people said no. We have to work together. We have to work together this week and certainly when we come back after the first of the year.

To accomplish what needs to be accomplished in the next few days is mission impossible. We cannot get it all done. Appropriations bills, budget, health care nominations, conference reports for all kinds of things that, as I have said, somehow never make it to the other side of the Capitol.

I told Democratic Senators gathered recently that many of them have never, ever, participated in a conference, a conference between the House and Senate. Why? Because the Republicans would not hold them. We simply did not have them. Some of the most memorable times of my career were when I participated in conferences. A bill passed the Senate, a bill passed the House, you meet together, Democrats and Republicans, House and Senate, to work out the differences.

This administration and the Republican-dominated House and Senate did not believe in that. They did not believe in 200 years of experience. They did not hold conferences. They would bring a bill back that the Republicans in the House and the Republicans in the Senate agreed upon. We had to take it or leave it, period.

That is not the way it is going to be next year. We are going to have Senators participating in things that many of them have never participated in: a real live conference, where Democrats and Republicans from the House and the Senate meet in a room and work out the differences on a bill.

This year we have so much to do. And as I said, it is mission impossible. If we had years left, if we had months left, if we had weeks left in the 109th Congress, maybe we could do something about it. But we have days remaining to finish all the items I have mentioned, and many more.

I want to comment briefly. My friend, the distinguished majority leader, talked about the nuclear option. One reason we are here in the waning moments of the 109th Congress trying to complete the work that needs to be completed is because, again, the Republicans who control the House and the Senate—but here in this instance the Senate—decided to do away with 200 years of experience in this Senate. It was decided by the Republicans—because there were 55 Republicans and 45 Democrats—that they did not want the Senate to be the Senate. They wanted the Senate to be the House.

In the House of Representatives, if you have more than the other party, you get whatever you want. That is not how the Senate has worked for more than 200 years. The Republicans in the Senate in the 109th Congress said, we want another House of Representatives. They adopted the so-called nuclear option. They were not getting enough judges, enough of their right-wing, ideological judges. They were not getting enough—but it was well over 100. I don't know how many it is now. They were not getting enough. They wanted every one of them and they were willing to throw the traditions of this Senate overboard.

One of the negative things that happened in my political career was having to oppose the nuclear option. I said at the time, I say today, the most important thing I have ever worked on in my governmental career is the nuclear option because it was so anti-Senate, so antigovernment. I said in the Senate, why are you doing this? Why are you doing this, my friends, the Republicans? It would take a miracle for us to retake the Senate. As a result of the nuclear option and the other very bad things this Republican-dominated Senate did, the miracle occurred. One reason it occurred is because of the nuclear option. The American people knew that was beyond the pale.

We want to get our work done this year. We are willing to work up until Christmas, if necessary. We want to finish what we have to finish. I have talked to the majority leader. He knows the things I think should be done, must be done. We are leaving many things undone. However, as I said before, it is mission impossible. We cannot do it all; there is simply not enough time.

We spent too much time on the nuclear option, on estate tax, on gay marriage, on flag burning. The American people said, Why don't you work on our issues? On November 7, they said, Work together on our issues. We are committed to working together on the issues of the American people.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business until the hour of 2 o'clock, with the Senator from Ohio, Senator DEWINE, permitted to speak for up to 2 hours.

ORDER OF PROCEDURE

Mr. DURBIN. I ask the Senator from Ohio if I might be given permission at this point to speak for up to 10 minutes and then yield the floor to him.

Mr. DEWINE. I yield to my colleague for 10 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

109TH CONGRESS FINAL WEEK

Mr. DURBIN. Mr. President, I agree with my colleague, the Democratic leader, Senator REID. We spend a lot of time making speeches in the Senate. Elected officials and Government officials and politicians across America speak a lot to the American people. The American people have an opportunity once every 2 years to speak to us. On November 7 the American people spoke to the Members of Congress. The message was very clear. It was a message calling for change and new direction.

Equally important, it was a message from the American people to the Members of the Senate and the House, stop the infighting, roll up your sleeves, do your work, get your work done, and do something to help America, help the families across America, who count on you to be responsive to the costs of health insurance, the cost of gasoline, the issues that confront us in America.

That was the message of November 7, a message of change. And there will be changes in Congress as a result of that election. That is why it was such a surprise for us to return to Washington at the end of this session and to hear the Republican leadership in the House and the Senate announce that, frankly, they were going to adjourn without doing their work.

The Republican leaders in the Senate and the House have decided to race for the exits. They have decided to leave without doing the most fundamental job Congress is expected to do; that is, pass the spending bills, pass the appropriations bills so our Government can continue to perform the valuable functions which are their responsibility.

To call this Congress a do-nothing Congress would slight Harry Truman's original 1948 do-nothing Congress. The congressional scholar Thomas Mann pointed out that even that do-nothing Congress of 1948 did pass the Marshall Plan, and that was certainly historic and noteworthy.

According to Thomas Mann and Norman Ornstein, this Congress worked less than 100 days this year. It is like the average person who works across America showing up for work 2 days a week. Would you expect to get a full paycheck, would you expect to get praise from your boss if you worked 2 days a week instead of 5? The 100 days was less than any other Congress in our lifetimes. For at least 25 of those days, incidentally, there were no votes scheduled before 6:30 in the evening, so they were really more like half days or quarter days. Yet during that period of time, this Congress refused to increase the minimum wage for millions of American workers, who got up this morning, and every single morning, to clean the rooms and bus the tables and wash the dishes and prepare the food for America, at a minimum wage of $5.15 an hour.

For 10 straight years, this Congress has refused to give those people, struggling at the lowest end of income in America, an increase in the minimum wage. And for 10 years, Congress has voted itself a pay raise during that period of time to the tune of $30,000, saying no to minimum wage workers and yes to Members of Congress—another illustration of how this Republican Congress lost its way and forgot the values that should bind us together as Americans.

Well, the Democrats heard the message voters sent last month. We are ready to work hard for the American people, as hard as they work for their own families. But let's be clear. It is not going to be easy to clean up the financial mess of 12 years of Republican control of Congress.

We wanted to start off the 110th Congress, the next Congress, by working on urgent challenges, such as health care and making it more affordable, helping middle-class families pay for college, and we will focus on those. But at the same time, we have to finish the unfinished work of this Republican Congress.

The last time a new majority party took charge of both Houses, in 1994, the Democrats passed every single appropriations bill by October 1, which is the deadline. That marked the last time all these bills were passed on time, by the way.

Now that the Democrats are taking over both Houses, will the Republicans finish their work before leaving town? Sadly, they will not. It is a fitting end to the do-nothing Congress. They will not only do nothing this year, they will do less when it comes to meeting their constitutional responsibility.

Refusing to work on this year's budget is just the tip of the iceberg. The increase in our national debt left behind by this Republican Congress and this administration and the deterioration of our fiscal health are a matter of public record. The President likes to say we are on track to "cut the deficit in half" by the time he leaves office.

But, as Paul Harvey says, let's go to the rest of the story. First, there was no national deficit when President Bush took office. President Clinton eliminated the deficit and we were paying down our national debt.

Second, this year's $248 billion deficit, which the White House points to as a source of pride, is still nearly as large as the largest deficit under the first President Bush, which was, until this President Bush, the largest deficit in U.S. history.

Third, and most important, that $248 billion figure for this year's deficit is not a true reflection of fiscal reality. It does not include the interest we have to pay on all of that borrowing, nor does it include all the funds that have been raided from the Social Security trust fund that will have to be paid back. When you add up all of that, we do not have a national deficit of $248 billion; our deficit is $546 billion, more than twice what the President admits.

If you want to understand how big a hole the Republicans are leaving behind after this Congress, look at our national debt. Why? Because when you sit down with your family's finances, what do you really worry about? How many new charges you put on your credit card in the last month or the total amount you owe on that credit card? It is the total amount of the debt that matters. The total amount of debt on our national credit card today is $8.5 trillion—$3 trillion more today than when President Bush took office 6 years ago. That is $30,000 in debt for every man, woman, and child in America.

Think about this fact: Under President Bush, America has borrowed more money from foreign governments to keep our ship of state afloat, borrowed more money than all of the Presidents in the history of the United States combined. And who are the creditors? China, Japan, many others—the same countries that, sadly, are showing an advantage when it comes to trading with the United States.

The Nation's fiscal situation is difficult. If we continue to follow the Republican playbook, it would only get worse. By 2011, the national debt would grow to $11.6 trillion. That is nearly $40,000 in debt for every American. It is a debt tax that is being left by this Republican Congress. We cannot sustain this level of debt. David Walker of the Government Accountability Office recently said:

> The status quo is unacceptable and unsustainable, and anybody who tells you—whether they be Republican, Democrat, or Independent—that we can solve this problem without having to reform entitlement programs, re-engineering the base of discretionary spending, and have additional tax revenues—anybody who says that we are not going to have to do all three of those is not telling you the truth. It's as simple as that.

The American people deserve honest budgeting and a restoration of the "pay as you go principle"—not more out-of-control deficits. The American people deserve better than a Congress that votes itself a pay raise and continues to vote that the minimum wage stay without any increase.

Americans want ethical standards for Congress that are tough and enforced, a plan to protect our country with the 9/11 Commission recommendations, help in paying for college for working families, lower prices for prescription drugs, Federal support for stem cell research, a real national energy plan, and much more. They deserve a Congress that works as hard as Americans work themselves.

Sadly, this Congress is going to be AWOL, absent without leave. It will leave behind a continuing resolution so we can limp along for another few weeks without addressing the serious responsibility every Congress faces. So we will not only, in a new Congress, face a new agenda, we are going to have to finish the unfinished business of this Republican Congress.

Mr. President, I yield floor.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

HONORING OUR ARMED FORCES

SERGEANT FIRST CLASS GREGORY ROGERS

Mr. DEWINE. Mr. President, I come to the Senate floor this afternoon to honor Army SFC Gregory Rogers. Gregory Rogers was from Deer Park, OH. He was killed on April 9, 2006, when a roadside bomb detonated near his humvee in Iraq. He was serving in his third tour of duty in Iraq with the 101st Airborne Division's 4th Brigade Combat Team. He was 42 years of age when he died.

Gregory Rogers grew up in Deer Park and graduated from Deer Park High School. During his 22-year career in the Army, he received dozens of service medals, including the Meritorious Service Medal and the Army Achievement Medal.

After high school, Gregory worked with his uncle in vending. Although Gregory initially tried this career path, he could not ignore his passion—to serve in the U.S. Army. So he joined the military. His brother Kevin recalls that "It's what he lived for."

A career soldier, Gregory played an integral role in the first gulf war in 1991 and had also spent time serving in Afghanistan and in South America. He was in the initial invasion force in Iraq and spent a few years as a drill instructor and as an airborne Ranger, jumping out of combat helicopters.

He was highly regarded by all who knew him. Army BG John Bartley said, "We tried so hard to bring Gregory home unharmed. He will always be in our hearts and prayers. He will always be an American hero." Many of Gregory's comrades wrote letters about him, calling him "a true soldier in every sense of the word."

Gregory's father, Luther Rogers, said this about his son's commitment to service:

> Being a soldier was what he always wanted to do, and he always did his job.

Gregory's brother Kevin echoed this sentiment, saying:

> [Gregory] liked traveling the world; he was dedicated to his country.

Gregory came from a large family and was extremely close to his father and his mother Donna, as well as his two brothers, Jeff and Kevin, and his sister Tammy. His brothers communicated with Gregory almost daily through e-mails and instant messages. His older brother Jeff wants Gregory to know that "We're very proud of him, we miss him, and we love him."

Although he intended to retire in 2003, Gregory received orders to stay in the service and ended up serving two additional tours of duty. His brother Jeff remembers that "[Gregory] believed in what he did—[and that was] making a difference."

Once he completed his last tour in December 2006, Gregory was finally going to retire. He would be able to spend more time with the love of his life, his wife Sandy, and their two daughters, Whitney and Chelsea. Tragically, however, in 2005, Sandy died. Although she had suffered from type I diabetes since childhood, Sandy had just received a new insulin pump and her sugar levels were coming under control. Connie Root, a caretaker for Sandy during her illness, said her passing came as a shock. "Greg loved his wife very much," recalls Connie, "and he took care of her and was always very supportive."

Even in the face of his beloved wife's death, Gregory wanted to give hope to another family. Before his wife Sandy died, she and Gregory had agreed to donate her insulin pump to a child who needed it. Gregory wrote that if Sandy would have had the pump when she was a child, she would still have been alive today. Beth Smith, a senior diabetes management consultant for MedTronic, which manufactured insulin pumps, said that in the many years of working with diabetic patients, she has never known anyone to donate a pump specifically to a child.

Before Gregory Rogers could choose a recipient for his wife's insulin pump, and just 2 months after her death, he was deployed to Iraq. While there, Gregory received information about Jessica Burkhart, a young girl in need of Sandy's insulin pump, and he decided to donate it to her. He chose Jessica as the recipient of his wife's pump. Just 13 years old, Jessica Burkhart had been diagnosed with type I diabetes and needed the pump to regulate her blood sugar levels. Her family could not afford a new pump, which costs around $6,000. When Jessica heard the news that she would receive Sandy's insulin pump, she could not wait to thank the man who was giving her new hope in life. Jessica and Gregory then became pen pals. In her first e-mail, an elated Jessica wrote:

> Thank you so much for choosing me over so many people. Thank you so much again.

Rogers responded a week later, writing:

> I know you must hate shots. I know I hated my wife struggling with her sugar and

> having to take sometimes up to 14 shots a day, so I know what a pain it must be.

It turned out that Jessica and Gregory shared something other than the struggle against diabetes. They both loved softball. Gregory told Jessica he loved the game and looked forward to coming home so he could play again. In every e-mail, Jessica thanked Gregory for the pump. She updated him on how it was already changing her life for the better. He always signed his letters to her "Your friend Greg." Gregory's father Luther learned about the donation after his son died. He said:

> I'm really proud of my son for doing that.

Mr. President, Jessica Burkhart is just one of many who will miss Gregory Rogers. No sacrifice was too great for the man who dedicated his life to protecting his country, his family, and the life of an unknown child in one of his darkest hours.

He was a good son, husband, brother, and father. Though he will be missed tremendously, he will never be forgotten.

My wife Fran and I continue to keep Gregory's family in our thoughts and in our prayers.

(Mr. COCHRAN assumed the Chair.)

STAFF SERGEANT GORDON G. SOLOMON

Mr. President, I rise today to honor a fellow Ohioan and a brave Marine who gave his life in service to our Nation. On August 24, 2006, Marine SSG Gordon G. Solomon was killed by an improvised explosive device while conducting combat operations against enemy forces in the Al Anbar Province of Iraq. He was 35 years old.

Growing up in Fairborn, OH, Gordon was eager to begin serving his country in the military. He graduated from Fairborn High School in 1990 and joined the Marines in June of that same year. For Gordon, there was simply no time to waste.

In April 2006, before leaving for Iraq, Gordon joined the 3rd Battalion, 2nd Marine Regiment, 2nd Marine Division, 2nd Marine Expeditionary Force, based out of Camp Lejeune, NC. Once in Iraq, he was selected to work with the Iraqi Army as a part of the Military Transition Team.

As an infantry unit leader in charge of a platoon, Gordon left a great legacy. His heroism and leadership were evident to all, and his service earned him many awards and medals. His decorations are too numerous to list here, but they include a Purple Heart with a gold star, the Navy and Marine Corps Achievement Medal, a Combat Action Ribbon, an Iraqi Campaign Medal, and a Global War on Terrorism Service Medal.

Those who knew and loved Gordon will always remember him for his dedication to his friends. Back in 1920, MG John A. Lejeune stressed the importance of camaraderie in the Marines Corps. He wrote that "the spirit of comradeship and brotherhood in arms, which has traditionally existed throughout the ranks of the Marines Corps, is a vital characteristic of the Corps. It must be fostered and kept alive. . . ."

Over 85 years later, those words still hold true today. Looking at the lives of Marines, like Gordon, we can truly say that they have never lost the spirit of comradeship and brotherhood. It is certainly alive today.

On September 8, 2006, Gordon's life was honored—along with six of his Marine brothers—at a memorial service held at a chapel in Iraq. More than 200 Marines and sailors attended the service, where the seven rifles were placed in front of the chapel, each inverted with the helmets resting on top. Identification tags for each Marine hung from the rifles.

Gordon's friend and fellow Marine, SSG Frank Lipcsak from Lima Company, spoke about Gordon during the service. He remembered how Gordon became known for always being a team player. That's simply the type of person Gordon was—always willing to work with others, always willing to do his best for the greater good. "He and I became pretty good friends in the short time that he was with us," the Staff Sergeant recalled. "When you talked to Gordon Solomon you were dealing with a man, a Marine, and a staff non-commissioned officer—in that order."

He also said that even after Gordon left Lima Company, he still made time to come back and visit with his old company. This is what he said:

> [Gordon] would come back to our company area from time to time to hang out with us and see how things were going with our Marines. I have faith that Gordon is in a better place. He was our brother, and we miss him dearly. Our prayers are with his wife, son, and the rest of his family.

At the memorial service, LT Todd S. Desgrosseilliers, the battalion's commanding officer, spoke of the bravery and courage that Gordon and his fellow fallen Marines exhibited.

> Look no further for heroes. We know seven of them. . . . We memorialize them because, in the end, they were true to their word. They swore an oath that they would follow orders and defend our Nation against all enemies foreign and domestic. They gave a part of themselves to be a part of something larger than themselves. We honor their sacrifice and their courage in the face of danger. They will forever be with us.

Unquestionably, Gordon Solomon was a man who believed in the greater good. He served America selflessly—more concerned for the safety and well-being of others than for his own. He defined bravery and courage.

When I think of the sacrifice made by SSG Gordon Solomon, I think of words once spoken by one of our country's greatest leaders, President Dwight D. Eisenhower, when he said:

> Neither a wise man nor a brave man lies down on the tracks of history to wait for the train of the future to run over him.

Indeed, Gordon Solomon never lied down on those tracks. Instead, he was moving into the future, making history as he went. He was wise, and he was brave. With his life and actions, he changed the world so that we all live in a better and safer place. He did not sit idle. He did not rest. Rather, he willingly chose to serve our Nation the best way he knew how—as a United States Marine.

We are eternally grateful for the incredible service that Gordon provided during his time with the Marines. It is clear that he had a great impact on the men and women with whom he served. A dedicated Marine, who loved his family and his friends, Gordon will be deeply missed. His death is a loss to us all.

As 1LT Barry Edwards noted, "[When] losing a Marine, especially a well-decorated one like this, the loss will be felt by the unit and Marine Corp-wide."

My wife, Fran, and I will continue to keep Gordon and his family in our thoughts and prayers.

SERGEANT ADAM KNOX

Mr. President, I rise today to pay tribute to Army Sergeant Adam Knox, who was killed on September 17, 2006, when his patrol encountered small-arms fire during combat operations in Baghdad, Iraq. Sergeant Knox was assigned to the 346th Psychological Operations Company, based in Columbus, OH. He was 21 years old.

Adam was born on January 26, 1985. As a life-long resident of the Columbus area, he developed strong relationships with his family and friends. Friends describe Adam as a "man's man," who loved rebuilding and taking care of cars, especially his prized possession—a Z28 Camaro that he would "scrub inside and out every weekend." Friends say that Adam's inclination to precision and order made him well-suited for the Army.

Adam graduated from Westland High School in Galloway, OH, and shared with his friends and family his love for the Ohio State University Buckeyes football team. In fact, Adam was probably one of the Buckeye's biggest fans—he would cheer so loudly during football games that his friends said "people two counties over could hear him." Adam even missed his homecoming dance at Westland High School to watch an Ohio State football game. While living in Columbus, Adam was also a dedicated worker at a Meijer store, Skyline Chili and, just before he mobilized with his unit, at a business-products wholesaler operation.

Adam loved his family and was very proud that his father, Jay Knox, had served in the Army. In fact, it was his father's service and influence that played a major part in Adam's own decision to join the Army Reserves in 2003, just after he graduated from high school. Although Adam's father Jay was sick with an inoperable spinal tumor when his son enlisted, he lived long enough to see Adam complete most of his training. After the loss of his father. Adam sought to continue his father's legacy of fighting for our country.

In March 2006, Adam deployed with the 346th Psychological Operations Company to Iraq. Part of the company's job is to help the United States develop relationships with the Iraqi people. Adam handed out candy and soccer balls to Iraqi children, and he ate dinner with Iraqi officials. Adam loved his mission and truly believed in what the military was doing in Iraq.

Indeed, Adam touched countless lives through his service to America and his support of the Iraqi people. Adam would often tell friends that people should focus on the good that individual soldiers were doing in Iraq. It was this optimism and strength that made Adam so special.

Even while serving in Iraq, Adam was still a die-hard fan of Ohio State football. During the Ohio State versus Texas game, he eagerly stayed up until 2 a.m., so he could watch. Adam also scheduled his leave around the Ohio State versus Michigan game, so he could be in Columbus at the time. Adam's goal was to attend The Ohio State University after his military service. I am certain that Adam would have reached this goal, and that his family and friends would have been very proud.

The same qualities that made Adam an outstanding human being made him an exceptional soldier. He was a dedicated and courageous soldier, who was greatly respected by his comrades. When his patrol team found a weapons cache, he was the first person to go through the entrance to the building. Adam's fellow soldiers looked to him for his bravery and support.

Because of his hard work and commitment in the field, Adam was quickly promoted to Sergeant on September 15, 2006, after only three years in the Army. He had told his mother that he had only about another week left of dangerous missions in Baghdad, and then he would be sent back to his unit to train other soldiers.

For his bravery and service to our Nation, Adam received multiple awards, including the Bronze Star, Purple Heart, National Defense Service Medal, Iraqi Campaign Medal, and the Armed Forces Reserve Medal.

MG Herbert Shuler, who commands the Army's Psychological Operations and Civil Affairs and who served with Adam, said this about him: "Every generation has its heroes. Adam Knox is a hero for this generation."

One of Adam's friends and fellow Marines, SGT Travis Watson, spoke at a memorial service in Adam's honor in Iraq. And on an Internet tribute website, Travis left the following message for Adam's family:

> I send my sympathies for your loss of Adam. He was a dear friend of all of us at the 346th, and he will be terribly missed. I feel extremely fortunate to have spent the time I did with him and to have deployed with him. He was a very good soldier, and an even better friend.

Adam was an outstanding person—someone who was loved dearly by his family and friends, his fellow servicemembers, the children of Iraq, and simply anyone else who came in contact with him. Adam truly is a symbol of bravery, sacrifice, and honor. We owe it to him to celebrate his life—a life devoted to helping others and keeping us safe. It is in these good deeds that his memory lives on.

Adam Knox was a caring, brave, and selfless man. He will be remembered as a devoted son, a kind brother, and a beloved friend. The world is a better place because of him.

My wife Fran and I continue to keep Adam's mother Deborah and his brothers Tom and Tony in our thoughts and prayers.

CORPORAL ROBERT WEBER

Mr. President, I rise today to pay tribute to a young Ohioan who lost his life while serving our Nation on his second tour of duty in Iraq—Army Corporal Robert Weber, from Western Hills. Corporal Weber was killed on September 30, 2006, when his military vehicle overturned. He was 22 years old.

Mr. President, as a soldier, Corporal Weber took great pride in reconstructing Iraq. He told his family that he and his fellow soldiers were building schools, roads, and churches. He was a brave young man who was deeply committed to serving and aiding our Nation. For his dedicated service in the Army and his unwavering courage, he earned the distinguished Bronze Star Medal.

Robert, who was called "Bobby" by those closest to him, grew up in Delhi Township outside Cincinnati, as the only child of Cathy and Martin Weber. Robin McIntosh, a family friend, describes Bobby as, "a sweet, caring young man, who died doing something he believed in. He knew the risks, but felt he was doing the right thing."

Bobby was dedicated both to his family and to his country. His aunt, Debbie Niehoff, recalls that Bobby loved children and enjoyed spending time with his younger relatives, wrestling and playing. They all looked up to him.

Bobby's love and dedication to children compelled him to dream about one day becoming a history teacher. To pursue his goal, he enlisted in the Army several months after graduating from Dater High School in 2003. Mary Ann Ellis, an English teacher at Dater High School who taught Bobby for 2 years, said she enjoyed his quiet nature and thorough work ethic. "He was very giving, loving, and funny," she described.

Fresh out of basic and advanced training in May 2004, Bobby was assigned to the artillery battalion of the 3rd brigade, based in Fort Lewis, WA. Major Robert Bennett was the artillery battalion's operations officer at the time. He said this about Bobby:

> Weber was one of those kids who never met a stranger in his life. He was outgoing, very friendly. He was just a good kid. He always wanted to be helpful.

Jason Thompson, who served with Bobby, described their time together in a message on an Internet tribute website:

> [Bobby] was a very good man. I served with Weber in his first tour to Iraq. He spent a lot of time on my truck as a gunner. He had a wonderful sense of humor and always kept a smile on my face. He will be missed.

Mr. President, between his first and second assignments in Iraq, Bobby stopped by his old high school. By the stories he shared there, you could tell that he really felt like he was doing the right thing. His former teacher, Mary Ann Ellis, explained that "he was very excited about serving his country . . . and proud of the work he was doing." Principal Beverly Eby remembers that during his visit, Bobby explained to staff that the tour conditions were very hot, but that "he had found his place."

While e-mailing his family back home, Bobby described his work in his second tour in Iraq as tougher and more dangerous. He worked as a gunner and was put in many difficult situations. But his positive attitude kept him—and his fellow soldiers—going. Major Robert Bennett recalls one of his upbeat moments:

> Even if we were in the field, [or] if it was raining like crazy, up to our knees in muck and mud, he'd say "Sir, it rained about five percent less in my tent last night, so I'd say things are looking up!"

Bobby was light-hearted and good-natured. He enjoyed teasing Major Bennett about baseball. Bobby was a fervent fan of the Cincinnati Reds and never missed a chance to rib his senior officer about baseball. Major Bennett remembers, "He used to give me unending grief about my beloved Chicago Cubs."

Besides his passion for the Cincinnati Reds, Bobby also loved the mountains and talked about living there after this tour of duty was up. His aunt Debbie remembers when Bobby first spoke of joining the military. "I wasn't thrilled about his decision," she said. "But, he was very adamant about serving his country." She remembers how proud Bobby was of the rebuilding work he was doing with the Army.

Of course Debbie, as well as Bobby's other family and friends, will remember much more than just his bravery and service in Iraq. They will remember his good character and willingness to help anyone in need. Debbie remembers a snowstorm that hit during the

2004 Christmas season. Bobby came over to her house and shoveled her driveway. Afterwards, he went over to his aunt's neighbor, who was home with her two children, and did the same for her. But he didn't stop there. "He worked all day helping neighbors," Debbie recalls.

Bobby and his bright blue eyes are dearly missed. His bravery is matched only by the size of his big heart. He was a good person, who was full of life and had a passion to serve.

I think the marquee outside his high school on the day of his funeral said it best: "Out of our lives. But not out of our hearts."

Indeed, Mr. President, Bobby Weber will remain always in our hearts.

My wife Fran and I continue to keep his family and friends in our thoughts and prayers.

MASTER SERGEANT BRAD CLEMMONS

Mr. President, I rise today to honor the life of MSgt Brad Clemmons, from Chillicothe, OH. On August 21, 2006, Master Sergeant Clemmons died when his convoy in Iraq was hit by an improvised explosive device. At the time, he had been serving in Iraq for only two weeks. He was 37 years old.

Master Sergeant Clemmons was the husband of Rebecca and the devoted father of Isabelle, Nicholas, and Zachary. He was also the son of David Clemmons and Pamela Clemmons, and the brother of Amy, Shelley, and Michael Clemmons. He is also survived by his grandparents—Cecil and Anne Clemmons, and Richard and Marjorie Graves.

Two days before his death, Brad's wife Rebecca told him that he was going to be a dad for the fourth time. She remembers that Brad, a doting father, was delighted by the news. It is, indeed, tragic that Brad did not live to see his new baby. However, the child is expected to be born in April, and Rebecca says it will be named Brad if it's a boy.

Even as a child, Brad felt drawn to the military. His childhood friend Marcus Bost remembers the days when he and Brad would play war games together; that is, if they weren't already busy chasing snakes or catching crawdads in Stoney Creek. Brad's mother recalls that her son would even pretend to make bombs out of tubes of Old Spice deodorant.

Explosives interested Brad. And it was this interest that led him to a successful career in the military, where he an explosive ordnance disposal craftsman—someone who helped diffuse bombs.

Brad entered the Air Force in 1987, after graduating from Southeastern High School. He had signed up to join even before his 18th birthday. According to his father, Brad had always known that the military was going to be his career.

Brad was deployed to Iraq as a weapons intelligence flight team leader for the 354th Civil Engineer Squadron, based in Alaska. His work in Iraq was both critical and dangerous. According to LTC Frank Freeman, Brad's job was to lead his team in collecting crucial evidence and post-blast analysis of improvised explosive devices—IEDs—the number one killer in Iraq. Brad would then take what he learned and teach his fellow servicemen how to remain safe from IEDs.

Lieutenant Colonel Freeman particularly remembers Brad's leadership capability. During a memorial ceremony for Brad in Iraq, he said the following:

> One of his best qualities was [Brad's] leadership. His team couldn't wait to get back out after the incident, because they know that is what Sergeant Clemmons would want them to do. In times of war, we see human nature at its extremes. We see it at both its absolute worst and absolute best. Today, we honor one of the best. Brad was a true hero; a hero who put service before self and died in the line of duty.

Lieutenant Colonel Stan Giles, a chaplain, also remembered Brad's extraordinary bravery, saying this:

> Nearly 20 years ago, Brad entered perhaps the most dangerous of all career fields. He became an instructor in the most dangerous of all professions and then volunteered to work in the most dangerous of all neighborhoods here in Iraq.

Brad spent nearly 20 years of his life serving our Nation in the Air Force. When he died, he was on a mission to analyze two reported IEDs—simply, he was working to keep his fellow servicemembers safe. For his bravery and dedication, Brad received both the Purple Heart and the Bronze Star.

Clearly, Brad was an exceptional Airman, but he was also an exceptional human being. Pastor F. Douglas Hudson is a reserve military chaplain in Rammstein, Germany, where Brad had once been stationed. Hudson came to know both Brad and his wife Rebecca well, and baptized their daughter, Isabelle. Hudson recalls that he was always impressed by Brad's wit, knowledge, and devotion to his family. This is what he said about Brad:

> He was always talking about training the soldiers and getting them prepared for the worst-case scenario. If there's one thing I can say about Brad, I'm not sure if he was afraid of anything.

Brad was a wonderful man, completely dedicated to his family and those he loved. His parents recall that he was an honors student who consistently held himself to the very highest standards. Pam remembers, "He was one of the most honest people that I've ever met in my life."

It was while serving in Germany that Brad met Rebecca—the love of his life. She remembers that she was first drawn to Brad because of his way with children. "He was Uncle Brad to everybody," she recalls. As a couple, Brad and Rebecca were always happiest simply spending time with family and friends, doing things like going to church or playing board games.

Before Brad left for Iraq, Rebecca put her feelings into a poem she gave to him. This is what she wrote:

> As you leave tomorrow, promise we won't be far apart.
>
> As you leave tomorrow, promise the love will never part.

Brad kept this poem close to him until the day he died. According to Rebecca, "He didn't like you to know he was a sentimentalist. He carried it around in his wallet."

Brad will always be a hero to his family, not just because he served in Iraq, but simply because of his love and compassion. In Rebecca's words, Brad "was a great person. He was a great father, a great husband—a dedicated father, dedicated to serving his country."

Brad's mother remembers his last words to her—"That he loved me," she said. She continued. "And that's one thing that I always knew—that his family and his country were uppermost in his life and God is number one. And my son is with God tonight."

Mr. President, I was fortunate enough to attend the calling hours in Brad's memory. I am honored that I had the opportunity to meet his wife Rebecca, his mother Pam and his father David. As I learned talking to them, Brad Clemmons was, indeed, an exceptional human being, who was loved by his wife, his children, his parents, his family, his friends, his fellow Air Force airmen, and anyone else who met him. His Aunt Jackie Arbaugh remembers that he simply had a magnetic personality. As she put it, "He was a fine young man. He was just loved by everyone who knew him."

Brad Clemmons was a good person—someone who will always be remembered both for his laughter and his intelligence. Because he lived, our world is a better place. My wife Fran and I will continue to keep his family in our thoughts and prayers.

SERGEANT JUSTIN TYLER WALSH

Mr. President, this afternoon I come to the Senate floor to pay tribute to a selfless marine from Cuyahoga Falls, OH—SGT Justin Tyler Walsh. Justin died on October 11, 2006, after he had been critically wounded by an improvised explosive device 1 week earlier in Al Anbar Province in Iraq. Justin was 24 years of age at the time of his death.

Justin enlisted in the Marines shortly after graduating Cuyahoga Falls High School in 2001. Greg Roth, his advanced placement U.S. History teacher, said that Justin had talked about going into the Marines from the time he was a freshman. He had a great sense of humor but a serious side as well. Roth said:

> Justin [just] seemed to know what was important and what wasn't. You're talking about a fantastic young man.

At Cuyahoga Falls High, Justin played football. He also wrestled. Don Ross was Justin's football coach there and remembers that Justin was extremely hard working. He recalls this about him:

> Justin wasn't your biggest lineman, but he made up for his lack of size with hustle. He always had a tremendous attitude and always had a smile on his face. He was a great kid. As a football coach, you don't always remember all your players. But, he was one of those players who you always remember.

Justin was also involved in the school's student council and was a member of the Latin Club, National Honor Society, and Fellowship of Christian Athletes.

Humanities teacher Joel Morgan remembers that Justin was a focused young man who led by example.

> I remember his leadership skills in the classroom. He did it in a way that the other students didn't know he was doing it. If you needed him to bail you out of a quiet, nonparticipating event, you could count on Justin to get the conversation going.

Upon entering the Marines in 2001, Justin trained to become a nuclear, biological, and chemical defense specialist. He was deployed to Kuwait as part of Operation Iraqi Freedom on January 9, 2003. He served for 6 months in his first deployment and returned to Iraq less than 1 year later for his second deployment. It was during this deployment that he was promoted to the rank of sergeant.

Still, Justin pushed himself further. He requested a lateral move within the Marine Corps to the Explosive Ordinance Disposal field where he would be working on bomb disposal.

Justin quickly learned the new skills needed for this job and graduated from EOD school in November of 2005. Eager to continue his service and to utilize his new training, he left for his third Iraq deployment in August 2006. During this time, he conducted numerous EOD combat missions where he rendered safe roadside bombs. Ultimately, though, this was the work that would take Justin's life.

On October 5, 2006, Justin was disassembling a roadside bomb, working to ensure the safety of his fellow marines, as well as other military and civilian personnel. A second roadside bomb in the area detonated, critically wounding Justin. He received medical care both in Iraq and Germany before being transferred to the National Naval Medical Center in Maryland.

Justin died from his wounds on October 11, 2006, with his family and close friends by his side. His father James said his son was proud to be a marine, and he was glad Justin passed away in the country that he died fighting for.

After his death, Justin was honored by his alma mater during their homecoming football game. His jersey number, No. 56, was painted in the end zones and his picture appeared on a giant poster with a banner reading "Fallen Hero."

Those who knew Justin weren't surprised that his leadership skills and selfless nature transferred over to his career as a member of the U.S. Marine Corps. One friend recalled this about him:

> Justin had every opportunity to do other things in his life, and he chose to do this. There aren't many kids who want to be a bomb specialist, especially for the Marines.

His brother James said that Justin chose a dangerous position in the EOD unit because "he felt he could save some marines' lives by doing that." James recalled that:

> Justin took his job very seriously. But as far as life went, he enjoyed life. He lived in the moment.

He was also selfless. Justin was constantly concerned about the well-being of others, more so than his own. Kara Desmarais, whose husband was stationed with Justin in North Carolina, shared this memory of Justin:

> At our cookouts, he was helping me in the kitchen—mostly telling stories or the latest gossip to make me laugh—on the grill helping my husband, or playing with the kids to help out. We are going to miss his funny stories, his laugh, his smile, and, most of all, his friendship.

SGT Jeremy McAbee wrote the following on a tribute Web site to Justin:

> Thanks for leading the way and bringing out my true colors. You were always a hero to me, even when I pinned sergeant on you.

Justin is truly a hero. With his selfless courage, leadership, and service, he was the model of what every parent dreams their child will become. Today we remember the sacrifices of this fine marine and resolve that his life will not be forgotten but rather emulated by all who are left behind to cherish his memory.

My wife Fran and I continue to keep Justin's father James, his mom and his stepfather, Terry Walsh-Silvey and Thomas Silvey, brother James, and sister Heather in our thoughts and our prayers.

CAPTAIN MATTHEW C. MATTINGLY

Mr. President, this afternoon I wish to speak in the Senate to honor the life of Army CPT Matthew C. Mattingly from Reynoldsburg, OH. Captain Mattingly, a decorated officer, commanded Troop A of the 1st Squadron, 17th Calvary Regiment of the 82nd Airborne Division based out of Fort Bragg, NC. On September 13, 2006, he was killed when direct gunfire struck a reconnaissance helicopter he was copiloting near Mosul, Iraq. He was 30 years old.

Growing up in Reynoldsburg, Matt, as his family and friends called him, loved sports, particularly softball and football. And according to his father Dennis, he had a passion for flying ever since he was a small boy. As a student at Reynoldsburg High School, Matt proudly wore No. 63 as a member of the football team. Dan Hoffman, the former principal of Reynoldsburg High, recalls this about Matt:

> He was a top-flight kid, the kind of kid you would want defending your country—a solid kid from a solid family.

After graduating from high school, Matt attended Xavier University, where he seized the opportunity to serve his country by joining the Reserve Officers' Training Corps, ROTC. One of Matt's classmates wrote the following in a message posted to an Internet tribute Web site in Matt's honor:

> Matt always had a smile on his face and was always having a good time. He loved life, and he loved the Army. I have no doubt that Matt was as superior an officer as he was a superior cadet. I will miss him very much.

Matt graduated from Xavier University in 1998, after which he was commissioned as a second lieutenant and went into the Army. In 1999, he successfully completed aviation officer basic training.

Matt was a committed and dedicated soldier. In 2002, he served in Bosnia with the 25th Infantry Division as part of the NATO stabilization force. In 2003, he deployed to Iraq and served with distinction in the 4th Infantry Division. During his first deployment, his actions earned him the Bronze Star and an Air Medal with Valor honor for his bravery and for his heroism. In 2004, Matt was assigned to the 82nd Combat Aviation Brigade and returned to Iraq.

According to his father, Matt was planning on making the Army his career. Family friend, Beverly Denney, said that Matt saved the lives of several soldiers on the ground during the battle with his helicopter—the battle in which Matt tragically lost his life. In Beverly's words, Matt "was a very kind, considerate, respectable young man. He was truly always thinking about others."

COL Kelly Thomas is the commander of the 82nd Combat Aviation Brigade. This is what Colonel Thomas had to say about Matt:

> This is a huge loss. I've known Matt since he was a lieutenant in Sarajevo. He was a professional warrior, a combat veteran, a caring troop commander. He was a dynamic officer. He served his squadron and nation doing what he did best, leading and caring for his troopers.

For his brave actions in Iraq, Matt was awarded the Purple Heart.

Matt had another love besides the military, a love that was strong, and that was for Alicia Burke. This past July, before being deployed to Iraq for a second time, Matt became engaged to Alicia, a captain in the Air Force. She was truly the love of his life.

Matt's family and friends fondly remember his wonderful sense of humor. At the funeral, his sister Michelle read a letter from a first sergeant who had served with him. In the letter, the first sergeant remembered how he would puzzle all day over something Matt had said that morning that seemed particularly smart, only to have Matt tell him that evening that he just made it up.

Those who knew Matt will always remember how he liked to sing karaoke and that he was a fan of the Ohio State University Buckeyes. His sister

Michelle will remember him as the best brother she ever could have had—a childhood rival and then a friend and then a role model.

Army Captain Mattingly truly was an extraordinary American. He was a man who loved God, family, and country. Selfless and humble, Matt put the needs and concerns of others above his own.

Sergeant First Class Martinez served with Matt in both Texas and Hawaii. He remembers Matt's caring nature and will always treasure a special hat he gave him. The sergeant said this about his friend:

> I'd served with Captain Matthew Mattingly while at Fort Hood, Texas, and in Hawaii, while he was my platoon leader, my mentor, and most of all, my friend. . . .We did learn a lot from each other and even though I'm dealing with this great loss, I'm also celebrating his life and treasuring all the great moments we'd shared. . . .I do promise that you will never be forgotten.

Motivated by a sense of honor and duty, Matt always tried to do what was right and not what was always necessarily easy. We are eternally thankful for Matthew's enduring convictions, his character, and for his service.

I conclude with the words of Matt's sister, Michelle, who wrote the following in tribute to him:

> It is overwhelming to know how much Matt was loved by the Army and to know the love from Ohio was the same. I wanted to thank his troop and Officer Quinn for bringing my brother home. My brother loved flying and his family even when we weren't there. The only thing that saddens me is that Matt never got to have a family. He would be a great dad. But knowing that the 1-17 Cavalry was his family gives me great peace. Thank you so much.

My wife Fran and I continue to keep Matthew's family—his father and stepmother, Dennis and Barbara Mattingly, his mother and stepfather, Randi Mattingly and Ron Fridley, his sisters Michelle, Kethryn Mattingly, and his fiancee, CPT Alicia Burke—in our thoughts and in our prayers.

CORPORAL TIMOTHY DAVID ROOS

Mr. President, this afternoon I would like to pay tribute to Marine Cpl Timothy David Roos from Delhi Township, OH. On July 27, 2006, Corporal Roos was killed when an improvised explosive device detonated while he was conducting combat operations in the Al Anbar Province in Iraq. He was 21 years old at the time and just a month away from returning home to Ohio.

Timothy was a vehicle commander for the 2nd Platoon of the 3rd Battalion, 8th Marine Regiment. He joined the Marines with his cousin Jeffrey. He had wanted to be in the Marines ever since he was a very small boy. Timothy's father Rick had also served as a marine and had spent time in Vietnam. His dad remembers how Timothy and his brother Adam would always play in the woods as boys. As Rick recalls:

> Timothy always had my old uniforms on, and that's what he wanted to be: A marine.

Timothy's family remembers him as a brave young man who was so proud to be a marine. "He loved doing his job and loved the Marine Corps," his father said.

His brother Adam recalls this about Timothy's career as a marine:

> Tim was a great marine. He loved his job. He loved doing it. There really wasn't much that Tim wasn't proud of about his service.

Since joining the Marines in 2003, Timothy had faced major attacks several times. He was deployed to Haiti in the year 2004 and came under fire twice in Iraq in 2005. Just this past May, Timothy's humvee ran over an IED that exploded. All of the marines in the vehicle escaped uninjured.

After the humvee incident, Timothy told a Marine Corps news publication that working as a marine could be frightening. This is what he said:

> The explosion shattered all of the glass in the vehicle, popped all 4 doors open, and sent shrapnel ripping through the engine. It's scary, and if you are not scared, there is something wrong with you. But it is our job, so you've got to do it.

Those were very brave words from a young man who was only 21 years old.

Timothy graduated from Oak Hills High School in Bridgetown in 2003. A dedicated swimmer, he still holds some of the local records. Before graduating, Timothy also attended Diamond Oaks Vocational School in Dent, OH, where he studied automotive technology and was active in their Reserve Officer Training Corps Program.

Along with the rest of his family, Timothy was an avid fan of the Green Bay Packers football team. The day before he was killed, he spoke with his father, and they made plans to see a Packers game and to go camping.

Timothy was scheduled to return to Ohio on brief leave so he could see his wife of 3 years, Sara, and their newborn daughter Annaliese, who was born just 2 weeks before he died. Tragically, Timothy never had the chance to—never had the chance to hold his baby girl.

His brother Adam recalls that Timothy was ready to be a dad. He was excited and a bit nervous. Timothy's brother-in-law Brian Pearson remembers how important family was to him. "He was very much looking forward to coming home and seeing his daughter," he says.

Days after Timothy's death, "It's a girl!" signs were still posted around the house. As his wife Sara recalls:

> He was all about having a baby from day one. He was just so excited, so excited to be a father.

Sara was indeed the love of Timothy's life. They had been sweethearts ever since their time together at Delhi Junior High School when they sat next to each other in their eighth grade math class. Sara fondly remembers their school days together and the time when Timothy transformed from a quiet boy into a tall man. As she recalls:

> My jaw hit the floor when I realized who he was. He was skinny and as handsome as could be.

Timothy and Sara were made for each other. They so enjoyed their time growing up together. Sara often laughs about their punk phase when the two of them sported dyed hair and pierced ears. Outside of the classroom, they often attended concerts together. Sara once commented:

> I don't think a lot of people really believe you find your soulmate when you're 17, but we did. I doubt many people ever have what we had.

Timothy and Sara were married just a month before he left for boot camp in North Carolina. While home on leave in March 2006, Timothy visited his old high school. His former teachers there remember him so well. As the school's public relations coordinator Rebecca Beckstedt said:

> He felt very connected to the students and staff at Great Oaks. There's nothing harder for a school to lose than a student. It's heartbreaking.

Those who knew Timothy will always remember him for the way he made everyone laugh. At school he had a reputation of being a great kid with a great sense of humor. As his brother Adam said at Timothy's funeral:

> He was hilarious. He was always doing something goofy.

Timothy's dedication and sacrifice continue to be an inspiration to those who knew him. Even though he had survived previous attacks and was well aware of the dangers of life in a combat zone, he often spoke of reenlisting. In the words of his brother: "That's why he's my hero."

Adam also knows his brother Timothy died doing what he wanted to do—serving our Nation. In Adam's words:

> Deep, deep in Timothy's heart, that's what he wanted to do.

The hundreds of people lining the Delhi Township streets to watch Timothy's funeral procession were equally moved. As the procession passed, 8-year-old Vincent Neely commented that he, too, wants to be a marine when he gets older. "It's the biggest sacrifice anyone can make for anything," he said.

His family friend Diane Heileman said:

> It really gets your heart when you know we lost another one, but if it weren't for them, we wouldn't all be here—our freedom, they're protecting all of us.

Indeed, our world is simply a better place because he lived. He was a young man who genuinely loved life and had compassion for others. His dedication to his family, his friends, his fellow marines, his local community, and his country is inspiring.

Let me conclude by mentioning, as I was preparing to speak today in honor of Timothy, I saw in his biography that he had served in Haiti. I recalled when I was there visiting our marines. I went back to some photographs that were taken during a trip that Fran and I took there in 2004. When we were there, we made a point of visiting with the Ohio marines who were serving in Port-au-Prince, Haiti. I went back through the individual pictures we took of them and I found one. I found one that I had taken of Timothy. Here is the picture. I am privileged to have had a brief meeting with Timothy in Port-au-Prince, Haiti. I saw then firsthand the differences our troops were making in Haiti. I know the Chair in his travels and the other Members of the Senate have seen what I have seen when we have seen our troops overseas. They are the best. They are people who are making a difference every single day. Timothy made a difference in Haiti. He made a difference in Iraq. He made a difference wherever he served. Of that, Mr. President, I am certain.

My wife Fran and I continue to keep Timothy, his wife Sara, their daughter Annaliese, his parents, Rick and Janice, and his older brother Adam in our thoughts and in our prayers.

PRIVATE FIRST CLASS JAMES P. "J.P." WHITE, JR.

Mr. President, this afternoon I would like to pay tribute to a remarkable young man, Army PFC James P. "J.P." White, Jr., from Huber Heights, OH. On August 11, 2006, Private White was killed in Afghanistan when enemy forces attacked his platoon with rocket-propelled grenades and small arms fire. He was just 19 years of age at the time of his death.

Mr. President, it is impossible to make sense of the death of anyone so young. J.P. lived a great deal of life in his all too brief 19 years on this Earth. It is important that we recognize that he died for something he believed in, doing an important job he loved. J.P.'s grandmother Amy Phipps perhaps said it best:

> J.P. always, always wanted to join the Army. He thought he should protect us by fighting the terrorists. I'm proud of everything he has done. We were very blessed. He gave his life for us.

J.P. was indeed a blessing to all who knew him and to those of us who did not. He was one of those special and courageous individuals who spent his life defending others. And for that, we owe him and his family a debt of gratitude which we simply will never ever be able to repay.

Growing up in a family with a rich military tradition, J.P. knew early on he wanted to serve his country, and he nourished that desire every chance he got. At Wayne High School he joined the Reserve Officers Training Corps where he rose to the rank of cadet captain and class leader his senior year. He captained the Armed Exhibition Drill Team, a unit that he led to within a single point of a trophy in local competition. His friend and teammate, Joshua Shea said:

> J.P. was disciplined. He knew what he was doing.

For all of his focus and determination, J.P. was also a very fun-loving person. Like other teenagers, he enjoyed computers, video games, and hanging out with his friends. Many of his friends remember him playing a game which they had improvised. It involved bouncing a racquet ball off a wall using only a player's head. Not surprisingly, J.P. referred to it as "head ball." One of J.P.'s friends, Casey Sullivan, said that underneath the disciplined Army soldier was a big goofball at heart. His friends loved him dearly.

Upon graduation from Wayne High School in 2005, J.P. immediately enlisted in the Army. J.P.'s father James said that they discussed at length his decision to join, but there was never a moment's hesitation on his son's part. As James put it simply: "He was sure."

J.P. joined the military along with a childhood friend, Marine LCpl Ryan Pennington. The two kidded each other all the time about who had joined the better branch of the military. Between a committed Army man and a committed marine, I am not sure this was an argument they would ever resolve, but both knew what it meant and understood what it meant to serve.

Ryan recalled that J.P. was extremely committed to serving and was prepared to make the ultimate sacrifice.

> I know J.P. knew the risks. We all do, and we accept them.

In July of 2005, J.P. shipped out for boot camp at Fort Drum in New York. He completed basic and advanced training at Fort Benning, GA, to be an infantryman. He was a member of the 1st Battalion, 32nd Infantry Division, 3rd Brigade Combat Team for the 10th Mountain Division. In March of 2006, his platoon was deployed to Afghanistan as part of Operation Enduring Freedom.

Serving in the field and frontline is precisely what J.P. had envisioned when he was growing up. According to his high school ROTC instructor, SGT Michael Cannon:

> J.P. probably could have had any job in the Army. He didn't want a desk job. He was doing exactly what he wanted—combat and convoy operations.

After several months of deployment, J.P. returned home for his sister April's high school graduation in June 2006. Tragically, this would be his last time with his family and friends at home. He left on Father's Day.

Before leaving, J.P. and his father talked about the war and his experience of fighting for our country. In spite of all the danger, J.P. was resolute in his commitment to the fight for freedom. His father said:

> He never feared going back. He just told me he was doing his job. He was proud to serve his country. I believe that he's a great hero.

News of J.P.'s death this past August came as shock to all his family and friends. When his father got word, he knew that there was no way he could tell J.P.'s other relatives in Illinois over the telephone. Instead, he got in his car and drove his family the 4 hours from Huber Heights, OH, to Mount Pulaski, IL, to deliver the news in person.

"It was a long ride to be driving and crying," his father said. "He was a wonderful kid—very well behaved and well respected."

J.P.'s life and sacrifice were honored at a funeral on the morning of August 21st at St. Peter Catholic Church in Huber Heights. Reverend Darrell Perry presided over the ceremony. He closed by reminding everyone that "J.P. gave his life doing what he believed in."

With flags flying at half staff throughout Huber Heights, a procession took J.P. to his final resting place at Dayton's National Cemetery, where he was buried with full military honors. During the procession, 30 Patriot Guard Riders from across the State of Ohio joined J.P.'s family. These men came from all over on their bikes to serve as part of a color guard for J.P.

Bryan McCoy, one of the Patriot Guard Riders who joined family and friends at the service, traveled all the way from Akron to pay his respects to J.P. and his loved ones. "I'm too old (to join the fighting overseas)," he said. "I just want to offer my support."

At the Cemetery, BG Joe Orr presented J.P.'s family with the Bronze Star on his behalf for bravery, heroism and meritorious service.

"He's going to be very, very sadly missed," said J.P.'s grandmother Amy. "But we know he's in God's arms."

Yes, J.P. is in God's arms and in the hearts and minds of all who had the good fortune to have known him.

My wife Fran and I continue to keep J.P.'s parents, James and Robin, his sisters April and Denise, and all his family and friends in our thoughts and in our prayers.

LANCE CORPORAL TIMOTHY MICHAEL BELL

Mr. President, I rise today to honor a fellow Ohioan who was killed while serving in Iraq—LCpl Timothy Michael Bell, Jr., from West Chester. Lance Corporal Bell was killed in Iraq, on August 3, 2005, when a roadside bomb exploded underneath his military vehicle. He was 22 years old.

Timothy Bell—"Tim" to family and friends—was a man who greatly respected his country—a man who was proud of every day he served our Nation as a Marine. As Greg McDaniel, Pastor at Impact Baptist Church, said about Tim:

> He loved the Marine Corps. [Tim] always said, "I want to be a [Marine]." The day he graduated from boot camp, he told his mother, "This is why I was born. This is my destiny."

From the time he was 6 years old, Tim knew that he wanted to be a Marine. His room was full of Marine posters and memorabilia, and a camouflage Marine blanket even covered his bed. For Tim Bell, there was never any question of what he wanted to be when he grew up.

Most Ohioan's know Tim's family as a baseball family. His uncle Buddy was a star player for the Cleveland Indians and the Cincinnati Reds, and I remember his grandfather Gus was a star player for the Reds when I was a kid. Buddy currently manages the Kansas City Royals. Tim's cousins, David and Michael Bell, also played Major League Baseball.

But, there is another uniform that has been very important in the Bell family—and that is the uniform of the U.S. Marine Corps. Two of Tim's uncles and an aunt wore the Marines' uniform. While many boys dream of becoming professional athletes, Tim saw his relatives in their military uniforms and decided that he wanted to be just like them—that joining the military was going to be his dream. Tim's admiration for these family members, including his grandfather, who had served in the Navy, compelled him to follow in their footsteps.

Those at Lakota East High School, where Tim graduated in 2003, remember that Tim always displayed a strong affinity for military service. In fact, he enlisted even before he graduated. Principal Ruth Barber said that "when Tim settled his mind on being a Marine, he couldn't wait to serve his country."

When the news came that Tim was shipping overseas, his family and friends remember that he was excited to go. When his parents dropped him off in Columbus for training with Lima Company, Tim told them that this was simply what he was born to do.

Before leaving for Iraq, Tim gave his father something special for safekeeping—his Marine Corps ring. "Wear this until I come home," he told his dad. Well, Mr. President, Tim Bell, Sr. wore that ring every day his son was in Iraq—and will continue to wear it every day.

Tim's discipline was extraordinary. Not only did he undergo military training, but he also had a black belt in judo. He did not express fear, and he never doubted his purpose as a marine.

During one phone call home, Tim proudly told his father that their battalion commander had said they were the most active company since the Vietnam War. According to his dad, "They were busy every day fighting. Every day."

Tim was scheduled to return home in September 2005. He was thinking of buying a motorcycle was looking forward to visiting family in Kansas City. Nothing was more important to Tim than family. While at Marine base camp, he would call his father about once a week. He would relive the excitement of his adventures over the phone, but also always took the time to ask how his parents and siblings were doing.

"It seemed he was more concerned about me than himself," his dad recalls. "The concern was how everybody was doing. Every conversation I had with him ended with 'I love you dad' and 'I love you Timmy.' Every conversation. I am going to miss those calls."

Tim's dad went on to say:

> My son was a brave and wonderful man. All he ever wanted to do was be a Marine. He felt like it was an extremely important job. I was fortunate to get to tell him that I loved him every week when he called.

Tim's stepmother Vivian said this about Tim:

> Tim is a hero and we are proud of him. He liked to live and just do what he wanted to do. He didn't think about danger or anything like that or consequences. When he wanted to do something and thought it was something worth doing, he just stuck to it.

In addition to the weekly phone calls home, Tim also exchanged e-mails and instant messages over the computer with his sister Jamie. He shared with her his plans to return to Iraq for another tour of duty. He believed strongly in his role in Iraq.

"He was there for a reason," his dad said. "Everybody needs to know that. And it's not just my son—it's all the young men and women over there. They're over there for each and every one of us."

On a night shortly after Tim's death, the Kansas City Royals honored him with a moment of silence before the game. The stadium announcer asked everyone to remember the United States Marines from Lima Company who had been killed in Iraq. He particularly asked the stadium to remember the sacrifice of Tim Bell, the nephew of Royals manager Buddy Bell.

According to Mike Sweeny, the team captain for the Royals, the moment of silence for the slain marines had a special meaning for them. "It was the most meaningful moment of silence I've had since we resumed play after 9-11," he recalled.

Tim Bell lived the Marine credo—he was always faithful—faithful to his family, faithful to the Marine Corps, and faithful to our country. His father described him as the "last of the John Waynes, but tougher." Tim loved the Marines and the reason they serve.

We celebrate the life of this brave young man and honor his dedication to preserving our freedom and liberty. Fran and I continue to keep the family and friends of LCpl Timothy Bell in our thoughts and prayers.

MAJOR MICHAEL D. STOVER

Mr. President, I rise today to pay tribute to a fellow Ohion—Marine MAJ Michael D. Stover from Mansfield. Major Stover died on June 3, 2006, while serving his second tour of duty in Iraq. He was the executive officer for the Marine Wing Support Squadron 374, based in Twentynine Palms, CA. He was 43 years old.

Major Stover is survived by his sister and his brother-in-law, Cheryl and Kim Meister, and by his brother, retired MAJ Edward Allen Stover. He also leaves to cherish his memory many nieces and nephews, aunts, uncles, and cousins. He is proceded in death by his parents LaVern "Smoky" and Doris Stover.

Michael Stover craved adventure from the time he was a boy. His sister Cheryl remembers that her baby brother's nickname was "Monkey," "because he was always falling out of trees, breaking his arm, riding bicycles and flying over the handlebars and ending up in hospitals." Michael grew up an avid outdoorsman, joining the Boy Scouts and quickly rising in their ranks. He wrestled while in junior high and always sought out physical activities that pushed him as an individual.

In 1980, Michael graduated from Malabar High School in Mansfield. Michael was an excellent student and though there were many career paths he could have chosen, his older sister and brother weren't surprised when he decided to enlist in the Marines. They had watched him grow up and knew that the Marines provided the kind of adventure and physical challenge he had always loved. As his sister Cheryl explained: "Anything that was exciting or extreme, Michael had to be involved in."

Although Michael's parents—aware of their son's love for books and literature—were initially skeptical of his decision to become a Marine, it quickly became a source of pride for them. Michael remained close to his family throughout his time in the service, calling and writing frequently.

After enlisting, Michael reported for recruit training at Parris Island in January 1981. This was only his first step in a military career that exemplified the core Marine values of honor, courage, and commitment.

Books and reading had always been important to Michael, and as a Marine he was able to use his talent for writing and communicating. He was designated a Public Affairs Marine and underwent training at the Defense Information School, where he learned how to tell the stories of the U.S. Marine Corps. He then completed an enlisted tour with the Fleet Hometown News Center in Norfolk, VA, which sends out press releases on Marine achievements.

According to his brother Edward, Michael hadn't joined the Marines intending to make the military his career. But, he fell in love with the service and decided to stay so that he could become an officer. He accepted a Naval Reserve Officers Training Corps Marine

Option scholarship and was released from active duty so that he could attend the Ohio State University.

Not surprisingly, Michael was a leader at OSU. He became a residential assistant, a position in which he was an important role model for incoming freshmen. It was his job to guide those younger than he and used his Marine training to do it. His residents looked up to him, not only as a resource, but also as a friend and even a big brother.

Michael graduated from OSU in 1990 with a bachelor of arts degree in journalism. He was then commissioned as a Marine Corps 2LT and became a logistics officer in an engineer support battalion—eventually serving as platoon and then company commander.

After then being promoted to Captain, Michael served as a logistics officer while also attending the Amphibious Warfare School from July 1994 to June 1997. From 1998–2005, he then served in different capacities in California, Hawaii, and Arizona. Throughout these years, Michael was a leader and an educator for young marines, helping to shape and mold the following generation.

Lieutenant Chris Kaprielian was just one of the many young marines who Major Stover inspired. This is how he described his former commander:

> [Major Stover] was like a father to our [operations] section. The amount of knowledge he brought in from his prior experiences in the Marine Corps was incredible. Like a father, he looked out for the men in his command. And like a father, he was very demanding.

He particularly remembers Major Stover's commitment to duty. "We all worked really long hours," he said, "but he was there before anyone else and stayed even later. I never knew anyone who worked as hard as he did."

Michael was serving as the executive officer for the Marine Wing Support Squadron 371 when the squadron was deployed to Iraq in February 2005. After returning to the United States the next September, he was then temporarily assigned to another squadron in October. The Marine Wing Support Squadron 374 was preparing to deploy to Iraq—and Major Stover was needed to help prepare the marines for war.

His sister Cheryl remembers his exact words. "It's my job," he said. "If I don't go, young Marines will be dying. I can go and prevent their deaths." No other words better represent Major Stover's selfless and compassionate commitment to the young men and women whom he could train to become excellent marines. With his actions, he was saving lives every day.

The day Michael died, our Nation tragically lost a wonderful brother, a caring mentor, and a truly outstanding marine. At the time of his death, Michael had been recently selected for promotion to the rank of lieutenant colonel. His brother Edward—a retired major with the Ohio National Guard—knew it was a promotion that he richly deserved. It would have been the first time that Michael outranked his older brother. Edward eagerly anticipated his brother's promotion. "You'll never know how proudly I looked forward to that time," he said.

Major Stover's 26-year career of leadership and fortitude earned him more decorations and honors than I can name here. They include the Meritorious Service Medal, three Navy and Marine Corps Commendation Medals, and the Iraq Campaign Medal. But his best reward, perhaps, is simply the respect and admiration felt by all who knew him.

At Michael's funeral, numerous mourners gathered to pay their respects to the departed marine, paying tribute to the lifetime he spent teaching the young marines who would come after him. Reverend David Pound said that Michael "took great pride in the young Marines that he could teach and develop." And, LTC Phillip Woody, Michael's commanding officer, said this:

> The only way for a mortal man to be immortal is to teach. Those you teach will remember you forever. Mike will be remembered forever. It was an honor to call him a friend. It was an honor to call him a comrade.

The world is a better place since Michael Stover has been in it. He was a brave man, with a genuine commitment to service, leadership, education, and excellence. His dedication to his country was tremendous and his commitment to his fellow service members was unparalleled. My wife Fran and I continue to keep his family in our thoughts and prayers.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Nebraska.

Mr. HAGEL. Mr. President, I ask I be allowed to speak as in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

RETIRING SENATORS

Mr. HAGEL. Mr. President, I have listened carefully to our colleague from Ohio, spending his few minutes in the Senate talking about brave men and women who serve our country. It is the mark of our colleague from Ohio, the kind of person he is—not just the kind of Senator he is—that he would come to the floor of the Senate in his last few days as a Member of this institution and focus on others, focus on those who have given the ultimate for their families, for our country and for our future. It shows us, once again, that Senator DEWINE is the consummate Senator.

I am here this afternoon to recognize and thank and pay tribute to our colleagues who will be leaving the Senate. They are a varied group. Again, I can think of no finer example of this group of public servants than one of Senator DEWINE's last speeches in the Senate to recognize others.

I thank you, Senator DEWINE, for your service.

As we recognize, it is a distinct privilege and high honor to serve our country. It is a distinct privilege and high honor to serve our country in any capacity, and certainly none higher than in uniform. But it is especially important we recognize those who have given years of their lives, sacrificing their families, their own time, to help make a better world for all of us. I know of no capacity in which we serve our country that has given those who have had this rare opportunity to serve in the Senate anything more noble than trying to shape a better world from this Senate.

These individuals who will leave the Senate, some on their own terms, some on the terms of the election, but, nonetheless, in their own specific way have contributed a great deal to this country.

I take a few minutes to recognize each. I start with our colleague, your dear friend, former lieutenant governor, the senior Senator from Ohio. I need not tell the distinguished Presiding Officer what Senator DEWINE has meant to his State and to this country. I had the privilege of serving on the Intelligence Committee with Senator DEWINE for 4 years. I have teamed up with Senator DEWINE over the years on many legislative matters. I don't know of an individual who cares more, contributes more, to what they believe, than Senator DEWINE. His years of service in the House, the Senate, and as lieutenant governor are to be recognized. We should thank him and tell him that we will miss him and we will especially miss a friend.

Senator PAUL SARBANES, the longest serving Senator in Maryland, serving five terms in the Senate, was elected to the U.S. House of Representatives in 1970. I first got acquainted with Senator SARBANES not as a Senator but as a young staff member, chief of staff to a congressman from Nebraska, John McCollister, who also had been elected to the House in 1970.

I have had the privilege of serving on two committees for the last 10 years with Senator SARBANES—on the Foreign Relations Committee and the Committee on Banking. His courtesies to me, his sharp, defined intellect, his ability to dissect problems and focus on a resolution, will be greatly missed in this institution. We wish the Sarbaneses continued success and a little rest.

Senator JIM JEFFORDS, from Vermont. Not many former chief justices of their State have served in this Senate. He is one. Senator JEFFORDS, in his long, distinguished service to our country, served as Chief Justice of the

Vermont Supreme Court, served in the House of Representatives, and then served here in the Senate. He served our country in the U.S. Navy. JIM JEFFORDS' life has been about service.

I had an opportunity to get acquainted particularly with Senator JEFFORDS and work closely with him on the Individuals with Disability Education Act, IDEA. There has been no one in this Senate over the last 25 years more committed to education for our young people than JIM JEFFORDS. We will miss JIM JEFFORDS.

Senator CONRAD Burns. The best thing we can say about Senator BURNS is he married a girl from Nebraska. His wife Phyllis is from North Platte. Senator BURNS represents some of the best the West has to offer. He will be the longest serving Republican Senator in Montana history. His background is varied: distinguished entrepreneur, broadcaster, and that which he is most proud of, a U.S. marine.

I have had the honor of working with Senator BURNS on a number of bills and occasions, many related to agriculture and the cattle industry. For Senator BURNS' service to our country, we thank him. We will miss him.

Senator RICK SANTORUM one of the leaders of the majority in the Senate the last few years, from Pennsylvania, came to the Senate in 1994 and helped shape a different agenda. He believed fervently in the power of the institution to change the world and felt deeply about issues.

I served on the Committee on Banking with Senator SANTORUM for many years and came to respect the junior Senator from Pennsylvania. I have a high regard for his ability to work through the big issues.

For service to our country, both the House and the Senate, thank you, Senator SANTORUM. We will miss you.

Senator LINC CHAFEE. Senator CHAFEE comes from a long line of public servants from the State of Rhode Island. The name "Chafee" is a famous name in this institution. His father John Chafee was one of the great Senators in this Senate in the 20th century. LINC picked up where his father left off.

I had the opportunity to serve with Senator CHAFEE on the Senate Foreign Relations Committee. We sat next to each other for many years. He had a keen ability to cut through the fog, the nonsense, the superficial, the obsequious, and get to the real issues. We will miss that ability. We will miss that laser. I am sorry to see Senator CHAFEE leave. He will continue to serve his country in many areas as he has done before his service in the Senate.

Senator GEORGE ALLEN. We will miss footballs. Many of my colleagues received footballs. He was a quarterback for the Cavaliers at the University of Virginia and he could throw almost as well as even a Nebraska quarterback.

Senator ALLEN, for a very young man, has a very distinguished record of public service, serving as the Governor of the great State of Virginia, serving in the House of Representatives, serving in the U.S. Senate. I served on the Senate Foreign Relations Committee with Senator ALLEN for many years, and I will miss his ability to say it clearly and plainly. And his leadership position within the Republican majority, which he served so ably, will be missed.

Senator MARK DAYTON from Minnesota, a neighbor. I served on two committees with Senator DAYTON, the Rules Committee and the Foreign Relations Committee. He is a unique individual who served in many ways, beginning with his service to Senator and then Vice President Walter Mondale. Senator DAYTON has a rich history and understanding of this institution and his State. We will miss Senator DAYTON's character, his ability to also cross party aisles and help resolve the issues of our day.

Senator JIM TALENT from Missouri has had 14 years of service in the House and Senate. I worked very closely with Senator TALENT on his bill, the Combat Methamphetamine Act. I believe it is one of the most significant, relevant, important bills to pass the 109th Congress. He, too, will be missed. No one worked harder than JIM TALENT for the interests of his State. He understands agriculture, he understands energy like very few in his State. He began his service to his country and to the State of Missouri at the age of 28, when he was elected to the House of Representatives. We will continue to hear more from JIM TALENT.

I conclude my recognition of our colleagues who will be leaving us at the end of this Congress by recognizing our leader, Senator BILL FRIST, from Tennessee.

Senator FRIST has been referred to, as we all are, in many ways and in many terms. "Renaissance man" has been one of those terms that have described BILL FRIST. This is a unique individual. This is a man whose life has much been about serving others.

For his leadership in the Senate during a very difficult time, this body owes him a great deal of thanks and gratitude. He will go on to continue to do significant things with his ability, his talent, his life, and we wish him well. We will miss him. We will miss his ability to, in an always steady way, help reach a consensus.

Mr. President, in conclusion, it is not easy to put one's self on the firing line and offer one's self as a candidate for any office. It takes a certain amount of courage and, I suspect, a little dose of insanity. But nonetheless individuals who believe deeply enough to commit themselves to a cause greater than their own self-interests need to be recognized. Having nothing to do with me or you or any one individual, but it is the essence of our country, it is the very fabric of our democracy that makes it all work and probably gives rise to, more than any one reason, why we have been such a successful nation for over 200 years—because people from all walks of life, in every community, in every State, offer themselves for office. Whether it is a mayor, a Governor, city councilman, county official, a sheriff, these individuals deserve recognition.

We all make mistakes. That is who we are. But in the end, it is not unlike what Teddy Roosevelt once referred to in his magnificent quote about the man in the arena. And it is the man and the woman in the arena who change our lives. It makes a better world that shapes history, that defines our destiny. And for these individuals who will no longer have that opportunity to serve our country in the Senate, we wish them well, we thank them, and we tell them we are proud of them and their families and wish them Godspeed.

Mr. President, I thank you for the time and yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

The PRESIDING OFFICER. Under the previous order, the hour of 2:20 p.m. having arrived, the Senate will proceed to the consideration of H.R. 5384, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 5384) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2007, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2007, and for other purposes, namely:

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING AND MARKETING

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, $10,515,000: Provided, That not to exceed $11,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

EXECUTIVE OPERATIONS

CHIEF ECONOMIST

For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost-benefit analysis, energy and new uses, and the functions of the World Agricultural Outlook Board, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), $11,226,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, $14,795,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, $8,479,000.

HOMELAND SECURITY STAFF

For necessary expenses of the Homeland Security Staff, $954,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, $16,936,000.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, $11,667,000, of which $5,676,000 shall be available until expended: Provided, That no funds made available by this appropriation may be obligated for FAIR Act or Circular A-76 activities until the Secretary has submitted to the Committees on Appropriations of both Houses of Congress a report on the Department's contracting out policies, including agency budgets for contracting out.

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

For necessary salaries and expenses of the Office of the Assistant Secretary for Civil Rights, $836,000.

OFFICE OF CIVIL RIGHTS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of Civil Rights, $22,650,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary salaries and expenses of the Office of the Assistant Secretary for Administration, $681,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92-313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings and facilities, and for related costs, $209,814,000, to remain available until expended, of which $155,851,000 shall be available for payments to the General Services Administration for rent and the Department of Homeland Security for building security: Provided, That amounts which are made available for space rental and related costs for the Department of Agriculture in this Act may be transferred between such appropriations to cover the costs of additional, new, or replacement space 15 days after notice thereof is transmitted to the Appropriations Committees of both Houses of Congress.

HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) and the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), $12,020,000, to remain available until expended: Provided, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, $24,114,000, to provide for necessary expenses for management support services to offices of the Department and for general administration, security, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department: Provided, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

(INCLUDING TRANSFERS OF FUNDS)

For necessary salaries and expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, $3,830,000: Provided, That these funds may be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: Provided further, That no funds made available by this appropriation may be obligated after 30 days from the date of enactment of this Act, unless the Secretary has notified the Committees on Appropriations of both Houses of Congress on the allocation of these funds by USDA agency: Provided further, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations.

OFFICE OF COMMUNICATIONS

For necessary expenses to carry out services relating to the coordination of programs involving public affairs, for the dissemination of agricultural information, and the coordination of information, work, and programs authorized by Congress in the Department, $9,695,000: Provided, That not to exceed $2,000,000 may be used for farmers' bulletins.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General, including employment pursuant to the Inspector General Act of 1978, $82,493,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, and including not to exceed $125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $40,647,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

For necessary salaries and expenses of the Office of the Under Secretary for Research, Education and Economics to administer the laws enacted by the Congress for the Economic Research Service, the National Agricultural Statistics Service, the Agricultural Research Service, and the Cooperative State Research, Education, and Extension Service, $605,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service in conducting economic research and analysis, $75,963,000.

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, $148,719,000, of which up to $36,582,000 shall be available until expended for the Census of Agriculture.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for); home economics or nutrition and consumer use including the acquisition, preservation, and dissemination of agricultural information; and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, $1,127,553,000: Provided, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: Provided further, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed $375,000, except for headhouses or greenhouses which shall each be limited to $1,200,000, and except for 10 buildings to be constructed or improved at a cost not to exceed $750,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or $375,000, whichever is greater: Provided further, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: Provided further, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center: Provided further, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): Provided further, That the foregoing limitations shall not apply to the purchase of land at Florence, South Carolina: Provided further, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law: Provided further, That the Secretary, through the Agricultural Research Service, or successor, is authorized to lease approximately 40 acres of land at the Central Plains Experiment Station, Nunn, Colorado, to the Board of Governors of the Colorado State University System, for its Shortgrass Steppe Biological Field Station, on such terms and conditions as the Secretary deems in the public interest: Provided further, That the Secretary understands that it is the intent of the University to construct research and educational buildings on the subject acreage and to conduct agricultural research and educational activities in these buildings: Provided further, That as consideration for a lease, the Secretary may accept the benefits of mutual cooperative research to be conducted by the Colorado State University and the Government at the Shortgrass Steppe Biological Field

Station: Provided further, That the term of any lease shall be for no more than 20 years, but a lease may be renewed at the option of the Secretary on such terms and conditions as the Secretary deems in the public interest: Provided further, That the Agricultural Research Service may convey all rights and title of the United States, to a parcel of land comprising 19 acres, more or less, located in Section 2, Township 18 North, Range 14 East in Oktibbeha County, Mississippi, originally conveyed by the Board of Trustees of the Institution of Higher Learning of the State of Mississippi, and described in instruments recorded in Deed Book 306 at pages 553–554, Deed Book 319 at page 219, and Deed Book 33 at page 115, of the public land records of Oktibbeha County, Mississippi, including facilities, and fixed equipment, to the Mississippi State University, Starkville, Mississippi, in their "as is" condition, when vacated by the Agricultural Research Service: Provided further, That hereafter none of the funds appropriated under this heading shall be available to carry out research related to the production, processing, or marketing of tobacco or tobacco products.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, $83,400,000, to remain available until expended.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, $678,089,000, as follows: to carry out the provisions of the Hatch Act of 1887 (7 U.S.C. 361a–i), $185,817,000; for grants for cooperative forestry research (16 U.S.C. 582a through a–7), $23,318,000; for payments to the 1890 land-grant colleges, including Tuskegee University and West Virginia State University (7 U.S.C. 3222), $39,076,000, of which $1,507,496 shall be made available only for the purpose of ensuring that each institution shall receive no less than $1,000,000; for special grants for agricultural research (7 U.S.C. 450i(c)), $119,341,000; for special grants for agricultural research on improved pest control (7 U.S.C. 450i(c)), $14,650,000; for competitive research grants (7 U.S.C. 450i(b)), $190,229,000; for the support of animal health and disease programs (7 U.S.C. 3195), $5,006,000; for supplemental and alternative crops and products (7 U.S.C. 3319d), $825,000; for grants for research pursuant to the Critical Agricultural Materials Act (7 U.S.C. 178 et seq.), $1,091,000, to remain available until expended; for the 1994 research grants program for 1994 institutions pursuant to section 536 of Public Law 103–382 (7 U.S.C. 301 note), $2,058,000, to remain available until expended; for rangeland research grants (7 U.S.C. 3333), $990,000; for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), $3,701,000, to remain available until expended (7 U.S.C. 2209b); for a veterinary medicine loan repayment program pursuant to section 1415A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101 et seq.), $750,000, to remain available until expended; for higher education challenge grants (7 U.S.C. 3152(b)(1)), $5,423,000; for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), $988,000, to remain available until expended (7 U.S.C. 2209b); for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241), $6,237,000; for noncompetitive grants for the purpose of carrying out all provisions of 7 U.S.C. 3242 (section 759 of Public Law 106–78) to individual eligible institutions or consortia of eligible institutions in Alaska and in Hawaii, with funds awarded equally to each of the States of Alaska and Hawaii, $3,218,000; for a secondary agriculture education program and 2-year post-secondary education (7 U.S.C. 3152(j)), $990,000; for aquaculture grants (7 U.S.C. 3322), $3,928,000; for sustainable agriculture research and education (7 U.S.C. 5811), $12,276,000; for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321–326 and 328), including Tuskegee University and West Virginia State University, $12,375,000, to remain available until expended (7 U.S.C. 2209b); for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103–382, $4,456,000; and for necessary expenses of Research and Education Activities, $41,346,000, of which $2,723,000 for the Research, Education, and Economics Information System and $2,151,000 for the Electronic Grants Information System, are to remain available until expended: Provided, That hereafter none of the funds appropriated under this heading shall be available to carry out research related to the production, processing, or marketing of tobacco or tobacco products: Provided further, That hereafter this paragraph shall not apply to research on the medical, biotechnological, food, and industrial uses of tobacco.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For the Native American Institutions Endowment Fund authorized by Public Law 103–382 (7 U.S.C. 301 note), $11,880,000, to remain available until expended.

EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and American Samoa, $467,102,000, as follows: payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93–471, for retirement and employees' compensation costs for extension agents, $286,622,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), $3,402,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $63,538,000; payments for the pest management program under section 3(d) of the Act, $9,860,000; payments for the farm safety program under section 3(d) of the Act, $4,517,000; payments for New Technologies for Ag Extension under Section 3(d) of the Act, $1,985,000; payments to upgrade research, extension, and teaching facilities at the 1890 land-grant colleges, including Tuskegee University and West Virginia State University, as authorized by section 1447 of Public Law 95–113 (7 U.S.C. 3222b), $16,609,000, to remain available until expended; payments for youth-at-risk programs under section 3(d) of the Smith-Lever Act, $7,651,000; for youth farm safety education and certification extension grants, to be awarded competitively under section 3(d) of the Act, $440,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 et seq.), $4,220,000; payments for federally-recognized Tribes Extension Program under section 3(d) of the Smith-Lever Act, $1,976,000; payments for sustainable agriculture programs under section 3(d) of the Act, $4,026,000; payments for rural health and safety education as authorized by section 502(i) of Public Law 92–419 (7 U.S.C. 2662(i)), $1,946,000; payments for cooperative extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321–326 and 328) and Tuskegee University and West Virginia State University, $35,205,000, of which $1,724,884 shall be made available only for the purpose of ensuring that each institution shall receive no less than $1,000,000; for grants to youth organizations pursuant to section 7630 of title 7, United States Code, $1,980,000; and for necessary expenses of Extension Activities, $23,125,000.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension grants programs, including necessary administrative expenses, $58,704,000, as follows: for competitive grants programs authorized under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626), $43,369,000, including $12,738,000 for the water quality program, $14,699,000 for the food safety program, $4,125,000 for the regional pest management centers program, $4,419,000 for the Food Quality Protection Act risk mitigation program for major food crop systems, $1,375,000 for the crops affected by Food Quality Protection Act implementation, $3,075,000 for the methyl bromide transition program, and $1,948,000 for the organic transition program; for a competitive international science and education grants program authorized under section 1459A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292b), to remain available until expended, $990,000; for grants programs authorized under section 2(c)(1)(B) of Public Law 89–106, as amended, $737,000, to remain available until September 30, 2008 for the critical issues program; and $1,321,000 for the regional rural development centers program; $2,277,000 for asian soybean rust; and $11,000,000 for the Food and Agriculture Defense Initiative authorized under section 1484 of the National Agricultural Research, Extension, and Teaching Act of 1977, to remain available until September 30, 2008.

OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

For grants and contracts pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), $5,940,000, to remain available until expended.

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary salaries and expenses of the Office of the Under Secretary for Marketing and Regulatory Programs to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service; the Agricultural Marketing Service; and the Grain Inspection, Packers and Stockyards Administration; $731,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; and to protect the environment, as authorized by law, $900,423,000, of which $4,127,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions; of which $38,200,000 shall be used for the boll weevil eradication program for cost share purposes or for debt retirement for active eradication zones; of which $33,107,000 shall be available for a National Animal Identification program; of which $56,730,000 shall be used to conduct a surveillance and preparedness program for highly pathogenic avian influenza: Provided, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: Provided further, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement *only: Provided further, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with sections 10411 and 10417 of the Animal Health Protection Act (7 U.S.C. 8310 and 8316) and sections 431 and 442 of the Plant Protection Act (7 U.S.C. 7751 and 7772), and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: Provided further, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.*

In fiscal year 2007, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, $5,946,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses to carry out services related to consumer protection, agricultural marketing and distribution, transportation, and regulatory programs, as authorized by law, and for administration and coordination of payments to States, $71,170,000, including funds for the wholesale market development program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $62,211,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: Provided, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, including not less than $10,000,000 for replacement of a system to support commodity purchases, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $16,425,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $3,834,000, of which not less than $2,500,000 shall be used to make a grant under this heading.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, for the administration of the Packers and Stockyards Act, for certifying procedures used to protect purchasers of farm products, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, $38,737,000: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed $42,463,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: Provided, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary salaries and expenses of the Office of the Under Secretary for Food Safety to administer the laws enacted by the Congress for the Food Safety and Inspection Service, $607,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed $50,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $865,905,000, of which no less than $777,189,000 shall be available for Federal food safety inspection; and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1327 of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 138f): Provided, That no fewer than 63 full time equivalent positions above the fiscal year 2002 level shall be employed during fiscal year 2007 for purposes dedicated solely to inspections and enforcement related to the Humane Methods of Slaughter Act: Provided further, That of the amount available under this heading, notwithstanding section 704 of this Act $3,000,000, available until September 30, 2008, shall be obligated to maintain the Humane Animal Tracking System as part of the Field Automation and Information Management System: Provided further, That of the total amount made available under this heading, no less than $20,653,000 shall be obligated for regulatory and scientific training: Provided further, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services to administer the laws enacted by Congress for the Farm Service Agency, the Foreign Agricultural Service, the Risk Management Agency, and the Commodity Credit Corporation, $640,000.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs administered by the Farm Service Agency, $1,151,779,000: Provided, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: Provided further, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101–5106), $4,208,000.

GRASSROOTS SOURCE WATER PROTECTION PROGRAM

For necessary expenses to carry out wellhead or groundwater protection activities under section 1240O of the Food Security Act of 1985 (16 U.S.C. 3839bb–2), $3,713,000, to remain available until expended.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers and manufacturers of dairy products under a dairy indemnity program, $100,000, to remain available until expended: Provided, That such program is carried out by the Secretary in the same manner as the dairy indemnity program described in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387, 114 Stat. 1549A–12).

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, Indian tribe land acquisition loans (25 U.S.C. 488), and boll weevil loans (7 U.S.C. 1989), to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $1,422,750,000, of which $1,200,000,000 shall be for unsubsidized guaranteed loans and $222,750,000 shall be for direct loans; operating loans, $1,941,360,000, of which $1,025,610,000 shall be for unsubsidized guaranteed loans, $272,250,000 shall be for subsidized guaranteed loans and $643,500,000 shall be for direct loans; Indian tribe land acquisition loans, $3,960,000; and for boll weevil eradication program loans, $59,400,000: Provided, That the Secretary shall deem the pink bollworm to be a boll weevil for the purpose of boll weevil eradication program loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, $16,293,000, of which $6,960,000 shall be for guaranteed loans, and $9,333,000 shall be for direct loans; operating loans, $127,973,000, of which $25,332,000 shall be for unsubsidized guaranteed loans, $27,416,000 shall be for subsidized guaranteed loans, and $75,225,000 shall be for direct loans; and Indian tribe land acquisition loans, $838,000; and boll weevil eradication program loans, $1,129,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $319,657,000, of which $311,737,000 shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership and operating direct loans and guaranteed loans may be transferred among these programs: Provided, That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer: Provided further, That none of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to collect from the lender an annual fee on unsubsidized guaranteed operating loans, a guarantee fee of more than one percent of the principal obligation of guaranteed unsubsidized operating or ownership loans, or a guarantee fee on subsidized guaranteed operating loans administered by the Farm Service Agency.

RISK MANAGEMENT AGENCY

For administrative and operating expenses, as authorized by section 226A of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6933), $78,477,000: Provided, That the Secretary of Agriculture may use an amount not to exceed $3,600,000 of unobligated funds made available under section 522(e) of the Federal Crop Insurance Act (7 U.S.C. 1522(e)) for program integrity purposes, including the data mining project: Provided further, That not to exceed $1,000 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516), such sums as may be necessary, to remain available until expended.

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

For the current fiscal year, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11): Provided, That of the funds available to the Commodity Credit Corporation under section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C 714i) for the conduct of its business with the Foreign Agricultural Service, up to $5,000,000 may be transferred to and used by the Foreign Agricultural Service for information resource management activities of the Foreign Agricultural Service that are not related to Commodity Credit Corporation business.

HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

For the current fiscal year, the Commodity Credit Corporation shall not expend more than $5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9607(g)), and section 6001 of the Resource Conservation and Recovery Act (42 U.S.C. 6961).

FARM STORAGE FACILITY LOANS PROGRAM ACCOUNT

For administrative expenses necessary to carry out the Farm Storage and Sugar Storage Facility Loan Programs, $4,560,000, to be transferred to and merged with the appropriation for Farm Service Agency, Salaries and Expenses.

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Under Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Natural Resources Conservation Service, $752,000.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed $100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $835,331,000, to remain available until September 30, 2008, of which not less than $10,698,000 is for snow survey and water forecasting, and not less than $10,678,000 is for operation and establishment of the plant materials centers, and of which not less than $27,255,000 shall be for the grazing lands conservation initiative: Provided, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed $250,000: Provided further, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: Provided further, That this appropriation shall be available for technical assistance and related expenses to carry out programs authorized by section 202(c) of title II of the Colorado River Basin Salinity Control Act of 1974 (43 U.S.C. 1592(c)): Provided further, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service.

WATERSHED SURVEYS AND PLANNING

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, and for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1009), $6,022,000.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1005 and 1007–1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisions of laws relating to the activities of the Department, $62,070,000, to remain available until expended; of which up to $10,000,000 may be available for the watersheds authorized under the Flood Control Act (33 U.S.C. 701 and 16 U.S.C. 1006a): Provided, That not to exceed $30,000,000 of this appropriation shall be available for technical assistance: Provided further, That not to exceed $1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93–205), including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.

WATERSHED REHABILITATION PROGRAM

For necessary expenses to carry out rehabilitation of structural measures, in accordance with section 14 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012), and in accordance with the provisions of laws relating to the activities of the Department, $31,245,000, to remain available until expended.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of sections 31 and 32 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1011; 76 Stat. 607); the Act of April 27, 1935 (16 U.S.C. 590a–f); and subtitle H of title XV of the Agriculture and Food Act of 1981 (16 U.S.C. 3451–3461), $50,787,000, to remain available until expended.

HEALTHY FORESTS RESERVE PROGRAM

For necessary expenses to carry out the Healthy Forests Reserve Program authorized under title V of Public Law 108–148 (16 U.S.C. 6571–6578), $5,000,000, to remain available until expended.

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Rural Development to administer programs under the laws enacted by the Congress for the Rural Housing Service, the Rural Business-Cooperative Service, and the Rural Utilities Service, $640,000.

RURAL COMMUNITY ADVANCEMENT PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants, as authorized by 7 U.S.C. 1926, 1926a, 1926c, 1926d, and 1932, except for sections 381E–H and 381N of the Consolidated Farm and Rural Development Act, $714,958,000, to remain available until expended, of which $101,764,000 shall be for rural community programs described in section 381E(d)(1) of such Act; of which $524,960,000 shall be for the rural utilities programs described in sections 381E(d)(2), 306C(a)(2), and 306D of such Act, of which not to exceed $500,000 shall be available for the rural utilities program described in section 306(a)(2)(B) of such Act, and of which not to exceed $1,000,000 shall be available for the rural utilities program described in section 306E of such Act; and of which $88,234,000 shall be for the rural business and cooperative development programs described in sections 381E(d)(3) and

310B(f) of such Act: Provided, That of the total amount appropriated in this account, $26,000,000 shall be for loans and grants to benefit Federally Recognized Native American Tribes, including grants for drinking water and waste disposal systems pursuant to section 306C of such Act, of which $5,000,000 shall be available for community facilities grants to tribal colleges, as authorized by section 306(a)(19) of the Consolidated Farm and Rural Development Act, and of which $250,000 shall be available for a grant to a qualified national organization ,to provide technical assistance for rural transportation in order to promote economic development: Provided further, That of the amount appropriated for rural community programs, $6,287,000 shall be available for a Rural Community Development Initiative: Provided further, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and Federally Recognized Native American Tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: Provided further, That such funds shall be made available to qualified private, nonprofit and public intermediary organizations proposing to carry out a program of financial and technical assistance: Provided further, That such intermediary organizations shall provide matching funds from other sources, including Federal funds for related activities, in an amount not less than funds provided: Provided further, That of the amount appropriated for the rural business and cooperative development programs, not to exceed $500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development; $2,500,000 shall be for grants to the Delta Regional Authority (7 U.S.C. 1921 et seq.) for any purpose under this heading, of which not more than five percent may be used for administrative expenses, including conferences: Provided further, That of the amount appropriated for rural utilities programs, not to exceed $25,000,000 shall be for water and waste disposal systems to benefit the Colonias along the United States/Mexico border, including grants pursuant to section 306C of such Act; $25,000,000 shall be for water and waste disposal systems for rural and native villages in Alaska pursuant to section 306D of such Act, with up to 2 percent available to administer the program and/or improve interagency coordination may be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses", of which $100,000 shall be provided to develop a regional system for centralized billing, operation, and management of rural water and sewer utilities through regional cooperatives, of which 25 percent shall be provided for water and sewer projects in regional hubs, and the State of Alaska shall provide a 25 percent cost share, and grantees may use up to 5 percent of grant funds, not to exceed $35,000 per community, for the completion of comprehensive community safe water plans; not to exceed $19,000,000 shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act, unless the Secretary makes a determination of extreme need, of which $5,600,000 shall be for Rural Community Assistance Programs and not less than $850,000 shall be for a qualified national Native American organization to provide technical assistance for rural water systems for tribal communities; and not to exceed $13,750,000 shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: Provided further, That of the total amount appropriated, not to exceed $21,367,000 shall be available through June 30, 2007, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones; of which $1,067,000 shall be for the rural community programs described in section 381E(d)(1) of such Act, of which $12,000,000 shall be for the rural utilities programs described in section 381E(d)(2) of such Act, and of which $8,300,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of such Act: Provided further, That of the amount appropriated for rural community programs, $21,000,000 shall be to provide grants for facilities in rural communities with extreme unemployment and severe economic depression (Public Law 106–387), with 5 percent for administration and capacity building in the State rural development offices: Provided further, That of the amount appropriated, $26,000,000 shall be transferred to and merged with the "Rural Utilities Service, High Energy Cost Grants Account" to provide grants authorized under section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a): Provided further, That any prior year balances for high cost energy grants authorized by section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 901(19)) shall be transferred to and merged with the "Rural Utilities Service, High Energy Costs Grants Account".

RURAL DEVELOPMENT SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs in the Rural Development mission area, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; $176,522,000: Provided, That notwithstanding any other provision of law, funds appropriated under this section may be used for advertising and promotional activities that support the Rural Development mission area: Provided further, That not more than $10,000 may be expended to provide modest nonmonetary awards to non-USDA employees: Provided further, That any balances available from prior years for the Rural Utilities Service, Rural Housing Service, and the Rural Business-Cooperative Service salaries and expenses accounts shall be transferred to and merged with this appropriation.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: $4,773,614,000 for loans to section 502 borrowers, as determined by the Secretary, of which $1,129,391,000 shall be for direct loans, and of which $3,644,223,000 shall be for unsubsidized guaranteed loans; $34,652,000 for section 504 housing repair loans; $100,000,000 for section 515 rental housing; $100,000,000 for section 538 guaranteed multi-family housing loans; $5,000,000 for section 524 site loans; $11,482,000 for credit sales of acquired property, of which up to $1,482,000 may be for multi-family credit sales; and $4,980,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, $155,919,000, of which $113,278,000 shall be for direct loans, and of which $42,641,000, to remain available until expended, shall be for unsubsidized guaranteed loans; section 504 housing repair loans, $10,240,000; repair, rehabilitation, and new construction of section 515 rental housing, $45,880,000; section 538 multi-family housing guaranteed loans, $7,740,000; credit sales of acquired property, $720,000; and section 523 self-help housing and development loans, $123,000: Provided, That of the total amount appropriated in this paragraph, $2,500,000 shall be available through June 30, 2007, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones: Provided further, That any funds under this paragraph initially allocated by the Secretary for housing projects in the State of Alaska that are not obligated by September 30, 2007, shall be carried over until September 30, 2008, and made available for such housing projects only in the State of Alaska: Provided further, That any obligated balances for a demonstration program for the preservation and revitalization of the section 515 multi-family rental housing properties as authorized in Public Law 109–97 shall be transferred to and merged with the "Rural Housing Service, Multifamily Housing Revitalization Program Account".

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $455,776,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses", of which not less than $1,000,000 shall be made available for the Secretary to contract with third parties to acquire the necessary automation and technical services needed to restructure section 515 mortgages.

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, $335,400,000, to remain available through September 30, 2008; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: Provided, That of this amount, up to $5,900,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed $50,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: Provided further, That agreements entered into or renewed during the current fiscal year shall be funded for a one-year period: Provided further, That any unexpended balances remaining at the end of such one-year agreements may be transferred and used for the purposes of any debt reduction; maintenance, repair, or rehabilitation of any existing projects; preservation; and rental assistance activities authorized under title V of the Act: Provided further, That rental assistance that is recovered from projects that are subject to prepayment shall be deobligated and reallocated for vouchers and debt forgiveness or payments consistent with the requirements of this Act for purposes authorized under section 542 and section 502(c)(5)(D) of the Housing Act of 1949, as amended: Provided further, That up to $4,190,000 may be used for the purpose of reimbursing funds used for rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) of the Act for emergency needs related to Hurricanes Katrina and Rita: Provided further, That rental assistance provided under agreements entered into prior to fiscal year 2007 for a section 514/516 project may not be recaptured for use in another project until such assistance has remained unused for a period of 12 consecutive months, if *such project has a waiting list of tenants seeking such assistance or the project has rental assistance eligible tenants who are not receiving such assistance: Provided further, That such recaptured rental assistance shall, to the extent practicable, be applied to another section 514/516 project.*

MULTIFAMILY HOUSING REVITALIZATION PROGRAM ACCOUNT

For the rural housing voucher program as authorized under section 542 of the Housing Act of 1949, (without regard to section 542(b)), for the cost to conduct a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects, and for additional costs to conduct a demonstration program for the preservation and revitalization of the section 515 multi-family rental housing properties, $28,000,000, to remain available until expended: Provided, That of the funds made available under this heading, $10,000,000 shall be available for rural housing vouchers to any low-income household (including those not receiving rental assistance) residing in a property financed with a section 515 loan which has been prepaid after September 30, 2005: Provided further, That the amount of such voucher shall be the difference between comparable market rent for the section 515 unit and the tenant paid rent for such unit: Provided further, That funds made available for such vouchers, shall be subject to the availability of annual appropriations: Provided further, That the Secretary shall, to the maximum extent practicable, administer such vouchers with current regulations and administrative guidance applicable to section 8 housing vouchers administered by the Secretary of the Department of Housing and Urban Development (including the ability to pay administrative costs related to delivery of the voucher funds): Provided further, That if the Secretary determines that the amount made available for vouchers in this or any other Act is not needed for vouchers, the Secretary may use such funds for the demonstration programs for the preservation and revitalization of the section 515 multifamily rental housing properties described in this paragraph: Provided further, That of the funds made available under this heading, $3,000,000 shall be available for loans to private non-profit organizations, or such non-profit organizations' affiliate loan funds and State and local housing finance agencies, to carry out a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects: Provided further, That loans under such demonstration program shall have an interest rate of not more than 1 percent direct loan to the recipient: Provided further, That the Secretary may defer the interest and principal payment to the Rural Housing Service for up to 3 years and the term of such loans shall not exceed 30 years: Provided further, That of the funds made available under this heading, $15,000,000 shall be available for a demonstration program for the preservation and revitalization of the section 515 multi-family rental housing properties to restructure existing section 515 loans, as the Secretary deems appropriate, expressly for the purposes of ensuring the project has sufficient resources to preserve the project for the purpose of providing safe and affordable housing for low-income residents including reducing or eliminating interest; deferring loan payments, subordinating, reducing or reamortizing loan debt; and other financial assistance including advances and incentives required by the Secretary: Provided further, That if the Secretary determines that additional funds for vouchers described in this paragraph are needed, funds for the preservation and revitalization demonstration program may be used for such vouchers: Provided further, That if Congress enacts legislation to permanently authorize a section 515 multi-family rental housing loan restructuring program similar to the demonstration program described herein, the Secretary may use funds made available for the demonstration program under this heading to carry out such legislation with the prior approval of the Committees on Appropriations of both Houses of Congress.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $33,660,000, to remain available until expended: Provided, That of the total amount appropriated, $1,000,000 shall be available through June 30, 2007, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

RURAL HOUSING ASSISTANCE GRANTS

For grants and contracts for very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1490e, and 1490m, $40,590,000, to remain available until expended: Provided, That of the total amount appropriated, $1,200,000 shall be available through June 30, 2007, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

FARM LABOR PROGRAM ACCOUNT

For the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486, $30,643,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts.

RURAL BUSINESS—COOPERATIVE SERVICE

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the principal amount of direct loans, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), $33,925,000.

For the cost of direct loans, $14,951,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), of which $1,724,000 shall be available through June 30, 2007, for Federally Recognized Native American Tribes and of which $3,449,000 shall be available through June 30, 2007, for Mississippi Delta Region counties (as determined in accordance with Public Law 100–460): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That of the total amount appropriated, $887,000 shall be available through June 30, 2007, for the cost of direct loans for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses to carry out the direct loan programs, $4,950,000 shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING RESCISSION OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $34,652,000.

For the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, $7,568,000, to remain available until expended.

Of the funds derived from interest on the cushion of credit payments in the current fiscal year, as authorized by section 313 of the Rural Electrification Act of 1936, $78,514,000 shall not be obligated and $78,514,000 are rescinded.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), $29,500,000, of which $500,000 shall be for a cooperative research agreement with a qualified academic institution to conduct research on the national economic impact of all types of cooperatives; and of which $2,500,000 shall be for cooperative agreements for the appropriate technology transfer for rural areas program: Provided, That not to exceed $1,500,000 shall be for cooperatives or associations of cooperatives whose primary focus is to provide assistance to small, minority producers and whose governing board and/or membership is comprised of at least 75 percent minority; and of which $20,000,000, to remain available until expended, shall be for value-added agricultural product market development grants, as authorized by section 6401 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1621 note).

RURAL EMPOWERMENT ZONES AND ENTERPRISE COMMUNITY GRANTS

For grants in connection with second and third rounds of empowerment zones and enterprise communities, $10,000,000, to remain available until expended, for designated rural empowerment zones and rural enterprise communities, as authorized by the Taxpayer Relief Act of 1997 and the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277): Provided, That of the funds appropriated, $1,000,000 shall be made available to third round empowerment zones, as authorized by the Community Renewal Tax Relief Act (Public Law 106–554).

RENEWABLE ENERGY PROGRAM

For the cost of a program of direct loans, loan guarantees, and grants, under the same terms and conditions as authorized by section 9006 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106), $25,000,000 for direct and guaranteed renewable energy loans and grants: Provided, That the cost of direct loans and loan guarantees, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935) shall be made as follows: 5 percent rural electrification loans, $99,000,000; municipal rate rural electric loans, $99,000,000; loans made pursuant to section 306 of that Act, rural electric, $5,000,000,000; Treasury rate direct electric loans, $990,000,000; guaranteed electric loans, $99,000,000; guaranteed underwriting loans pursuant to section 313A, $1,500,000,000; 5 percent rural telecommunications loans, $143,513,000; cost of money rural telecommunications loans, $419,760,000; and for loans made pursuant to section 306 of that Act, rural telecommunications loans, $299,000,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by sections 305 and 306 of the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936), as follows: cost of rural electric loans, $3,703,000, and the cost of telecommunications loans, $657,000: Provided, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year.

In addition, for administrative expenses necessary to carry out the direct and guaranteed *loan programs, $39,600,000 which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".*

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

For the principal amount of the broadband telecommunication loans, $500,000,000.

For grants for telemedicine and distance learning services in rural areas, as authorized by 7 U.S.C. 950aaa et seq., $30,000,000, to remain available until expended: Provided, That $5,000,000 shall be made available to convert analog to digital operation those noncommercial educational television broadcast stations that serve rural areas and are qualified for Community Service Grants by the Corporation for Public Broadcasting under section 396(k) of the Communications Act of 1934, including associated translators and repeaters, regardless of the location of their main transmitter, studio-to-transmitter links, and equipment to allow local control over digital content and programming through the use of high-definition broadcast, multi-casting and datacasting technologies.

For the cost of broadband loans, as authorized by 7 U.S.C. 901 et seq., $10,750,000, to remain available until September 30, 2008: Provided, That the interest rate for such loans shall be the cost of borrowing to the Department of the Treasury for obligations of comparable maturity: Provided further, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, $10,000,000, to remain available until expended, for a grant program to finance broadband transmission in rural areas eligible for Distance Learning and Telemedicine Program benefits authorized by 7 U.S.C. 950aaa.

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service, $604,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; $13,654,487,000, to remain available through September 30, 2008, of which $7,923,414,000 is hereby appropriated and $5,731,073,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): Provided, That of the funds made available under this heading, $300,000,000 shall be placed in reserve and used only in such amounts and at such times as may become necessary to carry out program operations: Provided further, That up to $5,335,000 shall be available for independent verification of school food service claims: Provided further, That of the funds made available under this heading, $9,000,000, available until September 30, 2008, of which not to exceed 5 percent may be available for Federal administrative expenses, shall be used to carry out section 120 of Public Law 108–265 in an additional 9 States.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $5,264,000,000, to remain available through September 30, 2008, of which such sums as are necessary to restore the contingency reserve to $125,000,000 shall be placed in reserve, to remain available until expended, to be allocated as the Secretary deems necessary, notwithstanding section 17(i) of such Act, to support participation should cost or participation exceed budget estimates: Provided, That amounts over $125,000,000 in the contingency reserve shall be treated as general WIC appropriated funds rather than contingency reserve funds: Provided further, That of the total amount available, the Secretary shall obligate not less than $15,000,000 for a breastfeeding support initiative in addition to the activities specified in section 17(h)(3)(A): Provided further, That only the provisions of section 17(h)(10)(B)(i) and section 17(h)(10)(B)(ii) shall be effective in 2007; including $14,000,000 for the purposes specified in section 17(h)(10)(B)(i) and $20,000,000 for the purposes specified in section 17(h)(10)(B)(ii): Provided further, That none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program: Provided further, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: Provided further, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act.

FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011 et seq.), $37,865,231,000, of which $3,000,000,000 to remain available through September 30, 2008, shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: Provided, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: Provided further, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: Provided further, That funds made available for Employment and Training under this heading shall remain available until expended, as authorized by section 16(h)(1) of the Food Stamp Act: Provided further, That funds made available under this heading may be used to enter into contracts and employ staff to conduct studies, evaluations, or to conduct activities related to food stamp program integrity provided that such activities are authorized by the Food Stamp Act: Provided further, That notwithstanding section 5(d) of the Food Stamp Act of 1977, any additional payment received under chapter 5 of title 37, United States Code, by a member of the United States Armed Forces deployed to a designated combat zone shall be excluded from household income for the duration of the member's deployment if the additional pay is the result of deployment to or while serving in a combat zone, and it was not received immediately prior to serving in the combat zone.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out disaster assistance and the commodity supplemental food program, as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); the Emergency Food Assistance Act of 1983; special assistance (in a form determined by the Secretary of Agriculture) for the nuclear affected islands, as authorized by section 103(f)(2) of the Compact of Free Association Amendments Act of 2003 (Public Law 108–188); and the Farmers' Market Nutrition Program, as authorized by section 17(m) of the Child Nutrition Act of 1966, $179,366,000, to remain available through September 30, 2008: Provided, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: Provided further, That notwithstanding any other provision of law, effective with funds made available in fiscal year 2007 to support the Seniors Farmers' Market Nutrition Program (SFMNP), as authorized by section 4402 of Public Law 107–171, such funds shall remain available through September 30, 2008: Provided further, That hereafter no funds available for SFMNP shall be used to pay State or local sales taxes on food purchased with SFMNP coupons or checks: Provided further, That hereafter the value of assistance provided by the SFMNP shall not be considered income or resources for any purposes under any Federal, State or local laws related to taxation, welfare and public assistance programs: Provided further, That of the funds made available under section 27(a) of the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), the Secretary may use up to $10,000,000 for costs associated with the distribution of commodities.

NUTRITION PROGRAMS ADMINISTRATION

For necessary administrative expenses of the domestic nutrition assistance programs funded under this Act, $143,114,000.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761–1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed $158,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $156,186,000: Provided, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development.

PUBLIC LAW 480 TITLE I DIRECT CREDIT AND FOOD FOR PROGRESS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the credit program of title I, Public Law 83–480 and the Food for Progress Act of 1985, $2,651,000, to be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

PUBLIC LAW 480 TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, $1,225,000,000, to remain available until expended.

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, $5,331,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which $4,985,000 may be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which $346,000 may be transferred to and *merged with the appropriation for "Farm Service Agency, Salaries and Expenses".*

MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM GRANTS

For necessary expenses to carry out the provisions of section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1), $100,000,000, to remain available until expended: Provided, That the Commodity Credit Corporation is authorized to provide the services, facilities, and authorities for the purpose of implementing such section, subject to reimbursement from amounts provided herein.

TITLE VI

RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92–313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; and notwithstanding section 521 of Public Law 107–188; $1,941,646,000: Provided, That of the amount provided under this heading, $320,600,000 shall be derived from prescription drug user fees authorized by 21 U.S.C. 379h, shall be credited to this account and remain available until expended, and shall not include any fees pursuant to 21 U.S.C. 379h(a)(2) and (a)(3) assessed for fiscal year 2008 but collected in fiscal year 2007; $43,726,000 shall be derived from medical device user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; and $11,604,000 shall be derived from animal drug user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended: Provided further, That fees derived from prescription drug, medical device, and animal drug assessments received during fiscal year 2007, including any such fees assessed prior to the current fiscal year but credited during the current year, shall be subject to the fiscal year 2007 limitation: Provided further, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: Provided further, That of the total amount appropriated: (1) $457,936,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $544,961,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs, of which no less than $39,079,000 shall be available for the Office of Generic Drugs; (3) $210,000,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) $105,031,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) $255,480,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) $41,273,000 shall be for the National Center for Toxicological Research; (7) $62,007,000 shall be for Rent and Related activities, of which $25,552,000 is for White Oak Consolidation, other than the amounts paid to the General Services Administration for rent; (8) $146,013,000 shall be for payments to the General Services Administration for rent; and (9) $118,945,000 shall be for other activities, including the Office of the Commissioner; the Office of Management; the Office of External Relations; the Office of Policy and Planning; and central services for these offices: Provided further, That funds may be transferred from one specified activity to another with the prior notification of the Committees on Appropriations of both Houses of Congress.

In addition, mammography user fees authorized by 42 U.S.C. 263b may be credited to this account, to remain available until expended.

In addition, export certification user fees authorized by 21 U.S.C. 381 may be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $4,950,000, to remain available until expended.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles, and the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, $99,502,000, including not to exceed $3,000 for official reception and representation expenses.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $44,250,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: Provided, That this limitation shall not apply to expenses associated with receiverships.

TITLE VII

GENERAL PROVISIONS

(INCLUDING RESCISSIONS AND TRANSFERS OF FUNDS)

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the current fiscal year under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 292 passenger motor vehicles, of which 290 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. New obligational authority provided for the following appropriation items in this Act shall remain available until expended: Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, information technology infrastructure, fruit fly program and rearing facility design, emerging plant pests, boll weevil program, low pathogenic avian influenza program, highly pathogenic avian influenza program, up to $33,107,000 in animal health monitoring and surveillance for the animal identification system, up to $1,500,000 in the scrapie program for indemnities, up to $3,970,000 in the emergency management systems program for the vaccine bank, up to $1,000,000 for wildlife services methods development, up to $1,000,000 of the wildlife services operations program for aviation safety, and up to 25 percent of the screwworm program; Food Safety and Inspection Service, field automation and information management project; Cooperative State Research, Education, and Extension Service, funds for competitive research grants (7 U.S.C. 450i(b)), and funds for the Native American Institutions Endowment Fund; Farm Service Agency, salaries and expenses funds made available to county committees; Foreign Agricultural Service, middle-income country training program, and up to $2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service.

SEC. 703. The Secretary of Agriculture may transfer unobligated balances of discretionary funds appropriated by this Act or other available unobligated discretionary balances of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture: Provided, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: Provided further, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without the prior notification of the Committees on Appropriations of both Houses of Congress.

SEC. 704. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 705. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 706. None of the funds in this Act shall be available to pay indirect costs charged against competitive agricultural research, education, or extension grant awards issued by the Cooperative State Research, Education, and Extension Service that exceed 20 percent of total Federal funds provided under each award: Provided, That notwithstanding section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310), funds provided by this Act for grants awarded competitively by the Cooperative State Research, Education, and Extension Service shall be available to pay full allowable indirect costs for each grant awarded under section 9 of the Small Business Act (15 U.S.C. 638).

SEC. 707. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year for the following accounts: the Rural Development Loan Fund program account, the Rural Electrification and Telecommunication Loans program account, and the Rural Housing Insurance Fund program account.

SEC. 708. Of the funds made available by this Act, not more than $1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 709. None of the funds appropriated by this Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

SEC. 710. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 711. None of the funds appropriated or otherwise made available to the Department of Agriculture or the Food and Drug Administration shall be used to transmit or otherwise make available to any non-Department of Agriculture or non-Department of Health and Human Services employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 712. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: Provided, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer unless prior notification has been transmitted to the Committees on Appropriations of both Houses of Congress: Provided further, That none of the funds available to the Department of Agriculture for information technology shall be obligated for projects over $25,000 prior to receipt of written approval by the Chief Information Officer.

SEC. 713. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which—

(1) creates new programs;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

(4) relocates an office or employees;

(5) reorganizes offices, programs, or activities; or

(6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(c) The Secretary of Agriculture, the Secretary of Health and Human Services, or the Chairman of the Commodity Futures Trading Commission shall notify the Committees on Appropriations of both Houses of Congress before implementing a program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

SEC. 714. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance—

(1) through the Watershed and Flood Prevention Operations program for—

(A) the Matanuska River erosion control project in Alaska;

(B) the Little Red River irrigation project in Arkansas;

(C) the Manoa Watershed project in Hawaii;

(D) the West Tarkio project in Iowa;

(E) the West Branch DuPage River Watershed project in DuPage County, Illinois; and

(F) the Coal Creek project in Utah;

(2) through the Watershed and Flood Prevention Operations program to carry out the East Locust Creek Watershed Plan Revision in Missouri, including up to 100 percent of the engineering assistance and 75 percent cost share for construction cost of site RW1; and

(3) through the Watershed Flood Prevention Operations program to carry out the Little Otter Creek Watershed project. The sponsoring local organization may obtain land rights by perpetual easements.

SEC. 715. None of the funds made available to the Food and Drug Administration by this Act shall be used to close or relocate, or to plan to close or relocate, the Food and Drug Administration Division of Pharmaceutical Analysis in St. Louis, Missouri, outside the city or county limits of St. Louis, Missouri.

SEC. 716. In addition to amounts otherwise appropriated or made available by this Act, $2,500,000 is appropriated for the purpose of providing Bill Emerson and Mickey Leland Hunger Fellowships, through the Congressional Hunger Center.

SEC. 717. There is hereby appropriated $1,000,000 for a grant to the National Sheep Industry Improvement Center, to remain available until expended.

SEC. 718. Notwithstanding any other provision of law, of the funds made available in this Act for competitive research grants (7 U.S.C. 450i(b)), the Secretary may use up to 30 percent of the amount provided to carry out a competitive grants program under the same terms and conditions as those provided in section 401 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621).

SEC. 719. None of the funds appropriated or made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out section 14(h)(1) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(1)).

SEC. 720. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to expend the $3,000,000 made available by section 9006(f) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106(f)).

SEC. 721. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out an environmental quality incentives program authorized by chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.) in excess of $1,031,000,000.

SEC. 722. None of the funds appropriated or otherwise made available under this or any other Act shall be used to pay the salaries and expenses of personnel to carry out section 601(j)(1) of the Rural Electrification Act of 1936 (7 U.S.C. 950bb(j)(1)).

SEC. 723. None of the funds made available in fiscal year 2007 or preceding fiscal years for programs authorized under the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.) in excess of $20,000,000 shall be used to reimburse the Commodity Credit Corporation for the release of eligible commodities under section 302(f)(2)(A) of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1): Provided, That any such funds made available to reimburse the Commodity Credit Corporation shall only be used pursuant to section 302(b)(2)(B)(i) of the Bill Emerson Humanitarian Trust Act.

SEC. 724. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out section 6401(a) of Public Law 107–171, in excess of $28,000,000.

SEC. 725. Notwithstanding subsections (c) and (e)(2) of section 313A of the Rural Electrification Act (7 U.S.C. 940c(c) and (e)(2)) in implementing section 313A of that Act, the Secretary shall, with the consent of the lender, structure the schedule for payment of the annual fee, not to exceed an average of 30 basis points per year for the term of the loan, to ensure that sufficient funds are available to pay the subsidy costs for note guarantees under that section.

SEC. 726. There is hereby appropriated $750,000, to remain available until expended, for the Denali Commission to address deficiencies in solid waste disposal sites which threaten to contaminate rural drinking water supplies.

SEC. 727. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out section 2502 of Public Law 107–171 in excess of $63,000,000.

SEC. 728. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out section 2503 of Public Law 107–171 in excess of $58,000,000.

SEC. 729. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a ground and surface water conservation program authorized by section 2301 of Public Law 107–171 in excess of $54,000,000.

SEC. 730. None of the funds made available by this Act may be used to issue a final rule in furtherance of, or otherwise implement, the proposed rule on cost-sharing for animal and plant health emergency programs of the Animal and Plant Health Inspection Service published on July 8, 2003 (Docket No. 02–062–1; 68 Fed. Reg. 40541).

SEC. 731. Funds made available under section 12401 and section 1241(a) of the Food Security Act of 1985 in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year, and are not available for new obligations. Funds made available under section 524(b) of the Federal Crop Insurance Act, 7 U.S.C. 1524(b), in fiscal years 2004, 2005, 2006, and 2007 shall remain available until expended to disburse obligations made in fiscal years 2004, 2005, 2006, and 2007, respectively, and are not available for new obligations.

SEC. 732. Notwithstanding any other provision of law—

(1) the City of Palmer, Alaska shall be eligible to receive a water and waste disposal grant under section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) in an amount that is equal to not more than 75 percent of the total cost of providing water and

sewer service to the proposed hospital in the Matanuska-Susitna Borough, Alaska;

(2) or any percentage of cost limitation in current law or regulations, the construction projects known as the Tri-Valley Community Center addition in Healy, Alaska; the Cold Climate Housing Research Center in Fairbanks, Alaska; and the University of Alaska-Fairbanks Allied Health Learning Center skill labs/classrooms shall be eligible to receive Community Facilities grants in amounts that are equal to not more than 75 percent of the total facility costs: Provided, That for the purposes of this paragraph, the Cold Climate Housing Research Center is designated an "essential community facility" for rural Alaska;

(3) for any fiscal year and hereafter, in the case of a high cost isolated rural area in Alaska that is not connected to a road system, the maximum level for the single family housing assistance shall be 150 percent of the median household income level in the nonmetropolitan areas of the State and 115 percent of all other eligible areas of the State; and

(4) any former RUS borrower that has repaid or prepaid an insured, direct or guaranteed loan under the Rural Electrification Act, or any not-for-profit utility that is eligible to receive an insured or direct loan under such Act, shall be eligible for assistance under Section 313(b)(2)(B) of such Act in the same manner as a borrower under such Act.

SEC. 733. Notwithstanding any other provision of law, the Secretary of Agriculture is authorized to make funding and other assistance available through the emergency watershed protection program under section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203) to repair and prevent damage to non-Federal land in watersheds that have been impaired by fires initiated by the Federal Government and shall waive cost sharing requirements for the funding and assistance.

SEC. 734. None of the funds provided in this Act may be used for salaries and expenses to draft or implement any regulation or rule insofar as it would require recertification of rural status for each electric and telecommunications borrower for the Rural Electrification and Telecommunication Loans program.

SEC. 735. The Secretary of Agriculture may use any unobligated carryover funds made available for any program administered by the Rural Utilities Service (not including funds made available under the heading "Rural Community Advancement Program" in any Act of appropriation) to carry out section 315 of the Rural Electrification Act of 1936 (7 U.S.C. 940e).

SEC. 736. In addition to other amounts appropriated or otherwise made available by this Act, there is hereby appropriated to the Secretary of Agriculture $10,000,000, of which not to exceed 5 percent may be available for administrative expenses, to remain available until expended, to make specialty crop block grants under section 101 of the Specialty Crops Competitiveness Act of 2004 (Public Law 108–465; 7 U.S.C. 1621 note).

SEC. 737. The Secretary of Agriculture is authorized and directed to quitclaim to the City of Elkhart, Kansas, all rights, title and interests of the United States in that tract of land comprising 151.7 acres, more or less, located in Morton County, Kansas, and more specifically described in a deed dated March 11, 1958, from the United States of America to the City of Elkhart, State of Kansas, and filed of record April 4, 1958 at Book 34 at Page 520 in the office of the Register of Deeds of Morton County, Kansas as necessary, to provide for additional uses of said land for any public purpose.

SEC. 738. (a) Section 18(f)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(f)(1)) is amended—

(1) in subparagraph (A), by striking "2004" and inserting "2006"; and

(2) in subparagraph (B)—

(A) in the matter before clause (i), by striking "June 2005" and inserting "May 2006"; and

(B) in clause (ii), by striking "75" and inserting "78".

(b) The amendments made by subsection (a) take effect on January 1, 2007.

SEC. 739. None of the funds made available in this Act may be used to study, complete a study of, or enter into a contract with a private party to carry out, without specific authorization in a subsequent Act of Congress, a competitive sourcing activity of the Secretary of Agriculture, including support personnel of the Department of Agriculture, relating to rural development or farm loan programs.

SEC. 740. Of the unobligated balances under section 32 of the Act of August 24, 1935, $9,900,000 are hereby rescinded.

SEC. 741. None of the funds made available under this Act shall be available to pay the administrative expenses of a State agency that, after the date of enactment of this Act and prior to receiving certification in accordance with the provisions set forth in section 17(h)(11)(E) of the Child Nutrition Act of 1966, authorizes any new for-profit vendor(s) to transact food instruments under the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) if it is expected that more than 50 percent of the annual revenue of the vendor from the sale of food items will be derived from the sale of supplemental foods that are obtained with WIC food instruments, except that the Secretary may approve the authorization of such a vendor if the approval is necessary to assure participant access to program benefits.

SEC. 742. (a) Subject to subsection (b); none of the funds made available in this Act may be used to—

(1) grant a waiver of a financial conflict of interest requirement pursuant to section 505(n)(4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(n)(4)) for any voting member of an advisory committee or panel of the Food and Drug Administration; or

(2) make a certification under section 208(b)(3) of title 18, United States Code, for any such voting member.

(b) Subsection (a) shall not apply to a waiver or certification if—

(1)(A) not later than 15 days prior to a meeting of an advisory committee or panel to which such waiver or certification applies, the Secretary of Health and Human Services discloses on the Internet website of the Food and Drug Administration—

(i) the nature of the conflict of interest at issue; and

(ii) the nature and basis of such waiver or certification (other than information exempted from disclosure under section 552 of title 5, United States Code); or

(B) in the case of a conflict of interest that becomes known to the Secretary less than 15 days prior to a meeting to which such waiver or certification applies, the Secretary shall make such public disclosure as soon as possible thereafter, but in no event later than the date of such meeting; and

(2)(A) not later than 15 days prior to a meeting of an advisory committee or panel, the Secretary of Health and Human Services discloses on the Internet website of the Food and Drug Administration—

(i) any recusal due to the potential for conflict of interest, and

(ii) the nature of the conflict of interest at issue

(other than information exempted from disclosure under section 552 of title 5, United States Code); or

(B) in the case of a recusal that becomes known to the Secretary less than 15 days prior to a meeting to which such recusal applies, the Secretary shall make such public disclosure as soon as possible thereafter, but in no event later than the date of such meeting.

(c) None of the funds made available in this Act may be used to make a new appointment to an advisory committee or panel of the Food and Drug Administration unless the Commissioner of Food and Drugs submits a semi-annual report to the Inspector General of the Department of Health and Human Services and the Committees on Appropriations of the House and Senate, the Energy and Commerce Committee of the House, and the Health, Education, Labor, and Pensions Committee of the Senate on the efforts made to identify qualified persons for such appointments with minimal or no potential conflicts of interest.

Such report must include a description (that identifies no individual by name or affiliation), by advisory committee or panel, of the types of experts sought, the number of candidates considered, the number of those candidates willing to serve, the number of those willing to serve who have no or low involvement as specified in the FDA Waiver Criteria 2000 document, the number of new appointees that have no or low involvement as specified in the FDA Waiver Criteria 2000 document, the number of vacancies remaining, the number of meetings and waivers granted by type of meeting, and, when an individual who has a medium or high involvement as specified in the FDA Waiver Criteria 2000 document is appointed, the rationale for such appointment.

SEC. 743. Section 514(f)(3) of the Housing Act of 1949 is amended by inserting "or the processing of such commodities" after "unprocessed stage".

SEC. 744. Starting in fiscal year 2006, the Secretary shall administer the Farm and Ranchland Protection Program exclusively in accordance with 7 CFR Part 1491 as published on May 16, 2003.

SEC. 745. (a) Notwithstanding any other provision of law, and until the receipt of the decennial Census in the year 2010, the Secretary of Agriculture shall consider—

(1) the City of Lake City, Florida and the City of Parsons, Kansas rural areas for purposes of eligibility for Rural Utilities Service water and waste water loans and grants;

(2) the City of Lansing, Kansas a rural area for purposes of eligibility for Rural Housing Service programs, and the City of Leavenworth, Kansas and the City of Lansing, Kansas as separate geographic entities for purposes of Rural Development grants and loans;

(3) the City of Vineland, New Jersey and the City of Millville, New Jersey, and urbanized areas contiguous and adjacent to both cities, (including individuals and entities with projects within these cities and areas) as eligible for all Rural Business Program loans and grants except rural development (intermediary relending) loans authorized by section 1323 of the Food Security Act of 1985 and rural economic development loans and grants authorized by section 313 of the Rural Electrification Act of 1936, as amended (7 U.S.C. 940C);

(4) the City of Celina, Ohio and the City of Ashtabula, Ohio as eligible for the purposes of Rural Development grants and loans;

(5) the Gooseberry Lake Project in the State of Iowa as eligible for the Rural Utilities Service water and wastewater loans and grant program including the purchase of land and moving of utilities; and

(6) the Cities of Alamo, Mercedes, Weslaco, and Donna in the State of Texas as eligible for the purposes of Rural Development grants and loans.

SEC. 746. Of the appropriations available for payments for the nutrition and family education program for low-income areas under section 3(d) of the Smith-Lever Act (7 U.S.C. 343(d)), if the payment allocation pursuant to section 1425(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3175(c)) would be less than $100,000 for any institution eligible under section 3(d)(2) of the Smith-Lever Act, the Secretary shall adjust payment allocations under section 1425(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to ensure that each institution receives a payment of not less than $100,000.

SEC. 747. There is hereby appropriated $4,000,000, to remain available until expended, for a grant to the National Center for Natural Products Research for construction or renovation to carry out the research objectives of the natural products research grant issued by the Food and Drug Administration.

SEC. 748. None of the funds made available by this or any other Act shall be used to transfer funds or assess charges or fees in excess of 5 percent from any program, project, or activity funded under the Animal and Plant Health Inspection Service.

SEC. 749. There is hereby appropriated $1,000,000 to continue section 791 of Public Law 109–97.

SEC. 750. Notwithstanding any other provision of law, the service areas being acquired by Mid-Kansas Electric Cooperative shall be considered eligible for financing under the provisions of the Rural Electrification Act of 1936, as amended.

SEC. 751. Section 759 of Public Law 106–78 (7 U.S.C. 3242) is amended—

(1) in subsection (a)(3), by striking "2006" and inserting "2011"; and

(2) in subsection (b)(3), by striking "2006" and inserting "2011".

SEC. 752. The Agricultural Trade Act of 1978 (7 U.S.C. 5601 et seq.) is amended—

(1) in section 202 (7 U.S.C. 5622)—

(A) by striking subsections (b) and (c);

(B) by redesignating subsections (d) through (l) as subsections (b) through (j), respectively;

(C) in subsection (b) (as redesignated by subparagraph (B))—

(i) in paragraph (2), by inserting "and" after "exports;";

(ii) in paragraph (3)(B), by striking "commodities; and" and inserting "commodities."; and

(iii) by striking paragraph (4);

(D) in subsection (d) (as redesignated by subparagraph (B))—

(i) by striking "(1) IN GENERAL.—"; and

(ii) by striking paragraph (2); and

(E) in subsection (g)(2) (as redesignated by subparagraph (B)), by striking "subsections (a) and (b)" and inserting "subsection (a)"; and

(2) in section 211(b) (7 U.S.C. 5641(b))—

(A) in paragraph (1)—

(i) by striking "(1) EXPORT CREDIT GUARANTEES.—"; and

(ii) by striking "subsections (a) and (b)" and inserting "subsection (a)"; and

(B) by striking paragraph (2).

SEC. 753. Section 343 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991) is amended—

(1) in subsection (a), by inserting "and, in the case of subtitle B, commercial fishing" before the period at the end of each of paragraphs (1) and (2); and

(2) by adding at the end the following:

"(c) DEFINITION OF FARM.—In subtitle B, the term 'farm' includes a commercial fishing enterprise.".

SEC. 754. (a) Section 1307(a)(6) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7957(a)(6)) is amended—

(1) in the first sentence, by striking "2006" and inserting "2007"; and

(2) in the second sentence, by striking "2007" and inserting "2008".

(b) The authority provided by section 1307(a)(6) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7957(a)(6)), as amended by subsection (a), shall terminate beginning with the 2008 crop of peanuts, and shall be considered to have terminated notwithstanding section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907).

SEC. 755. TRAVEL RELATING TO COMMERCIAL SALES OF AGRICULTURAL AND MEDICAL GOODS. Section 910(a) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7209(a)) is amended to read as follows:

"(a) AUTHORIZATION OF TRAVEL RELATING TO COMMERCIAL SALES OF AGRICULTURAL AND MEDICAL GOODS.—The Secretary of the Treasury shall promulgate regulations under which the travel-related transactions listed in paragraph (c) of section 515.560 of title 31, Code of Federal Regulations, are authorized by general license for travel to, from, or within Cuba for the purpose of conferring, exhibiting, marketing, planning, sales negotiation, delivery, expediting, facilitating, or servicing commercial export sale of agricultural and medical goods pursuant to the provisions of this title.".

SEC. 756. ADDITIONAL AMOUNTS FOR VETERANS. For an additional amount for "General Operating Expenses" for necessary expenses to respond to the data theft at the Department of Veterans Affairs and to provide remedial assistance to veterans who have had personal data stolen from the Department of Veterans Affairs, $160,000,000: Provided, That the amount provided in this section is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109-234.

SEC. 757. (a) The Senate finds that—

(1) the United States cattle industry produces abundant, safe, and healthful food for consumers in the United States and around the world;

(2) Japan prohibited imports of beef from the United States during the period beginning December 2003 and ending December 2005, after a single case of Bovine Spongiform Encephalopathy (BSE, or "mad cow disease") was found in a Canadian-born animal in Washington State;

(3) the United States has implemented and maintained a BSE surveillance and safeguard program that exceeds the internationally recognized standards of the World Organization for Animal Health (OIE) for BSE control, eradication, and testing to protect human and animal health;

(4) the United States and the Government of Japan concluded an agreement on December 12, 2005, that established the conditions under which beef exports to Japan could resume;

(5) as a result of errors by a single United States exporter certified to sell beef to Japan and inadequate oversight by the Department of Agriculture, a single shipment of United States beef was found to be noncompliant with the terms of the agreement resulting in a suspension of all United States beef exports to Japan;

(6) the United States has taken substantive corrective actions to ensure that United States beef exports to Japan are in full compliance with the terms of the agreement, fully disclosed the actions taken to the Government of Japan, and allowed Japanese officials the opportunity to review those actions and personally inspect and determine the eligibility of all United States beef processing plants certified for the export of beef to Japan;

(7) notwithstanding the membership of Japan in the OIE and the commitment of Japan under the Agreement on the Application of Sanitary and Phytosanitary Measures of the World Trade Organization to apply sanitary and phytosanitary measures only to the extent necessary to protect human, animal, and plant health, based on scientific principles, Japan continues to maintain an unjustified suspension of imports of United States beef; and

(8) the continued violation by Japan of the spirit and letter of the World Trade Organization commitments of Japan has resulted in the cumulative economic loss to the United States beef industry of approximately $6,300,000,000 and current annual economic trade losses of $3,140,000,000 per year.

(b) It is the sense of the Senate that if, by the date of enactment of this Act, Japan does not permit the importation of beef from the United States, additional tariffs on selected articles that are grown by, the products of, or manufactured by Japan and that enter the customs territory of the United States should be imposed until Japan permits the importation of beef from the United States.

TITLE VIII—EMERGENCY AGRICULTURAL DISASTER ASSISTANCE

SEC. 801. SHORT TITLE.

This title may be cited as the "Emergency Farm Relief Act of 2006".

SEC. 802. DEFINITIONS.

In this title:

(1) ADDITIONAL COVERAGE.—The term "additional coverage" has the meaning given the term in section 502(b)(1) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)(1)).

(2) DISASTER COUNTY.—The term "disaster county" means—

(A) a county included in the geographic area covered by a natural disaster declaration; and

(B) each county contiguous to a county described in subparagraph (A).

(3) HURRICANE-AFFECTED COUNTY.—The term "hurricane-affected county" means—

(A) a county included in the geographic area covered by a natural disaster declaration related to Hurricane Katrina, Hurricane Rita, Hurricane Wilma, or a related condition; and

(B) each county contiguous to a county described in subparagraph (A).

(4) INSURABLE COMMODITY.—The term "insurable commodity" means an agricultural commodity (excluding livestock) for which the producers on a farm are eligible to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(5) LIVESTOCK.—The term "livestock" includes—

(A) cattle (including dairy cattle);

(B) bison;

(C) sheep;

(D) swine; and

(E) other livestock, as determined by the Secretary.

(6) NATURAL DISASTER DECLARATION.—The term "natural disaster declaration" means—

(A) a natural disaster declared by the Secretary—

(i) during calendar year 2005 under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)); or

(ii) during calendar year 2006 under that section, but for which a request was pending as of the date of enactment of this Act; or

(B) a major disaster or emergency designated by the President—

(i) during calendar year 2005 under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); or

(ii) during calendar year 2006 under that Act, but for which a request was pending as of the date of enactment of this Act.

(7) NONINSURABLE COMMODITY.—The term "noninsurable commodity" means a crop for which the producers on a farm are eligible to obtain assistance under section 196 of the Federal

Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

(8) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

Subtitle A—Agricultural Production Losses

SEC. 811. CROP DISASTER ASSISTANCE.

(a) IN GENERAL.—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance authorized under this section available to producers on a farm that have incurred qualifying losses described in subsection (c).

(b) ADMINISTRATION.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the Secretary shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–55), including using the same loss thresholds for quantity and economic losses as were used in administering that section, except that the payment rate shall be 50 percent of the established price, instead of 65 percent.

(2) NONINSURED PRODUCERS.—Except as provided in paragraph (3), for producers on a farm that were eligible to acquire crop insurance for the applicable production loss and failed to do so or failed to submit an application for the noninsured assistance program for the loss, the Secretary shall make assistance in accordance with paragraph (1), except that the payment rate shall be 35 percent of the established price, instead of 50 percent.

(3) LOSS THRESHOLDS FOR QUALITY LOSSES.—In the case of a payment for quality loss for a crop under subsection (c)(2), the loss thresholds for quality loss for the crop shall be determined under subsection (d).

(c) QUALIFYING LOSSES.—Assistance under this section shall be made available to producers on farms, other than producers of sugar cane and sugar beets, that incurred qualifying quantity or quality losses for—

(1) the 2005 crop due to damaging weather or any related condition (including losses due to crop diseases, insects, and delayed harvest), as determined by the Secretary; and

(2) the 2006 crop due to flooding in California, Hawaii, and Vermont that occurred prior to the date of enactment of this Act and for which a petition for a disaster designation has been filed with the Secretary not later than that date.

(d) QUALITY LOSSES.—

(1) IN GENERAL.—Subject to paragraph (3), the amount of a payment made to producers on a farm for a quality loss for a crop under subsection (c)(2) shall be equal to the amount obtained by multiplying—

(A) 65 percent of the payment quantity determined under paragraph (2); by

(B) 50 percent of the payment rate determined under paragraph (3).

(2) PAYMENT QUANTITY.—For the purpose of paragraph (1)(A), the payment quantity for quality losses for a crop of a commodity on a farm shall equal the lesser of—

(A) the actual production of the crop affected by a quality loss of the commodity on the farm; or

(B) the quantity of expected production of the crop affected by a quality loss of the commodity on the farm, using the formula used by the Secretary to determine quantity losses for the crop of the commodity under subsection (c)(1).

(3) PAYMENT RATE.—For the purpose of paragraph (1)(B) and in accordance with paragraphs (5) and (6), the payment rate for quality losses for a crop of a commodity on a farm shall be equal to the difference between—

(A) the per unit market value that the units of the crop affected by the quality loss would have had if the crop had not suffered a quality loss; and

(B) the per unit market value of the units of the crop affected by the quality loss.

(4) ELIGIBILITY.—For producers on a farm to be eligible to obtain a payment for a quality loss for a crop under subsection (c)(2), the amount obtained by multiplying the per unit loss determined under paragraph (1) by the number of units affected by the quality loss shall be at least 25 percent of the value that all affected production of the crop would have had if the crop had not suffered a quality loss.

(5) MARKETING CONTRACTS.—In the case of any production of a commodity that is sold pursuant to 1 or more marketing contracts (regardless of whether the contract is entered into by the producers on the farm before or after harvest) and for which appropriate documentation exists, the quantity designated in the contracts shall be eligible for quality loss assistance based on the 1 or more prices specified in the contracts.

(6) OTHER PRODUCTION.—For any additional production of a commodity for which a marketing contract does not exist or for which production continues to be owned by the producer, quality losses shall be based on the average local market discounts for reduced quality, as determined by the appropriate State committee of the Farm Service Agency.

(7) QUALITY ADJUSTMENTS AND DISCOUNTS.—The appropriate State committee of the Farm Service Agency shall identify the appropriate quality adjustment and discount factors to be considered in carrying out this subsection, including—

(A) the average local discounts actually applied to a crop; and

(B) the discount schedules applied to loans made by the Farm Service Agency or crop insurance coverage under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(8) ELIGIBLE PRODUCTION.—The Secretary shall carry out this subsection in a fair and equitable manner for all eligible production, including the production of fruits and vegetables, other specialty crops, and field crops.

(e) TIMING.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall make payments to producers on a farm for a crop under this section not later than 60 days after the date the producers on the farm submit to the Secretary a completed application for the payments.

(2) INTEREST.—If the Secretary does not make payments to the producers on a farm by the date described in paragraph (1), the Secretary shall pay to the producers on a farm interest on the payments at a rate equal to the current (as of the sign-up deadline established by the Secretary) market yield on outstanding, marketable obligations of the United States with maturities of 30 years.

SEC. 812. LIVESTOCK ASSISTANCE.

(a) LIVESTOCK COMPENSATION PROGRAM.—

(1) USE OF COMMODITY CREDIT CORPORATION FUNDS.—Effective beginning on the date of enactment of this Act, the Secretary shall use funds of the Commodity Credit Corporation to carry out the 2002 Livestock Compensation Program announced by the Secretary on October 10, 2002 (67 Fed. Reg. 63070), to provide compensation for livestock losses during calendar years 2005 and 2006 for losses that occurred prior to the date of enactment of this Act (including wildfire disaster losses in the State of Texas and other States) due to a disaster, as determined by the Secretary, except that the payment rate shall be 75 percent of the payment rate established for the 2002 Livestock Compensation Program.

(2) ELIGIBLE APPLICANTS.—In carrying out the program described in paragraph (1), the Secretary shall provide assistance to any applicant that—

(A)(i) conducts a livestock operation that is located in a disaster county, including any applicant conducting a livestock operation with eligible livestock (within the meaning of the livestock assistance program under section 101(b) of division B of Public Law 108–324 (118 Stat. 1234)); or

(ii) produces an animal described in section 10806(a)(1) of the Farm Security and Rural Investment Act of 2002 (21 U.S.C. 321d(a)(1)); and

(B) meets all other eligibility requirements established by the Secretary for the program.

(3) MITIGATION.—In determining the eligibility for or amount of payments for which a producer is eligible under the livestock compensation program, the Secretary shall not penalize a producer that takes actions (recognizing disaster conditions) that reduce the average number of livestock the producer owned for grazing during the production year for which assistance is being provided.

(b) LIVESTOCK INDEMNITY PAYMENTS.—

(1) IN GENERAL.—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make livestock indemnity payments to producers on farms that have incurred livestock losses during calendar years 2005 and 2006 for losses that occurred prior to the date of enactment of this Act (including wildfire disaster losses in the State of Texas and other States) due to a disaster, as determined by the Secretary, including losses due to hurricanes, floods, anthrax, and wildfires.

(2) PAYMENT RATES.—Indemnity payments to a producer on a farm under paragraph (1) shall be made at a rate of not less than 30 percent of the market value of the applicable livestock on the day before the date of death of the livestock, as determined by the Secretary.

(c) EWE LAMB REPLACEMENT AND RETENTION.—

(1) IN GENERAL.—The Secretary shall use $13,000,000 of funds of the Commodity Credit Corporation to make payments under the Ewe Lamb Replacement and Retention Payment Program under part 784 of title 7, Code of Federal Regulations (or a successor regulation) for each qualifying ewe lamb retained or purchased during the period beginning on January 1, 2006, and ending on December 31, 2006.

(2) INELIGIBILITY FOR OTHER ASSISTANCE.—A producer that receives assistance under this subsection shall not be eligible to receive assistance under subsection (a).

SEC. 813. FLOODED CROP AND GRAZING LAND.

(a) IN GENERAL.—The Secretary shall compensate eligible owners of flooded crop and grazing land in—

(1) the Devils Lake basin; and

(2) the McHugh, Lake Laretta, and Rose Lake closed drainage areas of the State of North Dakota.

(b) ELIGIBILITY.—

(1) IN GENERAL.—To be eligible to receive compensation under this section, an owner shall own land described in subsection (a) that, during the 2 crop years preceding receipt of compensation, was rendered incapable of use for the production of an agricultural commodity or for grazing purposes (in a manner consistent with the historical use of the land) as the result of flooding, as determined by the Secretary.

(2) INCLUSIONS.—Land described in paragraph (1) shall include—

(A) land that has been flooded;

(B) land that has been rendered inaccessible due to flooding; and

(C) a reasonable buffer strip adjoining the flooded land, as determined by the Secretary.

(3) ADMINISTRATION.—The Secretary may establish—

(A) reasonable minimum acreage levels for individual parcels of land for which owners may receive compensation under this section; and

(B) the location and area of adjoining flooded land for which owners may receive compensation under this section.

(c) SIGN-UP.—The Secretary shall establish a sign-up program for eligible owners to apply for compensation from the Secretary under this section.

(d) COMPENSATION PAYMENTS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the rate of an annual compensation payment under this section shall be equal to 90 percent of the average annual per acre rental payment rate (at the time of entry into the contract) for comparable crop or grazing land that has not been flooded and remains in production in the county where the flooded land is located, as determined by the Secretary.

(2) REDUCTION.—An annual compensation payment under this section shall be reduced by the amount of any conservation program rental payments or Federal agricultural commodity program payments received by the owner for the land during any crop year for which compensation is received under this section.

(3) EXCLUSION.—During any year in which an owner receives compensation for flooded land under this section, the owner shall not be eligible to participate in or receive benefits for the flooded land under—

(A) the Federal crop insurance program established under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.);

(B) the noninsured crop assistance program established under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333); or

(C) any Federal agricultural crop disaster assistance program.

(e) RELATIONSHIP TO AGRICULTURAL COMMODITY PROGRAMS.—The Secretary, by regulation, shall provide for the preservation of cropland base, allotment history, and payment yields applicable to land described in subsection (a) that was rendered incapable of use for the production of an agricultural commodity or for grazing purposes as the result of flooding.

(f) USE OF LAND.—

(1) IN GENERAL.—An owner that receives compensation under this section for flooded land shall take such actions as are necessary to not degrade any wildlife habitat on the land that has naturally developed as a result of the flooding.

(2) RECREATIONAL ACTIVITIES.—To encourage owners that receive compensation for flooded land to allow public access to and use of the land for recreational activities, as determined by the Secretary, the Secretary may—

(A) offer an eligible owner additional compensation; and

(B) provide compensation for additional acreage under this section.

(g) FUNDING.—

(1) IN GENERAL.—The Secretary shall use $6,000,000 of funds of the Commodity Credit Corporation to carry out this section.

(2) PRO-RATED PAYMENTS.—In a case in which the amount made available under paragraph (1) for a fiscal year is insufficient to compensate all eligible owners under this section, the Secretary shall pro-rate payments for that fiscal year on a per acre basis.

SEC. 814. SUGAR BEET DISASTER ASSISTANCE.

(a) IN GENERAL.—The Secretary shall use $24,000,000 of funds of the Commodity Credit Corporation to provide assistance to sugar beet producers that suffered production losses (including quality losses) for the 2005 crop year.

(b) REQUIREMENT.—The Secretary shall make payments under subsection (a) in the same manner as payments were made under section 208 of the Agricultural Assistance Act of 2003 (Public Law 108–7; 117 Stat. 544), including using the same indemnity benefits as were used in carrying out that section.

(c) HAWAII.—The Secretary shall use $6,000,000 of funds of the Commodity Credit Corporation to assist sugarcane growers in Hawaii by making a payment in that amount to an agricultural transportation cooperative in Hawaii, the members of which are eligible to obtain a loan under section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a)).

SEC. 815. BOVINE TUBERCULOSIS HERD INDEMNIFICATION.

The Secretary shall use $2,000,000 of funds of the Commodity Credit Corporation to indemnify producers that suffered losses to herds of cattle due to bovine tuberculosis during calendar year 2005.

SEC. 816. REDUCTION IN PAYMENTS.

The amount of any payment for which a producer is eligible under this subtitle shall be reduced by any amount received by the producer for the same loss or any similar loss under—

(1) the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109-148; 119 Stat. 2680);

(2) an agricultural disaster assistance provision contained in the announcement of the Secretary on January 26, 2006; or

(3) the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 418).

Subtitle B—Supplemental Nutrition and Agricultural Economic Disaster Assistance

SEC. 821. REPLENISHMENT OF SECTION 32.

(a) DEFINITION OF SPECIALTY CROP.—In this section:

(1) IN GENERAL.—The term "specialty crop" means any agricultural crop.

(2) EXCEPTION.—The term "specialty crop" does not include—

(A) wheat;

(B) feed grains;

(C) oilseeds;

(D) cotton;

(E) rice;

(F) peanuts; or

(G) milk.

(b) BASE STATE GRANTS.—

(1) IN GENERAL.—The Secretary shall use $25,000,000 of funds of the Commodity Credit Corporation to make grants to the several States to be used to support activities that promote agriculture.

(2) AMOUNTS.—The amount of the grants shall be $500,000 to each of the several States.

(c) GRANTS FOR VALUE OF PRODUCTION.—The Secretary shall use $74,500,000 of funds of the Commodity Credit Corporation to make a grant to each of the several States in an amount equal to the product obtained by multiplying—

(1) the share of the State of the total value of specialty crop and livestock of the United States for the 2004 crop year, as determined by the Secretary; by

(2) $74,500,000.

(d) SPECIAL CROP AND LIVESTOCK PRIORITY.—As a condition on the receipt of a grant under this section, a State shall agree to give priority to the support of specialty crops and livestock in the use of the grant funds.

(e) USE OF FUNDS.—A State may use funds from a grant awarded under this section—

(1) to supplement State food bank programs or other nutrition assistance programs;

(2) to promote the purchase, sale, or consumption of agricultural products;

(3) to provide economic assistance to agricultural producers, giving a priority to the support of specialty crops and livestock; or

(4) for other purposes as determined by the Secretary.

SEC. 822. SUPPLEMENTAL ECONOMIC LOSS PAYMENTS.

(a) IN GENERAL.—Subject to subsection (b), the Secretary shall make a supplemental economic loss payment to—

(1) any producers on a farm that received a direct payment for crop year 2005 under title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901 et seq.); and

(2) any dairy producer that was eligible to receive a payment during the 2005 calendar year under section 1502 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982).

(b) AMOUNT.—

(1) COVERED COMMODITIES.—Subject to paragraph (3), the amount of a supplemental economic loss payment made to the producers on a farm under subsection (a)(1) shall be equal to the product obtained by multiplying—

(A) 30 percent of the direct payment rate in effect for the covered commodity of the producers on the farm;

(B) 85 percent of the base acres of the covered commodity of the producers on the farm; and

(C) the payment yield for each covered commodity of the producers on the farm.

(2) DAIRY PAYMENTS.—

(A) DISTRIBUTION.—Supplemental economic loss payments under subsection (a)(2) shall be distributed in a manner that is consistent with section 1502 of the Farm and Rural Investment Act of 2002 (7 U.S.C. 7982).

(B) MAXIMUM AMOUNT.—Subject to paragraph (3), the total amount available for supplemental economic loss payments under subsection (a)(2) shall not exceed $147,000,000.

(3) LIMITATIONS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall ensure that no person receives supplemental economic loss payments under—

(i) subsection (a)(1) in excess of the per person limitations applicable to a person that receives payments described in subsection (a)(1); and

(ii) subsection (a)(2) in excess of the per dairy operation limitation applicable to producers on a dairy farm described in subsection (a)(2).

(B) ADMINISTRATION.—In carrying out subparagraph (A), the Secretary—

(i) shall establish separate limitations for supplemental economic loss payments received under this section; and

(ii) shall not include the supplemental economic loss payments in applying payment limitations under section 1001 of the Food Security Act of 1985 (7 U.S.C. 1001) for payments made pursuant to the underlying normal operation of the program described in subsection (a)(1) or section 1502 of the Farm and Rural Investment Act of 2002 (7 U.S.C. 7982).

SEC. 823. EMERGENCY WATERSHED PROTECTION PROGRAM.

The Secretary shall use an additional $53,600,000 of funds of the Commodity Credit Corporation to carry out emergency measures identified by the Chief of the Natural Resources Conservation Service as of the date of enactment of this Act through the emergency watershed protection program established under section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203).

Subtitle C—Conservation

SEC. 831. NATURAL RESOURCES CONSERVATION SERVICE.

(a) AUTHORITY TO CLEAR DEBRIS AND ANIMAL CARCASSES.—Notwithstanding any other provision of law, the Secretary, acting through the Natural Resources Conservation Service, using funds made available for the emergency watershed protection program established under section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203), may provide financial and technical assistance to remove and dispose of debris and animal carcasses that could adversely affect health and safety on non-Federal land in a hurricane-affected county.

(b) Authority to Use Certain Practices.—Notwithstanding any other provision of law, the Secretary, acting through the Natural Resources Conservation Service, may use direct check-writing practices and electronic transfers to provide financial and technical assistance under the emergency watershed protection program established under section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203) in a hurricane-affected county.

SEC. 832. EMERGENCY CONSERVATION PROGRAM.

The Secretary shall use an additional $17,000,000 of funds of the Commodity Credit Corporation to carry out emergency measures identified by the Administrator of the Farm Service Agency as of the date of enactment of this Act through the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.).

Subtitle D—Farm Service Agency

SEC. 841. FUNDING FOR ADDITIONAL PERSONNEL.

The Secretary shall use $13,400,000 of funds of the Commodity Credit Corporation to hire additional County Farm Service Agency personnel—

(1) to expedite the implementation of, and delivery under, the agricultural disaster and economic assistance programs under this title; and

(2) as the Secretary determines to be necessary to carry out other agriculture and disaster assistance programs.

Subtitle E—Miscellaneous

SEC. 851. AUTHORITY TO PROVIDE IMMUNIZATIONS.

Notwithstanding any other provision of law, the Secretary of Defense may provide immunizations to employees of the Department of Agriculture involved in direct recovery work in a hurricane-affected county.

SEC. 852. WAIVER OF CERTAIN PROVISIONS.

Notwithstanding any other provision of law, the Secretary may provide assistance in a hurricane-affected county under the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.) without regard to subtitle C of title XII of the Food Security Act of 1985 (16 U.S.C. 3821 et seq.).

SEC. 853. FUNDING.

The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this title, to remain available until expended.

SEC. 854. REGULATIONS.

(a) In General.—The Secretary may promulgate such regulations as are necessary to implement this title.

(b) Procedure.—The promulgation of the regulations and administration of this title shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(c) Congressional Review of Agency Rulemaking.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

Subtitle F—Emergency Designation

SEC. 861. EMERGENCY DESIGNATION.

The amounts provided in this title are designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

This Act may be cited as the "Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2007".

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, today I am pleased to bring H.R. 5384, the fiscal year 2007 Agriculture appropriations bill, to the Senate for its consideration. It was written after carefully examining the administration's budget proposal, holding a number of hearings, and receiving significant input from Senators and other stakeholders. It was approved unanimously by the subcommittee on June 20 and reported to the Senate by the full committee on June 22. The bill is the product of a completely bipartisan effort.

I thank Senator KOHL and his excellent staff for their hard work. We have established a pattern of bipartisanship in this subcommittee which we are delighted has continued on in this bill as well.

The bill is commonly known as the Agriculture appropriations bill, but its impact goes far beyond the farms and ranches of the United States. The largest portion of the funding in this bill goes to nutrition and food programs for mothers and children, low-income individuals, and senior citizens. It also funds the agencies which conduct vital agricultural research, protect America's food and drug supply, conserve soil and water resources and wildlife habitat, and promotes the economic development of rural America. It is, indeed, a far-reaching measure.

The bill the Senate is now considering totals approximately $98.3 billion in mandatory and discretionary funding. Of this amount, $18.2 billion is for discretionary funding, fully utilizing the 302(b) allocation which we were given.

To touch on a few of the highlights, specifically, the bill increases funding by 5 percent for the land grant colleges, historically Black land grant institutions, Hispanic serving institutions, forestry schools, and the National Research Initiative. This is the first substantial increase in the formula funds since I took over the chairmanship of the Agriculture Subcommittee in these areas.

It restores funding for the Commodity Supplemental Food Program to $108.3 million and funds the Women, Infants, and Children Program at $5.264 billion, fully meeting the estimated caseload requirements. It allows the enrollment of 250,000 acres in the Wetlands Reserve Program and restores the Grazing Lands Conservation Initiative.

Further, it provides for new research into renewable energy and $25 million in renewable energy loans and grants. It fully funds the President's request for avian influenza at USDA and FDA. It maintains the safest food supply in the world by fully funding the Food Safety Inspection Service.

And it speeds the approval of generic drugs to the marketplace by increasing the Office of Generic Drugs at the FDA by 10 million.

All in all, I believe this is a bill Members can be proud of, and I am happy to bring it to the floor.

At this point, I am happy to yield so we can hear from the distinguished ranking member of the subcommittee, with whom we have worked so close over these last 4 years, Senator KOHL.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Thank you, Mr. President and Chairman BENNETT.

I rise today in support of H.R. 5384, which is the fiscal year 2007 appropriations bill for Agriculture, Rural Development, and Related Agencies.

This year, the Agriculture Subcommittee received an allocation of $18.2 billion. While this was an increase of approximately $1.1 billion over last year, the increase was largely absorbed by scorekeeping adjustments driven by the 2006 budget reconciliation bill. However, the increased allocation, while certainly not a windfall, was certainly a help in writing a good bill, allowing us to restore programs the administration proposed to eliminate and provide other critical programmatic increases.

I believe that Senator BENNETT and his staff did an excellent job of balancing limited funding with important priorities, and I strongly encourage all Senators to support this bill. I will briefly discuss some of the highlights of the bill.

Avian flu, while it has not maintained the level of public attention that it commanded earlier this year, is nevertheless, still a threat to our agricultural sector and to public health, and this bill provides an increase of more than $110 million in various accounts for research, regulatory programs, and vaccine-related funding for highly pathogenic avian flu. This funding is essential to helping prevent the spread of avian flu, as well as increasing research in order to contain it where necessary.

The Food Safety and Inspection Service, charged with ensuring that the United States continues to have the safest food supply in the world, received the full funding amount requested by the President. This includes increased funding for food safety inspections, the food emergency response network, and information technology costs.

The Food and Drug Administration received an increase of approximately $100 million above last year's level, including increases of more than $5 million for food defense, nearly $4 million for drug safety, and $50 million for pandemic flu preparedness.

I thank Senator BENNETT for working with me on one of my highest priorities for this bill, to give the Office of Generic Drugs at FDA a $10 million increase over the President's budget, which brings total funding for the Office of Generic Drugs to nearly $40 million, and total funding for generic drug approvals within FDA to nearly $75 million. I believe this increase is an important step and I will continue to work to ensure that FDA has the resources necessary to decrease the growing backlog of generic drug applications within the FDA and to make lower-cost generic drugs available to consumers as early as possible.

In the area of nutrition, the bill provides $5.264 billion, an increase of $64 million above the President's request, for the Special Supplemental Nutrition Program for Women, Infants, and Children,WIC, Program. This will fully fund WIC; and the committee did not accept the President's plans to limit WIC eligibility and to reduce funding to carry out the program. The bill also restores funding for the Commodity Supplemental Food Program, which the President proposed to eliminate.

For the foreign assistance programs, the committee included an increase of $86 million for international humanitarian food assistance—providing U.S. commodities to fight hunger throughout the world—under Public Law 480 title II. With major crises facing us throughout the world and emergency relief demands continuing to rise, it is extremely important that this program is funded at the highest possible level. Mr. President, $100 million is provided for the McGovern-Dole Food for Education Program. This program provides what is oftentimes the only meal a child receives in a day, and is used to encourage children, especially girls, to come to school in developing countries.

In conservation accounts, no limitation is provided on the Conservation Security Program or the Wetlands Reserve Program. The Natural Resources Conservation Service also received a slight increase. Funding for Conservation Operations was increased by $4 million over last year's level; Watershed and Flood Prevention Operations received over $62 million; the Healthy Forests Reserve Program received $5 million; and funding for Watershed Surveys and Planning, the Watershed Rehabilitation Program, and Resource Conservation and Development was maintained at last year's level.

Agricultural research accounts within USDA also received an increase of approximately $30 million. This includes increases for both competitively awarded research grants and formula-based funding for land grant universities and minority serving institutions.

In rural development, the Rural Community Advancement Program received an increase of nearly $20 million over last year's funding—and $114 million over the President's request—to provide assistance for infrastructure and essential community facilities in rural communities. This includes restoring significant cuts for water and wastewater utility systems in rural communities. The Renewable Energy Program was funded at twice the level proposed by the administration, allowing for critical work on ethanol and other alternative fuels. The committee did not accept the President's proposal to eliminate the section 515 Direct Rental Housing loan program which since 1963 has provided construction and rehabilitation of affordable housing for rural families and elderly residents with very low to moderate incomes. That administration budget submission is the first proposal to dispose of this program since its inception.

Overall, as I said earlier, I think that Senator BENNETT has done a good job in making sure that this bill balances limited funding and multiple priorities. I would like to thank Senator BENNETT, for putting together an excellent bill, as well as Fitz Elder, IV, who has done a superb job during his first year as clerk of the subcommittee, Dianne Preece, Stacy McBride, and Graham Harper. Senator BENNETT has assembled a smart, hard-working staff who are always professional and work seamlessly with my staff, something for which I am very grateful. I strongly support this bill, and I encourage all Senators to vote in favor of it.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I thank Senator KOHL for his comments and once again pay tribute to the spirit of bipartisanship he and I have been able to maintain. I appreciate his kind words about the staff and the attempts we have made to integrate both staffs so we have had the kind of professional result to which he has referred.

Now, pursuant to the unanimous consent agreement that is in place, I understand the first order of business will concern agricultural disaster assistance. So I now ask further unanimous consent that once the Conrad amendment is offered to the Agriculture appropriations bill, the time until 5 o'clock be equally divided in the usual form, with a vote occurring in relation to the Conrad amendment at 5 o'clock today, with no second-degree amendments in order to the amendment prior to the vote. Now, I would add that we do expect a budget point of order to be raised, and therefore the vote is likely to be on the motion to waive the budget, assuming that is done.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BENNETT. With that, Mr. President, I yield the floor. I see Senator CONRAD is in the Chamber prepared to discuss his amendment and expect that probably will take the remainder of the time until we come to the vote.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank my colleagues, the chairman and ranking member of the Agriculture Appropriations Subcommittee, for the many courtesies extended to those of us who are seeking to get a vote on disaster assistance this year. My colleagues, the chairman and ranking member, Senators BENNETT and KOHL, have been generous and kind with respect to allowing this amendment to be considered, and we deeply appreciate it. We certainly will not forget it.

The matter before the body is the fundamental question of whether there is going to be disaster assistance to this Nation's farmers and ranchers this year.

I also thank Senator FRIST for allowing us to take up the Agriculture Appropriations bill today, allowing me to offer this amendment to provide agricultural disaster assistance for our farmers and ranchers. It took a bit of a struggle to achieve this result, to get this opportunity, but Senator FRIST has been exceptionally kind throughout this discussion and willing to have the Senate discuss this matter.

Some of my colleagues may ask: Senator, the majority has already indicated they do not intend to finish appropriations bills so what is the point of this vote?

Well, that is a good question. When we sought this vote, we did not know that the Agriculture appropriations bill would then not be completed. We did not know that there was going to be an intention to stop work on appropriations bills, to leave that all until next year. We did not know that. So we were working in good faith to put this before the body as a matter that is urgently needed by tens of thousands of farm families all across America. So why go on with the debate and the vote today if this bill is not going to be completed? There is one very good reason: Depending on how close this vote is, farmers and ranchers and their bankers will at least have an idea of whether there is the prospect for disaster assistance next year. It is going to require a supermajority vote today for us to prevail because the other side is going to offer a budget point of order. That is their right. If we are close to the 60 votes, then farmers and ranchers can assume there is a pretty good likelihood of disaster assistance next year. If we are not close to 60, then they will be safe in concluding the prospects, although still possible, are certainly more remote.

Why is this important? Because literally tens of thousands of farm and ranch families will not be able to go on without disaster assistance. In my own State, the independent bankers of

North Dakota were meeting in my office when Mr. Hubbard, chief economic adviser, came to see me on a separate matter. I asked Mr. Hubbard to go into the conference room to listen to these independent bankers, 11 or 12 of them from across the State of North Dakota. They told Mr. Hubbard clearly and directly: If there is no disaster assistance forthcoming, 5 to 10 percent of the farm and ranch families in North Dakota will be forced off the land. That is how serious the current circumstance is. It is why we come on an emergency basis for this funding.

Let me indicate that this disaster approach will cost $4.8 billion. That is much less than disaster packages in 2000 and 2001, about a third of what disaster packages were in those years. But it is critically important. Why? Because in 2005 and 2006, we had a series of natural disasters across this country that were not covered in any way. The last disaster package that actually went through only applied to hurricanes. Those who suffered from drought, from flooding, were excluded. They were given no help.

Let me show the headlines from my State from last year: "North Dakota Anthrax Outbreak Grows"; "Rain Halts Harvest"; "North Dakota Receives Major Disaster Declaration"; "Heavy Rain Leads to Crop Diseases"; "Beet Crop Could Be Smallest In 10 Years"; "Crops, Hay Lost to Flooding"; "Area Farmers Battle Flooding, Disease".

These are only a handful of the headlines from that year. Here is a picture of a farm. Last year I flew over southeastern North Dakota, and it looked like a giant lake because farm after farm looked like this—water from one horizon to the other. In the southeastern part of North Dakota, there was massive flooding. A million acres were prevented from even being planted. Hundreds of thousands of additional acres were ultimately drowned out. In other words, they could plant, they did plant, and then the crops were drowned out.

This was a devastating year for thousands of farm families. I had a young farmer, one of the best in our State, come to a farm meeting I held. He told me: Senator, unless something happens, a lot of my neighbors are going to be gone, because we have had such an extraordinarily unusual weather cycle in North Dakota.

That young man told me he has not had a normal crop in 6 years. He is not alone. I don't know whether it is global climate change or this is some very unusual weather pattern, but something is happening in my State, something that is dramatic and unusual and devastating to thousands of agricultural producers. We have a lake in North Dakota called Devil's Lake. Devil's Lake has risen 26 feet in the last 8 years. Devil's Lake is three times the size of the District of Columbia, and that lake has risen 26 feet in the last 8 years. I don't know how one would describe this, but it is outside any experience I have had to have a giant lake rise 26 feet.

Three years ago in a small town in eastern North Dakota, we had 18.5 inches of rain in a 24-hour period, in a place that only receives that amount of moisture in a year. Something extraordinary is happening. The question is, will there be any Federal response or are we going to say, Tough luck, you are on your own, you are out?

Irony of ironies, after the massive flooding of last year, after the extended flooding in eastern North Dakota of the last 7 or 8 years, this year drought struck, the third worst drought, according to scientists, in our country's history. That is what happened this year. And so instead of headlines about flooding, this is the headline: "Dakotas 'epicenter' of a drought-stricken nation." This is a report from the Grand Forks Herald, one of the major newspapers of our State; in fact, a Pulitzer Prize-winning newspaper for covering the disastrous flooding of 1997, which many will recall, when we had the spectacle of a fireman chest deep in water fighting a fire. The 1997 flood was the worst flood in 500 years in eastern North Dakota. And now that newspaper is reporting on the "epicenter of a drought-stricken nation."

They say here more than 60 percent of the United States is in drought. And we can see the epicenter is in South Dakota. But we are by no means alone because right down the center of the country, right down the heartland of America, is terrible drought this year, the third worst drought in our history.

"Experts say dry spell third worst on record." The only worse droughts were the horrendous droughts of the 1930s, which we refer to now as the Dust Bowl, and the extended drought of the 1950s. Some who are listening may ask, why haven't we heard about this? Why hasn't this been on the national news?

I think we all know why. Go back to 2005 and 2006. The disasters that were in the news were Hurricanes Rita and Katrina. That is what was in the news. And we have responded to those disasters. We have not responded to this disaster because, frankly, it has gotten very little attention.

This will be the last opportunity for the Senate to act on this important issue. Producers across the country can look to this vote today and be able to determine whether the prospects are hopeful. If we get close to the 60 votes or hopefully achieve a 60-vote hurdle, then the possibility of disaster assistance next year is brightened. If we do not come close, then tens of thousands of farm families are going to be at their bankers in the coming weeks, and they are going to be given the grim news that they are done; they are finished; they will not be able to continue.

For over a year I, along with many Senate colleagues from both sides of the aisle, have been coming to the floor of the Senate seeking to pass disaster assistance for our farmers. Today I come with a bill cosponsored by 27 of my colleagues and myself. That makes 28 of us. On a thoroughly bipartisan basis, we have joined to urge our colleagues to consider disaster assistance. Last spring, as part of the hurricane supplemental, the Senate approved an agricultural disaster package for the 2005 crop year. That measure was later dropped in conference due to opposition from the administration and House leadership. The amendment I am offering today is similar to the bipartisan disaster relief legislation I introduced on September 28 of 2006.

The need for this amendment is compelling. I think my previous remarks made clear why it is so important in my State. It is not just my State. It is North Dakota, Montana, Minnesota, South Dakota, Wyoming, Nebraska, Oklahoma, Texas, Colorado. There are many States that have been affected. In my State, in July I went on a drought tour with my colleague Senator DORGAN and our Congressman. This is my home county. This is a cornfield in July. You have heard the old saw that corn should be knee high by the Fourth of July. You can see there is almost nothing coming up. It is a moonscape. This is what southern North Dakota looked like this year, absolutely devastated.

I even went to a farm where they had irrigated corn. The farmer took me out and we started peeling the ears. And on irrigated corn, the kernels hadn't filled. Why? Because in one day, it was 112 degrees in my hometown. I am not talking about the heat index; I am talking about the actual temperature—in one day, 112 degrees.

When I say North Dakota is not alone, this is from the Drought Monitor from July 25 of this year. The yellow areas are termed abnormally dry; the tan areas are moderate drought; the darker tan, severe drought; the red is extreme drought; the dark brown is exceptional drought. You can see that we have had drought throughout the heartland of America—as I have indicated, the third worst drought in our Nation's history.

Others are communicating with us, telling us of the urgent need for this assistance. We received a letter from 32 of the major farm organizations in America saying pass this disaster assistance. Let me read you the letter:

> We write to respectfully urge you to support agricultural disaster assistance for the 2005 and 2006 production years. While many of us are hopeful that even more can be done to provide disaster-related assistance, we believe the bipartisan Conrad amendment, and other such amendments that would make disaster assistance even more inclusive, should be approved by Congress this year.
>
> As you may know, a large coalition has been seeking disaster assistance for more

> than a year. The coalition is so large and united because last year 88 percent of U.S. counties were declared disaster areas by USDA. This year, more than 66 percent have received that same designation.
>
> With wide support earlier this year, the Senate approved a disaster assistance package. Unfortunately, the provision was changed in conference and the final language only assisted rural residents who were victims of hurricanes, not those who were victims of other natural disasters, such as drought and flooding. While many of us believe that even more needs to be done—and would be supportive of additional assistance—we nevertheless want to ensure that the Conrad amendment is approved.
>
> Quite simply, a disaster is a disaster. We urge you to support the Conrad disaster amendment and oppose a budget point of order against the amendment. Congress should do all they can to provide victims of natural disaster with the assistance that they need and deserve this year.

My amendment incorporates many of the provisions already approved by the Senate. But I have made several modifications to address the objections raised by the administration. The economic assistance provisions to help program crop and dairy producers offset rising energy costs in 2005 have been dramatically reduced. Payments will only be made to producers who can demonstrate they suffered reduced income in 2005 compared with 2004, and the provision requires that those who wish to receive these direct payments forego the crop disaster payments the amendment makes available for 2005 and 2006.

The administration has stated that we need to wait until harvest is concluded. The harvest is over for 2006 and the losses are real and significant throughout many parts of the country. Crop and livestock production loss provisions contained in the original legislation are retained and will apply for both 2005 and 2006.

For those who say you don't have to have a loss to get assistance—wrong. Nobody gets a dime who has not suffered a material loss. In fact, crop producers must have a loss of at least 35 percent before they get a thing. Let me repeat that. Crop producers will have to have a loss of at least 35 percent before any of these provisions take effect for them.

The livestock compensation program will only be made to producers whose operations are in counties designated as disaster areas by the Secretary and who can demonstrate that they suffered a material loss. The provision also contains modest funding for conservation programs to help restore and rehabilitate drought and wildlife losses on grazing lands, and the provision assists small agriculturally dependent businesses that have been dramatically hurt as a result of these natural disasters.

Because of the modifications, the cost of providing disaster assistance for 2005 and 2006 has been substantially reduced, from $6.7 billion in previous provisions to about $4.8 billion in this amendment. Some have suggested that this amendment will result in farmers becoming more than whole and that crop insurance is adequate to address the losses our producers have sustained during the last 2 years.

Nothing in this debate has disturbed me more than people making that argument because it is apparent that they simply don't know how crop insurance works. They simply don't understand the formula that applies.

I wanted to provide a specific example to show my colleagues what is going to happen to a typical farmer under the provisions of this legislation. In North Dakota, the average wheat yield is 34 bushels to the acre. The average harvest price is $4.57 a bushel. So per acre, a farmer could have expected, in a normal year, to get $157.21 an acre. Now, this year, if they would have a 50-percent loss, their market income would be reduced to $78.60. With their insurance indemnity, if they bought coverage at one of the most generous levels—the 75 percent level—they would get a $27 insurance payment. Under my legislation, they would get an additional $7, for a total of $113, compared to what they could have expected in a normal year of $157. They are losing $44.21 per acre in a normal year. They are still down 28 percent, even with this disaster package. For those who suffer a 75-percent loss—let me say I have many in my State who suffered a 75-percent loss—they would get $39.30 from the market. They would get an insurance payment of $54.18.

Under this legislation, they would get an additional $19.50, for a total of about $113—still losing $44 an acre, still at a loss of almost 30 percent.

Mr. GREGG. Will the Senator yield for a question?

Mr. CONRAD. Yes.

Mr. GREGG. Mr. President, I wonder if we can set a timeframe on speaking. Would it be possible for us to ask unanimous consent that after the Senator completes his statement, the other Senator from North Dakota be recognized and then I be recognized?

Mr. CONRAD. Mr. President, we already have a unanimous consent agreement.

Mr. GREGG. I am talking about time.

Mr. CONRAD. We have an order. As I understand it, the order is to be my opening statement, followed by Senator DORGAN for what time he will consume, followed by Senator LANDRIEU for 10 minutes. Is that not correct, I ask the Chair?

The PRESIDING OFFICER. The Senator is correct.

Mr. CONRAD. So we have a unanimous consent agreement in place. I think we should follow that. In terms of time, I have maybe 5 minutes left in this opening statement and Senator DORGAN needs probably 20 minutes and then Senator LANDRIEU is scheduled for 10, if that is of assistance to the Senator. That would indicate that we have about 40 minutes.

Mr. GREGG. Of course, we usually go back and forth in a debate of this nature. But since that is the order, that is fine.

I ask unanimous consent that after the Landrieu statement, I be recognized for an equal amount of time consumed by the Democratic side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CONRAD. Mr. President, again, I want to indicate the facts. For those who have said crop insurance is the answer, crop insurance will keep these people from dramatic losses—wrong. That is not true. This bill will not prevent farmers from dramatic losses. If they have had a 50-percent loss, even with this legislation, they are going to lose nearly 30 percent. If they have had a 75-percent loss, even with this legislation, even with crop insurance, even with buying up to the level that is the most frequent level that farmers buy, they will have a loss of nearly 30 percent.

This program is not going to make farmers rich or even make them whole. But it will make the difference for thousands of farm families who otherwise may be forced off the land. Farmers and ranchers need assistance for the 2005 and 2006 natural disaster losses, and they need it now. If these emergencies are not dealt with, tens of thousands of farm families and Main Street businesses will suffer, many irreparably.

I have had farm meeting after farm meeting all across my State. Farmers and their families have told me that if assistance is not forthcoming, this will be their last year. I am not talking about a few. I am talking about thousands in my State. As I have indicated, North Dakota, unfortunately, is not alone. This is a drought that has been devastating to the heartland of America. That is why there are 28 sponsors of this legislation on a fully bipartisan basis.

Let me conclude by saying that some have said—I know we will hear this from the chairman of the Budget Committee—this is a budget buster. Now, he knows—and everyone who follows the budget process knows—we do not budget for natural disasters. There is no line item in the budget for natural disasters—none. Natural disasters are handled on an emergency basis. That is what we are seeking—emergency funding outside of the budget because there is no budget for natural disasters—none, zero. If there is going to be any assistance, it is going to have to come as it typically has, by an emergency declaration.

To uphold an emergency designation requires a supermajority vote in the

Senate. It requires at least 60 percent to support that designation of emergency. So those who say it is a budget buster—wrong. There is no budget line item for natural disasters—none. The only way there is support for natural disasters is through an emergency declaration over and above the rest of the budget. Why? Because decisions have been made in the past that you cannot predict disasters by their nature. You cannot say a drought is going to happen or a hurricane or a flood is going to happen. Those are acts of God. They are acts that are unpredictable and, therefore, are not budgeted for. Perhaps they should be. Perhaps we should at least make an estimate, based on previous experience, of what natural disasters cost. But it is not done. So if there is going to be any assistance forthcoming for the tens of thousands of people who have been hurt, this is the chance this year to send a signal of help, a signal of hope, a signal that we will stand with these farm and ranch families and help them in their time of need.

AMENDMENT NO. 5205

Mr. President, before I yield the floor, I send my amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from North Dakota [Mr. CONRAD] proposes an amendment numbered 5205.

Mr. CONRAD. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of amendments.")

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, first of all, my colleague Senator CONRAD has described this amendment very well. I appreciate his leadership, as do other Members of the Senate.

For those of us who care about the future of family farming, this is a very important issue for us. I am pleased to be here today to be a cosponsor of this amendment to provide disaster aid to farmers.

Bob Wills and His Texas Playboys in the 1930s in one of their songs had a refrain that I have often used on the floor of the Senate: The little bee sucks the blossoms and the big bee gets the honey; the little guy picks the cotton and the big guy gets the money.

It hasn't changed much over 70 or 80 years. Somehow the big interests always have their day in the Congress. It wasn't too many months ago that they had their day. There was a little provision tucked in a bill that passed the Congress that said to the largest corporations in America: When you repatriate the income you have earned from abroad, we will give you a big deal. You get to pay an income tax rate of 5¼ percent. I think that was worth about a $100 billion tax cut to the biggest economic interests in this country.

It was done without a lot of debate. There is plenty of money to give a $100 billion tax cut to the big interests, but now it is time to talk about working families, family farmers, small producers.

The big interests get their day. Now we are talking about the people who shower after work rather than before work. We are talking about the people who go out and work all day. They grease combines. They plow the fields. They milk cows. They do chores. Then, at the end of the day, they take a shower and clean up because they worked hard all day. They and their families live under a yard light hoping they are going to be able to make a living. Often they plant a seed and hope it grows. They wonder whether they are going to have disease that will destroy their crop. Perhaps hail will destroy their crop. Maybe it will rain too much, or maybe it won't rain at all. Maybe if they get a crop, avoiding all those diseases and natural disasters, including weather disasters, maybe if they get a crop and they haul it to the elevator, it is worthless because that price has collapsed.

Yet that family living on the farm takes all of those risks by itself, and sometimes it doesn't work out for them.

This country for decades—for decades—has always said to family farmers who live out there alone in the country: When things happen that are tough for you—natural disasters, collapse in prices—we want to help you; we want to offer you a helping hand. We have always said that in the form of disaster aid.

It used to be that the disaster aid came in the regular farm bill because we had a disaster title in that bill. That has been changed. So now each year we have to come and plead for disaster help when a disaster occurs that hurts families living out on the farms in this country.

What has happened this year? Here is a satellite description of what happened in our country. This is July, I believe, of this year. The red in this satellite photo shows the drought. The red shows the destroyed forage. One can see the epicenter of this drought is right up in here, but the drought occurs in a wide area of this country. Look at the epicenter of this drought.

Let me read something that comes from a rancher right up here, right in the epicenter of the drought. He says in a letter dated July 12:

> The grass is so dry that it breaks off when the cows walk on it. The cricks and dams, they're all dried up. We're going to have to sell some of the cows pretty soon so we can try to save the rest of them. If you can do anything to help us out, we would really appreciate it.

"If you can do anything to help us out, we would really appreciate it." Did anybody get an appreciative note from those who were saved $103 billion by getting a 5¼-percent income tax break? Did anybody get a note of thanks? Did anybody else get to pay a 5¼ income tax rate? Nobody in America gets to do that. But the biggest economic interests got to do that last year because this Congress was generous: Let me give you a big tax cut of $103 billion. Now we are talking about a few billion dollars that would reach out and help families—yes, the small producers—reach out and help families over troubled times. That is what this is about.

Let me describe a little of the history of this situation. Three times the Senate Appropriations Committee on which I serve has approved amendments to provide disaster assistance. Three times I have offered those amendments, and three times they have been accepted. Last December, 1 year ago, during the conference committee on the fiscal year 2006 Defense appropriations bill, I offered a disaster amendment. The Senate conferees—both sides, Republicans and Democrats—agreed to it and accepted it. The House conferees, at the request of President Bush, objected to it because President Bush said he would veto the bill if it was part of the bill.

In June of this year again, the full Senate approved an amendment that was on the Katrina-Iraq supplemental bill, which I included in the Appropriations Committee. Let me mention that in both cases, my colleague Senator CONRAD played quite a significant role in helping to draft the amendment. He serves on the Senate Agriculture Committee, and I serve on the Appropriations Committee. We used the Appropriations Committee as the mechanism by which we have tried to get this done.

Three times the Appropriations Committee in the Senate has passed amendments that I have offered to provide disaster relief. The first two occasions were occasions in which the White House objected. The President actually said, and his advisers said, they would recommend that he veto legislation that would provide disaster help for family farmers.

In June of this year, I attached the other disaster package. It is the one Senator CONRAD and a large group of us—Republicans and Democrats—put together. That is what is on the floor of the Senate right now, to be amended by the new disaster package my colleague Senator CONRAD offers this afternoon, which I fully support.

So this is not a new subject. No one should come to the floor of the Senate surprised. We have dealt with this subject before. The Senate has approved it before by a fairly significant margin. We have been blocked in two conferences with the House of Representatives because the White House decided to block that help.

Let me describe a couple of pieces of history about drought. It is not a new thing to have a weather disaster wipe out family farmers across this country. One can see the epicenter up in the northern Great Plains, but one can see the destroyed forage in a wide band in the heartland of our country.

Some while ago, we saw the tracking and the description and the physical damage of Hurricane Katrina. It occurred right down here in the gulf. It hit this land with devastating force, unbelievable force, and it destroyed a lot of things. Our hearts were broken as we watched what happened in the gulf.

Part of what the hurricane destroyed was the crops that family farmers had down in these fields. They got washed away and destroyed completely. The Congress passed legislation that said to those farmers: You lost your crops due to a weather-related disaster, and here is some disaster aid. The Congress said to these farmers: You lost your crops due to weather, we are going to help you.

These farmers have lost their crops due to weather. They are just in a different part of the country. No, it is not a hurricane, it is a drought. This had a name; this didn't. Is there a difference? These farmers write to us and ask: What is the difference? We had a weather-related disaster that wiped out everything we had—all the feed, all the crops. We had to sell our cows because if you have a cow and you have no feed, that cow is going to market. We lost everything, they say.

How is it you help farmers in one part of the country who suffered an entire loss of their crops due to a hurricane and then turn a blind eye to farmers in other parts of the country who lost their crops due to drought and other weather-related disasters? How do you justify that, Congress?

The answer is there is no justification for that. When we decide we are going to help—and we should, and I have always supported that, during tough times we are going to help family farmers—then we must reach out to all the farmers in this country who suffer these devastating losses.

I am not interested in sending financial help to farmers who didn't have these losses. They are just fine. That is not what we are here about today. Today we are about the issue of trying to reach out a helping hand to those farmers who suffered a weather-related disaster and suffered losses.

Franklin Delano Roosevelt went out in the country during disasters, and he actually had a tough time traveling. He traveled by train. He showed up in my part of the country on a drought tour. Then he showed up in Huron, SD, on a drought tour. Let me read what the President said. The reason I say this is we asked the President to come out and do a drought tour this past year, or one of his underlings to come out and do a drought tour. In 1936, Franklin Delano Roosevelt did a drought tour. He stopped in Huron, SD, and here is what he said:

> No city in agriculture country can exist unless the farms are prosperous. We have to cooperate with one another rather than buck one another. I have come out here to find you with your chins up looking toward the future with courage and hope, and I'm grateful to you for the attitudes you are taking.

He was on a drought tour speaking from a platform on the back of a train.

He was also in Devils Lake, ND, August 7, 1934. Let me tell my colleagues what he said about a drought tour, this President who took a train around the country. He said:

> I cannot honestly say my heart is happy today because I have seen with my own eyes some of the things I have been hearing and reading about a year or more.

A growing drought that was eating the crops and destroying the crops. He said:

> But when you come to the water problems up here, you are up against two things. In the first place, you're up against the forces of nature. The second, you're up against the fact that man, in its present stage of development, cannot definitely control those forces.

The fact is, the President went on a drought tour and said: We want to help family farmers. It is not much different than what we say today. This is important.

Let me show a photograph of a North Dakota family farmer. He allowed me to show this photograph on the floor of the Senate. This is a picture of one of the ranchers, these ranchers who, in many cases, had to sell their entire herds or parts of their herds because they had nothing to feed their cows. As I said before, if you have cows and you don't have feed, those cows are going to go to market and be sold. That is what has happened.

This is Frank Barnick. Frank and his wife and son raise cattle in Glen Ullin, ND. In this picture, he is walking in a crick bed that normally would provide water for his cattle. As one can see, it looks more like the surface of the Moon. There is no grass there, no water there. Frank says:

> It's the worst drought I've ever seen. You do a lot of praying wondering how you're going to get through it.

One of the issues about getting through these tough times is the issue of what is Congress prepared to do. What is the better instinct of those who serve here? I have served in Congress for some long while, and I have always been proud of being willing to vote for emergency legislation to help people in need. It doesn't matter where it is for me. If it is a hurricane that hits the South in the gulf coast, a hurricane that hits Florida, I want to be there with my vote to say this country wants to say to you, victims of hurricanes, weather-related disasters: You are not alone. You are not alone because this country cares about you. I have always been proud to cast those votes. I never had a second thought about them, and I never wondered very much whether we should. It is part of the better nature of this country to reach out to people and say: You are not alone and we want to help you.

I think of all of the things that we have done in this Congress in the last couple of years to help people. We go all around the world. It is an enormously generous country. We do a lot of things to help with everything virtually everywhere, and that is very important and I am supportive of that. But I think it is very important as well that we help people here at home and that we say to people here at home with respect to problems here at home that they are important to us, that what is happening in America is important to us as well.

Last year, we had people in the northern part of our State who woke up one morning to find that they had a million acres, a million acres of their ground—these are family farmers who had planted in grains—washed away and gone and could not be replanted. We had another million acres that could never be planted. We are talking about 2 million acres of ground because of torrential rains that were destroyed with respect to their productivity to raise a crop, and those family farmers sitting out there with that 2 million acres were left to wonder: What next? Will I be able to continue to farm? Will I and my spouse and my son and daughter be able to continue to own this farm?

Well, we have had torrential rains and flooding that devastated a region of our State, and then we have the epicenter of the drought, as I have just shown, that is almost unbelievable.

My colleague, Senator CONRAD, and I and a Congressman took several drought tours, and I have never seen anything like it. When you lose your crop or you lose your pasture and you have no capability to feed cattle or to plant a seed or harvest a crop, is it exactly the same circumstance which that family faces as the circumstance faced by a family farmer in the gulf region in Mississippi, Alabama, Louisiana? Of course it is. It is exactly the same.

So my colleague today brings a piece of legislation to the floor that we have worked on and tried to perfect that does, as best we can, say to family farmers: Here is a package of disaster relief. No, it is not going to make anybody whole. This is not a massive package that everybody is going to be happy with, but at least it says to those farmers: We want you to have a chance to continue farming.

On a couple of occasions I have described the value of this, the cultural value of even caring about farming. Some people say: So what. Let the market system work. If a family is too small to make it and it floods and they can't get a crop and they are broke, tough luck. So long. See you in town someplace. Somebody else will farm that land.

We, over some 5, 8, 10 decades in this country have known better than to take that attitude. Rodney Nelson, a writer from my State and a rancher from out near Almont, ND, wrote a wonderful piece about farming. And he asked a question which is important for people in this Chamber to ask. He asked the question: What is it worth? What is it worth, he asks. What is it worth for a kid to know how to weld a seam? What is it worth for a kid to know how to plow a field? What is it worth for a kid to know how to hang a door? What is it worth for a kid to know how to grease a combine? What is it worth for a kid to know how to change the oil in a tractor? What is it worth for a kid to know how to teach a calf to suck milk out of a pail? What is it worth for a kid to know how to brand? What is all that worth? What is all that worth?

There is only one place in America where they teach all that. Read the history of the Second World War and see all those young men that marked off America's farms that could fix anything, drive anything, do anything all around the world. There is only one place they teach that, and that university exists on America's family farms. So what is that worth to this country? Does it matter that families live under the yard lights out in the country on our farms? Does it matter? It does to me. It does to me.

No, they are not big interests. I understand that. They are small producers. But they deserve a voice in this Chamber. They deserve their day. They deserve the debate about their value and their worth to this country. I guarantee you the big interests get their day virtually every day in these Chambers.

This is a day to talk about what it is worth. What is it worth for this country to say to family farmers: You matter and you are not alone when trouble strikes. What is that worth for this country?

That is why we offer this amendment today. It is important. In March and April as we prepare for a new year in the Congress and work on appropriations bills and so on, there will be farmers who will learn whether they are able to plant another crop or whether they are going to be kicked off the land. They and their families will learn: Does their dream continue or is it over? And it will depend in large part on what this Congress does on this issue. We should not consider this some sort of idle exercise.

It is true that amending this Agriculture appropriations bill is not going to apparently produce this product by the end of this week. But this Agriculture appropriations bill, one way or another, is going to end up in some kind of an omnibus bill in February or early March. I am an appropriator. I am on the committee. And we are going to do some kind of an Omnibus appropriations bill, and I will do everything I can to see that this kind of disaster package is included in it. Putting it in this Agriculture appropriations bill today is the first step in trying to insist that this, too, be a priority for our country.

Let me say to my colleague, Senator CONRAD, I appreciate working with him on this and many others, and underscore the point that he has made repeatedly: This is not partisan, it is bipartisan. We have aggressive, strong Republican supporters and Democratic supporters to this provision. It is important to understand that. This is about our priorities. It is always about priorities, what is important and what is not important. And so I congratulate and thank the chairman of the subcommittee and the ranking member, Senator BENNETT, Senator KOHL, and thank all of those who have joined in a very substantial bipartisan amendment to once again say to this country and this Chamber that family farmers matter to this country. And when they are in trouble, we need to reach out to say to them: You are not alone. The best, most effective way to do that today is to pass this amendment, and I hope we will do that by the end of this day.

I yield the floor.

Mr. CONRAD. Mr. President, I thank my colleague, Senator DORGAN, who has been such a leader on this issue for our farm and ranch families and who has repeatedly offered disaster legislation on the appropriations bill and has repeatedly passed it on the appropriations bill. In fact, there is, in the underlying appropriations bill of the Agriculture Committee, disaster assistance. The problem is, though, it only covers 1 year, and we now know we have had 2 years of remarkable disasters.

While we are waiting for Senator GREGG to come to the Senate floor, I thought I would just take a moment to read from some of the letters from farmers in my State, the things that they have written me. This is a letter from last year, the flood year. This is what the man wrote:

> The rains began in earnest the last days of May 2005. Our crops were in the ground so the majority of the input costs for the crops were already realized. We received 25 inches of rain in 33 days. The attached pictures show the result. In our local town residents were going up and down the streets in boats.
>
> We did our very best to cope with expenses but with the increased energy prices and the loss of crop income, we and all the other producers in our area lost the battle. Our farm had financial reversals in the amount of $110,000. We carry crop insurance but this program does not begin to cover our risks.
>
> In speaking with loan officers at 2 of our local banks I was told that First National Bank expects to restructure 60 percent of their ag loans. State Bank estimates restructuring 75 to 80 percent of their loans. This is serious business in agriculture.

He closed by saying:

> Please support disaster relief currently working its way through Congress. If you do, you will literally be the difference between me being able to continue to produce food and fiber for this great Nation and not being able to continue this production.

A second letter from a man this year:

> I farm and ranch with my father and mother and this is the second year in a row that our neighbors and ourselves have endured natural disasters. When I say disaster, I mean 25 inches of rain in the month of June alone, and complete crop loss. I farm approximately 630 acres myself, and I did not harvest a single kernel of grain from any of it. The rivers started to run the 3rd of July and pushed across 80 acres of my alfalfa field, killing approximately 40 acres.
>
> Enclosed are pictures to give you an idea of what the conditions were like. The pictures look as though they could have been taken after Katrina, but we know otherwise. Those people need assistance for a complete loss. What we had here was not as catastrophic on a widespread manner, but destruction of crops was there. Please assist us. Thank you for your time and any assistance you might provide.

This is another letter. This letter is from this year. And, remember, last year we had this incredible flooding, and now this incredible drought.

> We are writing to ask for your help. We were burnt out this week by a prairie fire on the Standing Rock Reservation. We lost 5,000 acres of pasture. We don't know how we are going to feed our cattle this winter, as we have lost our winter grazing.
>
> This, on top of the drought here in south central North Dakota, we don't know how much more we can contend with. We planted wheat, but have nothing to harvest this year due to a lack of rain, and crop insurance will barely pay our input costs, so there will not be any income from a crop this year.
>
> As for buying feed for cattle, hay will cost approximately $100 per ton with trucking. We will also need to purchase supplement and corn. This is in addition to the high cost of electricity, fuel, and propane.
>
> We don't know how much more we can endure. We don't know why our country helps other nations, but not our own people, and especially the farmers. Other nations give nothing back.
>
> Selling the cattle is not the answer either. As a result, there will be no income. Please let us know if there is any assistance for us.

And another letter. This is from the head of a bank, the Commercial Bank of Mott, ND, near where Senator DORGAN grew up:

> Attached are six agricultural operations associated with the Commercial Bank of Mott. Five of these businesses are located in Hettinger County and one in Grant County. Over the course of the last two weeks, these producers have come to the bank to discuss their financial position. The projections attached have been assembled to reflect accurately each producer's current standard.

As you review each and every projection, it is apparent that all of these producers were dramatically affected by the drought of 2006. At this writing, without any government intervention or disaster aid, it appears that three of these producers will be going out of business. They simply cannot absorb losses of this magnitude.

The last spreadsheet attached shows that the six producers have collectively lost $875,000 in this year.

Six producers losing $875,000.

We are here today because you have asked us to come. We now ask you to support agriculture and to help provide these producers with a fair and equitable disaster program. I might add, the program is needed now.

Mr. DORGAN. Mr. President, I wonder if my colleague would yield for a question.

Mr. CONRAD. I am happy to yield.

Mr. DORGAN. In the context of how much money is required to try to be helpful to family farmers as they struggle through this weather-related disaster period to determine whether they are actually going to be able to continue farming, I noticed a story the other day—I believe it was yesterday—which stated that we now have 100,000 private contractors we are paying in the country of Iraq. We are passing pieces of legislation here in the Congress, hundreds of billions of dollars of supplementals, emergency supplementals. My understanding is that we are going to be presented with another emergency supplemental for $120 billion.

In terms of what one spends, at least with respect to helping farmers who have gotten hit with tough times, you know what you are doing and where it is going to go.

The point I am making is, isn't it the case that in the context of all of this, we are not talking about a great deal of money, but in this case we are talking about a lot of people who will be directly helped, and it likely will determine whether many of them will be able to continue working on the family farm and operating the family farm? I understand this is an expenditure of money, but to the extent that we have emergencies bantered around here virtually all the time, it really is an emergency when a weather-related disaster hits—really hits—and devastates a region. That really is an emergency, to determine whether you are going to be able, or willing, to help families in deep trouble. Isn't it the case that this is not a substantial amount of money, given all the other things we have decided to very quickly say yes to?

Mr. CONRAD. I say to my colleague, this equals about 10 days of expenditure in Iraq, based on what we are told the supplemental will be and what is already in the budget. So this is modest compared to previous disaster packages. It will not make farmers whole.

As I have indicated in the examples I have provided, farmers who had a 50-percent loss will still have a 28-percent loss in economic terms, even with this package. A farmer who has lost 75 percent, even with this package and with aggressive crop insurance, will still have a 28-percent loss as well.

This is a defining moment for thousands of people.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, what is the parliamentary situation relative to time?

The PRESIDING OFFICER. The Senator from New Hampshire controls 60 minutes.

Mr. GREGG. Mr. President, I rise in opposition to this amendment. I do feel it is uniquely ironic that the first amendment offered—and this was the first amendment offered after the election—would increase the debt of this country by $4.9 billion; that it would abandon the budget and essentially say we should spend additional funds and pass those costs on to our children.

Throughout the election cycle, I think I heard a great deal about fiscal responsibility. I especially heard it from the other side of the aisle, about how we as Republicans have been profligate allegedly. Maybe those were just words, because the first formal action taken by the other side, which is now moving into the majority position, is to spend $4.9 billion which we do not have on an emergency which is declared in the agricultural community, and which funds are, in many instances, not even emergency related if you were to define a traditional emergency.

It is hard to understand how we can want to increase the debt on our children in this manner. Clearly I think it is inconsistent with what the American people asked for when they voted in the last election. I think they asked that we have a reasonable approach to fiscal policy, that we start spending within our means, and that we stop passing on to our kids the costs of today. This is a cost of today.

This amendment should have been handled in the regular order of the appropriations process. It should have been handled by being offset or by a reduction in expenses somewhere else, or it should have been handled within the spending cap which was proposed for the agricultural community. It is not. It is an emergency which is a designation placed on it basically for the purposes of avoiding the obligations of the budget.

Let me ask, is it really an emergency that we spend $24 million provided solely to the sugar beet producers rather than giving them the assistance through the crop disaster program? That is an earmark, that is not an emergency.

Is it really an emergency to spend $3 million specifically providing sugarcane growers in Hawaii nondisaster assistance? It is simply an earmark. A $95 million payment to dairy producers for losses? Earmark. What about $6 million provided for a flood area in North Dakota? An earmark. Or $1 million for a land replacement and retention program? An earmark. Or $10 million for the purposes of a watershed project in another State? An earmark. These are not emergencies. This is simply an attempt to get votes. That is the way it works around here. You get a big chunk of money, you put an "emergency" title on it, and then you run around and adjust the spending in that amount of money so you can pass it and avoid the 60-vote point of order. Logrolling is the term that historically has been applied to that. People don't remember that term, but that is what it is historically.

The irony is, of course, the underlying bill already had $4 billion of emergency money designated in it which should not have been designated, but that money wasn't allocated in a way that the sponsors of this bill felt comfortable enough with to get the 60 votes, so they took that money and cleared it with this money and basically added $4 billion to the debt.

When we say added to the debt, what we are saying basically is our children are going to have to pay for it. Our children are going to have to pay tomorrow for costs that are going to benefit a small group of farmers today. That cost should have been borne by expenditures being reduced today or expenditures being reallocated today. It should not be borne by throwing it on the deficit and making our kids pay for it.

There are some other things in this declaration of additional deficit spending of $4.9 billion which are questionable. For example, dairy farmers and certain crop programs can receive this payment for production if they can show they had a loss in 2005 net farm income compared to 2004. There is no requirement that loss be shown related to anything that had to do with an emergency; it could be that they became inefficient, ineffective, or simply didn't know what they were doing and made mistakes. But they are going to get paid for not making as much money in 2005 as they did in 2004. It has nothing to do with an emergency. It is only if they can show they didn't do as well in 2005 as they did in 2004, they are going to get tax dollars.

There are a lot of businesses in this country today that did not do as well in one year as they did in the next year. Are we to declare that every one of those businesses should get emergency funds simply because they had a difference between their income in one year from the next year? The fact may be that the difference in income was because 2004 was a great year, as it happened to be, and 2005 wasn't a great year. It was a good year, a very good year in many farm communities, but the difference is now going to be picked up by the taxpayers. So essentially there wasn't a lot of incentive to do better in 2005 than 2004. Essentially we are saying to those folks who worked harder and were more productive and did have a better year in 2005 than 2004: Sorry, your activity wasn't relevant. The person who didn't work as hard as you, who wasn't as productive as you, maybe ran his farm more poorly than you, we are going to pay him the difference in income from 1 year to the next. That is classic 1930s Government, I guess, if you believe in that theory of governance, the theory that people should be paid for doing a lousy job and not being productive.

This amendment in and of itself represents a 23-percent increase in 1 year in the subsidies for farm programs in this country; 23 percent. That is a huge 1-year shot of expenditures. It is rather dramatic, to reflect the fact it is in relationship to the emergency process when there is no relationship; they are disjointed here. There is some, but it is primarily disjointed.

The way this amendment is structured, the way this language is structured, under the traditional crop insurance program a person is supposed to buy crop insurance. Under this bill, if you do not buy crop insurance you are still going to get paid. In fact, they are no longer subject to the percentage cap, which is the traditional way. So you could actually end up making more under this program, under these proposals, with a crop loss than you would make if you had actually brought your crops in on target.

It is inconsistent with marketplace economics, as is the concept that you would get paid for having a bad year, the difference between a good year and a very good year.

The contrast is pretty significant because what they have done is reversed what has been a historical factor with our agriculture bills, which is that you include in most of the agriculture disaster bills that come through this body—in fact, all of them—that they have included a percentage cap and a requirement to purchase crop insurance. This bill rejects both of those concepts, which is sort of even a bigger grab at the taxpayers' wallet.

This bill affronts the sensibilities of fiscal responsibility. I mean, the idea that you would spend $4.9 billion outside the budget as the first act of the Congress, after returning from an election when the American people said get your fiscal house in order, is an affront to the election process. It is like saying there was no election. People didn't have anything to say in the last election about fiscal responsibility; it was all about other subjects. I disagree with that.

This sets a very bad tone, in my opinion, for the next Congress. This is truly the first act of the next Congress, whether we are going to live within the budget for the fiscal year under which the next Congress is going to function. Under this proposal, we are not only going to not live within it, we are going to make a joke out of it. We are going to spend $4.9 billion, much of it earmarked—not much of it but a significant amount of it earmarked—much of it reorganized so it is structured in a way that benefits folks who may not have had a disaster at all and much of it structured in a way that rejects what has been the historical approach toward farm disasters, which is it has to have a relationship to a percentage cap and to production and to purchasing of crop insurance.

It is terrible, fiscally. It is bad policy from a farm standpoint, also. It is essentially an attempt to build a coalition of 60 votes, which 60 votes will then represent a raid on the Treasury on behalf of an interest group, an interest group which has compelling arguments but which is still an interest group and is difficult to defend in the context of fiscal responsibility.

That being the case, this proposal is subject to a point of order. If the Senator from North Dakota is ready, I will make the point of order now.

Mr. President, I ask unanimous consent that I be allowed to raise the point of order at this time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GREGG. Mr. President, pursuant to the fiscal year 2006 budget resolution, I raise a point of order against the emergency designation of the pending amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, pursuant to section 402 of House Concurrent Resolution 95, the concurrent resolution on the budget for fiscal year 2006, I move to waive section 402 of that concurrent resolution for purposes of the pending amendment.

I ask for the yeas and nays at the designated time.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered.

Mr. GREGG. I now yield to the Senator from Oklahoma such time as he may desire.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, first, I compliment my colleagues from North Dakota. They have described a very real problem in farm country. Western Oklahoma and north central Oklahoma have been plagued by drought. Much of the wheat crop could not be planted last year because there was no soil moisture in which to plant it. The problem they are describing is a very real problem. The emotional context in which they put it is a very true indication of the plight of some of the farmers from Oklahoma and throughout the country.

When you look at agriculture in our country, what we find is it is basically undercapitalized. If the average farm was about 1,800 acres, the average farmer could take 2 terrible crop years and still be OK, still have his assets, still have the ability to come back and earn again. We have great commodity prices right now. The problem is there were no crops to take advantage of those great product prices.

The idea that we ought to be about helping our farmers is a correct idea. I applaud both Senators from North Dakota for their persistence in bringing up this issue. As a matter of fact, I think this issue is so important to the real problems that are out there because I don't see how we can leave here on Friday, which everyone is planning on doing, and not address this issue.

There is a lot I disagree with in this bill. The Senators from North Dakota know that. I have expressed it. I am going to outline some of those.

If this election taught us anything, it is that the American taxpayers want us to put good value with what we do.

A couple of facts: This bill can be paid for. It is not. This amendment is not paid for. But it could be. As a matter of fact, I would bet that after this election we have a consensus within the Senate to pay for it. Let me give you some examples how we pay for it.

I know the Senator from North Dakota has another which I didn't think of, but I know several on this side would probably agree it is a great payfor. There is $8.13 billion in unobligated balances in the Agriculture Department right now. That money could be used to pay for this, and then in the reappropriations process that we start in February we could come back through, recognizing that we are using $4.8 billion of that money to pay for this.

One of my problems with the Agriculture appropriations bill that this amendment is going to be attached to is there is $800 million worth of earmarks, most of which come out of the very services the farmers are dependent upon to grow a good crop. A lot of it comes out of ARS, the very thing we shouldn't be taking money out of, but yet we have $758 million worth of earmarks that aren't necessarily a priority for our country or the farm communities but are a priority in terms of the political benefits that it gives the Members of this body and the House.

This is a fine-print page of all the earmarks in this bill. Most of the American public, when they look at it, 50 percent of these projects they would have trouble stomaching saying this is a priority at this time. There is no attempt to eliminate the earmarks to pay for this, which would pay 20 percent of this Agriculture bill disaster amendment we have before us.

Mr. CONRAD. Mr. President, will the Senator yield for one moment?

Mr. COBURN. I would be happy to.

Mr. CONRAD. I am very much in sympathy with the Senator on the notion of paying for this. In fact, I spent much of the morning trying to figure out a way I could offer a pay-for which I think the Senator and I might agree with and I think most of the body would agree with. It would more than pay for this. I have been advised by legal counsel that if we offer a pay-for in the context of this bill and this amendment, we would then be subject to rule XVI. Under rule XVI, any Senator can raise it and the amendment would fall with no vote. So we are in a very unfortunate circumstance. We can't offer a pay-for.

Let me be very direct about what the pay-for is which I would have offered today if I weren't prevented by the rules from doing so. It turns out the Interior Department failed in contracts with oil companies to provide for royalties when oil prices went above a certain amount. Oil prices are above that amount today. The loss to the Treasury, I am told, is in the range of $11 billion. That would pay for this twice over. Unortunately, we can't offer our proposal and the Senator can't offer his without being subject to rule XVI. I wanted to say that for the RECORD. I appreciate very much that the Senator knows I wish to pay for this as well. We have a way to do a pay-for, but I am precluded by the rules from offering it.

Mr. COBURN. Mr. President, I thank the Senator. I reclaim the floor.

Let me talk again about some of the problems that are behind the bill as it is presently written. We are never going to have a crop insurance program in this country that will ever work if we keep bailing people out who fail to buy crop insurance. Granted, there is a change in this bill from what it was. It was 35 percent or 40 percent available to those who didn't buy crop insurance. Now we have cut it to 20. But we are still sending a signal that you don't have to buy crop insurance, because even if you do not, we are going to be there with the money. That is exactly the wrong signal. If we want to have a crop insurance program to work, we have to have the discipline to say if you choose not to buy it and we had this available to you, then in fact you are not going to get the benefit.

Mr. CONRAD. Will the Senator yield on that point without interfering with the Senator's time?

Mr. COBURN. I am happy to.

Mr. CONRAD. Mr. President, I will take this on my time.

The Senator makes a very good point. In previous disaster bills, those that did not have crop insurance got 45 percent of the prevailing price. Under this bill, we have dropped that dramatically to 20 percent. Why? The Senator asks a very good question. Frankly, the overriding reason is there are certain crops for which crop insurance doesn't work at all, largely specialty crops in this country for which the crop insurance program badly needs reform. I think most of us from farm country would agree on that. There are real problems with crop insurance. Crop insurance for specialty crops was never written in a way that makes any economic sense, or in many cases covers the crops at all. That is why we still have a provision that gives some assistance to those who do not have crop insurance.

Mr. COBURN. Mr. President, reclaiming the floor again, the point is had we not given 45 percent before, many of these would have bought crop insurance. The very fact that we are going to go out and give money to people who had an opportunity to protect their losses and chose not to, we are sending a signal that we are going to get less participation in crop insurance, not more. What we want is a crop insurance program that will work and which has the incentive so that many farmers say, Uncle Sam isn't going to come; I have an opportunity to protect myself and I am going to buy it. Does it cost me something? Sure.

The second point I was going to make relates to the chart which the Senator from North Dakota showed which showed the amount of losses. What he didn't say is that farmers also had the opportunity to buy a much higher level of coverage which they chose not to do. But it is out there. Had they done this, their losses would have been far less than they are today. Economically, they have to make a decision. I am not against helping those who are in need today. But I think there are things which could perfect the amendment which I hope the Senators from North Dakota would consider. We have had two great production years in this country where net farm income has been as high as it has been except this last year. We are going to be calculating off a base of the highest that we had. That is number one.

Number two, there is nothing in this that looks at net assets of a farmer because farmers who in fact are capitalized to the degree that they can take a tough year—we are going to pay them, too. The American people have kind of spoken in November. Use common sense. Give us value for our dollar. The very well-to-do farmer who is very well capitalized we are going to bail out as we are going to bail the guy who is not, and he is the one who doesn't need bailing out.

What I want to see us at some point go to in the future with our farm programs is how we increase the capital of the individual farmers where they are capitalized to the level where they can in fact hit a bump in the road and still make it; can in fact hit 20 bumps in the road, and we know what that is. I have the studies. It is a minimum of 1,800 acres and the capital to supply the equipment to farm such 1,800 acres.

The other thing in this bill is the duplication of programs that are already out there. That is $300 million to help small businesses who supply the farm community. That is what the Small Business Administration is all about. We are going to turn around and give $80,000 to small businesses. We have a program for that. Yet we are going to turn around and create another Government program that is going to say you didn't have to be a good businessman if there is a little bit of a dent in the crop year; all you have to do is come and be bailed out, too, instead of taking a program that we need to make better, that sends a signal to the farmers, saying we are going to help you when you need help, but you have to be responsible in terms of crop insurance. We will let the other branch of the Government that has these areas covered be made available and we will help nurture the staff there.

One other area that kind of drives me crazy with this amendment is we are adding staff to the Department of Agriculture. They have 95,000 employees. Not all of those are in agricultural production. They have several thousand contract employees, and we are going to add employees to implement this.

I tell you that from my visits around Oklahoma, there are more than enough people at FSA and all the different branches and all the different organizations associated with the Department of Agriculture to implement this now. We don't need to add people. What we need to do is get the money to the people who need it. And we can do that. All we have to do is have good management and good direction.

I abhor the fact that we steal money from ARS for earmarks to help us politically but hurt the very people that we say we want to help with this amendment.

I think it is also wrong to take money from AFS which deals with bovine encephalitis and bird flu. We are taking money and time away from that agency to pay for earmarks. That is wrong. We shouldn't be doing that. If we are going to have earmarks, let us take it from some place that is not going to undermine the very farmers we say we are trying to help.

We have a ton of cattle in Oklahoma, and I know we do all through the central Midwest and in the upper plains, that have been markedly harmed by the drought.

We need to be careful with the precedent we set here. We are slowly moving in a direction to make all production agriculture similar to what we have done with crop insurance agriculture. I think we need to have the patience to say how do we do this in a way that does not create another expectation of bailing someone.

The Senator from New Hampshire was very correct when he talked about what this bill is going to do in terms of busting the budget. I am going to be voting to sustain the point of order because I don't think we should be doing it that way.

I want to be very clear. That doesn't mean I think we should not be doing something to help farmers. I also will say very insistently that if this Congress goes home without addressing this issue on a freestanding bill for agriculture assistance, I think we will have let down the American people. I know we will have let down the American farmer and rancher.

I think we ought to consider looking at the adjournment resolution and mount an opposition to this if this issue is not addressed before we go home. I think we can work behind the scenes to pay for this. I think we can work behind the scenes to change it where we can build the support for it, and I think we can work behind the scenes to give something to the President that he can sign and start implementing the month of December into January, and farmers will know whether they are going to plant a corn crop in March or a wheat crop next fall if they haven't been able to plant one this year.

Mr. DORGAN. Mr. President, will the Senator yield?

Mr. COBURN. Certainly.

Mr. DORGAN. Mr. President, the Senator from Oklahoma, makes some important points. He talks about the need to have patience. One of the issues for all of us is we are about out of patience on this issue. The fact is it has been almost a year and a half trying to move this the third time—not just this but a different variation of this—trying to find a way to help those producers who are hurting. Patience is a virtue, but sometimes we run out of patience, and we are near that end.

With respect to the question of payment limits and so on, I agree with the Senator. Senator GRASSLEY from Iowa and I have coauthored amendments—and we will again offer amendments on the floor of the Senate—to establish payment limits in the farm bill. My colleague Senator CONRAD has been an active supporter of that. We don't have disagreement on those kinds of issues. I think the crop insurance program, while important, has never been sufficiently contracted to reap prices and replace disasters when a real disaster strikes. That is part of the issue here. These aren't just bad rains or high winds; these are real disasters when you see the epicenter of a drought that destroys all of the farmers. I am sympathetic. I understand what the Senator from Oklahoma is saying. I hope he understands patience is not inexhaustible when producers are wondering whether they and their family are going to be able to continue. I am talking about a lot of families who are struggling very hard.

Let me say finally the sentiments of the Senator from Oklahoma about trying to help family farmers is very much, in sync with the sentiments of Senator CONRAD and others. We very much want this Congress to reach out a helping hand to those farmers who risk losing everything if we don't help them some, and say, You are not alone, we are going to help you. That is what we are trying to do here.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from Oklahoma.

Mr. COBURN. Mr. President, the overall point of all this is we can do this the easy way or we can do this the hard way. The hard way is what the American people expect us to do—and the hard way is paying for this. The easy way is not to pay for it. The easy way is to walk out of here this Friday having maybe passed your amendment or not. It is not going to make any difference in terms of the farmers because it isn't going anywhere. We have already been told that. The hard way is to make the tough choices about the priority of the Government spending of this country and say the farmers ought to be prioritized at this point in time. We are going to do the hard work to make the cuts somewhere else to pay for it.

Mr. DORGAN. Will the Senator yield for a brief point?

Mr. COBURN. Let me make my point. I will yield in a minute.

What we are doing, if we pass this without offset, we are taking out the good old politician credit card saying we don't have the guts to do it the right way, we don't have the stamina to do it, we don't have the courage to do it. By the way, grandchildren, here you go. Back in 2006, we couldn't do the right thing, we didn't have the courage to do the right thing, and we are charging it to you. And besides charging it to you, we will charge the interest from the time now until you are 40 years of age, so you are paying 40 percent or 50 percent regular, middle-income-America taxes because that is the only way we will get out of this.

Three points, and then I am finished.

There are things that need to be changed in the bill that send the wrong message, especially on crop insurance. We will never get crop insurance fixed if we keep sending the message we are sending with this amendment.

No. 2, there are other organizations within the Federal Government designed to help small businesses. We ought to use them rather than create another one.

The third point, we ought to pay for it. We as a Congress do not have the courage to stand here and fight and say we are not going home until we have taken care of this problem for the farm community in America and done it right—not limiting payments but looking at payments as a percentage of your net assets rather than having a fixed dollar amount. We don't have the courage to do that for the American people.

That is what the American people rejected in this last election. They want Congress to stand up and fight courageously for the values they use every day in their homes and their jobs when they have to make decisions. They have to decide on priorities. We will walk out. There isn't going to be any aid for the farm community. Come back in February. When we do it again, it probably isn't going to get paid for—either the Agriculture bill, for $4 billion in the original Agriculture bill, or this one probably won't get paid for, and we will slip them a credit card and say: Timeout; we will not make the tough choices; we did not have the courage to fight for your future.

By the way, the exit polls at the last election show that 57 percent of Americans do not believe their kids will have it as good as we have it today. If we keep doing this, they won't. It is our obligation to start acting and doing what we say on the campaign trail. We are interested in securing the future for the next generations of this country.

I yield the floor.

Mr. DORGAN. I don't have disagreements about the issue of the pay-for here, and I think my colleague has already described he has a provision that would pay for this. There is a rule XVI against it if he puts it in this bill. I suggest perhaps we do a unanimous consent on the pay-for. If he doesn't, I know a politician who will easily pay for it. I will do a unanimous consent to pay for it. It will be objected to, regrettably.

These things ought to be paid for. The first time we suggest this is when a family is in trouble on the farm. We have had hundreds of billions of dollars come through here with hardly a blink, none of it paid for. That ought to change. I am with the Senator from Oklahoma. Let's try to change that.

The fact is, this does not have a pay-for, not because Senator CONRAD doesn't want it there or I don't want it there; it ought to be there. We have the device by which this can be paid for. There is a rule against it, but we ought to do a unanimous consent to describe the fact that it will be objected to, but we want it paid for.

Mr. COBURN. I agree with the Senator. He knows my record. I have not voted to not pay for anything in this body. I don't believe we borrow the future of our children to take care of our present-day needs.

Mr. CONRAD. Will the Senator yield?

Mr. COBURN. I am happy to yield.

Mr. CONRAD. On the question of paying for it, I have complete agreement with the Senator from Oklahoma. I wish the rules permitted us to offer an amendment to pay for it.

No. 1, on the question of requiring—that we have dropped the crop insurance requirement, we did because it cost money. It is the scoring rules around this place that don't make much sense to me. When we submitted it to CBO, they said if you have a crop—I submitted it with the crop insurance requirement in it, and they said if you do that, it costs $40 million.

No. 2, there is a payment limit in this legislation. It is an $80,000 payment limit. There is a gross income test in this legislation.

We tried to address some of the things the Senator is concerned about, and he is right about those things. We have tried to address it with a payment limitation—$80,000—with a gross income test, which is a little different from a net asset test, but it tries to get at the same point the Senator is making.

I say to the Senator on the question of the small business economic loss grants, the Senator cited the $300 million that was in the previous legislation. We cut that to $100 million. We left it in there for this reason. We have heard from crop sprayers all over the country, at least the drought-stricken area. In the heartland of the country, they have reported they have gone to the SBA. They told them they have suffered such devastating losses, they are not eligible for SBA, they are out. That is the reason the $100 million is left. It really is for those who are most directly affected by a dramatic falloff in acreage. This started with a company in North Dakota that called me. The acreage they were spraying was reduced 80 percent this last year. Their losses were staggering. If there is not something like this, they are out at SBA. Then we started research in other States and found the same thing. That is the reason for that.

I go back to the question of providing some assistance to those who didn't buy crop insurance because I basically agree with the Senator's point. We do have this fundamental problem of crop insurance not being practical and not being available, in many cases, for the specialty crop people. We did try to get at the point the Senator is making by dramatically reducing what they get.

Under previous disaster bills, they would get 45 percent of prevailing prices. In this disaster bill, we have dropped that to 20 percent. We didn't think it was fair to eliminate it given the fact we have not crafted a crop insurance program—especially that the specialty crop people could have available to them—that is economically viable.

I thank the Senator very much for his courtesy.

Mr. COBURN. Mr. President, I thank the Senators from North Dakota for their effort.

This bill coming to the floor, the underlying bill—not this amendment—the emergency money could have been offset when it came through the appropriation process, and it wasn't. It was just put in. We don't want to make the hard choices. We don't want to pay for them. That has to change in the future.

My hope is we will give some consideration because as things stand and look now, we are not going to have an emergency bill with which the agricultural community that has been so hurt by the drought this past year and year and a half is going to have something to hang their hat on come the first of the year. I look forward to working with the two Senators from North Dakota to try to accomplish that.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I have not had a chance to respond to my colleague, the chairman of the Committee on the Budget. The Senator from South Dakota has been waiting patiently, but if he would not mind if I took 2 minutes to respond to Senator GREGG.

The chairman of the Committee on the Budget said: Look, this doesn't just respond to natural disasters; this is a series of earmarks. I say to my colleague, there are no earmarks here. There is nothing individual Members put in this bill. I drafted this bill. I drafted it in broad consultation with Members of this Senate. There are no earmarks in the sense of what typically is in an appropriations bill where individual Members put in provisions that have never been on any legislation before.

One would be hard pressed to point to a single provision in this bill that has not been in previous disaster legislation. One would be hard pressed to find a single provision here that has not been in previous disaster legislation, in fact, in a far more generous way than is in this bill. In 2000, we had a disaster bill that cost $14 billion. The next year, in 2001, it cost between $11 and $12 billion. This disaster bill is for 2 years, and it is $4.8 billion. On a comparable basis to 2000 and 2001, that was a total of $25 billion for 2 years, and this is $4.8 billion for 2 years. The truth is, we have cut, cut, cut to be fiscally responsible.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CONRAD. How much time does the Senator require? I advise the Senator we have 23 minutes remaining on our side.

The PRESIDING OFFICER. There is 21½ minutes.

Mr. CONRAD. I yield 5 minutes to the Senator.

Mr. THUNE. I will try to do it in 5 minutes. I thank the Senator for yielding.

Mr. President, I rise today in support of the amendment offered by the Senator from North Dakota to the Agriculture appropriations bill. I have been listening to the discussion in the Senate between my colleagues from North Dakota and my colleague from Oklahoma over the whole issue of whether this ought to be paid for and how it is paid for. Frankly, I am with all of you—I will stay here as long as is necessary to get this done. If we can come up with a mechanism that doesn't run into an objection that allows us, by unanimous consent or whatever mechanism is necessary, to pay for it. I am for that because I agree entirely. I happen to think if there is a mechanism whereby we can offset this, we ought to make every effort we possibly can to do that.

However, if you look at the impact the drought had on the Dakotas this year—it has been described on the maps shown earlier this day as the epicenter—the bull's-eye of the drought across this country, and the upper Midwest, the upper Plains States, South Dakota and North Dakota in particular, have been crippled by it. It was not just a 1-year event but a multiple-year event. It has been successive years, year after year after year, of drought. This last summer in particular was dreadful for producers across South Dakota. It was the hottest July in 70 years. The rainfall accumulations we received this year were lower than the average during the Great Depression of the 1930s.

I traveled my State of South Dakota on numerous days in the month of June. I visited Sully County in the middle of our State. In the month of July, I was in Walworth County in the middle of our State. In the month of August, Senator JOHNSON and I went on a five-county tour in central South Dakota. Everywhere we went, the story was the same: The drought had destroyed our crops; destroyed the wheat crop; it wiped out much of the corn crop. Cornstalks, where there should have been corn growing, were very short. And even cornstalks that were a little taller than that, when you would look further—took a closer look—there were no ears on the cornstalks. Where there were soybeans that should have been lush and thick, they were not. Where there should have been hay and grass, there was not. And now, this fall, where there should have been cows, there aren't any because producers have had to sell their herds.

We have a practice in the Senate and the Congress of responding when a disaster strikes an area of the country. All of us voted to support the people in the gulf area who were impacted, just devastated by the effects of the hurricanes. We do not have hurricanes in the Midwest. We have droughts. And it does not happen overnight. It is not a 24-hour news cycle. It is not something that gets the same focus or attention. But it has the same effect in terms of the way it affects people's lives.

If you look at droughts, you might describe them as slow-motion disasters, but the economic impact on farmers, ranchers, small businesses, and rural communities is just as devastating. In the aftermath of one of the worst drought conditions since the Great Depression, the people of the Midwest are looking for us in Washington to provide assistance.

I am in agreement with my colleagues who have argued we ought to be looking at how we can, in farm bills, design programs that will anticipate these things so we do not have to continue to do it on an ad hoc basis. I, for one, hope in the next farm bill we will be writing next year that we can insert provisions that would accomplish just that. But the reality is, we have had year after year after year of drought. We have written a bill that, as my colleague from North Dakota has noted, addresses some of that problem, not on a level that has been addressed in previous years. The whole issue of crop insurance is addressed in here. I think that is a good idea. We ought to encourage people to buy crop insurance. This does do that. It reduces the payment that would be made available to those who do not buy crop insurance.

But the simple reality is, we need to do something to respond to what is a very devastating and real disaster for the people of South Dakota and other States in the Midwest whose futures are dramatically impacted by the drought we have experienced in this last year.

Agriculture is the backbone of our State's economy. That is true in a lot of the States in the Midwest. I would hope, before we leave this year, we can get this issue addressed, whether that is in the form of emergency relief such as this that is fashioned today or, as my colleague from Oklahoma has suggested, some sort of offset. Whether that takes unanimous consent, I am for that. I am all for that.

But the simple fact is, we need to respond. We need to do it in a timely way. I hope, before we leave today, we will be able to get an affirmative vote in support for farmers and ranchers and small businesspeople and citizens in the rural economy across this country who have been devastated by one of the worst drought disasters literally in the last century.

Mr. President, I understand my time has expired, so I yield back to the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I say to the Senator, we have other Members who have said they are coming, but if the Senator would like to take an additional 2 minutes, I would be happy to grant it to him.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I thank the Senator for yielding additional time because I do not think that oftentimes we give enough attention on the floor to the effect this drought has had on the agricultural economy or the conditions our farmers and ranchers are facing in many of the Midwestern States. And we need to have a good, robust debate about the future of agriculture and how we anticipate, in the future dealing, with this type of disaster.

But, as I said before, it is important for us to respond in the same way we did when the gulf area was hit by the hurricanes, to make sure people of this country understand that when disaster strikes, the people in the Congress are hearing their voices and are willing to take the necessary steps to provide assistance.

I also note, because it has been stated earlier today, the Agriculture Department does have a lot of unobligated funds on hand. One of the reasons they do is the payments that are normally made under the farm bill have not been made. So there are a lot of unobligated balances there because countercyclical payments and loan deficiency payments have not been made.

I had suggested, in the previous iteration of this a few years back, that we use those savings, those offsets, to apply them to disaster relief. They say for scoring purposes that does not count. But the reality, again, is that when you look at the balances that are available at USDA, they are in a position to respond. This is a $4.8 billion, $4.9 billion disaster bill that applies, as the Senator from North Dakota noted, to 2 years, 2005 and 2006.

It seems to me at least that this is a minimum level of effort we ought to make to respond to the disaster in the Midwest and provide direct assistance to our farmers and our ranchers and our small businesses.

So, again, I ask my colleagues in the Senate to support the vote on this when it comes up. I hope we can get a good, strong vote out of the Senate and ultimately act on the underlying bill, send it to the House, and get it on the President's desk, so we can get disaster assistance out there.

Mr. President, I yield back the remainder of my time.

Mr. FEINGOLD. Mr. President, I support the amendment offered by Senator CONRAD to provide agricultural disaster assistance. I would have preferred that we had found a way to pay for this in the normal budget. But the Conrad amendment is an appropriate response to the severe drought and other weather-related disasters this year. Even in areas like western Wisconsin, which were significantly impacted but missed the most brutal conditions, many farmers have been pushed to the brink. Just as we did for the farmers devastated by hurricanes on the gulf coast, we should provide a helping hand to farms and rural communities that have been overwhelmed by this extreme weather.

Mr. AKAKA. Mr. President, I rise in support of an amendment offered by the senior Senator from North Dakota, KENT CONRAD, to H.R. 5384, the Fiscal Year 2007 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act. I am proud to have joined Senator CONRAD, as well as the senior Senator from Hawaii, DAN INOUYE, to provide much needed relief to agricultural communities across our nation in need of assistance.

This legislation is important to the agricultural industry in the State of Hawaii, in particular the County of Hawaii which was significantly impacted by the October 15, 2006, earthquake. I was in my home State during this earthquake measuring 6.7 in magnitude and present during aftershocks that were felt days after the initial tremor. A few hours after the earthquake occurred, I spoke with Federal Emergency Management Agency, FEMA, Director David Paulison to ensure that FEMA was ready to support State and local response and recovery efforts in Hawaii. In addition, the day after the earthquake I toured the Big Island with Senator INOUYE, the National Guard, and State Civil Defense to assess the resulting damage.

While I am pleased that Federal, State, and local agencies have been able to work cooperatively to provide public and individual assistance, the needs of our agricultural community must not be ignored. Irrigation systems damaged by the earthquake are the sole source of water for a majority of farmers and members of rural communities in this region. In addition to the economic impact, it is imperative that we recognize that the livelihoods of these hard working individuals have drastically been impacted by the earthquake. It is for this reason I join my colleagues in supporting this amendment which would provide $3 million to the Farm Service Agency, FSA, for its Emergency Conservation Program to repair broken irrigation pipelines and damaged and collapsed water tanks. Of this amount, $2 million will go toward repairing the damages to stone fences on cattle ranches in the Kona and Kohala areas, and another $1 million is needed under the Emergency Loan Program to cover losses of agricultural income. The amendment also provides $2 million to the Big Island Resource Conservation and Development Council to repair of the Kohala Ditch system that was also severely damaged by the earthquake; and $10 million to the Natural Resources Conservation Service, NRCS, Emergency Watershed Protection Program for the repair of the Lower Hamakua Ditch and the Waimea Irrigation System/Upper Hamakua Ditch—which were heavily damaged by the earthquake and are negatively impacting the farming community on the Big Island.

I commend Senator CONRAD for his dedication and commitment to our Nation's farmers and ranchers. This amendment is necessary to ensure that they may continue to provide U.S. agricultural products, and I ask my colleagues to support this important amendment.

Mr. NELSON of Nebraska. Mr. President, I rise today to again speak in support of the Emergency Farm Relief Act—this time as an amendment to the fiscal year 2007 Agriculture appropriations bill. I want to start by thanking my colleague Senator CONRAD for all of his hard work and his continued leadership in trying to get this relief to our farmers and ranchers.

Mr. President, this Congress has dragged its feet long enough. It is well past time for us to provide this relief for our Nation's farmers and ranchers—many of whom have suffered through multiple years of drought.

Now I know that some in this Congress and in the administration have questioned the need for emergency farm relief. But I have to wonder whether those individuals have seen the many fields in Nebraska that weren't even worth harvesting because the drought had killed off the crop.

I wonder if they have talked to the farmers and ranchers who are barely hanging on to their farms and ranches because of this multiyear drought and Congress's failure to provide relief.

And, I wonder if they have even seen their own statistics. Last week USDA released a report that stated that net farm income will have dropped by 20 percent this year in comparison to last year. This included a $4.7 billion drop in the value of livestock production.

Nebraska farmers and ranchers are estimated to have lost over $340 million just this production year due to the ongoing drought conditions. Nebraska farmers have also had to spend an extra $51 million in energy costs as their irrigation pumps ran longer than usual this year because of drought conditions.

And the Drought Monitor at the University of Nebraska continues to show that much of Nebraska is still suffering from severe to extreme drought.

Yet even the Secretary of Agriculture continues to question the need for disaster relief and this Congress stubbornly refuses to provide relief to those farmers and ranchers that have been harmed by this particular natural disaster.

And that, I think, is one of the most frustrating aspects about this debate over emergency farm relief. Congress and the administration seem to have no problems providing relief for other natural disasters like hurricanes. In fact, earlier this year we provided billions of dollars for Hurricane Katrina relief.

But even then, our attempt to provide emergency disaster relief to farmers and ranchers was substantially reduced and those farmers and ranchers unlucky enough to be hurt by drought were left behind and not given any relief.

I do not understand why this Congress is willing to help farmers damaged by hurricanes and is at the same time unwilling to help farmers that are damaged by other natural disasters such as drought. Both are natural disasters and both cause widespread economic harm.

That is why for the last few years when I talk about the drought I also talk about how I decided to nickname the drought "Drought David."

I gave it a name in the hope that it will help people realize that it is a natural disaster just like a hurricane even if it doesn't command the same types of headlines and television coverage.

A drought, unlike a hurricane or a flood, is a slow-moving disaster that can go over a course of years. In some cases Drought David is celebrating its fifth birthday. In other places it's celebrating its seventh birthday.

By giving it some identity, I had hoped to attract the same kind of attention that very often is given to hurricanes, which are named. And I had hoped that with that attention, this Congress would provide relief like it does for hurricanes.

Naming the drought was meant to help my colleagues focus on this being a natural disaster, with devastation of major economic proportions to large areas within our country and help them understand that it can have the same impact in terms of economic loss that very often a hurricane will cause in its wake.

I cannot overemphasize to my colleagues that the losses suffered and the losses we are asking relief for are those caused by a natural disaster.

These losses are due to events beyond the control of our farmers and ranchers. And that is why this Congress needs to provide relief, just as it does for losses caused by other natural disasters.

We cannot prevent drought. But Congress can help when a drought devastates large portions of our country.

And I remind my colleagues that failure to provide this needed relief threatens many small, rural businesses and communities and it threatens our nation's food and fuel security efforts.

This amendment will provide relief to farmers that have suffered production losses in 2005 and 2006 and it will also provide relief to livestock producers that have suffered losses in both years. And I urge my colleagues to support this relief.

I also want to remind my colleagues that this Congress can help in other ways, too. One of which is to provide farmers, ranchers and other agribusinesses with information for smart planning.

To that end, I also urge this Congress to take up and pass S. 2751, my NIDIS legislation, that will create a National Integrated Drought Information System.

The NIDIS bill will help create a drought "early warning system" that will be capable of providing accurate and timely information on drought conditions so State and local officials can plan for and mitigate the effects of drought.

An "early warning system" will give producers information they need to make planting and other decisions. They can use the information to limit their risk, thus limit their losses.

Unfortunately, due to the lack of a national drought policy, there has been no development to date of a coordinated, integrated drought monitoring and forecasting system.

With better research and better tools for planning and mitigation, we could significantly reduce losses and ultimately the need for large emergency disaster aid packages.

It is important to keep in mind that for every $1 we invest in mitigation and preparedness, we can save $4 in reduced impacts when the natural disaster occurs. And my NIDIS bill will invest $59 million over the next 6 years to help with mitigation and preparedness.

But that is what we are working on to help with droughts in the future. Today we must focus on providing relief for the devastating impacts that Drought David has caused the last two growing seasons.

Congress must do both: we must provide relief for the damages suffered now and we must provide for better planning and mitigation for the future.

Mr. President, this Congress cannot be excused for its failure to provide this much-needed relief. I urge my colleagues to support our nation's farmers and ranchers by supporting this emergency farm relief amendment.

Ms. CANTWELL. Mr. President. I have come to the floor today to discuss a critically important issue to Washington's farmers and ranchers—disaster assistance.

I support the agriculture disaster assistance legislation that is before us here on the floor and am proud to be an original cosponsor of the bill.

Washington's agriculture economy is supported by small and medium-sized family farms. Our farmers are a key economic engine for the state, producing more than 300 different commodities on 15.3 million acres valued at over $6.4 billion every year. And in our state, agriculture alone supports more than 300,000 good paying jobs.

Washington's farm families understand hardship. They understand that when you are in the business of farming, you have good years and you have bad years.

Recent years have been particularly hard for them. Many are struggling just to make ends meet as they face low commodity prices, an influx of commodities grown abroad, and high fuel and fertilizer prices stemming from the hurricane disasters of last year.

Unfortunately, in recent years, many producers have also had to cope with crops lost to adverse weather. Over the last three crop years, inclement weather, wildfires, and flooding have exacerbated the already difficult challenges farmers in my state face.

In 2004, 32 of Washington state's 39 counties received disaster declarations. In 2005, it was 13 counties.

So far this year, 24 counties in the State have received disaster declarations.

Once assessments have been completed on the damages sustained from recent flooding throughout Puget Sound and across the Olympic Peninsula, I am confident even more counties will receive declarations.

This year many producers lost their crops or had their crops severely damaged due to adverse weather. Others lost livestock or had herds displaced due to wildfires.

This summer, I visited with farmers in central Washington after the region sustained significant crop losses from hail, wind, and rain in June and July.

I saw firsthand the damage that many of Washington's apple, pear, and cherry orchards incurred. I saw the fruit that was no longer salvageable. I saw the losses that these orchards sustained.

Individual orchards throughout much of the tree fruit-growing regions in north central Washington state—in counties like Chelan, Douglas and Okanogan—lost significant portions of their crop. Some farms were decimated by the storms and lost their entire harvest.

These losses threaten the continued viability of many of these family farms and orchards.

The losses also affect the rural communities and economies these farms help support. Agriculture is the primary, and in some cases the only, economic driver in many rural communities throughout Washington state.

Packing houses, processors, dusters, shippers and other small businesses depend on the harvest almost as much as the producers themselves. Many of these businesses had to lay off hundreds of workers this year because there simply was no fruit to pick or pack.

The agriculture disaster legislation currently before the Senate contains important provisions that will provide desperately needed relief for our farmers and ranchers as they begin to recover during this difficult time. It also contains economic assistance grants to help the small businesses that support our farming communities.

We must act now to provide assistance and ensure the continued viability of American farmers and farm families who lost their crop to disaster. Without it, many will not survive.

I urge my colleagues to join me today in making a commitment to help our farm families and the communities in which they live by providing them the assistance they desperately need.

Voting for the Conrad amendment is to vote for funding that will come to your state and help your farmers stay viable. I urge my colleagues to support the Conrad amendment.

The PRESIDING OFFICER. Who yields time?

Mr. CONRAD. Mr. President, is the Senator from Louisiana seeking time? Not on this matter?

Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I ask the Senator from Minnesota, does he seek time?

Mr. COLEMAN. Yes.

Mr. CONRAD. I am advised I only have 13 minutes. The Senator from Montana is here as well. Would the Senator from Montana like time as well?

Mr. BURNS. No, thank you. I appreciate the Senator asking.

Mr. CONRAD. I ask the Senator from Minnesota, how much time would you like?

Mr. COLEMAN. Six minutes, probably less.

Mr. CONRAD. Mr. President, I am glad to yield the Senator from Minnesota 6 minutes.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. COLEMAN. Mr. President, I thank my colleague from North Dakota for his leadership on agricultural disaster assistance.

I wish to let this body know what assistance means to Minnesota's farmers by reading a few excerpts from letters I have received from producers in my State. I have been on the floor a number of times about this issue. We need to get it done.

One man starts out saying, "I am a struggling young family farmer in Northwest Minnesota," and registers his plea:

> We were counting on some help this summer to cash flow for the year after last year's devastating floods. We are now attempting to work with our banker to increase our operating credit limit, refinance our machinery, or refinance our land, just to make ends meet till we can harvest our crop. Please do not give up on this issue.

This urgency is repeated again and again in the letters I receive and conversations I have. Another Minnesota farmer writes there is an "urgent need for ag disaster assistance for our family farmers devastated by weather disasters in 2005 and 2006. My family has farmed in Minnesota since 1882 and we need ag disaster assistance now. Please, please help us."

These are heartbreaking stories. These are real emergencies for our farmers. These folks need our help or they will be put out of business, plain and simple.

And the need for agricultural disaster assistance is great. Minnesota's farmers have had to fend for themselves in the face of real natural disaster—first, against record flooding in 2005 and now against record drought in 2006.

In the sugar sector alone, revenue was reduced by $60 million in Minnesota in 2005, thanks to this natural disaster. In one county, crop loss exceeded $52 million and farmers were prevented from planting over 90,000 acres thanks to saturated fields. Now, thanks to one of the worst droughts ever experienced in the Great Plains, Minnesota farmers have experienced hundreds of millions of dollars of crop loss in 2006.

But it is not just about statistics. It is about farmers enduring personal struggles whom I have met all over the State. It is about farmers calling my office, desperate to save the family farm. Farmers are losing their operations, pure and simple. The producers who will not be coming back to the fields next year thanks to catastrophic weather are not just losing a business, many are losing a family tradition. We are losing a way of life. We are losing some of the heart and soul of America and of Minnesota.

I am concerned about the comments of some of my colleagues. My colleague and friend, the Senator from New Hampshire, indicated that the separate disaster assistance for sugar beets is akin to earmarks. I want to state that is not the case. It is not about porkbarrel spending. I think what some folks fail to recognize is that due to the nature of the sugar program, they don't get direct payments. It cannot be structured in the same way as other production loss assistance for other crops.

If you look at what has been laid out, we have been trying to be very focused and very clear. This is not about excess. This is about keeping families alive. This is about keeping farming alive. Some of the families have farmed for almost 100 years. With all due respect, these faulty characterizations do not do our farmers justice.

Another farmer in my State gets at the crux of this amendment when he writes:

Maybe the farmers in this area should have applied to FEMA for hurricane relief—it seems that hard working people in my community are looking to their government for help and getting ignored.

It is not that this Congress has refused to pass agricultural disaster assistance. We have provided $1.6 billion in emergency agricultural assistance. Of course, none of the farmers in Minnesota will benefit from this assistance because they do not own a farm in one of the Gulf States. Congress has not provided a dime for farmers suffering from natural disasters outside of the gulf region.

I have stood on this floor supporting our farmers in the Gulf States. I support us doing what we need to do to lift them up. I think it would shock many Americans to learn that natural devastation must come in the right package to be worthy of Federal aid. The message being sent is that record flooding and drought do not count. That is not a good message.

Again, I have traveled to the Gulf States. I have seen the hurricane damage firsthand. And you should see the devastation here. The Senator from North Dakota has done a good job of making it real. Seeing it. And it is real. We cannot put one region against the next. This is about America doing the right thing. That is what we should be doing on the floor of the Senate.

The core of this issue is about equity and fairness for all regions that are suffering. And to the thousands of Minnesotans whose very livelihoods have been jeopardized, and those losing their farms due to last year's disastrous weather, withholding assistance is nothing short of cruel. We can do better. We should do better. I urge my colleagues to support this assistance package.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Louisiana.

AMENDMENT NO. 5151

Mr. VITTER. Mr. President, I ask my colleagues' indulgence to speak on another very important topic, another amendment filed under this bill. And the topic is sky-high prescription drug prices and the ability to temper those prices, to bring them down, to some significant extent, through what is called reimportation, allowing all American consumers a fair, safe opportunity to buy prescription drugs from Canada or other countries.

I filed this amendment, amendment No. 5151, on this Agriculture appropriations bill with my colleague from Florida, Senator NELSON. I thank him for all of his work and support on this amendment and on this issue.

This follows up on work earlier this year, when we successfully passed an amendment on the Homeland Security appropriations bill. That was a breakthrough vote, particularly on the floor of the Senate, to allow Americans greater access to those safe prescription drugs from Canada at much more reasonable prices.

Our amendment on the Agriculture appropriations bill would go a little further still and expand those opportunities for Americans to buy safe, yet affordable, prescription drugs through reimportation from Canada.

First, let me step back and speak about the need for this in general because there is a significant need. At a time when pharmaceutical companies are making record profits, the cost of prescription drugs—many of which are necessary to keep seniors and other Americans healthy or sometimes, in fact, alive—is skyrocketing. And these are the very same medicines that are sold at a fraction of the U.S. cost a few miles north of our border in Canada.

With all that going on—again, in the context of sky-high, record pharmaceutical company profits—Americans are deeply skeptical. I am here to say that Americans should be.

Opposing the right of an American to buy a small amount of prescription drugs—approved medication they intend to use for themselves—does not make sense to the average American. Yet that is still, to a large extent, our policy.

Many of my colleagues have spoken passionately on this floor, the floor of the Senate, about their own neighbors' stories, about how folks in their States have had to go to cheaper markets, such as Canada, to afford their prescriptions.

In September, my colleague from Michigan spoke of her bus trips with her constituents up to Canada to get these more affordable medicines. She traveled there by bus with her constituents, and they were able to get safe, FDA-approved drugs at a fraction of the cost in the United States. She told us about her constituents who were able to buy the cholesterol-lowering drug Lipitor for about 40 percent less than the U.S. price, the ulcer medication Prevacid at 50 percent less, and antidepressants such as Zyprexa at 70 percent less.

In June, another colleague from North Dakota spoke eloquently of the need to allow reimportation of safe drugs as a way to pressure U.S. pharmaceutical companies that manufacture these very same drugs—our companies are the source of the same drugs—to lower prices in the United States.

I have spoken over and over again about my neighbors in Louisiana, their struggles, in many cases, to afford these lifesaving and life-sustaining drugs, being torn by various needs—to pay the rent, the food bill, the gasoline bill, energy costs—and yet have to pay sky-high pharmaceutical costs. Clearly, one part of the solution is reimportation, allowing all Americans to buy safe prescription drugs from other countries such as Canada.

As I said, I am proud to be joined by Senator NELSON of Florida on this amendment. He joined me several months ago on a similar amendment which we offered to the Homeland Security appropriations bill. It passed overwhelmingly with 72 votes, a strong consensus show of support on the Senate floor. That amendment was very simple. It said: We are no longer going to let the border security bureaucracy of the Federal Government use taxpayer money to take away those cheaper prescription drugs many Americans go into Canada to buy and bring back to their homes. We are going to let those Americans do that because that is fair and right. We were only talking about Canada. We were only talking about taking them back across the border in quantities that are for their personal use, not to go into business to be a middleman selling drugs to other consumers but for their personal use. That amendment not only passed by a strong vote in the Senate, but it remained in the bill through the entire process.

After a lot of fighting, a lot of discussion and argument and work on this crucial issue, we were able to retain an important version of that amendment in the final version of the Homeland Security appropriations bill. President Bush signed it into law. Now we have made that important change that says Americans can go into Canada, buy those safe, cheaper prescription drugs for their personal use and bring them back without border security agents taking them away, confiscating them, and having them out the cost, trouble, and time of their trip.

Today Senator NELSON and I offer amendment No. 5151 to the Agriculture appropriations bill. Of course, that bill covers the FDA as well. This amendment builds upon our earlier work and our earlier success and applies that same policy to the Food and Drug Administration, which is another enforcement arm of the Government on this topic. Again, it is simple. We are simply saying: Our taxpayer dollars should not be used to confiscate those prescription drugs bought by Americans in Canada. Just as it should not be used to confiscate them at the border as Americans cross back across the border to their home country, so, too, that bureaucracy, those taxpayer dollars, should not be used to confiscate drugs when they come from mail order or Internet sales. That is exactly what our amendment is about—Canada only, personal use only, a thoroughly reasonable, straightforward provision to honor the American people and give them this limited yet reasonable and important mechanism to get cheaper prescription drugs from elsewhere.

I am very hopeful that either this week or in the near future this sort of provision will pass, particularly given the strong vote we had on the earlier Vitter-Nelson amendment. I am also hopeful that in the next Congress we will be able to pass a full-blown reimportation bill to allow broad-based reimportation of safe, cheaper prescription drugs into this country. That is needed by Americans, particularly seniors, across the land. It is a fair and reasonable approach. It is not a magic wand, not a silver bullet. It won't solve the challenge of very high prescription drug prices overnight or alone. But it can and will be an important and significant part of the solution.

I look forward to continuing to work with Senator NELSON of Florida and many others on this vitally important effort. I look forward to our work on this amendment to the Agriculture appropriations bill. I look forward to our following up on the success we had with our amendment to the Homeland Security appropriations bill.

Most of all, I look forward to passing a broad-based reimportation bill early in the next Congress to give Americans what they deserve—the opportunity, the freedom to buy safe, cheaper prescription drugs from other sources, Canada, other countries, including by mail order and the Internet. This will give Americans access to cheaper drugs. Perhaps even more importantly, it will break down that system that allows pharmaceutical companies to charge dramatically different prices in other countries versus ours. Of course, we pay the highest prices by far.

I look forward to that continuing work. I look forward to those victories, because the American people are waiting for it, counting it, depending on it. We can do this with major safety provisions built in to make sure these drugs are safe and reliable, as advertised.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from North Dakota.

Mr. CONRAD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, may we have a report on how much time remains on both sides?

The PRESIDING OFFICER. The Senator from North Dakota has 4½ minutes. The Senator from New Hampshire has 10 minutes.

Mr. CONRAD. Mr. President, I ask the Chair to advise me after I have used 2½ minutes.

The PRESIDING OFFICER. The Chair will do so.

Mr. CONRAD. Mr. President, we are about to have a consequential vote. The question before the body is whether the Senate believes disaster assistance ought to be provided to this Nation's farmers and ranchers—what is now reported to be the third worst drought in the Nation's history. Right down the center of America, we have had a blistering drought. The results: farm fields that look like moonscapes and economic losses that are stunning and ruinous.

In other disasters, Congress has responded, especially disasters that have gotten more attention. Perhaps because this disaster is right in the heart of America, where most of the national news media is not headquartered, this disaster has not gotten the attention so many other disasters have.

Make no mistake, this disaster is no less devastating. People's economic lives are on the line. We understand full well that this will not be decided today because our friends on the other side, who are in the majority still, have determined not to finish work on the pending appropriations bills. They are leaving that to next year. So this work will not be complete. But this vote remains important because it will signal to the Nation's farmers and ranchers whether there is hope that help is on the way. If there is no hope and there is no help, we are going to see literally tens of thousands of farm and ranch families forced off the land. That is clear.

This is a fiscally responsible package. Some have said it is a budget buster. They know, as all of us in this Chamber know, there is no budget for natural disasters—none. That is because it is hard to predict what natural disasters will occur. So every natural disaster must be dealt with on an emergency basis. That is why it requires a supermajority vote. That is the question that is before the body this afternoon.

This bill costs $4.8 billion for relief for 2005 and 2006. It is a fraction of what disaster relief was for the years 2000 and 2001. That disaster package was $25 billion. This is less than one-fifth that amount.

In answer to the question some colleagues have raised, there are payment limitations—an $80,000 payment limitation. There is a gross-income test. On the question of those who grow the grains we consume as a nation, let me just say, you have to have at least a 35-percent loss before you get anything. Nobody with no loss gets a dime under this proposal.

I urge my colleagues to vote to waive the budget point of order so we can send a signal to the Nation's farmers and ranchers that help is on the way.

I thank the Chair and yield the floor. I suggest the absence of a quorum and ask that the time be equally charged.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, the order is for the vote to occur at 5 o'clock; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. CONRAD. Mr. President, I ask unanimous consent that I be given an additional 4 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, let me just point out that 32 major farm organizations have asked this body to support my amendment and also to support a budget waiver, if it is raised, against the amendment. That has already been done. So that will be the key vote. What is essential is that we get 60 votes, or close to it, so that farmers know there is a possibility of disaster assistance. There are 32 national organizations, including the National Farmers Union, American Farm Bureau, Farm Credit Council, the Sugarbeet Growers, Soybean Association, and the American Corn Growers Association. It also has the National Association of State Departments of Agriculture. The commissioners of agriculture from all 50 States have come forward and said: Please pass this legislation. It also includes the Barley Growers, the Farmer Cooperatives, National Farmers Organization, Milk Producers, the Sunflower Association, the Rice Belt Warehousers, the Fertilizer Institute, U.S. Dried Peas and Lentils Council, U.S. Beet Sugar Association, U.S. Canola Association, and Women Involved in Farm Economics. They all say unanimously that this legislation is important and it is important now.

To those colleagues or their staffs who are watching the final minutes of this debate and discussion who are wondering, Gee, does this do what the critics say; does it unjustly enrich someone; let me say that the answer to that is an emphatic no. This example I have prepared shows, in North Dakota, what a farmer would get in a typical year on an acre of wheat, which is $157. With a 50-percent loss, he gets $78.60 from the market, $27 in insurance premium, and $7 for this amendment, for a total of $113. He would still be left with a 28-percent loss. For a farmer who has a 75-percent loss of his crop, he would get $39 from the market, $54 in insurance premium, $19.50 from this amendment, for a total of $113, leaving him or her with a loss of 28 percent as well. People are not being unjustly enriched and they are not being made whole. We are simply offsetting some of the dramatic losses people have received as a result of natural disaster—the third worst drought in our Nation's history.

I don't know how much more clear I can be. I ask my colleagues to support this amendment. In our part of the country, we have supported every region when they have had disasters. We were the first to sign up after Katrina for aid to them and the Gulf Coast States. We recognized their loss. We were among the first to sign up to help Florida in the terrible losses it has suffered. We were among the first to sign up when California experienced terrible losses as a result of natural disasters, whether it was wildfires, mud slides, or any of the rest. We have had a disaster in our part of the country now. We are asking our colleagues to help us. We will remember those who helped, just as we have helped others in their time of need.

Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has used his 4 minutes.

Mr. CONRAD. I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I understand we are, by a previous order, to vote at 5 o'clock. There appears to be 4 minutes remaining. I ask unanimous consent to speak during that time if no one else is present.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I only wanted to follow Senator CONRAD and point out that this amendment is truly bipartisan. Those who have watched this debate will recognize we have had Republicans and Democrats come to the floor of the Senate to say this is an important amendment. They support it, and they hope the Senate will pass it.

I want to point out again that this is the third time we have brought this to the floor of the Senate. On two other occasions, it passed the Senate and had gone to conference. On both of those occasions, it was blocked in conference with the U.S. House. It was blocked by the House conferees. I believe on both occasions I asked for a vote of the Senate conferees, and the Senate conferees insisted on their position. So it is not a weak will here with respect to disaster assistance for farmers that exists. It is a very strong will, and the Senate has expressed itself previously on two occasions.

On the third occasion in the Appropriations Committee, we had a unanimous vote—by unanimous consent in the Appropriations Committee—to add the disaster legislation earlier this year. That bill has not previously come to the floor but not because we have not tried. We have pushed and pushed to get that bill to the floor of the Senate. Only now, in what is the last week of the session, have we managed to get the bill on the floor and, by consent, offer an amendment.

So I think it is important to understand that we have been trying for a long while to get this amendment fully debated, get it through the Senate and back to conference with the House.

It appears now that, whatever may happen on the floor this afternoon, this is likely to be a part of an omnibus appropriations bill at some point in late January or, likely, mid-February. Time is very short. Someone used the word "patience" earlier today. Boy, we have had a lot of patience in dealing with this issue. There is broad, bipartisan support for it—or there has been at least. We have been waiting and waiting, and it has been blocked in the Senate from bringing this to the floor. Finally we are here today.

This is not an idle matter for a lot of American families. For many farm families, the decision will be a decision about whether they will be able to continue living on and working on their family farms. For those who don't know about them, those who never lived on a farm and don't know what they do on a family farm, don't understand the risks that are taken on a family farm, there are ways they should avail themselves to find out. It is an important part of this country.

The network of farm families that are spread across the prairies and lands of this country and produces the foodstuffs, raises cattle, plants and harvests crops, takes all the risks, is an unbelievable group of Americans, and in many ways they are America's all-stars, the entrepreneurs who risk everything virtually every year. When real trouble comes—a natural disaster—the best instinct of this Chamber has always been to say to them: We want to help you. That is all we are saying with this amendment. We want to help family farmers have a chance to continue to stay on the lands. My hope is we will give broad, bipartisan support for this legislation today.

The PRESIDING OFFICER. The hour of 5 p.m. having arrived, the question is on agreeing to the motion to waive the Budget Act point of order with respect to amendment No. 5205. The yeas and nays have been previously ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Georgia (Mr. CHAMBLISS), the Senator from South Carolina (Mr. GRAHAM), and the Senator from Utah (Mr. HATCH).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from Connecticut (Mr. DODD) are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN) would vote "yea."

The PRESIDING OFFICER (Mr. ALEXANDER). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 57, nays 37, as follows:

[Rollcall Vote No. 271 Leg.]

YEAS—57

Akaka
Baucus
Bayh
Bingaman
Bond
Boxer
Burns
Byrd
Cantwell
Carper
Clinton
Cochran
Coleman
Conrad
Dayton
DeWine
Domenici
Dorgan
Durbin
Enzi
Feingold
Feinstein
Grassley
Hagel
Harkin
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Reed
Reid
Roberts
Rockefeller
Salazar
Sarbanes
Schumer
Smith
Stabenow
Stevens
Talent
Thomas
Thune
Wyden

NAYS—37

Alexander
Allard
Allen
Bennett
Bunning
Burr
Chafee
Coburn
Collins
Cornyn
Craig
Crapo
DeMint
Dole
Ensign
Frist
Gregg
Inhofe
Isakson
Kyl
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Pryor
Santorum
Sessions
Shelby
Snowe
Specter
Sununu
Vitter
Voinovich
Warner

NOT VOTING—6

Biden
Brownback
Chambliss
Dodd
Graham
Hatch

The PRESIDING OFFICER. On this vote, the yeas are 57, the nays are 37. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained. The emergency designation is removed.

The Senator from Utah.

Mr. BENNETT. I raise a point against the pending amendment because it would cause the subcommittee to exceed its allocation.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

FUNDING FOR SPINACH GROWERS

Mrs. FEINSTEIN. Mr. President, I would like to take a moment to thank Senator KOHL for his stewardship of the Agriculture appropriations bill. His work on this bill will provide funding to support our Nation's farmers and consumers, and I support those efforts wholeheartedly.

Mr. President, my colleague from California, Senator BOXER, and I would like to take a moment to engage our colleague from Wisconsin in a colloquy.

Mr. KOHL. I thank my colleague for her kind words and would be happy to engage in a colloquy with the Senators from California.

Mrs. FEINSTEIN. A few months ago, nearly every grocery store in the country was advised not to sell fresh spinach due to confirmed incidents of E. coli bacteria coming out of California. The impact of this outbreak was devastating: it sickened nearly 200 people, killing 3. It also resulted in more than $70 million in economic losses to spinach growers.

As you know, one of the many responsibilities of the FDA is to oversee the safety of fruits and vegetables. In my State, where more than half of all fresh fruits and vegetables are grown, this is clearly an enormous task and one that requires advanced scientific methods for detection and response.

Unfortunately, the FDA does not have that kind of presence in the Western United States to conduct and carry out the necessary scientific testing and outreach that we should expect. There are currently three FDA food safety research centers in the Nation: one in Maryland, one in Illinois, and one in Mississippi. None of these centers is connected with the vital and dominant food systems in California,. which greatly impairs the FDA's effectiveness in addressing the food safety and security research, teaching, and outreach needs in the Western United States.

Last year we provided funding to establish an FDA Western Center for Food Safety to serve the vast agricultural food safety needs of the Western United States. This center would be collocated with the Western Center for Food Safety and Security at the University of California at Davis, a place where the FDA would benefit from the synergy of working in an academic research environment with university scientists and with university extension specialists who already have the critical relationships with farmers that the FDA needs to be effective. Unfortunately, this funding was not agreed to by the House conferees.

The University of California at Davis already has a facility for the FDA scientists to move in to. This year I am once again seeking your assistance for a modest appropriation to begin the development of this FDA presence to serve the food safety needs of the vast agricultural regions in the Western United States and the consumers across the country who depend on a safe and reliable food supply.

Mrs. BOXER. Mr. President, first I would like to thank the chairman of the Agriculture Appropriations Subcommittee, Senator KOHL, for working with Senator FEINSTEIN and me on these important food safety projects.

As Senator FEINSTEIN has already explained, a recent E. coli outbreak in spinach produced in California has reminded us of the critical importance of food safety and public health scientific research. We hope that with a renewed focus on providing food safety scientists with the proper tools, we can learn more about how to control the impact of future E. coli outbreaks and protect the Nation's food supply from all food-borne illnesses.

To accomplish this goal, the Agricultural Research Service, ARS, is ready to begin work on a leafy green food safety research program that will help inform the choices producers and regulators make to secure the safety of the leafy vegetable food supply. With the necessary funding that we hope can be provided in conference for these important goals, ARS will complete the ongoing process of expanding its small existing vegetable food safety program and produce applied science that the Nation's growers can use to help keep their products safe.

After all of the work done in recent years to get Americans to eat more fruits and vegetables, taking no action to prevent food safety scares like the recent E. coli outbreak in spinach will threaten to depress consumption and reverse progress made to encourage healthy eating choices. With a renewed focus on food safety science, we can create an atmosphere for increased consumer confidence and at the same time strengthen public health protections.

Mr. KOHL. I appreciate the remarks of the Senators from California and assure them that I will work to address these items.

VHS TESTING FACILITIES

Mr. VOINOVICH. Mr. President, as you know, the Animal Plant and Health Inspection Service, APHIS, issued an emergency order on October 24, 2006 which prohibited the importation of 37 species of live fish from two Canadian provinces and the interstate movement within the eight Great Lakes States. APHIS issued this order with the intention of stopping the spread of viral hemorrhagic septicemia, VHS, within the Great Lakes States which has been linked to fish kills. On November 14, 2006 APHIS modified their emergency order to allow the interstate movement of live fish within and from the Great Lakes States provided the fish have tested negative to VHS. I appreciate the concerns APHIS has about the spread of this virus and their concern about protecting the Great Lakes from this virus. I share the goal in restoring and protecting our Great Lakes. I too am deeply concerned about the negative effects associated with the spread of this virus within the Great Lakes and its potential impact on our fishing and aquaculture industry. It is very important that we take responsible steps forward in limiting the spread of this virus which could impact the region. The commercial and sport fishing industry in the Great Lakes is a $4 billion industry and is a source of pride in our region.

I am concerned, however, that this emergency order does not adequately take into consideration the economic concerns of the region. The Ohio Department of Natural Resources and the aquaculture industry in the region have all expressed that this order will adversely affect businesses and the State's ability to stock Lake Erie. The Ohio Department of Agriculture has indicated to me they are not equipped to test for this disease at this time and that the cost could be approximately $200,000 to update their labs to meet the demands of the APHIS order. It is critical that we be able to provide the Great Lakes States the ability to begin testing in order to comply with the APHIS order in a timely manner. Funding will be needed to meet these demands. Without this assistance, the aquaculture industry will suffer. Because I believe this issue can be resolved in conference, I have introduced, but will not offer, an amendment to provide funding for the Great Lakes States to help them set up facilities to test fish for VHS. The chairman and ranking member are aware of this important issue and share my concerns about the problem facing the Great Lakes States today. It is my hope that we can work together during conference negotiations on the FY2007 Agriculture Appropriations bill to find relief for the Great Lakes States in this matter.

Mr. DEWINE. Senator VOINOVICH has stated, the U.S. Department of Agriculture's Animal Plant Health Inspection Service emergency Federal order banning the interstate shipment of several species of fish is having a crippling effect on Ohio's aquaculture industry. While my colleague and I recognize APHIS' attempt to stop the spread of a damaging disease and their readiness to make amendments to the emergency order, many Great Lakes States, such as Ohio, lack sufficient testing programs and facilities to fully comply with the new testing regulation.

It is appropriate to make our Senate colleagues aware of this issue during FY2007 Agriculture appropriations debate, as resources are needed to assist State and Federal agencies to establish additional testing facilities, monitor the spread of VHS throughout the region, and conduct research on the disease. At this time, it is difficult to fully quantify the financial needs of the entire Great Lakes region in light of these new amendments. The aquaculture industry operates on a short time-frame, and our aquaculture producers and sportsmen need assistance, or their livelihoods will be in jeopardy. Mr. President, Senator VOINOVICH and I are committed to working with APHIS officials and State departments of agriculture and departments of natural resources to provide them with resources to resume commerce responsibly and combat this disease. We are hopeful that FY2007 Agriculture appropriations conference negotiations will provide an opportunity to allocate much-needed funding to Ohio and other Great Lakes States.

Mr. KOHL. As ranking member of the Senate Agriculture Appropriations Subcommittee and a member of the Great Lakes Task Force, I share in my colleagues' efforts to restore and protect the Great Lakes. I am aware of the risks associated with the spread of this virus within the Great Lakes and understand the need to limit its spread. It is my hope that we can help the Great Lakes states address this challenge and enhance their ability to ensure the safe movement of live fish within the region. I look forward to working with my colleagues on this issue.

Mr. BENNETT. I recognize the concerns the distinguished Senators from Ohio have about protecting the Great Lakes and their efforts to balance the environmental and economic needs of the region. I look forward to working with my colleagues on this issue.

Mr. VOINOVICH. I thank the chairman and ranking member and look forward to working on this effort during conference negotiations.

Mr. DEWINE. I appreciate the chairman's attention and collaboration on this issue.

DELAWARE AGRICULTURAL MUSEUM AND VILLAGE

Mr. CARPER. Mr. President, I would like to take a moment to discuss with my friends, the Senators from Utah and Wisconsin, an important proposal that will enhance Delaware's economy by promoting agri-tourism and our agricultural heritage.

As we all know, Senator BENNETT, the chairman, and Senator KOHL, the ranking member, of the Agriculture Appropriations Subcommittee have the difficult job of managing funding priorities for the Nation's agriculture spending and do a superb job in that role.

I bring to my colleagues' attention an important proposal that merits serious consideration—the Delaware Agricultural Museum and Village, which interprets and preserves the story of Delaware's past and promotes an understanding of the vital role agriculture plays in our daily lives.

This is a vital cultural resource center that presents the history and function of American agriculture. It is very important that the American people, and especially our youth, understand the source of their food supply. This is especially so in view of such critical issues as childhood obesity, food safety, and the continuing loss of farmland to development.

Each year the Delaware Agricultural Village hosts thousands of school children and tens of thousands of tourists. These visitors experience 19th century farming life and witness the evolution of American agriculture. The school children of Delmarva benefit from the summer camps, field trips, and educational programs provided by this facility. These activities help our children understand and appreciate the joys and struggles of farming life in the past as well as today. This institution is a great demonstration of the valuable role that farming ingenuity and technological innovation play in dairy, poultry farming, and rural life in Delaware and across the country.

Every year 25,000 people visit this center, and between 6,000 and 9,000 school children participate annually in field trips, summer camps, and other activities. The village serves all of the Delmarva Peninsula and receives visitors from across the Nation. Last week, the center hosted a school from as far away as Texas.

Specifically, the funds requested will be combined with additional funds from private individuals, businesses, and other government sources to ensure the Delaware Agricultural Museum and Village will be able to better serve their agri-tourism and educational guests. Every year it seems the facility is asked to do more and more. These additional funds will help provide additional space and more accommodating facilities while avoiding construction of an entirely new building.

I and the rest of the Delaware congressional delegation are very supportive of this program and seek the support of the bill managers in asking the Department of Agriculture to consider and assist this project with resources available in the Rural Development mission area. We also request that the managers help support this item in the conference committee on the Agriculture appropriations bill.

So, with this background, I ask my friends from Utah and Wisconsin whether it is correct that the Delaware Agricultural Museum and Village will be considered in the conference between the House and Senate on this bill?

Mr. BENNETT. Mr. President, The Senator from Delaware has obviously made a very strong case for this important educational resource center in Delaware, and it is apparent that the Delaware Agricultural Museum and Village provides an important contribution to Delaware's economy and its agri-tourism and agriculture industry. I yield to my distinguished colleague, the Senator from Wisconsin.

Mr. KOHL. I agree with my colleague, the chairman of our subcommittee. This project appears to be a well-established enterprise worthy of consideration for rural development program assistance, so we thank the Senator for his work in this regard.

Mr. BENNETT. In response to the Senator's question concerning this proposal, I am confident that this request will receive very careful consideration by the Senate conferees.

Mr. KOHL. I concur with the distinguished subcommittee chairman.

Mr. CARPER. I thank my friends for taking a moment to discuss this matter with me. I urge my colleagues who will be negotiating these provisions with the House to carefully consider the benefits of this proposal. I thank them in advance for any assistance they may render.

PENICILLIN

Mrs. CLINTON. Mr. President, I rise today to talk about an issue that I believe needs attention during debates on the Agriculture appropriations bill for fiscal year 2007. Antimicrobial drugs that are used to treat human diseases are being used at an alarming rate in large-scale animal production. There is growing evidence of an increased human health risk as a result, specifically the development of antibiotic resistance.

Penicillin is a very important antimicrobial drug. It is an essential treatment for serious human diseases and infections, such as Meningococcal meningitis and strep throat. Since its discovery in 1928, it has been estimated that penicillin has saved nearly 200 million lives. Overuse of this drug in agriculture could cause humans to build up resistance to penicillin, limiting our treatment options during health outbreaks.

According to the Union of Concerned Scientists, livestock producers in the United States use an estimated 24.6 million pounds of antimicrobials on healthy animals every year. Furthermore, the overall use of antimicrobials for nontherapeutic purposes has risen by nearly 50 percent since 1985.

The World Health Organization outlined recommendations for healthy livestock production without the use of antimicrobials in the report "Overcoming Antimicrobial Resistance" in 2000. The report illustrated those farmers who stopped "relying on antimicrobials as growth promoters in livestock have experienced no economic repercussions—provided that animals were given enough space, clean water, and high-grade feed." These living conditions are also crucial in avoiding the spread of diseases.

I was pleased that in July 2000, the Food and Drug Administration, FDA, announced its intention to ban the use of fluoroquinolone for poultry production due to increasing evidence of antibiotic resistant Campylobacter cultures. Campylobacter infects over 2 million people each year, particularly babies under 1 year old and young adults, and it is a leading cause of diarrhea and food-borne illness.

In 1999, more than 11,000 people infected with Campylobacter were receiving less effective or ineffective treatment with fluoroquinolones, up from 5,000 people just one year before. Scientist later discovered the fluoroquinolone-resistant strand of

Campylobacter found in humans was the same as those found in animals. Concerns over the emergence of fluoroquinolone-resistant bacteria led the Centers for Disease Control and Prevention, CDC, to oppose approval of fluoroquinolones for animal use.

The fact is diseases that were once easily treated and cured by antimicrobial drugs are becoming more difficult to treat. Resistance to these drugs has been linked to the overuse of these drugs in animal treatment. The Food and Drug Administration, FDA, has recently expressed concerns regarding the overuse of penicillin in the feeds of the animals humans consume. In a May 2004 a statement to manufacturers of veterinary penicillin, the FDA stated that their products could play a role in building up human resistance to this drug, as penicillin is often used in animals to induce animal growth and prevent diseases.

I share in the FDA's concern regarding growing resistance to antibiotics like penicillin, and I believe that we should not use these drugs in animal feed without fully understanding the impact on human health. I believe it is important for the Center for Veterinary Medicine to conduct more research on the effects of penicillin in animal feeds, and encourage funding to be added for this purpose. Doing so would shed much needed light on how widespread use of these drugs in feed can affect treating human infections.

Mr. KOHL. I thank the Senator for her attention to this issue. I appreciate all of the important facts she has raised, and look forward to working with her.

Mrs. CLINTON. Mr. President, I have an amendment to offer to the Agriculture appropriations bill for fiscal year 2007. My amendment calls for the Center for Veterinary Medicine to study the effects that certain uses of penicillin in animal feeds have on the human immune system.

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I hope that my colleagues will join me in support of this important amendment.

Mr. KOHL. Mr. President, although it does not appear that we will be able to complete action on the Agriculture appropriations bill this evening, I would like to take a quick moment to thank Senator BENNETT and his staff for their hard work. I have had the pleasure of serving with Senator BENNETT on this subcommittee for the last 4 years, and every year he and his staff have worked very hard to write a responsible, bipartisan bill that spends the American citizens tax dollars wisely. They have also worked very closely with my staff, and I remain grateful for that. Once again, I would like to thank Fitz Elder, who did a great job in his first year as clerk, Dianne Preece, Stacy McBride, and Graham Harper. Senator BENNETT, you have an exemplary staff, and I am grateful for all of their, and your, hard work and professionalism.

Mr. BENNETT. Mr. President, I would first like to applaud and thank the senior Senator from Mississippi and chairman of the Appropriations Committee, Senator COCHRAN. Because of his leadership, the Committee on Appropriations reported each of the 12 appropriations bills to the Senate before the August recess, while also shepherding the passage of a supplemental appropriations bill in the spring for the war in Iraq and the lingering effects of Hurricane Katrina. This is the earliest the committee has reported all its bills since 1988. I believe the Appropriations Committee to be one of the most difficult committees to chair in the Senate, and Chairman COCHRAN has done a marvelous job. During his tenure, he has worked diligently to maintain regular order, and once again this year he made sure the committee met its responsibilities.

I also would like to thank my staff and the staff of Senator KOHL. Specifically, I would like to thank Galen Fountain, Jessica Frederick, Bill Simpson, and Tom Gonzales of the minority staff and Fitz Elder, Dianne Preece, Stacy McBride, and Graham Harper of the majority. A special mention goes to Hunter Moorhead, who ably assisted in the drafting of this legislation before leaving the subcommittee staff to take a position at the White House. These individuals work in a truly bipartisan manner, and I thank them for their hard work this year.

Shortly, the Senate will vote in relation to the agricultural disaster amendment, and the Agriculture appropriations bill will come to a premature end. It was the first appropriations bill to be reported to the Senate this year, and it will likely be the last to be considered by the Senate in the 109th Congress. While I would prefer a vote on final passage, we will have to finish the fiscal year 2007 Agriculture appropriations bill in the 110th Congress.

I wish Senator KOHL Godspeed as he takes over the helm of the subcommittee in the next Congress. It has been my pleasure to work with him over the last 3 years.

MORNING BUSINESS

Mr. BENNETT. Mr. President, I ask unanimous consent the Senate now proceed to a period of morning business with the following Senators being recognized to speak: Senator CONRAD for 2 minutes, Senator SPECTER for 20 minutes, Senator BYRD for 20 minutes, Senator LANDRIEU for 10 minutes, Senator VOINOVICH for 20 minutes, and Senator DEWINE for an hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota.

AGRICULTURAL ASSISTANCE

Mr. CONRAD. Mr. President, I thank my colleagues for this very strong show of support for disaster assistance: 57 votes. We had three votes in favor who are missing today, who will be back. So perhaps we will have another opportunity this week to have a vote on this question when we are at full strength.

To those who are on the other side, we respect the differences. We hope you understand the desperate situation that our farm and ranch families face. I again thank each of our 57 colleagues who voted for this. I thank three of our colleagues who are not present and voting today who had announced publicly their support for this position. We believe either later this week or in the new Congress we will prevail.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

A LABOR, HEALTH AND HUMAN SERVICES, EDUCATION APPROPRIATIONS BILL AND HABEAS CORPUS

Mr. SPECTER. Mr. President, I have sought recognition to comment about the appropriations bill covering the Departments of Labor, Health and Human Services, and Education. It had been my hope that before we finished our work in the 109th Congress we would address an appropriations bill on the very important subjects covered by those three major departments—the Department of Labor, the Department of Health and Human Services, and the Department of Education. It appears at this juncture that we will not be taking up that bill, and I think it is very regrettable. Conceivably we could still act, having the balance of this week, and we could be in session next week, but I understand that does not appear to be the will of the Senate to proceed. It is unfortunate because there are a great many priorities which ought to be revised in that budget, which approximates $147 billion.

We have had a decrease in funding for cancer. As tough as that malady is in the United States, and as many people as it claims, we now find that we have $50 million a year less for the National Cancer Institute.

We find that there has been a decrease in the funding for the National Institutes of Health generally, which is unacceptable. Senator TOM HARKIN and I, as chairman and ranking—we change gavels from time to time on that, and we are about to do so again, but we called it a seamless exchange of the gavel—have worked with leadership to increase the funding for the National Institutes of Health from $12 billion in 1995 to the current recommended funding level of $28.5 billion. Enormous advances have been made in combating Alzheimer's, Parkinson's, heart disease, cancer, and so many other maladies.

We need to reevaluate many of the other programs in the health field, and in education funding for GEAR UP mentoring program. We need some rescission in appropriations on No Child Left Behind. We need revisions on worker safety. It is totally unsatisfactory to leave the 109th Congress with our having completed action on only 2 of 12 appropriations bills. Ten bills are unattended to. Only the Department of Defense appropriations bill and Homeland Security will have been acted upon, which is not adequate for our responsibilities on these very important subjects.

We had a series of hearings to investigate and inquire into how we ought to spend the money for the Department of Education. Now we are not permitted to act on those recommendations and to reassess the priorities and the interests of the American people. Chairman REGULA of the House of Representatives and I have tried to conference on an informal basis. But I think it is most unfortunate that we are not able to complete this bill.

It is my hope that we will take up the bill early in the 110th Congress. The new majority leader has outlined an ambitious work schedule. This ought to be a priority item to take up.

I have been on the Appropriations Committee for all of my tenure in the Senate, ending my 26th year. We need to do better when we take a look at the appropriations process next year.

Similarly, it had been my hope that we would have moved on the legislation to provide protection for civil liberties on the surveillance program put into effect by the President, which is designed to protect America from another terrorist attack and to balance security interests versus privacy interests.

When this program was disclosed on December 16 of last year, almost a year ago, we moved ahead in the Judiciary Committee to have a series of hearings to try to find a way to have judicial review in accordance with the tradition and concept in the United States, having the impartial magistrate between the Government and the person subject to surveillance, to search and seizure, or to wiretapping. The initial legislation would have given that authority to the Foreign Intelligence Surveillance Court, which was selected because of the expertise that court has and because they can maintain secrecy. In my legal opinion, there is no doubt that the administration program violates FISA, the Foreign Intelligence Surveillance Act. But the President has asserted that there was article II power, inherent powers as Commander in Chief, which warrants this program without—justifies this program without warrants.

I cosponsored legislation introduced by the senior Senator from California, Mrs. FEINSTEIN, which would extend the time for retroactive approval by the FISA court in 3 to 7 days and would increase the resources so that according to General Alexander, the head of NSA, there were such resources to have individualized warrants for calls originated in the United States and going outside the United States. According to General Alexander and the National Security Administration, and General Hayden his predecessor, there are too many calls coming from outside and in to have individualized warrants. But it would be an enormous step forward for civil liberties to have the individual warrants for calls originating in the United States and going out.

As to the calls originating outside the United States and coming in, let's have the judicial determination made as to whether the President is correct that he has article II powers. That can only be determined by the court, weighing the invasion of privacy on the one hand against the interests of security on the other.

The legislation which I introduced, S. 4051, modifies earlier versions, modifies the so-called Feinstein-Specter bill by recognizing the changing circumstances where a number of district courts have taken up the issue in the U.S. District Court in Detroit to declare the surveillance program unconstitutional. It is now in the Sixth Circuit.

Let the process proceed to have the adjudication as to whether the President is right that there are article II powers or whether there is a violation.

The legislation which I have introduced, S. 4051, on November 14, provides further for mandatory review by the Supreme Court and expedited review. If we would focus on this issue, we could come to grips with it and we could legislate. Every day that passes there is incursion on civil rights and constitutional rights because there are wiretaps which are not supported by affidavit or probable cause and court authorization. We have it within our power to alter that today if we would come to grips with the issues on all the calls originating in the United States and going out and then, to repeat, to allow the court to decide whether the President is correct on whether calls outside coming in are covered by his article II powers.

It is my hope that this legislation will be taken up early in the next session because we ought to come to grips with the balance of rights versus security.

HEDGE FUNDS

Mr. SPECTER. Mr. President, earlier today the Judiciary Committee held a hearing on hedge funds and what is happening in that important area where we now find that we have an area in the securities field which involves some $1.3 trillion, some 30 percent of the stock trading, and no regulation. The Judiciary Committee held hearings contemporaneously with the consideration of Sarbanes-Oxley and that legislates in the field to deal with criminal sanctions for insider trading violations. The issue which we took up in some detail in the Judiciary Committee today involves allegations that there was insider trading, a matter yet to be resolved. But out of the Judiciary Committee inquiry, draft legislation has been circulated which has three very important provisions.

First of all, on criminal jurisdiction there are Federal decisions which have precluded the Department of Justice from collaborating with the Securities and Exchange Commission. The draft legislation which has been circulated would authorize that. There is no reason the SEC and the Department of Justice should not be able to collaborate when they find evidence of criminal conduct to act to prosecute.

The second provision of the draft legislation would authorize more compensation for whistleblowers. The fact is, the SEC is doing very little by way of encouraging whistleblowers to bring forward insider information and to stop insider trading. The legislation would authorize the Attorney General to provide for compensation up to 30 percent for whistleblowers from a penalty, fines or settlement, and also protection for the whistleblowers.

The third provision in the draft legislation which has been circulated would provide for regulations on small investors who do not have the sophistication to conduct due diligence and also for pension funds which are invested in hedge funds.

The testimony of the attorney general from Connecticut, Richard Blumenthal today went into some detail about how the failure of Amaranth recently, which amounted to some $6.5 billion, touched pension funds and many of the small investors.

We have circulated this legislation, and we will be asking for comments. I thought I would describe it very briefly this afternoon. It will be introduced formally as soon as we have had an opportunity to get comments from interested parties.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 4081 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Mr. ISAKSON). The Senator from West Virginia.

APPROPRIATIONS FAILURE

Mr. BYRD. Mr. President, one of Congress's most fundamental duties is to make careful choices about how to spend the taxpayers' dollars. We are now over 67 days into the fiscal year. The Senate has passed only 3 of the 12 appropriations bills. Only two of the bills have been signed into law. The operations of government for 13 of the 15 executive branch Cabinet departments are being funded by a very restrictive continuing resolution. This dismal performance is not the result of the work of the Committee on Appropriations. The Committee on Appropriations did its work and on a bipartisan basis reported all 12 of its bills by July 26. Chairman COCHRAN did an outstanding job in leading the committee. Yet the appropriations process, once again, has fallen victim to politics.

Before the November election, the Senate majority leadership decided that the Senate should not be given an opportunity to debate critical issues facing the Nation, so 8 of the 12 bills never came before the Senate. When it comes to the funding bills for domestic agencies, with the exception of Homeland Security, the majority leadership—and I say this respectfully—is apparently satisfied with a mindless continuing resolution. When it comes to the education of our children, the health of our elderly citizens, the ability of our deteriorating infrastructure to sustain a growing economy, the majority leadership apparently wants no debate, just a rubberstamp of a formula-based continuing resolution for 13 of the 15 departments.

The majority leadership made a specific choice to delay bringing the domestic appropriations bills to the floor because it wished to avoid an open debate in the Senate about many issues confronting Americans in their daily lives.

The President submitted a budget for domestic programs that cut funding by $14 billion below the level necessary to keep pace with inflation. The President's proposal to increase fees on our veterans for their health care is indefensible. The White House proposed cuts in education and in programs to fight crime. The President's budget is not sustainable. Yet behind closed doors the majority leadership inserted an $872.8 billion cap on spending at the level proposed by the President's budget. This was done by jamming a cap on spending in an unamendable conference report intended to provide disaster relief for the victims of Hurricane Katrina and to fund the efforts of our troops serving heroically in Iraq and Afghanistan.

To avoid debate on the domestic appropriations bills, the Senate majority leadership kept the Senate operating at a snail's pace all summer. In July, the Senate had rollcall votes on just 9 days. In August, we voted on only 3 days. How about that? In September, we had votes on just 10 days. So in the 3 months in which the Senate should have been in overdrive to finish the appropriations bills, we had votes on only 22 days. That is a pathetic, a sorry performance.

Why? Apparently the majority wants to avoid debate about its broken promises concerning the No Child Left Behind Act. The President's budget proposed the largest cut to education funding in the 26-year history of the Education Department—a $2.1 billion or 4 percent reduction. This is a nonsensical squandering of the future of our children, the American people's children.

The Labor, HHS, and Education appropriations bill underfunds the title I program, the cornerstone of the No Child Left Behind Act, by a whopping $12.3 billion. Rather than increasing funding to meet this commitment, the bill freezes funding for this program. As a result, this bill leaves behind 3.7 million students who could be fully served by title I if the program were funded at the level promised by the No Child Left Behind Act. I offered an amendment in the committee markup to increase title I funding by $6.1 billion, half of this year's shortfall. What happened? The Republican majority rejected it. Was the Senate, the full Senate, given an opportunity to debate the need to invest in the education of our children? No. Let me repeat: Was the Senate given an opportunity—I am talking about the whole Senate, the full Senate—to debate the need to investigate the education of the country's children? No.

In June, the FBI released its violent crime figures. The FBI found that murders in the United States jumped 4 percent last year, and overall violent crime was up by 2.5 percent for the year, the largest annual increase in crime since 1991. Yet what happened? The President proposed to cut law enforcement grants to State and local governments by $1.2 billion and to eliminate the COPS hiring program. Was the Senate given an opportunity to debate how best to respond to the largest annual increase in crime in 15 years? No.

On July 19, the Commissioner of Social Security wrote to me a letter in which she stated that the level of funding in the Labor-HHS bill "would require employee furloughs of approximately 10 days Agency-wide." That is what she said: "would require employee furloughs of approximately 10 days Agency-wide." Has the Senate, the full Senate, the 100 Members of the Senate, had a chance to debate whether our elderly citizens want long lines at our Social Security offices? No.

The Environmental Protection Agency projects that our communities need in excess of $200 billion for clean and safe drinking water systems. Yet the Interior appropriations bill would cut funding from a level of $1.1 billion in fiscal year 2005 to $687 million in fiscal year 2007, a cut of 38 percent. Has there been any debate in the Senate about the need for safe and clean drinking water in our communities? Has there? The answer is no.

If there is one lesson we all should have learned from Hurricane Katrina, it is that there are consequences to starving Federal agencies. FEMA, which performed marvelously after the North Ridge earthquake, the Midwest floods, and the September 11 attacks, simply was no longer up to the task when Hurricane Katrina hit the gulf coast last year.

Now, which other Federal agencies are going to be the next FEMA? I wonder. I wonder which other Federal agencies will be the next FEMA. Could it be the Food and Drug Administration? Has the Senate had an opportunity to debate whether FDA has the resources and the leadership it needs to make sure we have safe food and safe drugs? I will ask the question, again. Has the Senate, the full Senate, had an opportunity to debate whether FDA has the resources and leadership it needs to make sure we have safe food and safe drugs? No.

The cost of attending a public 4-year college has increased 32 percent since the beginning of this administration. Yet the maximum Pell grant award has not been increased since 2002. Has the Senate discussed the wisdom of making it harder for our children to afford a college education? Hear me. No.

On the heels of the first cut to funding for the National Institutes of Health since 1970, the President proposed level funding of NIH in fiscal year 2007. As a result, the total number of NIH-funded research project grants would drop by 642 or 2 percent below last year's level.

The President's budget would cut funding for 18 of the 19 Institutes of Health. Funding for the National Cancer Institute would drop by $40 million, and funding for the National Heart, Lung, and Blood Institute would drop by $21 million. Has there been a debate about the wisdom of these cuts? No.

When the Congress returned to session after the elections, Senator HARRY REID and I urged the Senate Republican leadership to complete the fiscal year 2007 appropriations process prior to adjourning sine die. Apparently, this request fell on deaf ears. Even with the elections over, the Republican leadership could not bring itself to govern, to make choices.

Instead, apparently, the House Republican leadership has decided to send the Senate a third continuing resolution that will last until mid-February—mid-February. Instead of making careful choices, they, apparently, have chosen to punt—to punt—the funding decisions for 13 departments, for over $463 billion of spending, to the next Congress.

What a sad mess. What a sad mess.

Under the continuing resolution, 500,000 veterans will have to wait longer for their health care or not get health care at all. Lines at our Social Security offices will get longer. Our elderly will find it more difficult to get answers to their questions about the new prescription drug benefit or about their retirement benefits. Commitments to address our clogged highways with more funds for highway construction will have to wait. Efforts to protect the food supply will be undermined by furloughs of meat and poultry inspectors. This is no way—this is no way—to do our Nation's business.

When I was chairman of the Appropriations Committee from 1989 to 1994, and in 2001, the Senate debated and passed every appropriations bill but one. And it takes persistence, determination, and a commitment to the Senate to debate and approve all of the bills. Chairman COCHRAN has that determination, and he was successful last year in bringing every bill to the Senate floor. However, the majority leadership, apparently, does not value that persistence, that hard work, that determination. Apparently, in an election year, the only thing of value was the politics of the moment.

Mr. President, the irresponsible actions of the Republican leadership are setting the stage for the beginning of the 110th Congress next year. In January, the new Congress will be faced with approving funding for 10 leftover bills for fiscal year 2007, a large war supplemental, and 12 bills for fiscal year 2008. Where the Republican leadership could do no more than pass two annual appropriations bills all year, the Democrats will be expected to pass 22 annual bills and a supplemental.

And this will be a huge, a huge—I would say a whopping—challenge. However, in the bipartisan tradition of the Senate Appropriations Committee, I am committed to working with my colleagues on both sides of the aisle to meet this challenge.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia yields.

The Senator from Ohio.

2007 APPROPRIATIONS

Mr. VOINOVICH. Mr. President, I rise to address my serious concern about our movement toward a decision to adjourn the 109th Congress without completing our work on the remaining 2007 appropriations bills and to recognize, also, my friend and senior Senator from the State of Ohio, Mr. MIKE DEWINE.

As my colleagues are well aware, the fiscal year 2006 appropriations expired on September 30, 2006. And with the exception of the Departments of Defense and Homeland Security, the Federal Government is currently operating on its second temporary continuing resolution, set to expire on December 8, 2006. We now intend to enact a third continuing resolution to fund the Government into February 2007.

Passage of a long-term continuing resolution, as some have advocated, means the Federal Government will work without a budget for at least 5 months into the current fiscal year, without knowing what spending levels will be approved for discretionary programs. Federal Departments and agencies will be forced to oversee programs and manage employees without knowing whether they are overspending their fiscal year 2007 budgets.

This approach toward managing our Nation's checkbook is indicative of Congress's attitude toward fiscal discipline and is a serious problem. Other Senators have spoken about how serious the problems are. And Senator BYRD did a very good job of outlining the serious impact that our not passing our appropriations on time is going to have on some of our Departments in the Federal Government. And earlier, Senator SPECTER did the same thing. We are aware of the problems it is going to create for the management of our Government.

Operating without a budget impacts our effectiveness in fighting the war on terror. It affects our ability to maintain and improve our transportation infrastructure and enhance our educational system. And it further contributes to the public perception that Congress has no appreciation of the importance of good management and the importance of hiring the right people with the right knowledge and skills at the right time and at the right place.

This is not a good record for either side of the aisle. And with due respect to the senior Senator from West Virginia, I think it cannot be laid at the feet of the Republicans; it should be laid at the feet of both Republicans and Democrats. This is not a partisan issue. Congress has the power of the purse, but we are not the best stewards of the taxpayers' money if time after time we pass omnibus bills without even knowing what is in them, and if, again and again, we fund programs without knowing how these programs are performing.

Managing by continuing resolution is inherently wasteful and inefficient. It results in spending disruptions and chaos in the operations of Federal programs and dramatic productivity slowdowns. We have no appreciation of what not having a budget for 5 months has on the various Federal agencies that are supposed to be providing services to the people of our country.

In recent years, many Federal Departments have taken positive steps toward streamlining their budgets and tightening the reins on their daily operations—conduct that ought to be rewarded. Instead, Departments are forced to thin their staffs and put critical projects on hold when Congress fails to pass appropriations bills on time, placing an unnecessary strain on the relationship between Congress and the administrative branch of Government.

Such a funding shortfall is expected to have particularly adverse effects on human capital-intensive agencies, such as the Government Accountability Office, where attracting and retaining good employees is critical to running a competitive and productive organization.

Agencies such as the GAO have made it very clear that without a budget, they risk losing top-quality personnel. They are unable to properly recognize and reward individuals for good service—a problem that threatens the efficiency of their day-to-day activities and hampers the image of the Federal Government. As an employer, we want to get people to come on board, and we cannot pass our appropriations.

This added pressure on human capital is not limited to the GAO. In fact, there are lots of similar agencies, such as the SEC, the FBI, and the IRS, which experience the same problem. According to a report in Congress Daily, the Social Security Administration maintains it will have to furlough every employee if its regular appropriations are not signed into law. I think that may be a big exaggeration, but it has a real impact on the operations of that agency.

Many companies with Government contracts are laying people off because they are not sure that the contracts will be renewed because of the budget process. And I know this from a member of my family who was laid off a year ago. Because we did not pass the budget on time, the company said: We don't know whether we are going to have the contracts. Seventy people lost their jobs while they waited around to find out whether the appropriations were going to be passed and how it impacted on the operations of NASA Glenn in Cleveland.

Sometimes programs are ineffective, and their budgets should be reduced or eliminated. By resorting to a continuing resolution, ineffective programs continue to operate, despite poor performance results. For example, the House would have terminated 53 programs, for a savings of $4 billion. But under a continuing resolution, we cannot even discuss whether these programs deserve to be terminated. Literally, dozens of unauthorized programs continue to be funded.

On the flip side, the appropriations process has expanded beyond the budget domain to include shaping and authorizing policy. This is especially the case with Foreign Operations programs. It then becomes even more important to enact the Foreign Operations appropriations bill because it is the way we modify foreign aid and foreign policy initiatives.

One such instance is the Transformational Diplomacy Program at the State Department, which would allow for the repositioning of American diplomats to essential locations and for the movement of public diplomacy centers to smaller posts outside of foreign capitals.

But it is not just the Federal Government that suffers. States, counties, and cities all depend on funding from Washington. If you are a county commissioner or you are a mayor and you have Federal programs and you are not sure what you are going to be getting, that causes a major problem for your respective agency.

When Congress fails to enact appropriations on time, highways, emergency preparedness, and economic development programs are all neglected, and Congress creates a new burden for Governors, mayors, and local officials. Maintaining and improving America's transportation is vital to our economy, the environment, and the welfare of the American people.

The Interstate Highway System is one of the country's greatest public works projects, but it requires Federal investment. States plan their highway construction programs for the coming year based on anticipated Federal funding set by SAFETEA legislation. If Congress fails to pass the 2007 Transportation appropriations bill on time, States will have reduced Federal funding and are going to be forced to delay construction projects for the upcoming year.

In my home State of Ohio, for instance, construction cost increases in inflation have already forced the Ohio Department of Transportation to cancel and postpone nearly $450 million in new highway projects. Adding a continuing resolution to this current slowdown will simply exacerbate the problem and result in further delay and further construction problems, if we don't pay any attention to that. That is going to impact the contracts they would like to let. That is why our States and workers cannot afford for us to ignore our budget responsibilities.

It is incredible to me, as someone who has been a mayor and Governor, that the U.S. Senate has not completed its appropriations work. As a mayor and Governor, the law mandated that we get our appropriations done by the end of the fiscal year. I am sure the Presiding Officer, when he was a member in the State of Georgia Legislature, saw that they got their appropriations done on time. In Ohio, once in a while we had to put a cloth over the clock for a couple of days. The fact is, we got it done.

I know I am not alone in my frustration. In fact, THAD COCHRAN, chairman, calls it irresponsible. He is the chairman of the Appropriations Committee. It is irresponsible; I second that. It is absolutely irresponsible.

Let's look at our record on the path of fiscal irresponsibility. In fact, in 25 of the past 30 years, Congress has failed to enact all the appropriations bills by the start of the fiscal year, which is a major responsibility, to get the budget passed and get the appropriations bills done on time. The last time Congress enacted all appropriations bills by September 30 was 1997. And for 17 of the past years, Congress has had to combine two or more appropriations bills together in an omnibus or minibus legislation. Given the facts, it is an indication to the American people that we are not doing our job. We are not being responsible.

We send a signal to those in the Federal Government that we don't give a darn about how, when we don't do our jobs, they can't do theirs. Congress may hold the power of the purse, but we undermine our credibility by starving good managers and agencies of necessary resources and by turning a blind eye to failing programs. This is about more than allocating funds. It is about good management, and it is about good public policy. All of us on a bipartisan basis should pledge that we are going to get the appropriations bills done for 2008 on time and that next year we are not going to have a repeat performance of what we are experiencing this week in the Senate.

I think if you talk about the frustration of the American people in terms of Congress and our responsibility to them, you can only conclude one thing if you were out there watching this. Folks are saying: They can't even get their appropriations bills done on time. That is a sad commentary. Let's start out next year on a new leaf. Let's all pledge to do this, both Republicans and Democrats. Let's say we are going to get this job done. I know some people have a problem with the process and some of the porkbarrel and the rest of it, but let's start out and say we are going to get it done, bring it to the floor, debate it, and get it done on time.

TRIBUTE TO SENATOR MIKE DEWINE

Mr. VOINOVICH. Mr. President, I rise to speak about our senior Senator from Ohio, MIKE DEWINE. Let me begin by saying this is a speech I hoped I would never have to give. For many in this Chamber, winter came a little early this year. A blizzard of political change swept through the country and, unfortunately, many were unable to weather the storm; in my particular case, in our State, through no fault of their own.

MIKE DEWINE was one of the most effective legislators we have in the U.S. Senate. He was a victim of this storm. I am deeply saddened that our respective colleagues will not be joining us when we congregate again for the 110th Congress. MIKE's tireless commitment to legislating, his willingness and ability to work with both parties, and his ingenuity will be sorely missed by everyone in the Senate and the State of Ohio.

MIKE has served the people of Ohio for more than 30 years, beginning as an assistant county prosecutor in 1992. He served as Green County prosecutor for 4 years, State senator for 2 years, Congressman for 8 years, and he was my Lieutenant Governor for 4 years when I was Governor of Ohio. And, of course, he has served us for 12 years as our U.S. Senator. He is one of the most effective and least partisan Members in this body.

During campaign season, some of our colleagues on the other side of the aisle kept asking me: How is MIKE doing, how is he doing? Frankly, I think they were secretly hoping his poll numbers would be strong enough that he would not become a target. Unfortunately, those numbers never got up to that place, and he ended up being a target.

Far too many Members see differences between Republicans and Democrats as an unsurpassable deep divide. Not MIKE DEWINE. Over and over again, MIKE built bridges between our parties, and he got things done for America and for Ohio. Janet and I feel like MIKE and his wonderful wife Fran are part of our family. After working with MIKE for the past 16 years, I can tell you that there is something special about him. In fact, right from the start, I knew there was something refreshingly different about MIKE DEWINE.

The inception of our friendship came in 1990, when MIKE and I were both running in the Republican primary for Governor of Ohio. It was a crowded field with MIKE, Bob Taft, and I vying for the Governor's slot. It was then we really got to know each other. We talked about what would be the best for Ohio and for the Republican Party and, quite frankly, for our respective political futures. We decided to combine our efforts as running mates, and MIKE agreed to run as my Lieutenant Governor.

I knew this was a very tough decision for MIKE because he wanted to be Governor and was giving up a very safe congressional seat to run for State office. At that moment, I knew I had a first-rate partner, a man with great character and humility as well as unique political poise and promise. Both of us knew we had a long, tough race ahead of us with no guarantees. This was not a layup shot. There was a real question of whether we were going to be successful. He had given up a safe seat in the U.S. Congress, with a big family. But we had a great time running for State office. MIKE had an opportunity to connect with the State as a whole. I remember when he and Fran packed the kids in the van and traveled every inch of Ohio, becoming intimate with the Appalachian east, its manufacturing north, and its interior farmland.

We went on to win the general election and, as I like to say, together we did it. Together we won the election, and together we charted a new course for Ohio.

As Lieutenant Governor, MIKE took over the State's criminal justice agencies, where he led the fight against crime and illegal drugs. It was a relief to have MIKE as my partner when we had the Lucasville riots which broke out on Easter Sunday in 1993. It was the largest prison disturbance in the history of the United States, generating a great deal of national tension. MIKE's background in criminal justice and his close relationship with law enforcement helped us respond quickly and effectively. It could have been a tragedy, but fortunately, together, and with the help of the Holy Spirit, we made it through.

In 1992, when the Ohio Republican Party needed a challenger to run against the famous astronaut and giant in Ohio politics, John Glenn, MIKE was the obvious choice. He and Fran worked tirelessly to win that seat. Unfortunately, victory was not in the cards that year but triumph was imminent. Two years later, MIKE became a U.S. Senator and our party swept the State, just as the Democrats did this year in Ohio. MIKE returned to Washington as a U.S. Senator with more perspective, more experience, and more insight into the challenges facing Ohio than when he left the Congress as a Member of the House of Representatives. Without a lot of fanfare, he quietly went to work.

Of course, MIKE has been shaped by many things. It is impossible to talk about his achievements in public service without mentioning the terrible misfortune he and Fran experienced back in 1994. I will never forget the day MIKE and Fran lost their daughter Becky. I am familiar with the tremendous pain they suffered. The day that changed their lives sticks in my memory, much like the day Janet and I lost our daughter Molly. MIKE translated the love he and Fran had for Becky into his work in the Senate. He became a champion for our youth and for those who cannot represent themselves. That is why today I am hard pressed to think of anyone who has not been helped by MIKE DEWINE.

His legislative achievements, which span both domestic and foreign policy, reflect his effectual and compassionate nature. MIKE has shown tremendous dedication toward improving the safety of our highway system. He not only amended the 2005 highway bill to make preferences for highways noted as being unsafe, but he also allocated more than $56 million of SAFETEA-LU, intended for improving highway safety.

He succeeded in getting further testing and approval of medications for children. He helped establish a national toll-free poison control hotline. He acted on behalf of the children of U.S. servicemembers to make sure they had access to affordable health care. And he has stood up for foster children to make sure they are protected and to help them find adoptive parents.

Time after time, Senator DEWINE has protected Ohio. He was a critical voice in passing the Senate pension bill which helped ensure that workers' futures in Ohio are on better footing. He is a cosponsor of the Health Partnership Act because he understands how important health care reform is to Ohioans and to this country. He helped ensure that our fire departments are better equipped to fulfill their missions as first responders.

During the BRAC process, he worked to keep Federal facilities, such as Wright-Patterson Air Force Base in Dayton and the Defense Finance and Accounting Center in Cleveland and Columbus, open and operating. And he led a new mission for Ohio's NASA-Glenn in Cleveland. Today these facilities are thriving and contributing to Ohio's aerospace industry and national defense. I don't think there was a State in the country that benefited more from the BRAC process than Ohio, and it is attributable to the outstanding leadership MIKE DEWINE gave all of us in terms of that BRAC process.

MIKE has also been a friend of the Jewish community and has made it a priority to help stamp out anti-semitism and intolerance in America. He played a pivotal role in helping disclose previously classified documents about Nazi aggression, legislation that made those records available to the public through the National Archives and Records Administration. Today, thanks to MIKE, doctors, nurses, and aid workers are more prepared to confront the global AIDS epidemic.

MIKE has carried a heavy burden while he has been in the Senate. He sits on the Judiciary Committee, the HELP Committee, and the Intelligence Committee. He also sits on one the most prestigious committees in the Senate, Appropriations. In fact, MIKE was the first Ohioan in 50 years to sit on Appropriations. His position of leadership—and the resources he has been able to bring back to Ohio—has made a tremendous difference for our State and a tremendous difference in the lives of the people of our State. I used to joke with MIKE that my job as the debt hawk was to make sure we didn't spend the money. But once we decided we were going to spend it, his job was to make sure Ohio got its fair share. And boy, did he do a good job.

These are just a handful of examples where my close friend and colleague MIKE DEWINE has made a difference. His legislative accomplishments and his legacy of principled public service have had a deep impact on all of our lives. The Senate will suffer a loss without MIKE. But he will not slip out of the Senate. He will walk out these doors with his head held high because he can feel good about all he has given to the people of Ohio and to the United States of America. He has truly made a difference in their lives.

Married for more than 39 years, MIKE and Fran are parents to 8 children and grandparents to 10. They have been blessed with much happiness and success, and they have carved out many meaningful paths during their life together.

While MIKE will be missed, I am confident that he and Fran will begin something new in this next chapter of their lives. We have both been given so much. I believe that God does have a plan. Sometimes we are not sure about what it is, but God does have a plan.

I am reminded of one of my favorite verses from the Bible, Proverbs chapter 3, verses 5 and 6:

> Trust in the Lord with all your heart; and learn not unto your own understandings. In all your ways acknowledge Him, and He will direct your path.

MIKE will be missed. But I know the Holy Spirit will continue to inspire MIKE and Fran as they embark on a new journey together.

The PRESIDING OFFICER (Mr. THUNE). The Senator from Ohio, Mr. DEWINE, is recognized.

Mr. DEWINE. Mr. President, I thank my dear friend—the now junior Senator from Ohio, who in January will become the senior Senator from Ohio—for those very generous and kind comments.

GEORGE VOINOVICH and I first got to know each other in 1989. I will not repeat the story the Senator recounted, but we got together and formed a partnership that has lasted until today. I gave up my run for Governor and joined with GEORGE as his Lieutenant Governor candidate. We won and, as they say, the rest is history. GEORGE was a great Governor for 8 years. I was his Lieutenant Governor for the first 4 of those years. We worked very closely during that period of time, of course, and after I went to the Senate, when he was still Governor. We have worked even closer since he has been a Senator from Ohio. So I thank him. GEORGE VOINOVICH and Janet are dear friends. They are people whom we care very much about. GEORGE is a great public servant, and I appreciate him very much and am touched, frankly, by his very kind comments.

HONORING OUR ARMED FORCES

SPECIALIST ALLEN JAMES KNOP

Mr. DEWINE. Mr. President, I come to the Senate floor today in remembrance of a brave Ohioan from Willowick—Army SPC Allen James Knop. On November 23, 2005, Specialist Knop died while serving our Nation in Iraq. He was serving with the 2nd Battalion, 502nd Infantry Regiment, 2nd Brigade Combat Team, 101st Airborne Division, based at Fort Campbell, KY. He was 22 years old.

Specialist Knop is survived by his mother Eileen D'Ercole, his father William Knop, and his siblings Brandon, Rachel, Max, Natalie, and Alison.

Allen graduated from North High School in Eastlake, OH, in 2002. He loved sports—especially golf. His mother Eileen remembers that Allen was extremely charismatic and that he willingly would make sacrifices that helped others. She said, "Blessings come from the heart, and my son had the most wonderful heart of anyone I know."

As a high school student, Allen developed a strong work ethic. He relished responsibility. His father William does masonry work and often would hire Allen during his summer vacations. William said, "[Al] would work with me in the summer. He was strong. He was thin. And, he was fast. Sometimes my guys would come up to me and say, 'Hey! That kid works harder than we do!' "

Allen's father remembers that it was the terrorist attacks of September 11, 2001, that motivated his son to enlist in the Army immediately after high school. William worried about the decision, but was deeply impressed by Allen's responses to his questions. This is what Allen said: "Just think, Dad. If everyone thought like you, there wouldn't be anybody over there fighting now." Recalling this conversation, William said, "That's probably the bravest thing I've ever heard anybody say."

Al's mother Eileen remembers how proud her son was to be in the Army. She said, "He could have gone to any college in the country, but he chose to join for a cause he truly believed in."

His father also recalls that Allen didn't have any delusions about war. He understood the danger of combat, but willingly enlisted because he felt such pride in our country. That is simply the kind of person he was.

Allen spent 13 months on combat duty in Iraq—and then reenlisted. His second tour began in August of 2005. His father said that "that tour was hard on him, but he was so proud to serve that he re-enlisted to go back. It meant everything to him. He was a true patriot."

Still though, Allen knew that re-enlisting worried his family—and nothing meant more to him than his family. So he decided to use a family golfing trip to get a few laughs with them before he left. He showed up dressed in a light-blue leisure suit and talked his younger brother Max into dressing up like Johnny Cash, the Man in Black. William always laughs at the memory. "It's Al," he said. "Always goofing around. . . . That's one of the best memories I'll have of him."

It was during this same golf outing that Allen gave his brother Max a special gift. Even though Allen was careful with money and didn't like to spend it freely, he had recently bought an expensive new golf set and driver for himself. William remembers, however, that when Allen said goodbye and went to drive away, he stopped, turned around, and summoned his brother Max. This is how William describes what happened next:

> So he got out of the car and walked over to [me]. He had that driver with him and he said, "Here, Max. Keep an eye on this until I get back."

Allen's family and friends will always remember him as someone who was extremely generous, caring, and selfless. Once, during his first tour of Iraq, Allen got a pass to come home for a visit. But he didn't use it for himself. Instead, he gave it to a fellow soldier whose wife and children were eager to see him. His mother Eileen remembers, "It broke my heart, but he did what was right. How could you argue with that?"

Hundreds of friends, colleagues, and family members attended Allen's funeral, which took place on a snowy day in Ohio. U.S. Army Staff Sergeant Christopher Davis, Allen's squad leader during his 2003 tour of duty in Iraq, spoke at the service. This is what he said of Allen:

> Rest assured, he will live forever in the tales of heroism that we brothers will tell. . . . Today, Al's band of brothers are here to pay tribute to one of our own.

Staff Sergeant Davis also recalled that while Allen exhibited tremendous leadership abilities, he also had the ability to make his fellow soldiers laugh and possessed a unique "light-heartedness and boundless energy." He said this of Allen:

> He was a fierce fighter, and he was quick with a joke. Our unit suffered some very difficult times, but Al was like a beacon. He was the only one that could make me laugh.

During the funeral, Pastor Larry Bogenrief spoke of Allen's strong faith in God and his commitment to military service. He said that he "was a young man who found a cause he was willing to put his life on the line for." The Pastor also recalled conversations between Allen and his mother Eileen about the dangerous conditions in Iraq. He remembers how Allen would say, "We've been through some pretty close scrapes, Mom. Keep praying for us. I know God is watching over us."

U.S. Army BG Michael J. Lally III, also spoke at the funeral. "He was a born leader," he said of Allen. "He had integrity, and he knew what was right."

Mr. President, Allen Knop will never be forgotten by the friends and family who all loved him so much. He was simply fun to be around. His stepmother Francine Knop remembers he was so close to his family and always happy when with them. She said, "We were absolutely a close family. He was with us during a lot of good times."

Allen's father remembers the joy with which his son lived. He said, "Oh, [Al] was always joking, always pulling pranks. He was just a happy-go-lucky guy, and he would do anything in the world for you."

Allen was close to his grandmother, Alberta Knop. She lived down the street from him, and he'd often ride his bike to see her. "He was just such a good boy, just a good person. He's just such a sweetheart," she said. "He's my hero. I'm very, very proud of him."

Mr. President, I conclude my remarks with the words of Allen's father. This is what he said:

> I want people to know my son was a brave and honest man, and he was loved by so many people—but nobody more than by his father.

Mr. President, Allen Knop lived his life with a selflessness that is rare. His loss is truly a loss for each and every one of us. My wife Fran and I will continue to keep his family in our thoughts and in our prayers.

SERGEANT DAVID KREUTER

Mr. President, I rise today to remember a brave Marine and a fellow Ohioan who gave his life in service to our Nation—Marine Sergeant David Kreuter, from Cincinnati. On August 3, 2005, Sergeant Kreuter was killed when a roadside bomb exploded under his amphibious assault vehicle. He was 26 years old.

Throughout his life, David loved everything about the outdoors. He enjoyed camping and joined the Boy Scouts as a child. From the time he was a small boy, David had an extraordinary sense of adventure equal only to his sense of humor. He was simply the kind of person who was always bringing a smile to the face of others.

Mark Wiete, one of David's former Boy Scout troop leaders, remembers that David was always making everyone laugh. "He was always doing funny voices," he said. "He was very animated." And according to his father, Ken, David simply "brightened a room when he came in, and it's that kind of spirit you can't replace."

David graduated in 1997 from St. Xavier High School, where he ran on the cross-country team. After graduation in 1998, he joined the Marine Reserves. His godfather Norm Clarke remembers David's determination to always be the best. "David wanted to do the toughest thing there is," he said, "and the Marines represented that."

As a Reservist, David attended Ohio University and then graduated from the University of Cincinnati in 2004, with a Bachelor of Science degree in Criminal Justice.

In September 2004 after graduating, he married his college sweetheart, Chrystina. Chrystina truly found the love of her life in the dedicated and fun-loving David. He was her rock of stability.

David had always made everyone in his life laugh. It was no different with his fellow marines in Iraq. With friend LCpl Tim Bell, a fellow Ohioan who was killed that same day alongside David, he was always cracking jokes. Despite being overseas and fighting in one of the most dangerous places in the world, David remained a good-natured prankster, someone who could always make his marine brothers smile.

Being a marine meant so much to David. When his tour of duty ended in Iraq, he was hoping to attend Officers' Training School and make the military his career. His friends and family remembered that he loved every part of being a marine—from the uniform he wore to working the most dangerous missions in the most insecure part of the world. "He wanted to be the best," his father Ken remembers. "He wanted to do the hardest thing possible. As far as we can tell, he was involved in just about every major mission or event over there."

David consistently volunteered for his unit's most dangerous missions, even though he knew he might not return. But, you see, David believed in what he was doing and that he was fighting for what he believed was right. During phone conversations with his mother Pat he told her that he could see his marines making such a positive difference in Iraq.

David was passionate about his marines and passionate about his own unit. But he was also passionate about his family. He grew up with loving and devoted parents, and his two younger sisters, Kristin and Laura, adored him, even though he teased them endlessly.

Tragically, David was just beginning his own family when he was killed. According to his mom, "He was going to be a really good husband and a good father." He and Chrystina had been married less than a year, and she had given birth to their son Christian just 7 weeks before his death. David was looking forward to his return so that he could meet his son for the first time. In one of his last letters home to his sister Laura, he wrote the following:

> No matter what, I think we should be home by the first week of October. I will see you then and we can talk about Halloween costumes for Christian.

David was never able to meet Christian in person, but the 7 weeks before his death were full of love and devotion for his son. On telephone calls with Chrystina, David would listen joyfully to the sound of his newborn son's peaceful breathing.

At David's funeral, the Rev. Tim Williams read a letter Chrystina wrote to David after his death. "I promise you," she wrote, "Christian will know you every day of his life and how much you love him. You paid the ultimate price to protect him."

After David's death, there was an amazing outpouring of love and support for his family. One night they returned home from his visitation services, after spending hours meeting with friends and strangers, to find that their neighbors, along with the Oak Hills High School football team, had lined the streets of Miami Township, OH, with mile after mile of luminaries. At David's funeral, hundreds of mourners attended to pay their respects.

I never met David, but I was honored to be asked by the family to speak at his funeral. Everyone I met that day had countless stories about his wonderful sense of humor, his charisma, his devotion to family, and his devotion to country.

Indeed, David was the model of what a marine should be. No matter what challenge he was faced with, he always gave it his best. Once he started something, he wouldn't quit. He was committed to the values of freedom and democracy—the values that we all hold dear, and, in the end, he gave his life so that those ideals will be preserved for all of us. David was a marine through and through—completely dedicated to his mission and to the belief that what he did was right.

When I think of David's life, it reminds me of something President Dwight David Eisenhower once said:

> Only our individual faith in freedom can keep us free.

David truly had that faith in freedom and fought so hard to protect it. He didn't fight because he had to; he volunteered. He served in Iraq because this is what he believed in, and because of what he did our world has been made a better place. It is a safer place, both for us and for our children.

Christian Kreuter will grow up in a better world because of his dad. He will be proud of his dad, just as all of us are.

My wife Fran and I will continue to keep the family and friends of Marine SGT David Kreuter in our thoughts and in our prayers.

SERGEANT FIRST CLASS DANIEL B. CRABTREE

Mr. President, I wish to pay tribute this evening to a fellow Ohioan, Army National Guard SFC Daniel Brian Crabtree from Canton, OH. On June 8, 2006, Sergeant Crabtree died in Iraq when a roadside bomb detonated near his vehicle. He was 31 years of age.

Born in Columbus, Dan, as his family and friends called him, grew up dreaming that some day he would become a soldier. His mother Judy remembers coming home one afternoon to find her 13-year-old son on the phone with a strange adult. That adult was an Army recruiter, and Dan had signed up to join the service in 4 years. "He was just a born warrior," Judy remembers.

Even as a boy, Dan displayed uncommon bravery and courage. His longtime friend Steve Hodges remembers one night in particular when he and some others were making noises outside a camping tent in which Dan was sleeping. Of those sleeping in the tent, Dan was the first to come out to see what the noise was. "Even then," Steve said, "you would recognize the military man Dan was to become."

Dan simply could not wait to help defend his Nation. The only thing that stopped him from serving in the first gulf war is he was too young at the time, even though he tried to get his mother to sign papers allowing him to serve.

Dan joined the Army Reserves in 1992 when he was a junior at Lake High School in Hartville, OH. After graduating the following year, he transferred to the Ohio Army National Guard as an administrative specialist. He later trained as a military police officer and served the 135th Military Police Company in Brook Park. Along the way, he earned his associate degree in criminal justice from the University of Akron.

Dan's entire life was devoted to protecting others. Before defending his country overseas, he worked as a police officer guarding us at home. He was an officer in the Cuyahoga Falls police department for 9 years where he was assigned to the patrol division and was a member of the SWAT team and Honor Guard. Before that, Dan had worked with the Hartville police department for more than a year.

Dan's fellow officers remember him as a dedicated officer who was very comfortable patrolling the streets. They also remember him as a "sweethearted" man who would do anything for his fellow officers and his friends.

"He was young and ambitious, just a good guy," recalled Hartville police chief George Dragovich. "He did a great job."

Although Dan loved being a police officer, family and friends say that military service had always been his passion, particularly the Special Forces. He signed up for the Special Forces just 2 weeks before the terrorist attacks on September 11 and joined the 19th Special Forces Group of the Ohio National Guard in March 2002. He graduated from the vigorous Special Forces qualifications course in May 2004, finally earning that coveted green beret.

Family and friends remember that Dan's determination to succeed in the Special Forces was unmatched. No one worked harder. When Dan was training for the qualifications course, he was also working night shifts as a police officer. But simply being tired wasn't going to keep him from his dream. Instead, he would go for 15-mile runs with a backpack strapped to him—a backpack filled with several pounds of rock.

As an adult, Dan was very much the boy he had once been—eager to serve his Nation. "At the time, he seemed excited to go over," Hartville police sergeant Dan Stiles said, remembering the time Dan was preparing to go to California to train for urban combat before being sent to Iraq. "He was ready to go." When he left for Iraq, his fellow police officers gave him a parting gift—a medal of St. Christopher, the patron saint of travelers.

Dan loved the work he was doing with the Special Forces in Iraq. His civilian knowledge and experience with weapons uniquely qualified him for his mission—and that mission was the development and implementation of a SWAT training program for the Iraqi police force in Al Kut. In addition, Dan simply had a knack for teaching. Even with the members of his own unit, he always took the time to explain things. He was patient and understanding and so very knowledgeable.

A young soldier who trained with Dan in the United States remembers his kindness:

> He always stopped and took the time to talk to me. . . . He answered my questions no matter how stupid they were. That was Dan. He was what being a Special Forces soldier is all about.

But Dan was more than a knowledgeable comrade and teacher to his fellow soldiers. He was also a good friend, one who will be remembered with laughter and smiles. His fellow soldiers from the 19th Special Forces Group particularly remember Dan's first jump with the elite troops after he successfully completed the qualifications course. He landed badly, breaking his leg in the fall. One of his friends rushed over to make sure he was OK, only to find that Dan was lying there laughing, even while grimacing from the pain.

That was typical of Dan. That is what friends and family tell. He simply loved being in the Army. He believed in his mission. According to a fellow member of his unit, Dan "died doing what he liked to do."

Dan's death was a terrible blow felt by his entire community. More than 500 mourners, many of whom were uniformed police officers from Hartville and Cuyahoga Falls, attended his funeral to pay their respects to the fallen soldier. Volunteers from nearby police stations took over police officer duties in Cuyahoga Falls so that almost the entire department could attend the services.

As Cuyahoga Falls police chief John Connally said:

> We are just crushed. Everyone at the department is in shock. . . . We're going to miss him for a long time.

Those who attended the service remembered Dan's dedication to the military. Rev. Robert Baker said this:

> No one ever went up to Dan and said, "Join the Army, join the Special Forces." It was in his heart. He was a man of uncommon valor and invincible courage.

Hartville police officer John Norman said that his friend was living his high school dream by serving as a member of the Special Forces. "This is what he wanted," Officer Norman said.

Dan also will be remembered as a devoted husband and a father. He loved his wife Kathy and missed her when he was away. According to Officer Norman, Dan was planning to take some vacation time after he returned from Iraq so he could be a stay-at-home dad for several weeks to help Kathy. "He was going to basically put the rest of his life into his wife and family," he recalls.

Steve Hodges, Dan's longtime friend, read a letter at his funeral that he addressed to Mallory, Dan's young daughter. In his letter, Steve remembered the proudest moment in Dan's life had been when Mallory was born. He told her about the things her father had loved, such as playing soccer, Atari video games, and Axis and Allies, a World War II strategy game.

Steve told her that her father had been a "brave and kind" man, someone who deeply loved to help people and deeply loved his country. Steve also read the following words about Dan:

> He was worried, Mallory, for your safety. He wanted the best for you—for you to be happy, for you to be able to enjoy the freedoms he loved so much.

Mr. President, Dan Crabtree will be remembered and missed by all who knew him. They will laugh at the memorable things, the funny things he said and did, and they will remember his smile. They will remember that he was a fitness fanatic who practiced kung fu and that he had one of the largest "Star Wars" collections in Ohio, a collection including everything from action figures to DVDs of the movies themselves. Most of all, they will remember the devotion and loyalty Dan had for his family, for his Special Forces, and for his Nation. Dan dedicated his life to serving our country. His actions have earned him more medals and awards than we can list tonight, including the Meritorious Service Medal, the Bronze Star, and the Purple Heart.

I conclude with words from a statement released by Dan's family. This is what Dan's family wrote:

> Dan was proud of the career he built in the Army. He was a loving husband, a dedicated and proud father, and a caring son. He was also a soldier who unwaveringly placed our country before himself. Dan was honored to serve with his fellow soldiers, proud to serve in the United States Army, and grateful to be an American.

Mr. President, Fran and I will continue to keep the family of SFC Daniel B. Crabtree, his wife Kathy, his daughter Mallory, his parents Ronald and Judy, his brother Bill, and his sister Debbie in our thoughts and our prayers.

LANCE CORPORAL BRIAN PAUL MONTGOMERY

Mr. President, this evening I would like to pay tribute to my fellow Ohioan, Marine LCpl Brian Paul Montgomery from Willoughby. On August 1, 2005, Lance Corporal Montgomery, age 26 at the time, gave his life in service to his country when insurgents in Iraq ambushed his sniper unit. He was serving with the Marine Reserve's Third Battalion, 25th Regiment from Brook Park, OH.

His family and friends will remember him most for his contagious smile and his patriotic sense of duty. His father Paul describes him as someone who was "very selfless." Everyone who knew Brian agrees that he died doing what he wanted to do, which was serving his country as a member of the U.S. Marine Corps.

Brian graduated from South High School in Willoughby in 1998. He then went on to become a political science major at Cleveland State University and planned to have a career in law enforcement. At the same time, he was running a small video store in Willoughby with his wife Pamela.

After the terrorist attacks of September 11, Brian strongly felt his country was calling him to duty, so he joined the Marine Corps Reserves the next year.

Brian was close to his younger brother Eric, who had idolized his protective older brother while growing up. As young men, the two would become something more than brothers—they would become barracks mates in Iraq. Eric decided to enlist in the Marines when word started circulating that Brian's unit would be shipping to Iraq. Eric said:

> The first time I saw my brother in his dress blues, I wanted to do this with him. If my brother was going to Iraq, I was going to serve with him.

In January 2005, Brian and Eric were deployed together in the same unit. While at their base camp in Iraq, they would have long talks about the importance of family, country, and service. Brian told Eric that he had a responsibility to their parents to get him home safe. He said:

> I know you will take care of my wife and son if I don't make it, so I have to get you home.

No one was more proud than Brian Montgomery to be a marine. His wife remembers how he loved to show off his marine tattoos in bars. Brian's friend Lesley Bolden, who worked in his video store, remembers that a marine was something he always wanted to be.

In Iraq, even though Brian had been trained as a mortar man, he volunteered for sniper duty. Talking to his father on the phone, however, Brian always downplayed the danger: "I'm good to go," is the most he would say, but his father knew the truth. "Keep lying to me, Brian," he would say. "We can talk about it when you get home."

When Brian died, he died alongside five other members of his sniper unit. They were really a close-knit group—friends, comrades, and brothers. I would like to share the words of SGT Brian Casagrande, who served with the snipers of the 3-25. This is what he said about Brian:

> I recall on numerous occasions after returning from a mission Brian would find Eric to make sure he was OK. 'Monty,' as we called him, would argue a point he didn't even believe, just for the sake of debate.

After Brian's death, Eric's marine brothers rallied around him in support. Eric said that:

> From the moment I found out, I couldn't go anywhere without another Marine grabbing me. That was their brother, too.

Their father Paul remembers how much being a marine meant to Brian. He said:

> Even though we've had a great loss, it's still very comforting to know he was doing something that he believed very deeply in.

Brian was an outstanding, dedicated, heroic marine. But even more importantly, Brian Montgomery was a loving family man who was devoted to his wife and son Alexander. His wife remembers that she knew she was going to marry him the very day they met. Brian was quite simply the love of her life. She said:

> You never believe in love at first sight until it happens to you.

Their son was born a few months before Brian was deployed to Iraq and marked his first birthday just 2 days after Brian was killed. Held in his grandfather's arms, he wore his own Marine dress blue uniform to Brian's funeral.

Brian's wife Pamela says that every day she will tell Alexander about his dad. She went on to say the following:

> I'll just tell him what a great man that Brian was, and he's a hero. What he did for his country, for his family, for every American citizen, we will never forget. He'll be proud of his dad.

At a church funeral service in Brian's honor, his father remembered how Brian always put others before himself, how as a small boy he had rushed to help a 5-year-old friend who had fallen and skinned his knee. He also remembered how the shock of the September 11 terrorist attacks prompted Brian to join the Marines. In Paul Montgomery's words, Brian simply "had a deep conviction that he needed to protect his country."

During the funeral, his brother Eric led mourners in a 2-minute standing ovation in Brian's honor. He said that "Brian will always be right here with me, with all of you."

Eric is currently attending the U.S. Naval Academy so he can become a Marine officer. In his brother's memory, he got a tatoo that Brian had always wanted. It reads: "Never left. Never forgotten."

Indeed, Brian Montgomery will never be forgotten. I had the honor of attending calling hours for Brian. I was able to meet the family and friends for whom he fought. Brian's stepmother Loren was making a giant scrapbook for him when he died. It was filled with the mementos of Brian's life. In it is a picture of the January day that he shipped out. He is cuddling newborn Alexander. There was a giant smile across his face. As Loren said:

> I never got to finish it for Brian. I will have to finish it for Alexander now.

In her husband's memory, all Pamela asks is that we support all of our servicemembers. She says:

> We need to honor our servicemembers every single day. If you see one, salute them. Or stop in the recruiting office or the VFW and thank them.

Pretty good advice, Mr. President.

Brian Montgomery was a young man with a deep commitment and resolve for service—a young man with an abiding love and dedication to his family, community, and country. Brian was the model of what we all hope our young men and women will become.

My wife Fran and I continue to keep the family of Brian Montgomery in our thoughts and in our prayers.

LANCE CORPORAL DEVON SEYMOUR

Mr. President, this evening I would like to pay tribute to a great soldier and fellow Ohioan, Marine LCpl Devon P. Seymour from St. Louisville, who lost his life on July 9, 2005, when an improvised explosive device exploded near his military vehicle in the Al Anbar Province of Iraq. Devon was only 21 years of age at the time.

Devon was a young man who always knew that he would one day join the military. As a boy, his favorite clothes were khakis and camouflage, and he was an avid collector of model airplanes. During high school, he joined the Civil Air Patrol Cadet Program and attended National Guard summer camps.

His mother Janet says she always knew her son would one day serve his country in the military. According to her, Devon was more interested in military life than he was in sports. She tried to persuade him to join the Air Force or the Army, but he was passionate about being a marine. In her words:

> Devon was a stubborn kid, but he was proud, and I was proud of him. I wish I could tell him that now.

From an early age, he displayed the dedication and responsibility that would make him an outstanding marine. His father James remembers how determined his son was to get a dog. He recalls:

> Devon wanted a dog, so what he did was he cut pictures out of magazines. Every time you opened a door, there would be a picture of a dog.

It was that same tenacity Devon brought with him into the military, a career he loved. As his friends have said, the military was just in his blood. His father James was a warrant officer in the Army National Guard, and his uncles were military men as well.

James said that his son decided to become a marine during his senior year of high school after the terrorist attacks of September 11. He believed so strongly in the cause that he talked to a recruiter right after 9/11 but was turned away because he was only 17 years of age at the time.

"He took his birth certificate in, but he was too young," James recalls. The 17-year-old Devon was told to wait until his birthday that November.

Devon joined the Marines shortly after graduating from Utica High School in 2002. His decision did not come as a surprise to Timothy Barrett, who is the principal at Utica.

> Devon was doing it not because his dad did it, but because it was the right thing to do. I am sure he had pretty strong convictions about being part of the fight in Iraq and helping secure freedom there.

While waiting to be deployed to Iraq, Devon worked with a tractor supply company in Newark, where he was both a valuable employee and a jokester. According to the manager Dave Butler, he "soon blossomed into a treasured and dedicated employee."

Devon was deployed to Iraq in February of 2005 and was assigned to the Weapons Company, 3rd Battalion, 25th Marines, out of Akron, OH. He was placed on active duty just 8 months after his father James returned from having served in Afghanistan.

Before leaving, Devon talked to a friend, retired school teacher Ron Thompson. Ron remembers the final conversation very well, and this is what Ron said:

> What was going on seemed to be the right thing, and Devon thought he was prepared. He knew it was a job that had to be done. He always struck me as that kind of person—always doing the right thing. I was very proud of him.

From Iraq, Devon often called Dave Butler at the Tractor Supply Company and other coworkers. According to Dave, Devon never complained. In fact, the day before he was killed, he called his mother to wish her well after her birthday. Janet said he told her about a fierce sandstorm and that conditions were bad. But he also defended the mission. "He believed in the cause," she recalled. During the phone call, he also assured his mother that he was fine. "Don't worry, Mom," he said. "But I've seen a lot."

His mother also remembers that he believed in what he was doing. This is how she explained his dedication:

> Before Devon left, he said that the Iraqi people had been bullied around and didn't have anyone to stand up for them. He said that was their job, to stand up for them, and he was there to do it.

Janet added:

> He was one of the good and decent people willing to help somebody. He was certainly worth knowing.

Devon is missed by all who knew and loved him. His community rallied around his family as well as the families of the other marines who were killed alongside him. "His death was a tragic loss," said his former principal, Timothy Barrett. "When it's one of your own, it hits home a little closer. This is the first one from our high school to be killed in service. It gives you a deeper appreciation for freedom when it is one of your own who paid the ultimate price."

Mr. President, Devon's father James remembers the fine young man his son became. "He was a good kid," he said. "He was very proud to be a Marine. And, I should say, we were very proud of him."

The world is a better place because Devon lived in it. A young man with a great sense of compassion, a tremendous dedication to his family, community, and country, he is missed by all who knew and loved him.

MACHINIST'S MATE SECOND CLASS JOSEPH A. ASHLEY

Mr. President, I rise today to honor a fellow Ohioan and a brave seaman—Machinist's Mate 2nd Class Joseph Allen Ashley, from Manchester. Machinist's Mate Ashley died on January 9, 2005, when the nuclear submarine he was serving on—the USS *San Francisco*—collided with an undersea mountain. He was 24 years old. He is survived by his parents Vicki and Daniel Ashley, and two brothers Daniel Jr. and Benjamin.

Joey—as family and friends called him—attended Manchester High School where he was a percussionist in the marching band and a member of the Boy Scouts. Joey always had a huge smile on his face when he was on the field beating his drums. Those who knew him remember that beaming smile most and how he loved being in the spotlight.

"[Joey] liked to stand out in a crowd," said his brother Benjamin. "Dan and I are the quiet ones. Joseph would more likely do the talking for us both."

His brother Dan Jr. remembers that Joey thought of himself as a "good ol' Southern country boy," swaggering about in cowboy hat and boots. Joey even modeled the horn on his green jeep from his favorite T.V. show—The Dukes of Hazzard. When he honked, the song "Dixie" blared loudly enough to announce his presence all across town.

Everyone always knew when Joey was around. Once, when he was stationed overseas, his father Dan honked the horn to see if it still worked. Before Dan knew it, people were calling him to see if his son was home.

After high school, Joey attended Stark State College of Technology for a year and took welding classes. He passed both the welding certification exams and the Navy entrance test in 2001. His father Dan had served 8 years in the Navy, and his mother Vicki remembers how excited Joey was to follow in his dad's footsteps. When he signed up, he told her, "Mom I passed the Navy test; I'm going to do what daddy did." According to his mom, Joey "always excelled in what he did."

Joey was planning a career in the Navy, the service he loved. He made his rank in minimal time, and his enthusiasm and ability earned him the Junior Sailor of the Year Award at the Guam Naval base. His crewmates noticed his obvious talent for repairing machinery and his affinity for The Dukes of Hazzard, and gave him the nickname "Cooter," after the show's mechanic.

Family was incredibly important to Joey. He frequently called home to check up on his parents and brothers and to let them know he was doing okay. He often swapped stories with his grandfather, who had also been stationed in the South Pacific during his time with the United States Army in WWII. During each phone call, Joey always made it a point to tell his family how much he loved them. That's simply the kind of person he was.

His faith was also important to Joey, and he found a church to attend wherever he was based. In Ohio, he was a member of both the Canal Fulton Baptist Church and the Akron Baptist Temple, and frequented other churches in the area, as well. And wherever he was, he had a smile for everyone he met.

Joey's mother describes her son with the following words:

> When he had his heart set on something, he would try his best to get it done. I always told him to do what he wanted in life, but to be the best at it and to always try his hardest.

Joey did, indeed, achieve his best, and lived his life to the fullest. The day he died, his family lost a loving son and the Navy lost a brave sailor. He was an excellent submariner, and a valued member of what is a truly unique brotherhood. The moment Joey earned his dolphin pin—which symbolized his fitness to serve on a submarine—he joined an elite family of explorers and warriors—our Navy's submariners.

When I think about Joey and his service and dedication to our country, I am reminded of words that Sir Winston Churchill once said:

> Of all the branches of men in the forces, there is none which shows more devotion and faces grimmer perils than the submariners.

Certainly, Joseph Ashley was the embodiment of those words. He was a brave sailor, devoted to his family, the Navy, and our Nation. He will never be forgotten. Family, friends, and fellow submariners from around the world have recognized his passing by leaving comments on his Internet tribute page. There are literally hundreds. The following words come from one of these tributes, written by a crewmate of Joey's on the USS *San Francisco:*

> . . . I am completely honored to have served with such a great man, a loving person, a hardworking individual, and especially a friend. He has touched my soul, as well the rest of the crew, forever.

Joey's father said that his son died doing what he loved—serving his country. "This is what he wanted to do," he said.

Joey was buried next to his great-grandfather and namesake, who had also been a veteran. At the funeral, the Dixie horn on his green jeep played one last time for him.

Joey left a lasting impression on all who knew him. No one was a stranger to him. His crewmates will remember his "wicked Michael Jackson" impersonation—which one friend describes as "moonwalking in cowboy boots." Manchester High School has established a scholarship in his honor. And most important, his family will always remember his smile, his warmth, and his enthusiasm.

I conclude by sharing the words of Reverend Dallas R. Billington, who spoke at Joey's funeral. Here is what he said:

> I want you to know what Joey has done for you. He gave his life so you can live in freedom.

Machinist's Mate 2nd Class Joseph Ashley served for us in foreign waters and patrolled our shores to keep us safe. We will remember him always.

My wife Fran and I will continue to keep Joey's family and friends in our thoughts and in our prayers.

SERGEANT DAVID R. CHRISTOFF, JR.

Mr. President, tonight I rise to pay tribute to a fallen hero who gave his life in service to this Nation—Marine Corps Sgt David Russell Christoff, Jr. from Rossford, OH. Sergeant Christoff was killed in Iraq on May 22, 2006, from wounds he received when a roadside bomb exploded while he was on foot patrol. He was 25 years old.

David Christoff was deeply devoted to our country. During his time in the Marines, he had toured the world with assignments in Australia, Thailand, Korea, Kuwait, and the Marshall Islands. At the time of his death, he was serving his second tour of duty in Iraq.

David had distinguished himself during his first deployment to Iraq, earning himself three commendation medals and the Purple Heart. One day, the young marine had been walking behind a truck full of troops when a roadside bomb went off. David's step-father, Jim, said that "he risked his life quite a bit to pull a number of people away."

David had also fought bravely through the Fallujah streets and was awarded a Purple Heart during his first tour for the shrapnel wounds he received during that battle. Despite these awards and honors, David never wavered in his desire to continue serving his country. He always felt that there was more he could do.

After returning to Ohio on leave in February 2005, David decided to leave his company—which was headed to Afghanistan—so that he could join one that was going to Iraq—and that was the Hawaii-based 3rd Battalion, 3rd Marine Regiment, 3rd Marine Division. David simply couldn't wait to return to the job he had been doing in the Middle East.

His mother Amy remembers that David believed he was making a positive difference. He felt a sense of duty to use his combat experience to train younger marines, as others had done for him. Amy said, "They were there to help train him, and he wanted to be there for the younger Marines, also."

A 1999 graduate of Shawnee High School—where he played golf and was a media center aid—David was a hero to those who knew him. The day after the terrorist attacks of September 11, 2001, he left his job in construction and enlisted in the Marines. Like countless other brave individuals, he felt compelled to help our Nation. He died doing what his family said he loved—and that was defending his country.

David's faith in the Marines was as great as his faith in America. His grandmother Ann remembers this about David:

> David was very smart and got good grades and worked his way up to sergeant very quickly in the Marines. He was always so sure that was what he was supposed to be and that was what he was supposed to be doing. He thought as long as the Marines were over there fighting we could all sleep good at home.

Bob Willman, a former Clark-Shawnee Superintendent, remembers David as a young man who was well-spoken, liked, and respected. It didn't surprise him that David joined the Marines. He said that "David was loyal to his family, to his classmates, to his school, and obviously, to his country."

When David enlisted, he made his intentions clear to his family. "After 9/11, he wanted to protect everyone," said his aunt Bethann. And his father David Sr. said that therefore "the only thing he could do was join the military. He does things all the way."

Students, friends, and family all have such fond memories of David growing up. He love playing golf and also liked all kinds of music—rap when he was younger and classic rock most recently. He had big plans for his future, hoping for a career in law enforcement. But, after the terrorist attacks of September 11, he knew that his career could wait. His country simply needed him more.

I would like to share David's own words, from a 2002 interview with The Toledo Blade. This is what he said:

> I don't want my brother and sister to live in fear. I want to fight and defend the greatest country in the world.

David truly was a hero to his family. He was given leave to fly home in February 2005—and ended up saving his father's life by driving him to the hospital when David Sr. was suffering a heart attack. "He came home to save my life," his father said. "Just having him here [safe] and not in Iraq saved my life."

David was a hero to his fellow Marines, as well. Corporal J.J. Aguirre, a fellow marine and friend, remembers what the marines in David's squadron had to say about the young sergeant: "The guys would be like, 'Man, I'd follow that guy anywhere. If he said lay down here and open a field of fire with no cover, I'd do it.'"

SGT Hector Zelaya remembers that he found a brother in David—not just a friend:

> I've been through everything with him, from the beginning of boot camp to (school of infantry), from the Philippines and Korea and Thailand to Fallujah. He's my little brother. He was a true leader, and he had the confidence to stand alone.

Branden Skabla was David's best friend—they called themselves "brothers from different mothers," and David was the godfather to Branden's son. The boys had grown up together and decided to join the Marines on the very same day. It was a day Branden will never forget. They were working a construction job together when the news of the September 11 attacks reached them. The young men looked at each other, and simply knew that their country needed them.

Branden will never forget his friend. "It can't be real, but I know it is," he said. "I keep waiting for that phone call from him to tell me that he's coming home. I'll be waiting for that phone call for the rest of my life.'"

Branden was with David's father when David's belongings arrived. Included were two letters, one to each of David's parents. In the letters, he asked family and friends to pray for those still serving our country overseas.

David was buried with full military honors in Arlington Cemetery. There was also a service in his honor in Ohio. At that service, David's parents were each presented with a Purple Heart medal. David, who joined the Marine Corps in 2001, had been awarded eight medals during his time in the Marines.

David Christoff, Jr. was a young man with a sincere dedication to our country, a compassion for others, and a love of life and liberty. He deeply believed in America, in his fellow Marines, and in his family. He was motivated by a single desire—the wish to protect those he loved most.

My wife Fran and I will continue to keep David's father, David Sr., his mother and step-father Amy and Jim Hogan, his brother Michael, and his sister Lauren in our thoughts and in our prayers.

MASTER SERGEANT ROBERT H. WEST

Mr. President, I rise today to pay tribute to a fellow Ohioan—Army MSG Robert H. West from Elyria. Master Sergeant West was killed in Baghdad on May 14, 2006, when an improvised explosive device detonated near his armored vehicle. He was serving with the 1st Battalion, 312th Regiment, 4th Brigade, 78th Division, based at Fort Bragg, North Carolina. He was 37 years old.

Master Sergeant West is survived by his wife Jeannie and their daughter Shelby, his mother Mary Heaton, and many loving aunts, uncles, and cousins.

Bobby—as he was known by family and friends—dedicated his life to training the young soldiers who would follow in his footsteps. When he was killed, he was serving his second tour of duty in Iraq and was helping train the new Iraqi police force. He had volunteered for the deployment because he felt his country needed him and because the military was a job he loved and wanted to do well. According to his aunt Bonnie, Bobby believed strongly that he had the experience and know-how needed to train Iraqi police officers. "He wasn't afraid," remembers Nora Hudson, another aunt of Bobby's. "He said, 'I'm a trained professional, it'll be all right.'"

Bobby graduated from Elyria Catholic High School in 1987, where he played on the legendary 1984 state championship football team. He was also involved in choir, baseball, and the ski club.

Lou Rotunda, Bobby's former basketball coach at Elyria Catholic, described him as "a quiet, great kid. He was just a fantastic person."

After graduating, Bobby enlisted in the Army in 1988. He was originally assigned to the armored cavalry. From there, he served for 6 years as drill instructor. Later, he transferred back to cavalry and served as a tank commander during his first deployment to Iraq in 2003 and 2004. A member of a Division experienced in training Army reservists, Bobby then returned to Iraq for a second deployment to help train the new Iraqi police force.

Bobby loved the camaraderie of Army life. Sergeant 1st Class Gerry Galloway, who was traveling with Bobby when the fatal attack occurred, had first met him several years ago at Fort Knox in Kentucky. In his words, Bobby was a "great NCO, great leader, good decision-maker, [and] good friend. I would follow him anywhere."

Joseph McFarlane, who served with Bobby, wrote the following about him in an email message posted to an Internet tribute Web site:

> Thank you, Bobby, for being a great mentor, peer, and most of all, friend. It hurts me as I write this message and my prayers go out to your loved ones left behind. You have impacted so many young men in your service to this nation. A true Hero, I will miss you always.

When Bobby was killed, he was riding in a humvee, alongside 45-year-old CWO John W. Engeman, who was also killed in the attack. The two men were close and had been good friends ever since meeting 3 years prior. Both deployed voluntarily.

"They loved what they did, and they were good at it," said Bobby's wife Jeannie, speaking of the devotion both men felt for the Army and for their country—a devotion that was just in their blood. According to Donna, John Engeman's wife, "It's just what they did. They were just very quiet and very privately dedicated to what they did."

Fort Bragg's Main Post Chapel held a memorial service in memory of both Bobby and John. Over 200 mourners attended—most of them soldiers wearing the lightning patch of the 78th Division on their uniforms.

Bobby enjoyed many things, including football, golf, hunting, and other sports. He had plans of someday possibly becoming a county sheriff's deputy. The most important thing in his life, though, was always his family. He loved spending time with his loved ones. He married Jeannie—the love of his life—in 1989. His mother Mary, in the words of his Aunt Bonnie, "was gold to him." And to Bonnie, herself, and her children, Bobby was like a son and a brother. She said,

> We had a special bond, and it grew stronger through the years. No matter how many times he was in and out, he always gave me a big bear hug and a kiss.

Bobby was close to his cousins, as well. John Shreve, Jr., wrote the following about his cousin:

> Bobby brightened every life he touched. You were much more than a cousin to me. You will be greatly missed by all. You are my hero.

Bobby's family remembers him as a funny guy, whose off-hand comments and sunny disposition could brighten even the worst mood. "People were drawn to him, especially kids," said his Aunt Tammi. "They wouldn't leave him alone!"

Those who knew Bobby describe him as someone who could make you laugh until you cried—until your cheeks hurt. He loved his family and he loved being a soldier. His colleagues will always remember his friendship, his experience, and his sense of humor. Bobby was a mentor to many soldiers and drill sergeants throughout his life and has influenced countless young men and women in their service to our Nation.

Because of his courage and leadership, Master Sergeant West was a true hero to all who knew him. He was a man who lived his life with great love for and commitment to his family and friends—a man who dedicated his life to protecting others. With his actions, Bobby truly made this world a better place.

My wife Fran and I will continue to keep the family of MSG Robert H. West in our thoughts and in our prayers.

SPECIALIST ANTHONY D. KINSLOW

Mr. President, I rise today to pay tribute to a fellow Ohioan—Army Specialist Anthony D. Kinslow, from Westerville, who died on June 13, 2005, when his military vehicle came under attack in Iraq. He was serving with the 2nd Battalion, 17th Field Artillery Regiment, 2nd Brigade, 2nd Infantry Division from Fort Carson, Colorado. He was 21 years old.

Anthony was a young man liked and respected by all who knew him. He attended Big Walnut High School, where he was in Roy Merchant's mythology class. Roy remembers Anthony as a good student, always quiet and polite. And Anthony's friends and family describe him as gentle, bookish, and gentlemanly.

He was kind—someone who was always considerate of others. His was a calming presence, some have said. According to his mother Kathleen, the only time she ever saw him intense was when he was writing.

A family friend remembers the type of good, hard-working person that Anthony was. As she put it, "he was a very kind, nice person. He worked through high school. Some of the nicest seem to be the ones who go."

Anthony had strong ties in his community, where his grandfather had built the house where he lived. Neighbors say that some members of Anthony's family had lived there for at least 40 years.

Anthony graduated high school in 2002 and enlisted in the Army in May 2004. He was first stationed in South Korea, where he saw the rain and lightning of the monsoon season. He was then redeployed to Kuwait and then shortly afterward to Iraq.

Before being deployed to Iraq, Anthony had worked in the local Waffle House restaurant. It was here that he met his girlfriend Nichole. Although no date had been set, the two were planning on getting married when Anthony's deployment was finished. Heather Potts recalls that Anthony was always sending Nichole flowers while he was home—sometimes four times a week. She said, "Our living and dining room and kitchen were always filled with flowers."

Heather wrote and sang a song entitled "Come Back to Me" for Anthony when he returned home on leave in January 2005. She said, "I was so scared he wouldn't come back."

Anthony was very close to his family. He adored his brothers and sisters, while growing up, and cradled his nieces and nephews as an adult. As his mother said, "We all thought that when he passed away, how sad it was that he wouldn't have children."

Anthony was completely devoted to his family and friends. Whenever they needed him, he was simply there for them. This same selfless devotion characterized his service in Iraq. One of his Army comrades wrote the following to Anthony on an Internet tribute website:

> You were my friend and brother through thick and thin. You were always there for me when I needed a hand. We had many great times over the last year, regardless of the circumstances. I miss you much already, and I only wish you were here now.

Another soldier from Ohio died along with Anthony on June 13, 2005—and that was SGT Larry Kuhns from Austintown. Sergeant Kuhns' sister Sarah left the following message on that same Internet tribute Web site:

> My brother Sergeant Larry Kuhns served with Anthony, and they both fell together. Ever since that day, I have felt lost and alone. I am truly sorry for your loss. My brother talked about Kinslow and thought he was a brave man. My heart goes out to all of you.

At Anthony's funeral, BG Albert Bryan described him as "first and foremost a soldier." He went on to say:

> Specialist Kinslow, in choosing to be a soldier, chose a life of service over personal fulfillment . . . to provide for the greater community rather than to seek out those things that lead to personal gain.

At the same service, the Reverend James Walter called Anthony a "peacemaker."

Anthony's mother remembers her son's bravery when he departed for Iraq. She wrote Anthony a letter after his death, which was read by a friend during his funeral. Her words describe Anthony as stoically turning to board the plane that would take him back to the battlefields. She wrote, "I marveled at your immense strength and bravery."

Anthony will be remembered and deeply missed by all who knew him. He was a kind, loving man who served his country selflessly. In the end, however, the best words to honor him belong to his mother. She said this about her beloved son:

> You were one of the brightest lights of my life, and I know you will shine down on us from heaven. I will always love you, tons, bushels, and spoonfuls.

My wife Fran and I continue to keep Army SPC Anthony D. Kinslow's family—his mother Kathleen, his father and step-mother A. Scott and Julia Kinslow, his sisters Emily, Mary, and Lucie Kinslow; his brothers Peter Kinslow and PFC Owen Kinslow, and his step-sister Kelli Vanover—in our thoughts and in our prayers.

LANCE CORPORAL EDWARD AUGUST "AUGIE" SCHROEDER II

Mr. President, I rise today to honor a fellow Ohioan—Marine LCpl Edward Schroeder II, who died on August 3, 2005, when a roadside bomb exploded by his vehicle in Iraq. He was 23 years old.

The son of Paul Schroeder and Rosemary Palmer and the brother of Amanda Schroeder, Lance Corporal Schroeder's middle name was August, and to family and friends he was known simply as "Augie." Born in Columbus, he and his family lived in China during his pre-school years before moving to New Jersey, where he graduated from Columbia High School in 2000.

Augie's father remembers his son as a young man of great promise, with an "easy charm and readiness to help." Indeed, Augie was the type of person whom we can all admire. At Columbia High, he was a member of the swim team and lacrosse team. During his free time, he would go door-to-door collecting food for needy families and was a member of a church outreach program that painted run-down homes, built wheelchair ramps, and repaired roofs. He also passed the qualifications test to become an emergency medical technician and served on two emergency squads. A friend from his church outreach program remembers that Augie was simply the kind of person everyone should strive to be.

Augie's mother Rosemary recalls that "he just liked to help people." And sister says that Augie "was a hero before he died—not just because he went to Iraq. I was proud of him before."

After graduating from high school, Augie followed family tradition and enrolled at The Ohio State University, while his family moved to Cleveland. Augie studied criminal justice at OSU and was a member of the Phi Kappa Theta fraternity. His fraternity brothers remember that he loved to hang out in the fraternity house, sipping beers and talking about Buckeyes football.

Augie began thinking of joining the Marines after the terrorist attacks of September 11. He enlisted in 2002. Augie wanted to serve his country and felt that the Marines was simply the best way for him to do that.

Mr. President, Augie is remembered most of all for his wonderful sense of humor. His mother describes him as a boy of contrasts—he could be somber, but he also had a good sense of fun. Friends and family still laugh over his many jokes and pranks.

For example, Augie's pre-school once held an event where the kids were told to dress in a manner highlighting their heritage. Augie showed up wearing a pair of lederhosen. He pulled them way up and told everyone that he was the German cousin of the famous television character Steve Urkel and then did a perfect imitation.

Augie kept his sense of humor throughout school. Once, during a middle school talent show, he performed as an inept magician, who, along with his dummy partner, fumbled all his tricks.

And, Augie never lacked ideas for humorous Halloween costumes. He showed up at one Halloween party dressed as Tonya Harding, wearing a figure-skating outfit and carrying a lead pipe. Another legendary costume involved four fingers, a thumb, and a T-shirt lettered "L.A. Evidence Room" and "one size fits all." He was the infamous bloody glove from the O.J. Simpson case.

Augie's mother said that she always thought that he would eventually become either a police officer or a stand-up comic—she just didn't know which.

Rosemary also remembers that being part of a team was incredibly important to Augie. Whether growing up in China—where collaborative work is stressed—or playing on his many sports teams in New Jersey, Augie was always someone who believed in working with others toward a greater goal. He loved to participate on the football, soccer, baseball, lacrosse, and swimming teams. He was simply a person who believed in placing teamwork before individual gain. "Some people are just on that wavelength and that was Augie," his mother said.

Augie's belief in the importance of teamwork is reflected in the work he did while growing up and as a young man. At different times, he worked as an emergency medical technician, a lifeguard, a Boy Scout, a church youth counselor at Camp Glen Gray, and a marine. Along the way, he made a positive impact on every life he touched.

Augie was a young man of great maturity and compassion. Maralynn Fahey, a church youth group leader, describes him as a "selfless" teenager. She particularly remembers his help during food collections. She said, "Dropping 500 bags in the neighborhood was a real effort, and that was something Augie was willing to do."

An anonymous author once wrote, "How lucky I am to have known someone who was so hard to say goodbye to." No better words reflect the sentiments of those who knew and loved Augie Schroeder. His desire and willingness to help others—even those he didn't know—endeared him to all. He was simply a great friend and model citizen.

Augie's fraternity brother Brian Cox said the following at his friend's funeral:

> With Augie, there were no enemies—only friends. He was put on Earth for a reason. Augie was, is, and always will be my hero. [. . .] There are very few people of whom you can truly say [they] never let you down—whom you can call a best friend.

During his funeral, Reverend Charles Yoost also remembered the many lives Augie had touched. He said that "it doesn't seem possible to believe that Augie is gone. His brief life made some of us more thoughtful people."

His mother remembers that Augie was always asking what was out there. He wanted to experience everything he could. His approach to life was simple—"Let me try."

Augie was a man who lived life to its fullest. He was a devoted friend, son, brother, and soldier. His sense of humor brightened others' days and his generosity and strength of spirit were an inspiration to all who knew him.

Augie's family and friends will never forget the young man who brought so much joy to their lives. He was an individual who understood the importance of honor and integrity, who believed in loving and respecting his family, and who knew the importance of serving one's community.

I am honored to speak about him today.

My wife Fran and I will continue to keep the family of Augie Schroeder in our thoughts and prayers.

SERGEANT BENJAMIN J. LAYMON

Mr. President, I rise today to remember a fallen soldier, who gave his life while serving our Nation in Iraq—Army Sgt Benjamin J. Laymon, from Mount Vernon, OH. On June 24, 2006, Sergeant Laymon died during foot patrol when a roadside bomb exploded. He was 22 years old.

Ben, as family and friends called him, was a good-natured jokester, who loved to pull pranks and make others laugh. Those who knew him best described him as the light in the room, and his family called him "Gentle Ben" because of his deeply caring nature. "He was so sweet and considerate," remembers his mother Gale. And according to his step-father David, Ben "was the type of kid who would call if he was going to be late because he didn't want you to worry."

As a boy, Ben would often visit a 72-acre farm belonging to his aunt and uncle Shirley and Richard Laymon. He was always a welcome visitor. Shirley said that "Ben was one of the sweetest, most thoughtful persons you'd ever want to know. He was so sweet, cared about everybody, and cared about his country."

Ben attended Mount Vernon High School, where he proudly wore No. 73 on the football field for the Yellow Jackets. His former football coach, Scott Spitler, wasn't surprised at all when he learned that Ben had decided to enlist in the Army. "He was just a very hard worker and very caring," Scott said. "Ben was the type of kid who was willing to do anything that he could to help his teammates, to better himself, and to better his team."

Ben's former teammate, Chad Biddle, remembers the positive impression Ben always made. "He was the type of guy everyone got along with," Chad said. "He was always the center of attention, even when he wasn't trying to be. He was just an all-around, down-to-earth good guy."

Ben's close friend, Jessica Frazee, also recalls his great sense of humor and his compassion for others:

> Ben was the class clown. He liked to laugh. He was the kind of friend who could make all of your troubles go away. He always put people in front of himself, always listening to what everyone else had to say. He is everybody's hero. He just wanted you to be happy.

Ben's sense of humor truly was legendary at Mount Vernon High School. He would often dress up in funny costumes to attend basketball games, and once even convinced his friend Joey Armstrong to go with him dressed as hunters in bright orange hats with ear flaps. "He was always making everyone laugh," Joey remembers. "He was hysterical. . . . He was my best friend—the best friend anyone could ever have."

Ben's childhood dream was to become a soldier. He simply knew what he wanted to do. As his brother Andy said during his funeral, "Few people at Ben's age knew what they wanted to do with their lives. But Ben did. He had goals and plans. He gave the Army 110 percent, and for that, I am so proud of you Ben."

Ben enlisted in the Army in September 2002 and began serving his first tour of duty in Iraq in 2003. His second tour began in November 2005. Family friend, Dick Shafer, remembers how excited Ben was about what he was doing—about how he believed in what he was doing and would write often of the good he saw happening in Iraq.

And, Ben's family remembers that he liked being in Iraq because of the challenges and the freedom to do his job. After his tour finished, he was hoping to become a SWAT officer in the Columbus police department.

Ben was dedicated not only to serving his country, but also to the family he loved so very much. His sense of humor and love of laughter made him most popular with his six young nieces and nephews. His mother Gale particularly remembers the love Ben had for kids. She said: I always thought he would be a great teacher for younger children.

Even while in Iraq, Ben wanted to keep his family happy. When calling or emailing, he was always more concerned about them than himself. His mother remembers the very words he always said—"Don't worry, I'll be fine."

Those who knew Ben remembered his rich life during his funeral at the First Christian Church. Reverend Jamie Gump said that Ben lived a full life but died too soon for those who loved him. Reverend Gump also read a letter from Ben's mother, in which she wrote: I miss you so much and long to see your face.

At the service, MG David Huntoon presented Ben's parents with their son's Purple Heart and Bronze Star, and said:

> Sergeant Laymon was part of the 10th Cavalry, a proud outfit that has seen many heroes. His mission required courage and compassion. It was clear to the United States Army that he was an outstanding leader.

Ben's death has been a loss to his entire community. His friends and neighbors will never forget him. Kathy Blair knew both Ben and his family. "I'm feeling great sadness, unbelievable sadness," she said. Beth Totman also knew Ben. "He was a super-nice guy, so kind and fun to be around," she said. "He always seemed to have a smile on his face."

Ben brought joy and laughter to all who knew him. I would like to conclude with the words of one of Ben's fellow soldiers, a young man named Pete, who was with Ben when the roadside bomb exploded. This is what Pete said:

> I'm going to miss him so much. He was a great friend. He could make me laugh at the worst possible times in my life. Even now, I look back on the stuff he did and laugh.
>
> Ben will always be remembered. His compassion and positive attitude were truly rare, and he simply brightened the lives of all who knew him. My wife Fran and I will continue to keep Ben's father and step-mother James and Kathy Laymon his mother and step-father Gale and David Harstine, and his brothers Trevor, Curt, and Andrew in our thoughts and in our prayers.

I yield the floor.

CORPORAL NICHOLAS A. ARVANITIS

Mr. GREGG. Mr. President, I rise today to pay special tribute to U.S. Army CPL Nicholas A. Arvanitis of Salem, NH. On October 6, 2006, this brave 22-year old paratrooper gave his life for his Nation while engaged in combat operations with enemy forces near Bayji, Iraq. Corporal Arvanitis had been stationed in Iraq since August 2006, serving as a squadron leader assigned to Company C, 1st Battalion, 505th Parachute Infantry Regiment, 82nd Airborne Division, Ft. Bragg, NC.

Nicholas, or "Nick" to family and friends, grew up in Salem, NH, and was a 2003 graduate of Salem High School. He was a member of the wrestling team and played guitar in the jazz band and sousaphone in the marching band. Friends remember him as a team player, who got along with everyone and was always smiling.

Nick joined the U.S. Army in August 2003 because he wanted to protect his country and his family. Friends and family said he loved his country, wanted to defend it, and sensed a call to duty. He completed Infantry One Station Unit Training at Fort Benning, GA, in December 2003 and the Basic Airborne Course in January 2004. He reported to Fort Bragg, NC, in March 2004 and was assigned to the 82nd Airborne Division in April 2004. Corporal Arvanitis deployed to Afghanistan in the fall of 2004 in support of the Afghan elections and deployed to Iraq in July 2006 as a member of 3rd Brigade Combat Team in support of Operation Iraqi Freedom.

Corporal Arvanitis' awards and decorations include the Bronze Star Medal, Purple Heart, Army Commendation Medal, Army Good Conduct Medal, National Defense Service Medal, Iraq Campaign Medal, Global War on Terrorism Expeditionary Medal, Global War on Terrorism Service Medal, Army Service Ribbon, Overseas Service Ribbon, Combat Infantryman Badge, Parachutist's Badge, and Expert Weapons Qualification Badge.

Patriots from the State of New Hampshire have served our Nation with honor and distinction from Bunker Hill to Bayji—and U.S. Army CPL Nicholas Arvanitis served and fought in that same fine tradition.

My sympathy, condolences, and prayers go out to Nick's maternal grandparents Leonard and Rita, his parents Maureen and Richard, his sister Kimberly, and to his other family members and many friends who have suffered this most grievous loss. All will sorely miss Nicholas Arvanitis, the forgiving young man with a heart of gold, the patriot who always thought of his family and friends, the courageous and outstanding paratrooper who served our Nation with distinction and honor. In the words of Daniel Webster, may his remembrance be as long lasting as the land he honored. God bless Nicholas A. Arvanitis.

LANCE CORPORAL MICHAEL SCHOLL

Mr. HAGEL. Mr. President I rise to express my sympathy over the loss of U.S. Marine LCpl Michael Scholl of Nebraska. Lance Corporal Scholl died from wounds suffered in combat operations in Iraq's Al Anbar Province.

Lance Corporal Scholl was from Lincoln, NE. A 2002 graduate of Lincoln High School, he was originally denied enlistment with the Marines. But with persistence, Lance Corporal Scholl received a medical waiver and became a marine in 2003.

While stationed in Hawaii, Lance Corporal Scholl met his future wife Melissa. The couple were married a day before he was deployed to Afghanistan. He served in Afghanistan from summer 2005 to January 2006. Within a month of his return, he and Melissa were expecting a baby. On October 11, 2006, only a few weeks after Lance Corporal Scholl was deployed to Iraq, Melissa gave birth to Addison Rose Scholl. Although he never met his daughter, Lance Corporal Scholl was a proud father. He received pictures of her while he was in Iraq and also recorded stories for her to hear as she grew. Thousands of brave men and women like Lance Corporal Scholl are serving in Iraq.

In addition to his wife and daughter, Lance Corporal Scholl is survived by his father Steven Scholl of Friend, NE, and his mother Debora Chandler of Lincoln, NE.

I ask my colleagues to join me and all Americans in honoring LCpl Michael Scholl.

HONORING SENIOR MASTER SERGEANT MICHAEL L. LEMKE

Mr. ENZI. Mr. President, I would like to recognize airman SMSgt Michael L. Lemke, stationed at Francis E. Warren Air Force Base in Cheyenne, WY. Senior Master Sergeant Lemke was selected as one of the Air Force's 12 Outstanding Airmen for 2006. The award is based on his superior leadership, job performance, and personal achievements.

The Air Force honors the 12 Outstanding Airmen of the Year at the annual Air Force Association's Air and Space Conference and Technology Exposition in September. Over 352,000 Active-Duty airmen were considered for this award. I am pleased they recognized Senior Master Sergeant Lemke with this well deserved honor. I had the pleasure of meeting with Senior Master Sergeant Lemke while he was in Washington to receive his award.

Senior Master Sergeant Lemke has been in the Air Force for 19 years and is the superintendent of the 90th Contracting Squadron at F.E. Warren AFB. He was also selected as the top graduate at the Senior Non-Commissioned Officer Academy out of 2,515 Senior NCOs who graduated in 2005. He recently returned from deployment in Iraq and I thank him for his sacrifice and service. Senior Master Sergeant Lemke is preparing to retire from the Air Force.

I have always said that anyone wanting to live in Wyoming will do so if they can create a job. As chairman of the Senate Committee on Health, Education, Labor and Pensions and also a member of the Small Business Committee, I am pleased that Senior Master Sergeant Lemke will be entering the private sector as a small business owner in Cheyenne. He and his wife Maria, who is an accountant, will be partners in Front Range Nuclear Medicine. One of the biggest problems in rural America is access to health care facilities. Front Range Nuclear Medicine helps improve access to health care for people in Wyoming by transporting medical scanning technology to the hospitals. Before I came to the Senate in 1997, I operated a small business with my wife, and I wish the Lemkes the best of luck in this new endeavor.

Again, I congratulate SMSgt. Lemke for his selection as one of the Air Forces' 12 Outstanding Airmen for 2006.

COMMEMORATING THE 100TH ANNIVERSARY OF ALPHA PHI ALPHA FRATERNITY

Mr. REID. Mr. President, today I rise to salute Alpha Phi Alpha Fraternity, which celebrated its 100th anniversary on December 4, 2006. Founded at Cornell University in 1906, Alpha Phi Alpha is the Nation's oldest African-American fraternity. In addition to Martin Luther King, Jr., the fraternity also proudly claims notable American leaders such as former U.S. Supreme Court Justice Thurgood Marshall, former Senator Edward Brooke, Congressman CHARLIE RANGEL, Detroit Mayor Kwame Kilpatrick, and countless others.

From advocating for the rights of African Americans to encouraging young people to attend college, Alpha Phi Alpha has played an important role in our country. Most recently, the fraternity successfully pushed to create a national memorial for Martin Luther King, Jr., on the National Mall in Washington, DC. I send my best wishes upon this important milestone, and I am certain that the fraternity will continue its rich legacy of service and social justice in the next 100 years.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On October 11, 2006, in New York, NY, Michael Sandy, a gay man, was attacked by four men. During the attack, Sandy was struck by a car while trying to flee. According to police, Sandy went to meet a man that had contacted him through a singles website. They drove to a parking lot where three other men were waiting, the group subsequently attacked and beat Sandy. Police believe that these men have used the Internet to find victims numerous times in the past.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

PORTLAND—UNWIRED

Mr. SMITH. Mr. President, I rise today to recognize my home State of

Oregon and the city of Portland. Thanks to the visionary leadership of Portland city officials and their plan to "Unwire Portland," the forecast in Portland today is "overcast, with free broadband access for everyone." You see, there is a new cloud covering the city—a Wi-Fi broadband cloud.

Residents, businesses, and city officials will be able to access the Internet anywhere under the 134 square mile Wi-Fi cloud, download content as quickly as 1 megabyte per second, and upload at speeds reaching 256 kilobits per second. And they will be able to do it all for free.

The Wi-Fi network will not only offer city residents and businesses a new affordable choice for broadband access, but will also improve the efficiency of city government operations. Public safety and other field-based employees will now be able to wirelessly download and upload reports and data from the field.

The public / private partnership that was struck by the city to realize this accomplishment perfectly illustrates how municipalities, free of State restrictions, can improve access to broadband opportunities for its citizens while improving city services.

The Wi-Fi cloud over Portland also reminds us that the future competitiveness of our country depends upon ubiquitous broadband deployment.

Congress must enact legislation that clearly articulates a national broadband policy and provides affordable broadband access for all Americans. I look forward to working with each of you, my colleagues, toward this endeavor.

TIME FOR A CHANGE

Mr. LEVIN. Mr. President, crime in our Nation is increasing. Too often guns are involved. In 2005, our country experienced a surge in murder and robbery rates. Unfortunately, that surge has continued in 2006. The Police Executive Research Forum, a think tank that serves many of the Nations' police departments, examined the murder and robbery statistics of 53 U.S. cities for the first 6 months of this year. In their report, "A Gathering Storm: Violent Crime in America," they report that murder has increased in 26 of the 53 cities, and robberies have increased in 43 of the 53 cities.

In Boston, after a 19.6-percent increase in murder in 2005, the first 6 months of 2006 produced another 27.5-percent increase. In Memphis, murder increased 27 percent in 2005 and 43 percent in 2006. Police officials attribute these severe increases to increases in gang activity, violent offenders returning from prison and kids who have easy access to guns.

In September, the Federal Bureau of Investigation reported that in 2005 violent crime increased 2.3 percent, murder and non-negligent manslaughter increased 3.4 percent, robbery increased 3.9 percent, and aggravated assault increased 1.8 percent from 2004.

What may be even more dramatic is the fact that these statistics are not exclusive to larger cities. Smaller communities that typically had relatively low amounts of crime have also been affected. In the first 6 months of 2006, robbery was up 47 percent in Rochester, NY, 37 percent in suburban Montgomery County, MD, 36.8 percent in Minneapolis, 36 percent in Milwaukee, and 27 percent in Norfolk, VA. This translates into thousands more people being robbed, often at gunpoint.

According to a poll conducted by the Washington Post and ABC News, 61 percent of Americans favor stricter gun laws. This is up from 57 percent in 2002. The 109th Congress's record on gun safety is not one of which to be proud. It has been a "do nothing" Congress. I will continue in the 110th Congress to work to pass sensible gun safety legislation to help make our communities safer.

THANKING UTAH VOLUNTEERS

Mr. HATCH. Mr. President, I rise to pay tribute to all the men and women in Washington County, UT, whose hard work and diligence have made and are making the Dinosaur Discovery Site at Johnson Farm such a success. These dedicated volunteers are helping to protect and display an asset of great value not only to Utah but to the world.

The history of this discovery is fascinating. A few years ago, retired optometrist Dr. Sheldon Johnson was preparing his farm site for development, and as he turned over the earth, he discovered tracks of early residents of Washington County—very early residents, in fact. Dinosaur tracks dating back to the Jurassic period of history were uncovered. They are being preserved and are bringing economic and historic benefit to St. George, Washington County, UT, and the Nation. To date, visitors from 68 nations and all 50 States have visited the site.

I want to recognize and thank Dr. Sheldon and LaVerna Johnson who discovered the tracks and then donated the land to preserve this heritage. The Johnsons have made it all possible. Linda Sappington, Washington County volunteer coordinator, aided by volunteer supervisors Kae Crabtree and Carole Chadwick, began in February 2000 to bring together individuals who cared about the tracks and who were willing to give of themselves to help preserve the find.

I also want to recognize and thank Mayor Dan McArthur, the city of St. George, Washington County, and the Utah State Legislature for their efforts. Past and present museum staff Theresa Walker, Andrew R.C. Milner, Janice Evans, Bob Kroff, and Anneli Segura have put forth countless hours of work and dedication to enhance, preserve, and share this prehistoric treasure with the community and future generations.

In addition to the Johnsons, I recognize Suzanne Allen; Dr. Andrew Barnum; Herb Basso; Dr. David Borris; Alan Crooks; Lyle Drake; Kenneth Hinton; Sharon Isom; unfortunately, now deceased; LaRee Jones; Dr. James Kirkland; Dr. Martin Lockley; Dan Matheson; the late Layton Ott, Kathy Smith; Darcy Stewart; Marshall Topham; Gary Watts; John Willie. They are all members of the DinosaurAh!torium, a 501 (c) 3 foundation responsible for funding the project. Advisory members include James Hansen, Dr. Jerry Harris, Gary Sanders, with Cliff Green and Robert Milner, resident artist. I also thank Paul Jensen and Jeff Chapman for allowing access to their properties for the collection, preservation, and storage of fossils.

Finally, today, I specifically want to recognize and thank the many volunteers who have made and are making the Dinosaur Discovery Site at Johnson Farm possible. Many of these wonderful individuals have been contributing their time and energy for more than 5 years. A tremendous thank you to the Dinosaur Discovery Site at Johnson Farm volunteers. I commend each of them.

Mr. President, 2000 volunteers include Chad Anderson; T.R. Thompson; Andrew Milner; Donnette Hatch; June Barton; Rae Crabtree; Nina Schwarze; Karen Rammell; Lee Rammell; Doug Bergen; Richard Gardner; Ryan Babcock; Dick Groves; Robert Pritchitt; Klein Adams; Rafael Acosta; Ryan Oburn; Hal Arrowood; Jason Skeen; Clyde Terry; Vilma Terry; Bev Middleton; Chris Walker; Steve Smith; Helen Salvatore; Cindy Greco; Scott Broen; Jereen Hyde; Stevan Duke; Barbara Duke; Stacie Wilson; Constance Sherwood; Jacob Hendriks; Josephine Kellejan; Ruth Rote; John Rote; Dustin Rooks; and Brett Bronson.

Mr. President, 2001 volunteers: Jim Burns; Barbara Hatch; Peggy Wardle; Carol Duley; Gary Watts; Ember Rodgers; Kirk Rehfield; Bill Reynolds; Theresa Walker; Cassandra Lee; Lynnie Rolfe; Joel Campbell; Ryan Losee; Chris Gibson; Kyle Fraley; John Shaw; Steve Anderson; Drew Gubler; Shelton Heath; Paula Ryan; Bernie Yeager; Jill Conner; Candace Crane; Nichole Burton; Austin Carter; Dusty Ott; Kirk Richfield; Nate Leifson; Ron Kittelsrud; Maren Christensen; Ben Joe Markland; Emily Weidauer; Holly Hult; Carol Killian; Scott Woodworth; Brian Barrett; Warren Hoskings; Kevin Wiederhold; Autumn Cluff; and Lynn White.

Mr. President, 2002 volunteers: Rudy Johnson; Clay Hopkins; Jeff Lingwall;

Debbie Woodard; Joyce Proctor; Britton Puki; Joe Borden; Melvin Done; Melanie Hackmann; Kathryn VanRoosendaal; Doug Griffiths; Charlotte Rice; Angie Hendrickson; Chad Tipton: Laurie Barnholt; Aaron Heaton; Kathy Hancock; Carson Blickenstaff; Glen Steenbuck; Bev Rhodes; Brigham Mellor; Kami Cox; Kathy Cox; Russ Childs; Delbert Vern Chadwick; Beverly Kirk; Matthew Wilkinson; Monte Johnson; Darrell Wade; Terri Wade; Sheena Gawer; Barbara Smith; Ken Parkes; Darienne McNamara; Kat Duttadway; Kylea Christensen; Jacob Cox; Jason Rabbitt; Don Triptow; Bill Yensen; Arlene Yensen; Les Townsend; Barbara Townsend; Al Abrams; John Donnell; JoAnn Abrams; Arlea Howell; David Kitselmer; Steve Chilow; Cathy Freeman; Duane Freeman; Steven Bart; Elizabeth Nipperus; Misti Rooks; Kathleen Milner; Robert Milner; Shirley White; Robert White; and Guy Pace.

Mr. President, 2003 volunteers: Janece Tolber; George D'Apuzzo; Carl Berg, Laurie Berg; Myron Hatch; David Slauf; Taylor Birthisel; Linda Baldazzi; Bob Baldazzi; Sally Stephenson; Steve Stephenson; Roger Head; Bonnie Head; Jacqueline Dubois; Jerry Schwantz; Shirley Surfas; Pat Vanderwark; Keith Vanderwark; Joan Triptow; Jay Guymon; Kolby Andersen; Kelly Bringhurst; Marc Raines; Lisa Raines; Molly Swift; Chester Pierce; Dennis Broad; George Muller; Rena Jensen; Roger Taylor; Maynie Begeman; Robert Begeman; Val Humble; Paul Wiener; Frances Wiener; Anne Bredon; Gail Taylor; Mike Llewellyn; Curtis Halliday; Dale Peck; Arlea Howell; Shannon Ducrest; Anne Basham; Brooke Ranter; Melissa Thomson; Michelle Bower; Jana Hightower; Brian Schlegel; Danny Diamond; Dallas Jones; Andrew Neff; Lindsay Connelley-Brown; and Linda Hoernke.

Mr. President, 2004 volunteers: Carla Ritter; Sheila Hughes; Don Hughes; Tracey O'Kelly; Jessica Williams; and Lillian Zielke.

Mr. President, 2005 volunteers: Paula Welker; Connie Welker; Kameron Evans; Dick Vos; Roberta Champlin; Wally Champlin; Richard Berger; Justin Moosman; Christine Blum; Lamont Reynolds; Judy D'Apuzzo; Louise Snyder; Arleen Stillman; Lorene Reynolds; Freddie Arrighi; Shelly Robinson; Sarah Spears; Judy Warren; and Janice Evans.

To these dedicated volunteers and to all of those who will continue to volunteer, I say thank you

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NURSING RELIEF FOR DISADVANTAGED AREAS REAUTHORIZATION ACT

Mr. CORNYN. Mr. President, I would like to go on the record regarding H.R. 1285, the Nursing Relief for Disadvantaged Areas Reauthorization Act of 2005, a bill that I support as it moves through the Senate today.

This legislation extends for 3 years the Nursing Relief for Disadvantaged Areas Act of 1999 which provides nonimmigrant visas for nurses in areas where there is a shortage of health professionals.

Many hospitals across the Nation and, particularly in my home State of Texas, have been experiencing great difficulties over the last several years in attracting nurses. This shortage has been especially severe in both inner-city neighborhoods and in rural isolated areas.

It was for this reason that in 1999 Congress passed the Nursing Relief for Disadvantaged Areas Act. This legislation created a new H–1C temporary worker program with 500 visas available per year for registered nurses. In order to be eligible to petition for an alien nurse, a hospital must be located in a health professional shortage area as designated by the Secretary of Health and Human Services, the hospital must have at least 190 acute care beds, and it must have a certain percentage of Medicare and Medicaid patients.

The legislation also included strong protections for American nurses by requiring that any H–1C nurses be paid the prevailing wage and mandating that hospitals take steps to recruit American nurses. Furthermore H–1C nurses may not comprise more than 33 percent of a hospital's registered nurses, and these hospitals may not contract out any H–1C nurses to other hospitals.

The legislation before us, H.R. 1285, will reauthorize the H–1C nurse program for 3 more years. The H–1C visa category is vital to Texas hospitals like McAllen Medical Center and Mercy Health System, located in Laredo, TX. The United States is facing a critical nursing shortage in the coming years, and this small but significant program is essential to our efforts to recruit more nurses to the United States. I believe this legislation strikes a balance between the critical need for nurses in certain shortage areas while protecting the wages and working conditions of U.S. citizen nurses.

I urge my colleagues to support this bill.

TESTIMONY OF MALLORY FACTOR

Mr. SHELBY. Mr. President, I ask unanimous consent that the following testimony given by Mr. Mallory Factor before the Senate Committee on Banking, Housing, and Urban Affairs on September 29, 2004, and before the Senate Committee on Governmental Affairs on June 15, 2004, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WRITTEN TESTIMONY OF MALLORY FACTOR BEFORE THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS, UNITED STATES SENATE, SEPTEMBER 29, 2004

Chairman Shelby, Senator Sarbanes, and Distinguished Members of this Committee, thank you for inviting me to testify today about my views on the critical issue of curbing terror financing.

Chairman Shelby, I would like to commend you in particular for your unwavering commitment to addressing the financing of terror. The work that this Committee is undertaking is extremely important to the United States and the world. Thank you for your leadership.

My testimony will focus on terror financing emanating from within the Kingdom of Saudi Arabia. Clearly, there are numerous other states that allow terror financing to continue and that should be examined also. I have chosen to focus on Saudi Arabia because of the enormous resources that are funneled from within Saudi Arabia to terrorist groups around the world.

My recommendations are contained in a report of an Independent Task Force on Terrorist Financing, sponsored by the Council on Foreign Relations, on which I served as Vice-Chair. Since the report, along with its various appendices, is almost 300 pages in length, I will only be able to highlight core points and ask that the full report and its appendices be placed into the record.

I would like to thank the Task Force Chairman, Maurice R. Greenberg, who has been a leader in bringing this issue to the nation's attention. I would also like to thank Council President Richard Haass for his commitment to this topic and to the Task Force's mission. I am testifying in my personal capacity, as is customary, and not on behalf of the Task Force or the Council on Foreign Relations.

Among the core findings of the first Terrorist Financing Task Force report, released in October 2002, was that "For years, individuals and charities based in Saudi Arabia have been the most important source of funds for al-Qaeda; and for years, Saudi officials have turned a blind eye to this problem."

It should be noted that the Task Force found no evidence that the Saudi government—as an institution—participated in the financing of terror directly. However, the Saudi government has clearly allowed individual and institutional financiers of terror to operate and prosper within Saudi borders.

The Bush administration has accomplished a great deal since 9/11. Some of the Administration's achievements in this area have been integrating terrorist financing into the U.S. government's overall counterterrorism effort, securing unprecedented international support for UN sanctions against al-Qaeda, strengthening international standards for financial supervision through the Financial Action Task Force (FATF), issuing significant and meaningful regulations under the Patriot Act and implementing a wide-ranging strategy to engage Saudi Arabia on the subject of financial and ideological support of extremists. Still, there is much work to be done.

I would like to set forth the following framework of constructive, forward looking recommendations for improving U.S. efforts against terrorism financing.

First, U.S. policymakers must build a new framework for U.S.-Saudi relations. The terror financing issue is situated in the complex and important bilateral relationship between the United States and Saudi Arabia. For decades, U.S.-Saudi Arabia relations have been built upon a consistent framework understood by both sides: Saudi Arabia would be a constructive actor with regard to the world's oil markets and regional security issues, and the United States would help provide for the defense of Saudi Arabia, work to address the Israeli-Palestinian conflict, and not raise any significant questions about Saudi Arabian domestic issues, either publicly or privately.

More recently however, this framework has come under strain because al-Qaeda, a terrorist organization rooted in issues central to Saudi Arabian domestic affairs, has murdered thousands of Americans. Al-Qaeda and similar organizations continue to conspire to kill even more Americans and to threaten our way of life.

Changed circumstances require a new policy framework for U.S.-Saudi relations. When domestic Saudi issues threaten Americans at home and abroad, the U.S. must pay attention to those Saudi "domestic" issues that impact U.S. security such as terrorist financing and the global export of Islamic extremism. These issues can no longer be "off the table"; they must be front and center in our bilateral relationship.

This transition is already well underway, as evidenced by turbulence in the bilateral relationship since 9/11. Some Bush administration officials have privately characterized the current state of affairs in Saudi Arabia as a "civil war" and suggested that the appropriate objective for U.S. policy in this context is to help the current regime prevail. I agree, but believe the domestic Saudi problem will not be solved by dispersing al-Qaeda cells and members in Saudi Arabia alone. Rather, the "civil war" will be won only when the regime confronts directly and unequivocally addresses the ideological, religious, social, and cultural realities that fuel al-Qaeda, its imitators, and its financiers all over the world.

Second, Saudi Arabia must fully implement its new laws and regulations and take additional steps to further improve its efforts to combat terrorist financing. In addition to implementing its recently enacted laws and regulations in this area, Saudi Arabia should also deter the financing of terrorism by publicly punishing those Saudi individuals and organizations that have funded terrorist organizations. Although a recent report by FATF noted several prosecutions in Saudi Arabia under the terror financing laws, arrests and punitive steps against financiers of terror have only taken place in the "shadows". I am not aware of any publicly announced arrests, trials or incarcerations in Saudi Arabia relating to the financing of terrorism. Saudi Arabia must also increase the financial transparency and programmatic verification of its global charities and publicly release audit reports of those charities. Saudi Arabia should ratify and implement treaties that create binding international legal obligations relating to combating money laundering and terrorist financing.

Third, multilateral initiatives need to be better coordinated, appropriately funded, and invested with clear punitive authorities. The need for a new international organization specializing in terrorist financing issues, as recommended by the Task Force's initial report, has diminished as a result of significant efforts being undertaken by a variety of international actors. The need for proper coordination and clearer mandates has increased for the same reason. It is now time to minimize duplicative efforts and reallocate resources to the most effective and appropriate lead organization.

Fourth, the executive branch should formalize its efforts to centralize the coordination of U.S. measures to combat terrorist financing. My understanding is that, in practice, responsibilities for the coördination of terrorist financing issues have shifted from the Treasury Department to the White House. I commend the Bush Administration for this action. However, setting up a formal allocation of responsibilities is crucial to maintain continuity and focus as the specific individuals involved in these efforts turn over. Therefore, allocation of responsibility to the White House needs to be formalized through a National Security Presidential Directive (NSPD) or otherwise.

Fifth, Congress should enact a Treasury-led certification regime specifically on terrorist financing. Many governments are working on shutting down terror financing from within their borders, but many are not. Congress should adopt a certification regime under which the Treasury Department provides a written certification on an annual basis (classified if necessary) detailing the steps that foreign nations have taken to cooperate in U.S. and international efforts to combat terror financing. In the absence of a presidential national security waiver, jurisdictions that do not receive this certification would be subject to sanctions provided by section 311 of the Patriot Act—including denial of U.S. foreign assistance monies and limitations on access to the U.S. financial system.

The Administration has used the powers granted to it by section 311 of the Patriot Act but only once in the terror financing context. Section 311 allows Treasury to require domestic financial institutions and agencies to take "special measures" against certain parties, including both institutions and jurisdictions, believed by the Treasury to be engaged in money laundering/terror financing. These special measures can include placing prohibitions or conditions on "correspondent" or "payable through" accounts involving the parties engaged in the money laundering/terror financing.

Of course, foreign financial institutions and jurisdictions that do not have significant financial relations with the United States would not be meaningfully impacted by Section 311 sanctions imposed by the United States. However, a similar sanction imposed in the money laundering context resulted in the targeted jurisdiction promulgating desired legislative and regulatory changes.

A certification regime for terror financing would ensure that these special measures are used appropriately and thoughtfully against "rogue" jurisdictions. A separate certification regime for terror financing—distinct from any other reporting requirements on the promulgation of terror itself or money laundering—ensures that stringent requirements are maintained specifically with respect to each jurisdiction's practices on terror financing without consideration of other issues.

I commend Congresswoman Sue Kelly and others who have introduced legislation in the House, as H.R. 5124, that would require a terror financing certification regime.

Sixth, the UN Security Council should broaden the scope of the UN's al-Qaeda and Taliban Sanctions Committee. The UN Security Council should specifically impose international sanctions on other groups and individuals that have been designated as terrorists, as Hamas has been by the United States and E.U. I understand that these UN committees continue to discuss various actions but have not taken any affirmative action as yet. Furthermore, the UN should require, as a matter of international law, that member states take enforcement action against groups, persons and entities designated by the Sanctions Committee. The enabling resolution for these expanded authorities should explicitly reject the notion that acts of terror may be legitimized by the charitable activities or political motivations of the perpetrator. The UN should make it clear that no cause, however legitimate, justifies the use of terror.

Seventh, the U.S. government should increase sharing of information with the financial services sector as permitted by Section 314(a) of the PATRIOT Act so that this sector can cooperate more effectively with the U.S. government in identifying financiers of terror. Helping private sector financial institutions become effective partners in identifying financiers of terror should be a top priority. The procedures set forth in Section 314(a) of the PATRIOT Act, which promote information sharing between the U.S. government and financial institutions to increase detection of terror financing, are not working as well as they should. The U.S. government is still not providing financial institutions with adequate information to enable the institutions to detect terror financing and identify unknown perpetrators. The government is still using financial institutions primarily to assist in investigating known or suspected terror financiers, not in identifying unknown ones. In addition, our government does not currently have the appropriate resources to process and make full use of information that is flowing to it from financial institutions.

I recognize that the information that would enable financial institutions to become effective partners with the U.S. government in identifying terror financing may be highly protected intelligence information. In other industries such as defense and transportation, however, persons can be designated by the U.S. government to receive access to certain high value information as necessary. A similar approach could be used to facilitate information sharing and cooperation between the U.S. government and private financial institutions.

Eighth, the National Security Council (NSC) and the White House Office of Management and Budget (OMB) should conduct a cross-cutting analysis of the budgets of all U.S. government agencies as they relate to terrorist financing. Monitoring the financial and human resources that are actually devoted to the various tasks involved in combating terrorist financing will facilitate fully informed, strategic decisions about whether resource allocations are optimal or functions are duplicative. For this reason, the NSC and OMB should conduct a cross-cutting analysis of all agencies' budgets in this area, to gain clarity about who is doing what, how well, and with what resources. With such a cross-cut in hand, the Administration and Congress can begin to assess the efficiency of existing efforts and the adequacy of appropriations relative to the threat.

Ninth, the U.S. government and private foundations, universities, and think tanks should increase efforts to understand the strategic threat posed to the United States by radical Islamic militancy, including specifically the methods and modalities of its financing and global propagation. At the dawn of the Cold War, the U.S. government and U.S. nongovernmental organizations committed substantial public and philanthropic resources to endow Soviet studies programs across the United States. The purpose of these efforts was to increase the level of understanding in this country of the profound strategic threat posed to the United States by Soviet Communism. A similar undertaking is now needed to understand adequately the threat posed to the United States by radical Islamic militancy, along with its causes, which we believe constitutes the greatest strategic threat to the United States at the dawn of this new century. To be commensurate with the threat, much more will need to be done by private U.S. foundations, universities, and think tanks in a sustained, deliberate, and well-financed manner.

I look forward to your questions.

Statement of Mallory Factor, Senate Committee on Governmental Affairs, "An Assessment of Current Efforts To Combat Terrorism Financing," June 15, 2004

Madame Chairman, Senator Lieberman and Distinguished Members of the Committee:

I am honored to testify here today to report to you on the recommendations of the Independent Task Force of the Council on Foreign Relations on Terrorist Financing, of which I have served as Vice-Chair.

Madame Chairman and Senator Lieberman, I would like to commend you for your unwavering commitment to these issues. The work this Committee is undertaking is of critical importance to the United States and the world. Thank you for your important leadership.

Until relatively recently, too little was done to curb the flow of funds to terrorists and extremists. That is why the Council on Foreign Relations sponsored this Task Force in 2002 and renewed its mandate more recently. I would like to thank Council President Richard Haass for all that he has done to make this Task Force a success.

Our distinguished bi-partisan Task Force is chaired by Maurice R. Greenberg and directed by William F. Wechsler and Lee S. Wolosky. They led this Task Force in the interest of serving our nation. I believe they have succeeded.

I would particularly like to commend Lee Wolosky, without whose leadership, judgment, diplomacy, draftsmanship and dedicated efforts this task force would not have been a success. Lee worked tirelessly to reach consensus among task force members on the report and its recommendations.

The Bush administration has accomplished a great deal since 9/11. Some of the administration's achievements in this area have been integrating terrorist financing into the U.S. government's overall counterterrorism effort, securing unprecedented international support for UN sanctions against al-Qaeda, strengthening international standards for financial supervision through FATF, issuing significant and meaningful regulations under the PATRIOT Act and implementing a wide-ranging strategy to engage Saudi Arabia on the subject of financial and ideological support of extremists. Still, there is much work to be done and I believe that the Task Force report sets forth a framework of constructive, forward looking recommendations for improving U.S. efforts against terrorism financing.

Our report focuses on terror financing from within the Kingdom of Saudi Arabia because of the enormous resources emanating from that state that fund terrorist activities. Clearly, there are numerous other states that finance terror and that should be examined also.

The Kingdom of Saudi Arabia has accomplished a great deal since May 2003. Most notably, Saudi Arabia has enacted extensive laws and regulations which, if fully implemented, would significantly reduce the flow of funds from within Saudi Arabia to terrorists. However, we have not found Saudi Arabia to be effectively enforcing these laws and regulations as Lee Wolosky has discussed. Many issues still need to be addressed before Saudi Arabia will have an acceptable regime in place to combat terror financing.

Our task force report generally reaffirms the recommendations made in the Task Force's first report and makes nine new recommendations. I will discuss them in varying levels of detail and would welcome the opportunity to discuss any of them in greater length in response to your questions.

First, we urge U.S. policymakers to build a new framework for U.S.-Saudi relations. We recognize the broader context of the complex and important bilateral relationship in which the terrorist financing issue is situated. For decades, U.S.-Saudi Arabia relations have been built upon a consistent framework understood by both sides: Saudi Arabia would be a constructive actor with regard to the world's oil markets and regional security issues, and the United States would help provide for the defense of Saudi Arabia, work to address the Israeli-Palestinian conflict, and not raise any significant questions about Saudi Arabian domestic issues, either publicly or privately.

More recently however, this framework has come under strain because al-Qaeda, a terrorist organization rooted in issues central to Saudi Arabian domestic affairs, has murdered thousands of Americans. Al-Qaeda and similar organizations continue to conspire to kill even more Americans and to threaten our way of life.

Changed circumstances require a new policy framework for U.S.-Saudi relations. When domestic Saudi problems threaten Americans at home and abroad, the U.S. must pay attention to those Saudi "domestic" issues that impact U.S. security such as terrorist financing and the global export of Islamic extremism. These issues can no longer be "off the table"; they must be front and center in our bilateral relationship.

We acknowledge that this transition is already well underway, as evidenced by the turbulence in the bilateral relationship since 9/11. We note that some Bush administration officials have privately characterized the current state of affairs in Saudi Arabia as a "civil war" and suggested that the appropriate objective for U.S. policy in this context is to help the current regime prevail. We agree, but we believe the domestic Saudi problem will not be solved by dispersing al-Qaeda cells and members in Saudi Arabia alone. Rather, the "civil war" will be won only when the regime confronts directly and unequivocally addresses the ideological, religious, social, and cultural realities that fuel al-Qaeda, its imitators, and its financiers all over the world.

Second, we recommend that Saudi Arabia fully implement its new laws and regulations and take additional steps to further improve its efforts to combat terrorist financing. In addition to implementing its recently enacted laws and regulations in this area, Saudi Arabia should also deter the financing of terrorism by publicly punishing those Saudi individuals and organizations that have funded terrorist organizations. It should increase the financial transparency and programmatic verification of its global charities and publicly release audit reports of those charities. Saudi Arabia should also ratify and implement treaties that create binding international legal obligations relating to combating money laundering and terrorist financing.

Third, we suggest that multilateral initiatives be better coordinated, appropriately funded, and invested with clear punitive authorities. The need for a new international organization specializing in terrorist financing issues, as recommended by our initial report, has diminished as a result of significant efforts being undertaken by a variety of international actors. The need for proper coordination and clearer mandates has increased for the same reason. It is now time to minimize duplicative efforts and reallocate resources to the most effective and appropriate lead organization.

Fourth, we believe that the executive branch should formalize its efforts to centralize the coordination of U.S. measures to combat terrorist financing. Our understanding is that, in practice, responsibilities for the coordination of terrorist financing issues have shifted from the Treasury Department to the White House, as we recommended in our original Task Force report. I commend the Bush Administration for this action. However, we believe that this allocation of responsibility to the White House needs to be formalized through a National Security Presidential Directive (NSPD) or otherwise.

Fifth, we recommend that Congress enact a Treasury-led certification regime specifically on terrorist financing. The financial support for terrorism is the life-blood of global terrorism and requires its own certification regime. A separate certification process will ensure that stringent requirements are maintained specifically with respect to a nation's policies and practices on terrorist financing without consideration of other issues.

I believe that the Saudi Arabia Accountability Act of 2003, S. 1888, sponsored by Senator Arlen Specter and co-sponsored by Chairman Collins and others would provide a good starting point for a terrorist financing certification regime if it were narrowed to focus solely on the financing of terrorism and expanded to apply to other nations.

We understand that certification regimes are generally disfavored by the executive branch (which must implement them) and favored by the legislative branch (which they empower). Although controversial, they also have the ability to galvanize quickly action consistent with U.S. interests. Moreover, they require official findings of fact that have the effect of promoting transparency and compelling sustained U.S. attention to important topics that, on occasion, U.S. officials find it more expedient to avoid.

For these reasons, we believe that Congress should pass and the President should sign legislation requiring the executive branch to submit to Congress on an annual basis a written certification (classified if necessary) detailing the steps that foreign nations have taken to cooperate in U.S. and international efforts to combat terrorist financing. We suggest that in the absence of a presidential national security waiver, states that do not receive this certification would be subject to sanctions—including denial of U.S. foreign assistance monies and limitations on access to the U.S. financial system.

Sixth, we urge the U.N. Security Council to broaden the scope of the U.N.'s al-Qaeda and Taliban Sanctions Committee. The UN

Security Council should specifically impose international sanctions on other groups and individuals that have been designated as terrorists, as Hamas has been by the United States and E.U. Furthermore, it should require, as a matter of international law, that member states take enforcement action against groups, persons and entities designated by the Sanctions Committee. The enabling resolution for these expanded authorities should explicitly reject the notion that acts of terror may be legitimized by the charitable activities or political motivations of the perpetrator. No cause, however legitimate, justifies the use of terror; indeed, the use of terror delegitimizes even the most worthy causes.

Seventh, we suggest that the U.S. government increase sharing of information with the financial services sector as permitted by Section 314 of the USA PATRIOT ACT so that this sector can cooperate more effectively with the U.S. government in identifying incidences of terror financing. International financial institutions subject to U.S. jurisdiction are among our best sources of raw financial intelligence to identify terror financing, but these institutions need to be given appropriate information from the U.S. government on what to look for. Currently, the procedures required by Section 314 of the Patriot Act which are designed to promote cooperation with financial institutions in identifying terror financing are not working as effectively as they might. We suggest greater information sharing between the U.S. government and the financial institutions within the framework of the Patriot Act in order to allow these institutions to cooperate more effectively with the U.S. government in identifying incidences of terror financing.

Eighth, we recommend that the National Security Council (NSC) and the White House Office of Management and Budget (OMB) conduct a cross-cutting analysis of the budgets of all U.S. government agencies as they relate to terrorist financing. We understand this recommendation is difficult to implement; however, we think that monitoring the financial and human resources that are actually devoted to the various tasks involved in combating terrorist financing will facilitate fully informed, strategic decisions about whether resource allocations are optimal or functions are duplicative. For this reason, the NSC and OMB should conduct a cross-cutting analysis of all agencies' budgets in this area, to gain clarity about who is doing what, how well, and with what resources. Only with such a cross-cut in hand can we begin to make assessments regarding the efficiency of our existing efforts and the adequacy of appropriations relative to the threat. We commend Jody Myers, the former NSC staffer, for suggesting a similar cross-cutting analysis in his Senate testimony given last month.

Ninth, we urge the U.S. government and private foundations, universities, and think tanks to increase efforts to understand the strategic threat posed to the United States by radical Islamic militancy, including specifically the methods and modalities of its financing and global propagation. At the dawn of the Cold War, the U.S. government and U.S. nongovernmental organizations committed substantial public and philanthropic resources to endow Soviet studies programs across the United States. The purpose of these efforts was to increase the level of understanding in this country of the profound strategic threat posed to the United States by Soviet Communism. A similar undertaking is now needed to understand adequately the threat posed to the United States by radical Islamic militancy, along with its causes, which we believe constitutes the greatest strategic threat to the United States at the dawn of this new century. To be commensurate with the threat, much more will need to be done, not only in Washington, but also by private U.S. foundations, universities, and think tanks, in a more sustained, deliberate, and well-financed manner than that afforded through ad hoc initiatives such as our Task Force.

I look forward to your questions.

TRIBUTE TO COLIN HAUCK

Mr. THUNE. Mr. President, today I rise to thank Colin Hauck, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota this fall.

Colin is a graduate of Aberdeen Central High School in Aberdeen, SD, and after graduating from the University of Arizona with a bachelor of arts in Anthropology, Colin received a master of arts in international relations and diplomacy at Leiden University in the Netherlands. He is a hard worker and has been dedicated to getting the most out of his internship experience.

I would like to rise and give my thanks to Colin and wish him continued success in the years to come.

TRIBUTE TO ERIC RODAWIG

Mr. THUNE. Mr. President, today I rise to thank Eric Rodawig, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the years.

Eric is a graduate of Dakota Valley High School in Dakota Dunes, SD, where he was the Valedictorian. Currently he is attending Georgetown University where he is majoring in government and economics and is active in writing for the school newspaper, The Hoya. He is a hard worker and has been dedicated to getting the most out of his internship experience.

I would like to rise and give my thanks to Eric and wish him continued success in the years to come.

RECOGNIZING TONY ANCELJ

Mr. THUNE. Mr. President, today I rise to thank Tony Ancelj, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota this fall.

Tony is a graduate of Saint Mary's College of California where he received a bachelor of arts in philosophy and political science. After attending the London School of Economics and Political Science in the United Kingdom, Tony was accepted at Catholic University of America, Columbus School of Law. He is a hard worker and has been dedicated to getting the most out of his internship experience.

I would like to rise and give my thanks to Tony and wish him continued success in the years to come.

10TH ANNIVERSARY OF THE USS "CHEYENNE"

Mr. ENZI. Mr. President, I rise today to honor SSN 773, the USS *Cheyenne*, for her 10 years of service in the U.S. Navy in defense of our freedom.

On July 6, 1992, the keel was laid for the USS *Cheyenne* in Newport News, VA. She was launched on April 16, 1995. On September 13, 1996, Mrs. Ann Simpson sponsored the USS *Cheyenne*. I am pleased to now occupy the seat of Ann's husband, Senator ALAN SIMPSON, in the U.S. Senate.

Since September 11, 2001, the USS *Cheyenne* has been engaged in important missions as part of the global war on terrorism. The USS *Cheyenne* earned the distinction of the first to strike when she was the first ship to launch Tomahawk missiles in Operation Iraqi Freedom under the command of CDR Charles Doty. She would go on to successfully launch her entire complement of Tomahawks, earning a clean sweep for combat actions in the final 3 months of her 9 month deployment. That level of excellence continues today from her homeport in Pearl Harbor, HI.

The USS *Cheyenne* is the last Los Angeles class submarine built and the third ship in our Nation's fleet named in honor of the city home to Wyoming's State capital. The first USS *Cheyenne*, a tug boat, entered service in 1898. The second USS *Cheyenne*, BM 10, was originally the monitor class USS *Wyoming*. In 1909 it was renamed USS *Cheyenne* to make the name available for the battleship BB 32, the new USS *Wyoming*. Fiction writer Tom Clancy further cemented the legend of the USS *Cheyenne* when he made the submarine a central player in a battle for the Spratly Islands in his novel "SSN."

Cheyenne, Wyoming's motto is "Live the Legend." The 145 submariners who are aboard the USS *Cheyenne* have adopted the motto "Ride the Legend." The city of Cheyenne has formed a special bond with the crew of her namesake. Each year the outstanding sailors of the USS *Cheyenne* are the guests of the city of Cheyenne for Cheyenne Frontier Days, the world's largest outdoor rodeo, and the daddy of them all. Many of the sailors have never been out West or been to a rodeo. For a week, the submariners enjoy Wyoming hospitality and have a chance to live the legend. It is a small chance for Wyoming and the people of Cheyenne to repay a debt of gratitude to the crew of the USS *Cheyenne*.

CDR Richard Testyon, Jr., assumed command of the USS *Cheyenne* on June 4, 2006. I wish him well in his new command and thank CDR Charles Doty for his time at the helm. Commander Testyon brings extensive experience to the USS *Cheyenne* and will lead SSN 773 well.

The best skippers are complemented by outstanding crew: I would like to honor the crew of the USS *Cheyenne*. They include EM3 Richard Akins, LTJG Andrew Alvarado, MM1 Cory Alvis, STS3 John Andrada, YNSA Alfonso Angel, STS2 Andrew Aubry, STSSA Raynor Barton, STS2 Adam Baugh, LT Brett Bayer, MM3 Gregory Benedict, ET1 Charles Berger, MM3 Tyler Bird, MMC David Blake, MM2 Steven Bolek, EM2 Nicholas Brechtel, MM3 Daniel Breedlove, ET3 Jeremy Brown, MM3 Jeremy Bruner, ENS James Bucklin, SK3 James Burnett, LTJG Rene Cano, LTJG David Ciha, MM2 Shayne Clemens, LTJG Christopher Clevenger, MMFN Clyde Comstock, FTC Jonathan Consford, CSSA James Couch, STSSN Colt Couture, MM1 Falanda Culp, LT Michael Darby, LTJG Drew DeWalt, MM3 Juan Diaz, ET3 Lucas Dunbar, MM1 Jack Durand, MM2 Jon Espinoza, YN1 Gregorio Familia, ET3 Joseph Filbert, ET3 Chad Fogler, STSSN Abraham Freet, MM2 Steven Frey, SKSN Christopher Fuller, ET3 Shane Garrod, MMFN Robert Gauld, LCDR John Gearhart, ET1 Christopher Ghramm, MM3 Warren Givens, FTC Russell Goltry, LT Parrish Guerrero, ET1 John Guthrie, ET3 Cory Hall, ET2 Long Han, MMFN David Harper, STS2 Christopher Heffernan, CSSN Jacob Holder, ET3 Stilling Horton, EM2 Angier Hsu, ETC Barry Hudson, EM3 Benjamin Huelle, CSCS Kenneth Hughley, ETC David Ingalls, ET3 John Ingle, EM3 Nicholas Jessee, MM2 Christopher Johnson, ET2 Robert Johnson, ET3 James Johnson, STSC Alan Jones, MM3 Edward Ketheley, EM1 William Lawrence, FT2 Sean Little, MM3 John Livengood, MM2 Justin Lynn, MM3 Jonathan Mac Dula, STS2 John Marsh, FT2 Xavier Martinez, ET3 Shaun McCarthy, STS2 Ryan McClure, MM3 Brian McEndree, MM2 Jeremy McLean, FT1 Nicholas Messina, SN Kenton Metzler, EM2 John Miranda, MM2 Thomas Mitchell, EM2 Ambrose Montera, EM3 Matthew Nesbitt, MM3 Hung Nguyen, MM3 Erik Nielson, ETSN Matthew Noland, STS2 Matthew Odom, MM3 Chad O'Hagan, ET1 Jonathan Okert, HMC Nathaniel Olipas, ET3 Steven Pack, CS1 Ted Paro, STS3 Brandon Pash, FT2 Donald Peachey, ET3 Errane Pearce, CS3 Wesley Peltier, ET1 Steven Perry, ETCS John Perryman, EM3 Michael Proskine, ET2 David Purser, ETC Raul Quintana, LTJG Eric Rasmussen, SKC Randall Riley, CS1 Harry Robinson, MM1 Alvin Rodriguez, FTC Damean Rogers, MM2 Douglas Ross, FT2 Anthony Rossi, LTJG Nicholas Saflund, ET3 Jacob Saylor, STSSN Charles Scaife, ET3 Derek Scammon, ET2 Kevin Scharkey, LCDR Ian Schillinger, ET2 John Schmidt, MMC Timothy Schreyer, LTJG William Sheridan, MMFR Grant Shirley, STS3 Levi Shockley, ETCS Gregory Silvey, STS1 Michael Simonds, ET3 Tim Simson, EM1 Jerome Smallwood, YNSN Michael Smith, ET2 Anthony Spartana, MMC John St. Clair, EMC David Stephens, MM3 Kevin Stewart, MMC Gary Strong, MM3 Jesse Swain, EM2 William Tabata, CDR Michael Tesar, MM3 Joshua Tomlinson, LTJG Christopher Topoll, CSSR Joshua Towles, LT Carl Trask, MMFR Justin Trickett, ET2 Eric Trumbull, FT2 Landon RG, MM1 Christian Watson, ET3 Kevin Watson, MM2 Robert Wehrmann, ETC Michael Willison, MM3 Nicholas Wittmann, STS2 Robert Wood, EM2 James Workman, CMDCM Andrew Worshek, and MM3 Charles Wreede.

Again I congratulate the USS *Cheyenne* and her crew on the 10th anniversary of their service and thank them for their sacrifices in defense of our great Nation.

BALANCED TRADE RESTORATION ACT

Mr. FEINGOLD. Mr. President, I am delighted that the Senator from North Dakota and I have introduced this bill to address one of the most serious economic problems facing our Nation; namely, the trade deficit. There is no greater advocate for sensible trade policies than Senator DORGAN, and I am proud to join him in this effort.

The measure we have introduced is based on a proposal advocated by one of the foremost free market advocates in the world, Warren Buffett. It is a straightforward and market-based approach to our massive trade deficit, and I commend Mr. Buffett for his willingness to step forward with this idea.

In a seminal article in Fortune magazine, Mr. Buffett made the case for taking action on this problem and laid out the basics of the approach that Senator DORGAN and I take in this bill. In that article, Mr. Buffett argued that our trade deficit is, in effect, a transfer of our Nation's net worth. He describes our situation by using the imaginary example of two islands, Squanderville and Thriftville. Here is some of what he wrote:

> A perpetuation of this transfer will lead to major trouble. To understand why, take a wildly fanciful trip with me to two isolated, side-by-side islands of equal size, Squanderville and Thriftville. Land is the only capital asset on these islands, and their communities are primitive, needing only food and producing only food. Working eight hours a day, in fact, each inhabitant can produce enough food to sustain himself or herself. And for a long time that's how things go along. On each island everybody works the prescribed eight hours a day, which means that each society is self-sufficient.
>
> Eventually, though, the industrious citizens of Thriftville decide to do some serious saving and investing, and they start to work 16 hours a day. In this mode they continue to live off the food they produce in eight hours of work but begin exporting an equal amount to their one and only trading outlet, Squanderville.
>
> The citizens of Squanderville are ecstatic about this turn of events, since they can now live their lives free from toil but eat as well as ever. Oh, yes, there's a quid pro quo—but to the Squanders, it seems harmless: All that the Thrifts want in exchange for their food is Squanderbonds (which are denominated, naturally, in Squanderbucks).
>
> Over time Thriftville accumulates an enormous amount of these bonds, which at their core represent claim checks on the future output of Squanderville. A few pundits in Squanderville smell trouble coming. They foresee that for the Squanders both to eat and to pay off—or simply service—the debt they're piling up will eventually require them to work more than eight hours a day. But the residents of Squanderville are in no mood to listen to such doomsaying.
>
> Meanwhile, the citizens of Thriftville begin to get nervous. Just how good, they ask, are the IOUs of a shiftless island? So the Thrifts change strategy: Though they continue to hold some bonds, they sell most of them to Squanderville residents for Squanderbucks and use the proceeds to buy Squanderville land. And eventually the Thrifts own all of Squanderville.
>
> At that point, the Squanders are forced to deal with an ugly equation: They must now not only return to working eight hours a day in order to eat—they have nothing left to trade—but must also work additional hours to service their debt and pay Thriftville rent on the land so imprudently sold. In effect, Squanderville has been colonized by purchase rather than conquest.

Mr. Buffett paints a grim picture for the future of our economy in his article. At the time he wrote those words, our trade deficit was about $500 billion. Last year, the trade deficit was about 60 percent higher.

There are many factors contributing to our trade deficit, but there can be no doubt that the deeply flawed trade policies of the past decade and more have contributed greatly to the mess in which we find ourselves.

The trade agreements into which we have entered, based on the model established by the North American Free Trade Agreement, known as NAFTA, have helped ship much of our wealth overseas, often in the form of factories that provided entire communities with good-paying, family-supporting jobs.

I hold listening sessions in each of Wisconsin's 72 counties every year. This is my 14th year holding those listening sessions, listening to tens of thousands of people from all over Wisconsin. I completed my 1000th of those sessions just a few weeks ago, and I can tell you that there is nearly universal frustration and anger with the trade policies we have pursued since the late 1980s. Even among those who would have called themselves traditional free-traders, it is increasingly obvious that the so-called NAFTA model of trade has been a tragic failure.

I voted against NAFTA, GATT, and permanent most favored nation status for China, in great part because I felt they were bad deals for Wisconsin businesses and Wisconsin workers. At the time I voted against those agreements, I thought they would result in lost jobs for my State.

But, Mr. President, even as an opponent of those trade agreements, I had no idea just how bad things would be.

And things could hardly be worse. You can see the results of those policies in hundreds of communities around my State.

And I note that these trade policies are not the result of partisan politics. I wish they were. I wish I could lay the blame at the feet of our colleagues in the other party. But Members of both parties have aided and abetted these flawed policies. Presidents of both parties have advanced them, and Members of Congress from both sides of the aisle have approved them.

This legislation is not a substitute for a sound trade policy. It is not intended to be. Even if we enact this measure, we will still need to straighten out the flawed trade policies of the past several administrations. But there is a clear relationship between the flawed trade agreements into which we have entered and the mushrooming trade deficit.

In 1993, before NAFTA was implemented, our trade deficit with Canada and Mexico was $9 billion. In 2004, 10 years after NAFTA was implemented, our trade deficit with those two countries has ballooned 1,200 percent—1,200 percent—to $111 billion. By one estimate, the massive growth of imports into this country from Canada and Mexico relative to exports to those two countries has displaced almost 1 million jobs.

Giving China permanent most favored nation trading status and ratifying the creation of the World Trade Organization have only made matters worse.

Far from improving our trade balance, NAFTA and these other trade agreements have only made matters worse.

When questions were raised about the actual provisions of these flawed agreements, supporters were quick to play the free trade card and label those who questioned these policies as "protectionist." It is somewhat encouraging that some who blindly accepted these agreements are now beginning to read the fine print.

One might think it obvious, but apparently it needs to be reiterated—these aren't your father's trade agreements, and the elegant theories of Adam Smith and others do not apply to the agreements we are asked to approve. As Thea Lee wrote in a column in the Wall Street Journal:

> We should all understand by now that modern (post-NAFTA) free-trade agreements are not just about lowering tariffs. They are about changing the conditions attached to trade liberalization, in ways that benefit some players and hurt others. These are not your textbook free-trade deals. These are finely orchestrated special-interest deals that boost the profits and power of multinational corporations, leaving workers, family farmers, many small businesses, and the environment more vulnerable than ever.

Millions of working families across Wisconsin know this. If instead of exporting manufacturing goods, China exported editorial writers, the opinion pages of our newspapers might reflect an understanding of this as well.

The argument we hear is that trade deals like NAFTA and CAFTA may cause some short-term pain, but they are ultimately good for all countries concerned. Maybe we lose a few jobs to Mexico or China, the argument goes, but we would also gain jobs. Each country would engage in the economic activity for which it has a so-called comparative advantage and everyone wins.

But as I noted during the CAFTA debate, this nice, neat academic theory bears little relation to what is actually happening in the real world. And one of the reasons for this disconnect is that in an arena that has been fundamentally changed by technical advances, such as the Internet and the rapid flow of capital, we are not playing by the same rules as our trading partners.

The trade agreements into which our country has entered in recent years too often lack even the most reasonable standards to ensure that our businesses and workers can compete on a level playing field. This was certainly the case with CAFTA, which failed to include meaningful labor standards. The weak standards it did include were effectively unenforceable. Similarly, the environmental provisions it included were largely cosmetic. And the promised positive impact claimed for U.S. agriculture is far more likely to benefit middlemen and large agribusiness, while putting smaller family farms at a long-term competitive disadvantage as they continue to keep both the water and air clean while paying their employees a living wage.

As I said, we have to stop entering into trade agreements that are so fundamentally skewed and that result in a race to the bottom. I was pleased to introduce a resolution laying out standards for the kind of trade policies we should pursue. The principles set forth in my resolution are not complex. They are straightforward and achievable. They require enforceable worker protections in our trade agreements, including the core International Labor Organization standards. They insist that trade agreements preserve the ability of the United States to enact and enforce its own trade laws. They provide that trade agreements may protect foreign investors but state that foreign investors should not be provided with greater rights than those provided under U.S. law.

The standards in my resolution also require that trade agreements protect public interest laws from challenge by foreign investors in secret tribunals. They require that the agreements into which we enter ensure that food entering into our country meets domestic food safety standards. They mandate that trade agreements preserve the ability of Federal, State, and local governments to maintain essential public services and to regulate private sector services in the public interest. They require that trade agreements contain environmental provisions that are subject to the same enforcement as commercial provisions.

My resolution requires trade agreements to preserve the right of Federal, State, and local governments to use procurement as a policy tool, including through Buy American laws, environmental laws such as recycled content, and purchasing preferences for small, minority, or women-owned businesses. And it requires that trade negotiations and the implementation of trade agreements be conducted openly.

These are sensible policies. They are entirely consistent with the goal of increased international commerce, and in fact they advance that goal.

We should pursue trade agreements that are built around these principles, but I fully understand that such a change in our trade policies is unlikely to occur overnight.

The bill Senator DORGAN and I are introducing today focuses on reducing the trade deficit, and while it is not a substitute for soundly crafted trade agreements, it can stem some of the damage done by the trade policies of the past several years.

This proposal is straightforward. It requires that the total value of what we import not exceed the total value of what we export, and rather than trying to pick winners and losers, as some of our trade agreements do, it lets the market decide which product areas will thrive in global competition and which will not.

This is done through the use of Balanced Trade Certificates, BTCs. BTCs would be issued to U.S. exporters in an amount equal to the dollar value of their exports. Those BTCs would be sold, directly or indirectly, to foreign exporters who wanted to bring goods into the United States. Foreign exporters would have to have BTCs in an amount equal to the dollar value of the goods they want to bring into the United States. To import $1 million worth of products, a foreign exporter would have to have $1 million worth of BTCs, representing $1 million worth of U.S. exports.

By limiting the total value of all BTCs to the total value of all products we export, the bill would result in a balance of trade.

Unlike an industry-specific tariff or quota, the BTCs proposed in this bill will not shield any particular industry or penalize any specific country. While there would clearly be a net benefit to American industries competing in the global market, that marketplace ultimately would determine which industries and businesses succeed and which do not.

This new balanced trade system is phased in over 5 years to minimize any economic shocks, with a longer phase-in period of 10 years for oil and gas. While our addiction to oil is not the focus of this bill, that addiction continues to have an impact on our balance of trade. The additional time provided in the bill for oil and gas imports will give Congress an opportunity to advance a serious energy policy, one that moves us away from our addiction to oil, an addiction that only aggravates our dangerous trade imbalance.

As Mr. Buffet warns in making this proposal, "there is no free lunch here." These balanced trade certificates will increase the price of imported goods. Some domestically produced goods might also increase in price. But the alternative, continuing down the path we are now on, will mean that we will increasingly transfer our net worth overseas, and with it our economic future.

Nor are we the only ones put at risk by our trade deficit. A recent story in the New York Times headlined "U.S. Trade Deficit Is Called a Threat to Global Growth" reported the concerns of the Managing Director of the International Monetary Fund, Rodrigo de Rato, and others, over our trade deficit with China and other countries. The story reports on the threat our trade deficit poses to global economic growth and notes that the warnings about our trade deficit by Mr. de Rato and other financial experts will be addressed later this month "at the annual meeting of the directors of the I.M.F. and the World Bank this month in Singapore."

Some of the foremost experts in the world of international finance are concerned about our mushrooming trade deficit. It is time that we did something about it.

In the article describing the proposal on which this legislation is based, Mr. Buffett compares our country to a very rich family that owns an immense farm. He writes: "In order to consume 4 percent more than we produce, we have, day by day, been both selling pieces of the farm and increasing the mortgage on what we still own."

Mr. President, if we don't do something to straighten out our trade policies and turn our trade deficit around, before we know it, we won't have any more of the farm to sell off. We will have sold off all of it.

I urge my colleagues to join Senator DORGAN and me in sponsoring this legislation.

BROWNS CANYON WILDERNESS ACT

Mr. SALAZAR. Mr. President, I today reiterate my support for the permanent protection of one of our Nation's most spectacular sections of canyon country. Browns Canyon, CO, along the Arkansas River, is a beloved stretch of wilderness that is deserving of permanent protection under the 1964 Wilderness Act.

The 20,000 acres of wilderness in Browns Canyon are pristine, dramatic, and worthy of wilderness designation. My colleague from Colorado, Representative JOEL HEFLEY, has done heroic work over the last several years to craft a wilderness bill that protects these lands and meets the needs of the local communities. Thanks to his diligent work, they are eager to see Congress pass the Browns Canyon Wilderness Act as soon as possible.

Over the last several months, I have been working hard to pass this bill. I have worked with Representative HEFLEY to adjust the bill's water rights language and, should we take the Senate version of this bill up, I will work to include language that will bring it in line with an updated House version, which includes the agreed-to water rights language.

With only a few days left in this session, it is high time we act on this bill. The Browns Canyon Wilderness Act is a great example of Representative HEFLEY's sensible, pragmatic work, and we should make this wilderness designation a part of his legacy.

Mr. President, for the sake of our retiring colleague and for the benefit of Colorado's wild places, I hope we can get this bill to the President's desk as soon as possible.

ADDITIONAL STATEMENTS

TRIBUTE TO WAYNE SAYER

● Mr. BINGAMAN. Mr. President, today I pay tribute to Wayne Sayer, who died suddenly on November 3 of this year.

When I came to the Senate in 1983, Wayne was among the first people I met who was interested in and concerned about the loss of our semiconductor industry to Asia. He was one of the first to recognize the value of a close partnership between government policy and the U.S. high-tech industry. His advice and counsel to members and staff through these early debates until the day he died were invaluable. His contributions to American competitiveness cannot be overstated.

An Air Force veteran, he first worked for Precision Scientific, an instrumentation company. When Precision Scientific was acquired by GCA Corporation, he stayed with the new company and eventually opened GCA's Washington, DC office. At the time of his death, he was the senior government affairs consultant to Applied Materials.

He was a smart, hard-working man with a great sense of humor and style. Those of us who valued his counsel and enjoyed his company over the years will miss his voice of good sense, his skill with policy issues and mostly his friendship. This is a loss, Mr. President, not only to the industry but to the country.●

IN MEMORY OF JUDGE JAMES DEANDA

● Mrs. BOXER. Mr. President, I am saddened to inform you of the passing of Judge James DeAnda. I would like to take a few moments to recognize Judge DeAnda's many important accomplishments and the tremendous impact he made in protecting civil liberties.

James DeAnda was born in Houston, TX, in 1925. The son of Mexican immigrants, DeAnda fought bravely as a marine for his country during World War II. Shortly after returning from war, at a time when only a small number of Latino students were enrolled in higher education, he returned to his studies and graduated from Texas A&M University and the University of Texas Law School. As an attorney, DeAnda fought for the rights of all Latinos through his work on cases dealing with segregation and threats to civil liberties. He also was a cofounder of the Mexican American Legal Defense Fund, a nationwide nonprofit Latino litigation, advocacy and educational outreach institution.

DeAnda became the second Mexican-American judge appointed to the Federal bench when he was confirmed in 1979. During his tenure, he served for 13 years with the U.S. District and Bankruptcy Court's Southern District of Texas including four as chief judge until his retirement in 1992. In more than a half century of service to the law, Judge DeAnda was involved with many cases. He is, however, best known for his efforts as the youngest member of a 4-person legal team that argued the Hernandez v. Texas case which was ultimately decided by the Supreme Court. The 1954 decision overturned the murder conviction of Pete Hernandez by an all-White jury and held that Latinos deserved the same constitutional protections as other minorities including the right to serve as jurors.

I invite all of my colleagues to join me and the many mourning members of the legal, Latino, and civil liberties communities in recognizing and honoring Judge James DeAnda for his long and distinguished service to our country. He is survived by his wife Joyce and 4 children.●

WILLIAM "JOE" HUDNALL: IN MEMORIAM

● Mrs. BOXER. Mr. President, I ask my colleagues to join me in honoring the memory of a dedicated law enforcement officer, Deputy William "Joe" Hudnall of the Kern County Sheriff's Department. For the past 9 years, Deputy Hudnall worked tirelessly to provide the citizens of Kern County with safety and service. On the evening of November 14, 2006, Deputy Hudnall's life was tragically cut short in the line of duty when a vehicle driven by a suspected drunk driver struck his patrol vehicle on Highway 178 near Kernville.

Deputy Hudnall graduated from the Kern County Sheriff's Department Academy and began his career at the pretrial section of Lerdo Jail. In nearly a decade of service to the department, he also worked at the Frazier Park substation and Metro Patrol before moving to the Kern Valley substation. Throughout his career, Deputy Hudnall demonstrated a passion for law enforcement and commitment to helping others, qualities that enabled him to become a respected and model member of the Kern County Sheriff's Department. Deputy Hudnall's colleagues shall always remember him for his professionalism and devotion to serving the public.

Deputy Hudnall is survived by his wife Carrie and four children. When he was not on duty or spending time with his beloved family, Deputy Hudnall was an avid fisherman who also enjoyed working in his yard. Deputy Hudnall served Kern County with honor and dignity, and fulfilled his oath as deputy sheriff officer. His contributions to law enforcement and the many lives that he touched will serve as a shining example of his legacy.

We shall always be grateful for Deputy Hudnall's service and the valor that he displayed while serving and protecting the people of Kern County.●

JEFFREY MITCHELL: IN MEMORIAM

● Mrs. BOXER. Mr. President, today I ask my colleagues to join me as I honor the memory of a dedicated public servant, Sacramento County sheriff's deputy Jeffrey Mitchell. For 9 years, Deputy Mitchell devoted his life to protecting the citizens of Sacramento County. On October 27, 2006, Deputy Mitchell was tragically killed in the line of duty.

Upon graduation from Westmont High School in 1986, Jeffrey Mitchell joined the U.S. Air Force and served as a security officer for 5 years. After leaving the Air Force, he earned a teaching credential at California State University, Sacramento, and taught as a substitute teacher at local schools. His talent, passion, and humor dealing with students, coupled with his dedication to education, made him a natural teacher in the classroom.

In 1997, Jeffrey Mitchell chose to continue his public service and joined the Sacramento County Sheriff's Department. He brought with him the same good-natured spirit that he exhibited in his previous professions to his new career in law enforcement. Jeffrey Mitchell served as the recreational technician at Rio Cosumnes Correctional Center in Elk Grove and was promoted to deputy in 2002.

Deputy Mitchell's family, friends, and colleagues all remember his infectious smile and kind heart. He is survived by his wife Crystal, son Jake, and sister Kim Gervasoni. Deputy Mitchell was a devoted family man who chose to work the overnight shift so he could pick his son up from school and prepare dinner for his wife when she arrived home from work. He shared his love of sports with Jake and coached his T-ball team.

Deputy Jeffrey Mitchell served the County of Sacramento with honor and distinction and fulfilled his oath as a deputy sheriff. His contributions and dedication to public safety are greatly appreciated and will serve as a shining legacy to his service.

We will always be grateful for Deputy Mitchell's exemplary service and the sacrifices he made.●

IN MEMORY OF ELIZABETH TERWILLIGER

● Mrs. BOXER. Mr. President, it is with a heavy heart that I ask my colleagues to join me today in honoring the memory of an extraordinary Californian, Elizabeth Terwilliger.

To the Marin County community, Elizabeth Terwilliger was a renowned naturalist and educator, beloved by school children and adults, who leaves an amazing environmental legacy. She died on November 27, 2006, at the age of 97. She is survived by her daughter Lynn, her son John, and several grandchildren.

Elizabeth Cooper was born in Hawaii in 1909. She moved to the mainland to pursue a master's degree in nutrition from Columbia University in New York and then attended Stanford nursing school. While at Stanford, she met her husband, Dr. Calvin Terwilliger. After World War II, the couple settled in Mill Valley, CA, where they raised two children.

Elizabeth took her children on nature walks throughout Marin County. Soon, she was leading nature walks for local Girl Scout and Boy Scout troops. Her unique hands-on style and storytelling ability became known throughout the community, and soon she began leading field trips for area schools and environmental organizations. Leading such trips 5 days a week became her life's work.

For the 50 years that followed, every child growing up in Marin County knew Mrs. Terwilliger. She was a famous and beloved educator who traveled across the county in her familiar van filled with life-like animal models to teach school children about nature. Upon sight of her characteristic floppy straw hat, children would come running and follow her through the woods with excitement and adoration. They would soak up her stories and bring them home to teach their parents.

Those who knew Mrs. Terwilliger well recount her mesmerizing personality, her passion for nature and wildlife, and her openhearted way with children and adults alike.

In 1984, President Ronald Reagan honored Mrs. Terwilliger as an outstanding volunteer. While accepting the award at the White House, she shared one of her famous stories about "Mr. Vulture" and had President Reagan holding his arms over his head in the "V" position, representing a vulture in flight.

In addition to leading nature education programs, Mrs. Terwilliger was an advocate for environmental conservation and open space. She campaigned for a monarch butterfly preserve, bicycle paths, wetlands, and open space preservation. She received numerous awards and has two preserves named after her: Terwilliger Marsh in Mill Valley and Terwilliger Grove in Muir Woods.

She founded the Elizabeth Terwilliger Nature Education Center, which later became known as WildCare. Using educational programs developed by Mrs. Terwilliger, the center provides nature programs for over 40,000 Bay Area school children each year. The center also treats thousands of wildlife each year, rehabilitating them and returning them to their natural environment.

Mrs. Terwilliger often said, "While you're learning, you're living." Her life's passion was to teach people how to embrace and love nature. She was a local treasure and a wonderful, inspiring woman.

I knew Mrs. Terwilliger and respected and admired her greatly. She will be deeply missed.

For those of us who were fortunate to know her, we take comfort in knowing that school children will continue to learn from Mrs. Terwilliger's unique educational style at WildCare. Her vision, her passion, and her spirit will remain in the countless lives she touched.●

TRIBUTE TO THE RABBIT HASH GENERAL STORE

● Mr. BUNNING. Mr. President, today I pay tribute to the Rabbit Hash General Store on its 175th anniversary. The Rabbit Hash General Store has continuously operated relatively unchanged in the town of Rabbit Hash, KY, since 1831.

For 175 years, the Rabbit Hash General Store has been a meeting place for the local community where citizens of Rabbit Hash have come together. The Rabbit Hash General Store has withstood ice jams and floods from the Ohio River. The establishment shows the true fortitude of the people who live in this great river town.

The Rabbit Hash General Store has been recognized as a landmark by the Commonwealth of Kentucky since the late 1970s. Nationally, the Rabbit Hash General Store was recognized by the Department of the Interior on the National Register of Historic Places, and the town of Rabbit Hash has been recently honored by First Lady Laura Bush as a Preserve America Community.

I ask my fellow colleagues to join me in congratulating the Rabbit Hash General Store on its 175th anniversary. The Rabbit Hash General Store is a true American treasure.●

TRIBUTE TO BRAYTON WILLIS

● Mr. CRAPO. Mr. President, in early 2007, the Army Corps of Engineers will see one of its finest employees retire after 28 years of exemplary service to individuals, communities, and agencies that the Corps serves.

Brayton Willis has lived in Idaho since 1999, serving as the project manager in the Walla Walla District's Boise office. He served in the U.S. Marine Corps and later graduated from Northeastern University with a degree in civil engineering. His career began in Massachusetts where he worked on one of the first environmental impact statements required under the Clean Air Act.

Brayton has worked for the Corps of Engineers in Arizona, Washington and South Carolina, in addition to his work in Idaho. Over the course of his career, he worked at two of the Nation's nuclear facilities providing environmental restoration support to the Department of Energy. He found time to use his expertise in a volunteer capacity as well, helping local communities in California and Puerto Rico assess damages after natural disasters. In Idaho, in particular, Brayton specialized in flood control and issues related to environmental improvement in urban and suburban flood-prone areas. He also worked with local communities to address the critical issues of water and wastewater management and actively sought to involve community stakeholders in flood control and environmental improvement. Brayton preferred to approach flooding and its implications in a preventive manner, before disaster happened. He worked under the firm belief that this method was the most effective and efficient use of taxpayer dollars.

Brayton's work reflects the complementary ideals of caring for communities and the environment. Increased population growth in the West means greater and more sensitive interface between the environment and people. If managed effectively and proactively, the result can be positive for the environment and hold far less risk of disaster for the residential population. Brayton understands this and implemented it in his almost three decades of employment in the Corps. I congratulate Brayton Willis on his retirement and wish him and his wife Debbie well in future endeavors.

A FRIEND TO IDAHO FISH AND GAME

● Mr. CRAPO. Mr. President, on January 1, Idaho sportsmen and women and wildlife will lose a great agency friend in the Idaho Department of Fish and Game. Steve Huffaker, 22-year veteran of Fish and Game, and director since 2002, will be retiring after a full and successful career with this important agency.

Steve has been my great friend and supporter on many issues including wolves, elk, slick spot peppergrass, sage grouse, and cooperative conservation agreements with landowners. His enthusiasm for the Collaboration for the Recovery of the Endangered Species Act and the Owyhee Initiative has been instrumental as I seek the support of others on these important land management policy initiatives. Steve also provided expert advice and recommendations with regard to Federal implementation of these initiatives. He served as an invaluable resource for considerations of wildlife habitat in designations in several State and Federal conservation programs. Steve has been a staunch supporter of my Elk Collaborative; he has worked closely with my staff on these and many other issues over the years. He led the charge to delist grizzly bears, restored confidence and trust with agricultural interests, and remained determined to keep me informed of his activities, ideas, and beliefs. Steve's strengths include a positive demeanor and clear and tough but fair and reasonable stance when he was called upon to defend his position and decisions.

During his years at Fish and Game, Steve served as both Fisheries Bureau chief and Wildlife Bureau chief. He oversaw the agency during a time of constant and frequent change. State management of wolves, fee increases, access issues, conservation, and troubled agency relationships with sportspeople, farmers, and ranchers were some of the challenges that Steve met head-on, and today Idaho is better off with his years of leadership. Now, he will have the time to privately enjoy the fields, streams, and mountains of Idaho that he took such good care of over the years. The man who will be "taking his grandkids fishing" will be sorely missed, and his boots, hard to fill. I wish Steve health, success, and successful hunting and fishing, in his well-deserved retirement.●

MISSISSIPPI HEIGHTS ELEMENTARY SCHOOL, SAUK RAPIDS, MINNESOTA

● Mr. DAYTON. Mr. President, today I honor Mississippi Heights Elementary School, in Sauk Rapids, MN, which will soon earn an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Mississippi Heights Elementary School is truly a model of educational success. The school begins each school day by welcoming all staff and pupils in the gym with a unique "Lift Off" program, which is led by the children and is designed to recognize birthdays, make announcements, and strengthen the school's strong sense of community. Another special characteristic of Lift Off is its buddy system, which matches each child in the primary classes with a buddy from the intermediate classes to act as a mentor. The buddies sit together at Lift Off and read to each other before the program begins.

Mississippi Heights is dedicated to a successful literacy initiative, whose goals are: implementation of a balanced literacy program that will include independent shared, guided reading, writing, and read-alouds throughout the day; students' demonstration of individual improvement in reading levels; reading and writing throughout the day which aims toward raising RIGBY and Guided Reading levels for each student; and daily reading aloud by teachers, with 5,000 read-aloud books as a building goal.

Teachers at Mississippi Heights have made reading and writing a top priority, and it shows in their enthusiasm and passion in the classroom. The students' reading and writing scores have improved: More than 30 percent of the students scored in the top level of the Minnesota Comprehensive Assessment in 2006, and the school earned four stars from the Minnesota Department of Education in reading this year.

Much of the credit for Mississippi Heights Elementary School's success belongs to its principal, Jean Clark, and the dedicated teachers. The children and staff at Mississippi Heights Elementary School understand that in order to be successful a school must go beyond achieving academic success; it must also provide a nurturing environment where children can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and pupils at Mississippi Heights Elementary School should be very proud of their accomplishments.

I congratulate Mississippi Heights Elementary School in Sauk Rapids for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.●

NEVIS PUBLIC SCHOOL, NEVIS, MINNESOTA

• Mr. DAYTON. Mr. President, today I honor Nevis Public School, in Nevis, MN, which will soon receive an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Nevis Public School is truly a model of educational success. It is a unique school that utilizes the strengths of the teachers, community, and rural setting, as well as educational opportunities in the Twin Cities and elsewhere to provide its students with an exemplary learning environment.

The school's rural setting and connection to the local community offer many exceptional learning benefits for the students. The school is adjacent to an 80-acre school forest, which is often the classroom for the forest management class, while local rivers serve as the classroom for the aquatic management class. Each Earth Day, students plant trees in the school forest and throughout the community. Fourth-graders attend an annual Agriculture in the Classroom presentation, and sixth-graders learn about lakes and aquatic management at the Freshwater Festival.

The school is committed to a well-rounded education for its students and makes a strong effort to expose them to learning opportunities outside of the community, as well. Students have gone on ecological trips to Russia and Peru; the band and choir have traveled to Chicago; and students are given a variety of opportunities to travel to the Twin Cities for theatrical, sporting, and educational events. Students in the art program have been selected to display their work at the State capitol; and, for the past 3 years, Nevis School students have earned scholarships to attend the Minneapolis College of Art and Design.

In 2006, Nevis School was recognized as an "outperformer" by Standard & Poor's School Evaluation Services. Nevis School was one out of 22 schools in Minnesota to be recognized for having significantly higher percentages of students who scored proficient or above on State reading and math tests than other Minnesota school districts with similar levels of student poverty.

Much of the credit for Nevis Public School's success belongs to its principal, Jodi Sandmeyer, and the dedicated teachers. The students and staff at Nevis Public School understand that, in order to be successful, a school must go beyond achieving academic success; it must also provide a nurturing environment where students can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and students at Nevis Public School should be very proud of their accomplishments.

I congratulate Nevis Public School in Nevis for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.•

TRAILVIEW SCHOOL, MORA, MINNESOTA

• Mr. DAYTON. Mr. President, today I honor Trailview School, in Mora, MN, which will soon receive an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Trailview School is truly a model of educational success. The school has always had lofty expectations for the students. The highly qualified staff provides a challenging and enriching curriculum that encourages student success. The personnel at Trailview go above and beyond to connect with students by providing a variety of afterschool enrichment programs. Respect for others and school pride are evident throughout the school.

Trailview School's afterschool programs were all suggested by the students and significantly enrich the students' learning experience. Some of the most popular programs are cake decorating, architectural drafting, Spanish, book club, chess club, Yu-Gi-Oh card club, quilt making, nutritious snacks, junior master gardener's club, and scrapbooking. There are also a variety of supplementary and enrichment programs offered during the day.

The Trailview School and its staff have received a variety of awards in recognition of the school's exceptional learning environment. In 2002, Trailview School received the Minnesota Elementary School Principals' Association School of Excellence award. In 2003, Principal Wendie Anderson was nominated to the Minnesota Alliance for Arts in Education by the local Collegiate Assessment of Academic Proficiency committee, and she received the honor of being named "Minnesota's Leading School Administrator in Arts Education." In 2004, she was named "MESPA's Minnesota National Distinguished Principal." Trailview School has also been recognized by the Minnesota Department of Education as a five-star school in reading in 2003 and 2004, and as a four-star school in reading in 2005.

Much of the credit for Trailview School's success belongs to its principal, Wendie Anderson, and the dedicated teachers. The children and staff at Trailview School understand that, in order to be successful, a school must go beyond achieving academic success; it must also provide a nurturing environment where children can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and pupils at Trailview School should be very proud of their accomplishments.

I congratulate Trailview School in Mora for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.•

LANCASTER PUBLIC SCHOOL, LANCASTER, MINNESOTA

• Mr. DAYTON. Mr. President, today I honor Lancaster Public School, in Lancaster, MN, which will soon receive an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Lancaster Public School is truly a model of educational success. Members of the staff, who understand that not all children learn the same way or at the same rate but that all children are capable of learning, work hard to personalize Lancaster's learning environment to ensure that every student's educational needs are met. To achieve this goal, the staff uses a variety of instructional strategies to accommodate individual learning styles. The result is a creative learning environment that is flexible, innovative, and highly successful.

Lancaster Public School has been recognized by Standard & Poor's School Evaluation Services as a district that outperformed demographically similar school districts in reading and math proficiency for 4 the past 4 school years. Lancaster Public School is 1 of only 10 school districts in Minnesota that have attained this status. This achievement is particularly impressive because Lancaster is the smallest school in the group, with only 212 students in grades kindergarten through grade 12, and the most economically disadvantaged with 59.9 percent of the students qualifying for free and reduced lunch.

Lancaster Public School District has been recognized by the Minnesota Department of Education for making adequate yearly progress for the past 3 years. The school's high achievement on the Minnesota Comprehensive Assessment tests has earned both the elementary and secondary schools a five-star rating from the State Department of Education in reading.

Much of the credit for Lancaster Public School's success belongs to its principal, Bradley Homstad, and the dedicated teachers. The students and staff at Lancaster Public School understand that, in order to be successful, a school must go beyond achieving academic success; it must also provide a nurturing environment where students can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and students at Lancaster Public School should be very proud of their accomplishments.

I congratulate Lancaster Public School in Lancaster for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.

CHALLENGER ELEMENTARY SCHOOL, THIEF RIVER FALLS, MINNESOTA

• Mr. DAYTON. Mr. President, today I wish to honor Challenger Elementary School, in Thief River Falls, MN, which will soon receive an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Challenger Elementary School is truly a model of educational success. In 2002, the staff at Challenger initiated a grassroots effort to improve the quality of education at the school by implementing a successful literacy program. Their efforts resulted in the Literacy Collaborative, which is designed to improve reading for all children.

The school's framework for literacy lessons is based on providing multiple opportunities to participate in reading and writing projects. Recently, Challenger Elementary pupils partnered with the Arctic Cat Corporation to create educational books about snowmobiles and all-terrain vehicles for elementary-age children. These books now are being sold nationwide.

Challenger Elementary has benefited greatly from the strong support of the school board, which backed the Literacy Collaborative financially, as well as the community, which donated more than $40,000 for the school's book room. To date, staff members and volunteers have given more than 1,160 hours of their time preparing the book room, which boasts more than 5,000 volumes. Clearly, the Literacy Collaborative is more than a school initiative; it is also a prized community initiative that has been embraced by many volunteers and generous donors.

The program's success is evident in the students' strong test scores. Minnesota Comprehensive Assessment scores have improved since the initiation of the Literacy Collaborative, and Northwest Evaluation Association scores are also on the rise. In 2006, Challenger Elementary received four stars in reading from the Minnesota Department of Education.

Much of the credit for Challenger Elementary School's success belongs to its principal, Patrick Marolt, and the dedicated teachers. The children and staff at Challenger Elementary School understand that, in order to be successful, a school must go beyond achieving academic success; it must also provide a nurturing environment where children can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and pupils at Challenger Elementary School should be very proud of their accomplishments.

I congratulate Challenger Elementary School in Thief River Falls for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.•

BAXTER ELEMENTARY SCHOOL, BAXTER, MINNESOTA

• Mr. DAYTON. Mr. President, today I honor Baxter Elementary School, in Baxter, MN, which will soon earn an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Baxter Elementary School is truly a model of educational success. Located in one of Minnesota's most rapidly growing communities, Baxter Elementary School is setting a high standard for academic achievement throughout the school district. Baxter Elementary is committed to continuous curriculum review and staff development. The school offers a variety of enrichment opportunities to children, such as the Junior Achievement Program and the Junior Great Books Program. An afterschool program called Pals at Play is offered for children who need support in certain curricular areas.

Baxter Elementary has developed an innovative program called Teachers Needing Teachers, designed to assist pupils who are struggling in the classroom but who do not meet the criteria for special education services. The Teachers Needing Teachers Program is composed of an intervention team of experienced teaching professionals: a representative from each grade level at the school, the principal, a special education teacher, and the school's home-to-school collaborative liaison. The team has helped colleagues improve the classroom performance of children who are challenged academically and/or behaviorally.

Baxter Elementary has an active Parent-Teacher Organization that contributes greatly to the excellence of the school. The recent efforts of the PTO resulted in a significant expansion of the book collection in the library, as well as upgrades to the computer lab, playgrounds, and the Literacy Collaborative book room.

The success of Baxter Elementary is also reflected in its test scores. In 2005, the school was awarded five stars in reading and math from the Minnesota Department of Education.

Much of the credit for Baxter Elementary School's success belongs to its principal, Erin Herman, and the dedicated teachers. The children and staff at Baxter Elementary understand that, in order to be successful, a school must go beyond achieving academic success; it must also provide a nurturing environment where children can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and pupils at Baxter Elementary School should be very proud of their accomplishments.

I congratulate Baxter Elementary School in Baxter for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.•

BADGER SCHOOL DISTRICT, BADGER, MINNESOTA

• Mr. DAYTON. Mr. President, today I honor Badger School District, in Badger, MN, which will soon receive an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Badger School is truly a model of educational success. The school is dedicated to insuring that all students are prepared to function successfully and contribute to our ever-expanding world of technology and knowledge. Realizing that education is a multifaceted system involving the school, community, family, and governing bodies, Badger has developed an innovative curriculum that challenges students to achieve higher standards.

To prepare students to succeed in a global economy, Badger School recently received a grant to implement Project Lead the Way, a pre-engineering curriculum that promotes the integration of science, math, technology, and engineering. The district has also partnered with Humanitarian Services for Children of Vietnam and has a sister school in Hanoi. Through this partnership, the children are learning about cultural diversity and helping those less fortunate.

Badger School District serves 217 students in kindergarten through grade 12. The elementary school was recognized by the Minnesota Department of Education as a four-star school in reading and as a five-star school in math in 2003 and 2004. In 2005, the school received five stars in both subjects. Badger Secondary School received a three-star rating in math and reading in 2004 and improved to a four-star rating in math in 2005. As further testimony to the exemplary performance of Badger School District, the district was named an outperformer in math and reading based on academic achievement levels compared with the percentage of economically disadvantaged students in the district by Standard & Poor's School Evaluation Services.

Much of the credit for Badger School District's success belongs to its principal and superintendent, Gwen Borgen, and the dedicated teachers. The students and staff at Badger School District understand that in order to be successful a school must go beyond achieving academic success; it must also provide a nurturing environment where students can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and students at Badger School District should be very proud of their accomplishments.

I congratulate Badger School District in Badger for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.

LAKEVIEW ELEMENTARY SCHOOL, LAKEVILLE, MINNESOTA

• Mr. DAYTON. Mr. President, today I honor Lakeview Elementary School, in Lakeville, MN, which will soon receive an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Lakeview Elementary School is truly a model of educational success, and its staff is committed to the success of every child. The school has developed an early intervention program to identify children, early in their school career, who could have difficulties in reading and to provide intensive assistance in both kindergarten and first grade. This program has been extremely successful and has served as a model for other Lakeville schools and other school districts throughout the State.

Lakeview Elementary challenges all pupils to excel in reading through participation in an extensive, out-of-school reading program called "Accelerated Reader." The AR program encourages children to read more and to increase comprehension through computer-based assessments, which the children take after reading each book. For their efforts, pupils earn points, which they can then spend at the AR store twice a year.

Parents' involvement is another reason for Lakeview Elementary's exceptional performance. This fall, 99.6 percent of all parents attended their child's conferences. Parents are also very active in both the Lakeville Elementary Volunteer Organization and in the Parent Advisory Council. Last year, LEVO raised over $17,900 to improve the educational program, providing a poetry residency for all pupils, funding two assembly presentations, purchasing lap-top computers for the children's use, providing funds for transportation for all field trips, expanding the number of AR tests available, and funding the new art bulletin boards.

Lakeview Elementary stresses the importance of being a good citizen through service projects. Last year, the children adopted an elementary school in Louisiana in the aftermath of Hurricane Katrina and held a fundraiser to buy school supplies and coats for the displaced children. This service project created a strong bond between the two schools, and the children communicated with their counterparts throughout the school year. The children also held a fund drive for the Pennies for Patients Children's Leukemia Campaign for which they raised more than $2,600.

Lakeview Elementary School has consistently been ranked a Minnesota five-star school over the past few years, recognized for excellence by the Minnesota Department of Education.

Much of the credit for Lakeview Elementary School's success belongs to its principal, Terry Lind, and the dedicated teachers. The children and staff at Lakeview Elementary School understand that in order to be successful a school must go beyond achieving academic success; it must also provide a nurturing environment where children can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and pupils at Lakeview Elementary School should be very proud of their accomplishments.

I congratulate Lakeview Elementary School in Lakeville for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.•

SCHOOLCRAFT LEARNING COMMUNITY, BEMIDJI, MINNESOTA

• Mr. DAYTON. Mr. President, today I honor Schoolcraft Learning Community, in Bemidji, MN, which will soon receive an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Schoolcraft Learning Community is truly a model of educational success. The school, which is designed according to the principles of "service and compassion," uses learning through service as a supplement to scholarly study to deepen intellectual growth, build character, and contribute to the community in a meaningful way. The school views combining service with study as a powerful motivator for giving young people a purpose to learn. In the context of service work, students writing a letter, making a brochure, or creating a book are encouraged to perform at a higher level because the audience is a real one and because students have an authentic reason to communicate.

An integral part of the Schoolcraft culture is the weekly conflict management/resolution class, which teaches peacekeeping skills. A group of 29 students, part of a Students Teaching Attitudes of Respect—STAR—team, visits other schools to promote conflict resolution skills.

Schoolcraft deepens educational opportunities through a half-year integrated unit of study during which a student conducts an in-depth investigation of a theme or topic through authentic research, projects, field work, service, and reflection.

The success of Schoolcraft Learning Community is reflected in the students' development into self-directed, lifelong learners who have the skills and knowledge to navigate confidently and compassionately in the world. The school's strong test scores have also been recognized by the Minnesota Department of Education; in 2006, Schoolcraft Learning Community received four stars in reading from the department.

Much of the credit for Schoolcraft Learning Community's success belongs to its director and superintendent, Scott Anderson, and the dedicated teachers. The students and staff at Schoolcraft Learning Community understand that in order to be successful, a school must go beyond achieving academic success; it must also provide a nurturing environment where students can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and students at Schoolcraft Learning Community should be very proud of their accomplishments.

I congratulate Schoolcraft Learning Community in Bemidji for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.•

TRIBUTE TO CAROLE KELL OF COBB COUNTY, GEORGIA

• Mr. ISAKSON. Mr. President, today I wish to pay tribute in the RECORD of the Senate to my friend Carole Kell, who is a great Georgian, a great American, and a great citizen of Cobb County. Next week Carole will be honored by the Cobb Chamber of Commerce as the East Cobb Citizen of the Year for her many contributions to the quality of life in Cobb County, GA.

Carole has a long and distinguished record as an educator in Cobb County, where she has lived for over 40 years. During her career, she served as the principal of Dickerson Middle School and Hightower Trail Middle School. I believe education is the most important thing we can provide for our children and for our country's future, and I commend Carole for her dedication to the success of her students over the years.

Carole also has a long history of community involvement in my hometown of Marietta, GA, where she is a well-respected and dedicated leader. Although Carole has retired from the workforce, she has not "retired" from her commitment to her community. Hopefully, she never will.

Carole is a longstanding member of the board of directors of the Cobb YMCA and the Business Education Steering Committee of the Cobb Chamber of Commerce. She is the chair of the Committee for Election of the Cobb County Commission and chair of the Wellstar Cancer Council.

Carole also serves on the advisory board for Johnson Ferry Community Bank of the South, the Cobb and Douglas Board of Health, and the Cobb and Douglas Community Services Board. In addition, she is a member of the Cobb County Republican Women's Club and a board member of the Cobb Boys and Girls Club as well as a member of the Citizens Advisory Committee for Kell High School, which is named after her late husband.

Carole was an active member of Marietta Baptist Church, where she taught Sunday School for children, sang in the adult choir, and helped with the children's choir. She is currently a member of Johnson Ferry Baptist Church. Carole has also raised funds over the years for the American Cancer Society, the Leukemia Society, and the American Heart Association.

It gives me a great deal of pleasure and it is a privilege to recognize on the floor of the U.S. Senate the contributions of Carole Kell to Cobb County and the State of Georgia.•

25TH ANNIVERSARY OF ORCHARD HOUSE

• Mr. LIEBERMAN. Mr. President. I speak today in honor of The Orchard House Adult Day Center and its hardworking and dedicated staff on the occasion of their 25th anniversary.

For the past 25 years, Orchard House has been serving the needs of the elderly and the disabled, with loving care. The center has provided medical monitoring, recreational therapeutic treatment, and innovative programs to the mentally and physically challenged adults of the Connecticut community. Hundreds of families from the greater New Haven area have been granted respite at the Orchard House and both the State and the Nation have recognized Orchard House with awards for service and humanitarianism.

The Orchard House's dedication and commitment to the citizens of Connecticut can be seen not only through its continued efforts to provide clients and families with comfort and support but also in its Intergenerational Program, a program designed to involve children from various local schools in the area, in activities at the center. Considering this, it is no wonder that Governor M. Jodi Rell has called Orchard House "a jewel of the Connecticut shoreline."

I am confident that I speak for all the citizens of Connecticut in expressing pride and gratitude for the Orchard House Adult Day Center as it celebrates its 25th anniversary. The executive director, Thomas Russell Romano, and his staff have committed themselves to providing much needed care and treatment for the people of Connecticut.•

TRIBUTE TO BRIGADIER GENERAL BENJAMIN J. SPRAGGINS

• Mr. LOTT. Mr. President, I wish to take this opportunity to recognize and say farewell to an outstanding Air Force officer, BG Benjamin J. Spraggins, upon his retirement from the Air Force after more than 34 years of service. Throughout his career, Brigadier General Spraggins has served with distinction, and it is my privilege to recognize his many accomplishments and commend him for his service to the Air Force, the Congress, and our grateful Nation.

Brigadier General Spraggins is a longtime resident of my home State and devoted public servant of Harrison County, MS. He enlisted in the U.S. Air Force on March 17, 1972. After over 6 years of successful enlisted service, reaching the grade of technical sergeant, Brigadier General Spraggins received his commission from the Academy of Military Science, McGhee Tyson, TN. Following graduation from Officer Candidate School, Brigadier General Spraggins completed aviation school at Mather Air Force Base, CA, and RF-4C training at Shaw, Air Force Base, SC. Brigadier General Spraggins was then stationed with the 187th Transport Ready Group at Dannelly Field, AL, flying the RF-4C fighter aircraft. While stationed in 187th, Brigadier General Spraggins served in many critical positions including instructor, scheduling officer and assistant chief of standards and evaluations. He was a weapon systems officer in the RF-4C from 1979-1983 and a weapons system instructor in the F-4D from 1983-1988 at the 187th Fighter Wing. Brigadier General Spraggins completed his military flying career with over 2,500 hours in the T-37, T-43, RF-4C, and F-4D aircraft.

On September 23, 1987, Brigadier General Spraggins was assigned to the Combat Readiness Training Center, Gulfport, MS. During his tenure at the training center, he served in various positions including range control officer, director of operations, operations group commander, and finally as commander of the Combat Readiness Training Center. As commander, Brigadier General Spraggins was responsible for operations and training of over 20,000 military personnel annually and provided oversight for a $75 million dollar budget.

Concurrently, Brigadier General Spraggins was sent to Andrews Air Force Base, DC, in 2002 to run the Crisis Action Team for the Air National Guard. In 2003, he also served as the interim commander of the 186th Air Refueling Wing where he was responsible for operations of KC-135 aircraft wing, with over 1,000 personnel and oversight of a $48 million dollar annual budget. He was the first member of the Mississippi Air National Guard to simultaneously command two major units, the Combat Readiness Training Center and the 186th Air Refueling Wing.

Brigadier General Spraggins was assigned to the Tennessee Air National Guard in November 2005 as the chief of staff. In this capacity he was responsible to the adjutant general for readiness of Tennessee's three flying wings and three mission support units. In addition to duties as chief of staff, Brigadier General Spraggins also served as the air deputy commander, joint forces Headquarters, Tennessee National Guard. Brigadier General Spraggins was also attached as the battle commander for Air Force North, Tyndall AFB, FL. In this capacity he was responsible for ensuring the air sovereignty and air defense of the continental United States.

During his long and distinguished career, Brigadier General Spraggins successfully completed Squadron Officer School, Air Command and Staff, and the Air War College with the Air University. His decorations and awards include Legion of Merit, Meritorious Service Medal, Air Force Commendation Medal, Mississippi Magnolia Cross, Tennessee Meritorious Service Medal, Combat Readiness Medal, Air Reserve Forces Meritorious Service Medal, National Defense Service Medal, Air Force Longevity Service Medal, Armed Forces Reserve Medal and the Air Force Training Ribbon.

Upon the retirement of Brigadier General Spraggins after 34 years of dedicated service, I offer my congratulations to him and his wife Judy. Brigadier General Spraggins is a credit to both the Air Force and the United States of America. I know that I speak for all my colleagues in expressing heartfelt appreciation to him. I wish Brigadier General Spraggins blue skies and safe landings and congratulate him on completion of an outstanding and successful career.•

TRIBUTE TO BRIGADIER GENERAL DAVID K. (BOB) EDMONDS

• Mr. LOTT. Mr. President, today I wish to recognize an outstanding officer upon his retirement from the U.S. Air Force. Brigadier General David K. "Bob" Edmonds will retire on February 1, 2007, after almost 28 years of service. His successes and accomplishments have been significant and many. He has been recognized by his superiors and subordinates alike for his ability to motivate and lead teams and mentor future leaders. Today, it is my pleasure to recognize some of General Edmond's many accomplishments and commend his service to the Air Force, the Congress, and our grateful Nation.

Brigadier General Edmonds was born and raised in Charlotte, NC. He graduated from the U.S. Air Force Academy in 1979 as a distinguished graduate and the top cadet in the civil engineering major. He was selected for a Guggenheim Fellowship at Columbia University and graduated in May 1980 with a master of science degree in civil engineering. He began his Active Duty career at Columbus Air Force Base, Mississippi, where he completed undergraduate pilot training as a distinguished graduate and was selected to fly the F-15 Eagle. He has served in numerous flying positions throughout his career, both as an instructor pilot and a commander, and led 45 combat missions with the 53rd Tactical Fighter Squadron during Operation Desert Storm. He is a command pilot with over 2500 flight hours and 300 combat hours.

General Edmonds' last assignment was deputy director for operations, National Military Command Center, the Joint Staff, Pentagon, where he led a team that performed initial analysis of developing military and political situations worldwide for the Chairman of the Joint Chiefs of Staff, the Secretary of Defense, and President of the United States. He also performed nuclear watch in conjunction with the North American Aerospace Defense Command and U.S. Strategic Command and was ready to advise the President on available courses of action and transmit the President's nuclear decisions.

We especially remember General Edmonds' his service to the Congress as the Deputy Director for Air Force Legislative Liaison from 2003 to 2004 and as the Chief of Air Force Senate Liaison from 2001 to 2003. During these tours of duty, he was responsible for articulating Air Force priorities and programs to members and their staffs and responding to congressional inquiries regarding a broad range of issues.

From 1999 to 2001, General Edmonds was the 16th commander of the 131st Fighter Wing, St. Louis, MO, where he uniquely served as an Active Duty officer commanding an Air National Guard Wing. He had great success leading the Wing to achieve and maintain air superiority with the F-15 Eagle aircraft and, accordingly, was awarded the 2001 Executive of the Year for the St. Louis metropolitan region. Prior to assuming this command, he was the chief, Joint Requirements Division in the Directorate of Force Structure, Resources, and Assessments, J-8, Joint Staff, at the Pentagon. In June 1997, he graduated from the National War College as a Distinguished Graduate. From 1995 to 1996, he was a White House Fellow assigned as a Special Assistant to Philip Lader, a member of President Clinton's Cabinet, and the Administrator of the Small Business Administration.

In 1994, he served as commander of the 95th Fighter Squadron, Tyndall Air Force Base, Florida, where he commanded over 300 personnel and supervised the operation of 26 F-15 aircraft. Under his leadership, the squadron was recognized as the 325th Fighter Wing Squadron of the Year. Previously, he served in the Air Force Headquarters, with the Air Staff Training Program, and was an air officer commander, civil engineering instructor, motorglider instructor pilot, and women's rugby coach at the U.S. Air Force Academy.

On the eve of General Edmonds' retirement, I offer my congratulations to him, his wife Ann, his son Gregory, who is a freshman at the Air Force Academy, and daughter Katelyn. General Edmonds will be missed, and I know that I speak for all my colleagues in expressing my heartfelt appreciation to him. He is a credit to both the Air Force and the United States of America. We wish our friend the best of luck in his future endeavors and congratulate him on completion of an outstanding and successful active-duty career.●

TRIBUTE TO CAROL HAGEL

● Mr. LUGAR. Mr. President, today I wish to celebrate the important leadership of Carol Hagel upon her retirement from the Indiana Farm Bureau, Inc. Over the years, she has traveled tirelessly representing Indiana agriculture in her position as the second vice president and head of the Women's Division.

In 1985, the Indiana Farm Bureau and I conceived the idea of sponsoring a youth essay contest focusing on the importance of Indiana agriculture in their daily lives. Throughout the years, essay topics have focused on health and nutrition, global trade, and most recently, alternative energy consumption. The Indiana Farm Bureau Women's Division has generously given of its time to judge over 15,000 essays at the county, district, and State levels.

For the past several years, I have looked forward to visiting with Carol when she traveled to Washington, DC, with the State essay winners and their families.

Carol has been a true friend to Indiana agriculture, and I cherish our years of friendship. I hope that you will join me as we honor and celebrate her many contributions to the State of Indiana.●

TRIBUTE TO DR. JENNIFER RICHESON

● Mr. OBAMA. Mr. President, today I wish to acknowledge an extraordinary constituent of mine, Dr. Jennifer Richeson. An associate professor at Northwestern University, Jennifer has recently been named a MacArthur Fellow.

Each year, the MacArthur Fellows Program typically accepts our Nation's most ingenuous and diligent minds. The Program is highly selective; typically only 20 to 30 applicants are accepted. Moreover, although the fellowship grants a $500,000 stipend, it is not meant to be a reward. Rather, it is an investment in the creative potential of our Nation. To activate this potential, the stipend is free of stipulations; scholars spend their grant on whatever projects they choose.

In 1994, Dr. Richeson received a bachelor's degree in psychology from Brown University. Then, in 2000, Jennifer received a doctorate in social psychology from Harvard University. Now, at Northwestern, she has used innovative research techniques to study the effects of racial stereotyping and discrimination on cognition and behavior. With the stipend she receives from her fellowship, Dr. Richeson will surely make further contributions to our society's understanding of psychological and racial issues.

I congratulate Dr. Richeson on her accomplishments. She is a model of academic excellence and commitment, and I am proud to be her Senator.

HONORING LIEUTENANT GENERAL JOHN R. VINES

● Mr. SHELBY. Mr. President, today I honor LTG John R. Vines, the commanding general of the XVIII Airborne Corps and Fort Bragg.

General Vines, an outstanding American soldier from Alabama, will soon retire after more than 35 years of selfless service to this great Nation in the U.S. Army. General Vines' dedication to our soldiers, commitment to excellence, and performance of duty has been extraordinary throughout his career. General Vines' lifetime of service culminated in an assignment as the commanding general of the XVIII Airborne Corps and Fort Bragg, which he has held since 2003.

During his time in uniform, General Vines served in a succession of command and staff positions worldwide. The embodiment of an Army Ranger, General Vines has served all over the world, commanding paratroopers in combat during three separate conflicts. As a battalion commander in the 82nd Airborne Division, General Vines led a combat parachute assault in Operation Just Cause in Panama in 1989 and then led the same soldiers in Operation Desert Shield as the first ground combat unit in the gulf.

Soon after the United States went to war in 2001, General Vines, as commanding general of the 82nd Airborne Division, led his forces into Afghanistan as head of Coalition Task Force 82 and then assumed control of Combined/Joint Task Force 180 in Bagram. From January 2005 until January 2006, General Vines served as the joint forces commander of Multi-National Corps Iraq in Operation Iraqi Freedom, becoming the first general officer to command forces in both Iraq and Afghanistan.

LTG John Vines holds a B.S. degree in chemistry from the University of Alabama and an M.A. degree in National Security and Strategy from the Naval War College. His numerous awards and accolades include the Defense Distinguished Service Medal; Distinguished Service Medal; Defense Superior Service Medal, with Oak Leaf Cluster; Bronze Star Medal, with Oak Leaf Cluster; Legion of Merit, with Oak Leaf Cluster; Combat Infantryman Badge; Master Parachutist Badge, with Combat Star and the Ranger Tab.

During his distinguished Army career, General Vines earned a reputation as one of the Department of Defense's most forward-thinking and insightful leaders. Remembered by those who served under his command as both an extraordinary man and leader, General Vines wrote personal condolence letters to the families of each one of his soldiers killed in combat. General John Vines represents the epitome of what Army leaders, soldiers, and the country expect from our military officers. He is a sterling roll model for young soldiers. Well known as the "Soldiers' General," his commitment to the troops he led was unparalleled, even being quoted as saying that success in combat is not about military hardware or technology. "It boils down to the individual soldiers. It's about having people who have the commitment, the courage, the will, and the warrior values to confront the forces that threaten us. And only so long as we have those men and women who are able and willing to confront this will we be safe."

His service to the Nation has been exceptional, and General Vines is more than deserving of this recognition. His sacrifices are appreciated and important to the freedom we enjoy every day. I hope my colleagues will join me in thanking LTG John Vines for his commendable service to our Nation and the U.S. Army. I thank his wife Pamela and his sons, Joshua and Jacob, for their steadfast support while he fulfilled this essential duty to our country. I personally wish the Vines family all the best as they celebrate General Vines' richly deserved retirement.•

TRIBUTE TO SOUTHERN OREGON REHABILITATION CENTER AND CLINICS

• Mr. SMITH. Mr. President, it is my sincere pleasure to congratulate the Southern Oregon Rehabilitation Center and Clinics on being awarded the 15th Annual Secretary Robert W. Carey Performance Excellence Award. On November 16, 2006, the SORCC was honored with the Carey Award, an award given by the Department of Veterans Affairs acknowledging those VA organizations which exhibit performance and organizational excellence.

Nearly 400,000 of our Nation's veterans reside in the State of Oregon. The service of these men and women makes me proud to be an Oregonian. Unfortunately, oftentimes with great heroism comes great risk. Mental impairments, along with a variety of contributing factors, have led to a large concentration of homeless veterans in Oregon, totaling roughly one-third of Oregon's homeless population.

The SORCC in White City, Oregon directly focuses on the needs of the homeless, mentally ill, and substance abusers. Serving for over 56 years, the SORCC is the VA's only freestanding rehabilitation center, carefully tailored to treat debilitating problems unaddressed by standard VA medical centers and clinics. White City pays special attention to Oregon's substantial Veterans homeless population, with 75 percent of all applicants stating that they are without a home.

While about one-fourth of the Veterans living within the general proximity of the facility receive some type of care from the SORCC, its exclusivity in Veteran specialty care has attracted patients from over 35 States. Potential patients are likely persuaded not solely by the specialized treatment and expertise of the staff, but because of the time invested in each patient's recovery. White City offers a variety of community activities which expedite patient development and growth, while forming valuable relationships with staffers. Perhaps most impressive of all, the SORCC retains consistently high outpatient scores between 80 and 90 percent.

Referred to by many as "The Dom," in reference to its history and present role as a domiciliary, the SORCC is an important facility for Oregon veterans who need treatment outside of the home. Just over two years ago, the VA considered closing the White City facility. I was strongly against the potential closure and worked to ensure that its doors remained opened to our Nation's veterans. After careful deliberation, the Department of Veterans Affairs concluded that its success in treating difficult addiction cases is unheralded, and immediately implemented plans to repair and expand the existing facility.

The SORCC continues to operate and serve Oregon's veterans with high levels of professionalism and success. The population served by White City continues to expand, including more than 120 returning veterans from the global war on terrorism. I am privileged today to offer my congratulations to the SORCC. Their continued commitment to safety, compassion, and growth will serve as a model for VA organizations nationwide.•

TRIBUTE TO ROBERT COOK

• Mr. THUNE. Mr. President, today I recognize Robert Cook of Central High School in Rapid City, SD. Robert was named the 2006 Teacher of the Year by the National Indian Education Association.

As the English and social studies teacher at Central High School, Robert has played an integral and unique role in furthering the education of South Dakota's students. His initiative, expertise, and kind heart, has created an exceptional learning environment at Central High School. His selfless dedication to educating students for 17 years is truly commendable. I am proud to have such a fine teacher influencing our State's future leaders.

Robert is a graduate of Black Hills State University and he resides in Rapid City. Today I rise with Robert Cook's friends, family, and colleagues in honoring his selfless dedication and service to South Dakota's students.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE DURING ADJOURNMENT

ENROLLED BILLS SIGNED

Under authority of the order of the Senate of January 4, 2005, the Secretary of the Senate, on November 21, 2006, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mr. WOLF) has signed the following enrolled bills:

S. 101. An act to convey to the town of Frannie, Wyoming, certain land withdrawn by the Commissioner of Reclamation.

S. 4001. An act to designate certain land in New England as wilderness for inclusion in the National Wilderness Preservation system and certain land as a National Recreation Area, and for other purposes.

H.R. 2383. An act to redesignate the facility of the Bureau of Reclamation located at 19550 Kelso Road in Byron, California, as the "C.W. 'Bill' Jones Pumping Plant".

H.R. 3817. An act to withdraw the Valle Vidal Unit of the Carson National Forest in New Mexico from location, entry, and patent under the mining laws, and for other purposes.

H.R. 4000. An act to authorize the Secretary of the Interior to revise certain repayment contracts with the Bostwick Irrigation District in Nebraska, the Kansas Bostwick Irrigation District No. 2, the Frenchman-Cambridge Irrigation District, and the Webster Irrigation District No. 4, all a part of the Pick-Sloan Missouri Basin Program, and for other purposes.

H.R. 4559. An act to provide for the conveyance of certain National Forest System land to the towns of Laona and Wabeno, Wisconsin, and for other purposes.

H.R. 5061. An act to direct the Secretary of the Interior to convey Paint Bank National Fish Hatchery and Wytheville National Fish Hatchery to the State of Virginia.

H.R. 5103. An act to provide for the conveyance of the former Konnarock Lutheran Girls School in Smyth County, Virginia, which is currently owned by the United States and administered by the Forest Service, to facilitate the restoration and reuse of the property, and for other purposes.

H.R. 5585. An act to improve the netting process for financial contracts, and for other purposes.

H.R. 5690. An act to adjust the boundaries of the Ouachita National Forest in the States of Oklahoma and Arkansas.

H.R. 6121. An act to amend the Federal Water Pollution Control Act to reauthorize a program relating to the Lake Pontchartrain Basin, and for other purposes.

Under authority of the order of the Senate of January 4, 2005, the enrolled bills were subsequently signed by the President pro tempore (Mr. STEVENS) during the adjournment of the Senate on November 28, 2006.

ENROLLED BILLS SIGNED

Under authority of the order of the Senate of January 4, 2005, the Secretary of the Senate, on December 4, 2006, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mr. WOLF) has signed the following enrolled bills:

H.R. 3699. An act to provide for the sale, acquisition, conveyance, and exchange of certain real property in the District of Columbia to facilitate the utilization, development, and redevelopment of such property, and for other purposes.

H.R. 4377. An act to extend the time required for construction of a hydroelectric project, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. STEVENS)

MEASURES DISCHARGED

The following measure was discharged from the Committee on Banking, Housing, and Urban Affairs by unanimous consent, and referred as indicated:

S. 4048. A bill to prohibit Federal funding for the Organisation for Economic Co-operation and Development; to the Committee on Foreign Affairs.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 4080. A bill to amend title 17, United States Code, with respect to settlement agreements reached with respect to litigation involving certain secondary transmissions of superstations and network stations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–9062. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Gypsy Moth Generally Infested Areas; Addition of Areas in Virginia" (Docket No. APHIS–2006–0171) received on November 16, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9063. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oriental Fruit Fly; Add a Portion of San Bernardino County, CA, to the List of Quarantined Areas" (Docket No. APHIS–2006–0151) received on November 16, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9064. A communication from the Under Secretary (Rural Development), Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Amend the Business and Industry Guaranteed Loan Program Regulation to Implement the Debt Collection Improvement Act of 1996" (RIN0570–AA54) received on November 16, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9065. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Change in Disease Status of Namibia with Regard to Foot-and-Mouth Disease and Rinderpest" (Docket No. APHIS–2006–0037) received on November 16, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9066. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Shelled Garden Peas from Kenya" (Docket No. APHIS–2006–0073) received on November 16, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9067. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Karnal Bunt; Regulated Areas" (Docket No. APHIS–2006–0149) received on November 16, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9068. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Application of Pesticides to Waters of the United States in Compliance with FIFRA" ((RIN2040–AE79)(FRL No. 8248–1)) received on November 16, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9069. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Diflubenzuron; Pesticide Tolerances" (FRL No. 8103–8) received on November 16, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9070. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act by the Department of the Air Force, case number 05–03; to the Committee on Appropriations.

EC–9071. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act by the Department of the Air Force, case number 05–03; to the Committee on Appropriations.

EC–9072. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act by the Department of the Air Force, case number 04–06; to the Committee on Appropriations.

EC–9073. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act by the Department of the Navy, case number 05–01; to the Committee on Appropriations.

EC–9074. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act by the Department of the Air Force, case number 05–02; to the Committee on Appropriations.

EC–9075. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of two violations of the Antideficiency Act by the Administration; to the Committee on Appropriations.

EC–9076. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Definition of Terrorist Country" (DFARS Case 2006–D034) received on November 16, 2006; to the Committee on Armed Services.

EC–9077. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Foreign Acquisition Procedures" (DFARS Case 2005–D012) received on November 16, 2006; to the Committee on Armed Services.

EC–9078. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "PAN Carbon Fiber—Deletion of Obsolete Restriction" (DFARS Case 2006–D033) received on November 16, 2006; to the Committee on Armed Services.

EC–9079. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Combating Trafficking in Persons" (DFARS Case 2004–D017) received on November 16, 2006; to the Committee on Armed Services.

EC–9080. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a quarterly report relative to the Department's acceptance of contributions; to the Committee on Armed Services.

EC–9081. A communication from the Director of Defense Research and Engineering, transmitting, pursuant to law, a report relative to the Department's intent to fund Foreign Comparative Testing projects during fiscal year 2007; to the Committee on Armed Services.

EC–9082. A communication from the Secretary of Defense, transmitting, pursuant to law, a report on the approved retirement of Vice Admiral Charles L. Munns, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC–9083. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report on the approved retirement of Lieutenant General Edward Hanlon, Jr., United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–9084. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Assessment Dividends" (RIN3064–AD07) received on November 16, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–9085. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "One-Time Assessment Credit" (RIN3064–AD08) received on November 16, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–9086. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (71 FR 60919) received on November 17, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–9087. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (71 FR 60871) received on November 17, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–9088. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (71 FR 60866) received on November 17, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–9089. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (71 FR 60869) received on November 17, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–9090. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (71 FR 60870) received on November 17, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–9091. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (71 FR 60917) received on November 17, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–9092. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (71 FR 60884) received on November 17, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–9093. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to the Development Fund for Iraq that was declared in Executive Order 13303 of May 22, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–9094. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (71 FR 60864) received on November 17, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–9095. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "New PURPA 210(m) Regulations Applicable to Small Power Production and Cogeneration Facilities" (Docket No. RM06-10-000) received on November 27, 2006; to the Committee on Energy and Natural Resources.

EC–9096. A communication from the Deputy General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Regulations Implementing the Regulatory Policy Act of 2005: Coordinating the Processing of Federal Authorizations for Applications under Sections 3 and 7 of the Natural Gas Act and Maintaining a Complete Consolidated Record" (Docket No. RM06-1-000) received on November 27, 2006; to the Committee on Energy and Natural Resources.

EC–9097. A communication from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Technical Amendments: Transfer of Office Functions and Removal of Obsolete Regulations" (RIN1901–AB22) received on November 16, 2006; to the Committee on Energy and Natural Resources.

EC–9098. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "National Source Tracking of Sealed Sources" (RIN3150–AH48) received on November 16, 2006; to the Committee on Environment and Public Works.

EC–9099. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Final Extension of the Deferred Effective Date for 8-Hour Ozone National Ambient Air Quality Standards for Early Action Compact Areas" ((RIN2060–AN90)(FRL No. 8249–4)) received on November 16, 2006; to the Committee on Environment and Public Works.

EC–9100. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Site Remediation" ((RIN2060–AM30)(FRL No. 8249–3)) received on November 16, 2006; to the Committee on Environment and Public Works.

EC–9101. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to Reid Vapor Pressure Requirements for Gasoline" (FRL No. 8248-3) received on November 16, 2006; to the Committee on Environment and Public Works.

EC–9102. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Georgia: Removal of Douglas County Transportation Control Measure" (FRL No. 8248–9) received on November 16, 2006; to the Committee on Environment and Public Works.

EC–9103. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of the Clean Air Act, Section 112(1), Authority for Hazardous Air Pollutants: Asbestos Management and Control; State of New Hampshire Department of Environmental Services" (FRL No. 8238–1) received on November 16, 2006; to the Committee on Environment and Public Works.

EC–9104. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Export Notification; Change to Reporting Requirements; Technical Correction" ((RIN2070–AJ01)(FRL No. 8104–9)) received on November 16, 2006; to the Committee on Environment and Public Works.

EC–9105. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Louisiana; Baton Rouge Ozone Nonattainment Area Vehicle Miles Traveled Offset Analysis" (FRL No. 8244–6) received on November 16, 2006; to the Committee on Environment and Public Works.

EC–9106. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Florida: Lockheed Martin Aeronautics Company" (FRL No. 8246–2) received on November 16, 2006; to the Committee on Environment and Public Works.

EC–9107. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Bernalillo County, New Mexico" (FRL No. 8246–9) received on November 16, 2006; to the Committee on Environment and Public Works.

EC–9108. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Other Solid Waste Incineration Units" ((RIN2060–AN95)(FRL No. 8246–8)) received on November 16, 2006; to the Committee on Environment and Public Works.

EC–9109. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Draft Grant Guidelines for States Regarding: Inspection Provision and State Compliance Report on the Government Underground Storage Tanks Provision; Solid Waste Disposal Act, Subtitle I, as amended by Title XV, Subtitle B of the Energy Policy Act of 2005" (FRL No. 8245–1) received on November 16, 2006; to the Committee on Environment and Public Works.

EC–9110. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Secondary Containment Grant Guidelines for States; Solid Waste Disposal Act, Subtitle I, as amended by Title XV, Subtitle B of the Energy Policy Act of 2005" (FRL No. 8245–2) received on November 16, 2006; to the Committee on Environment and Public Works.

EC–9111. A communication from the Assistant Administrator, Office of Administration and Resources Management, Environmental Protection Agency, transmitting, pursuant to law, (3) reports relative to vacancy announcements within the Agency, received on November 16, 2006; to the Committee on Environment and Public Works.

EC–9112. A communication from the Inspector General, Nuclear Regulatory Commission, transmitting, pursuant to law, a report relative to the Commission's commercial and inherently governmental activities inventories for fiscal year 2006; to the Committee on Environment and Public Works.

EC–9113. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, a report relative to implementing the BEACH Act of 2000; to the Committee on Environment and Public Works.

EC–9114. A communication from the Acting Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update" (Notice 2006–104) received on November 27, 2006; to the Committee on Finance.

EC–9115. A communication from the Acting Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Credit for Increasing Research Activities" ((RIN1545–BD60)(TD 9296)) received on November 27, 2006; to the Committee on Finance.

EC–9116. A communication from the Acting Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Ruling: Excess Per Diem Allowances" (Notice 2006–56) received on November 27, 2006; to the Committee on Finance.

EC–9117. A communication from the Acting Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Residence Rules Involving U.S. Possessions" ((RIN1545–BG02)(TD 9297)) received on November 27, 2006; to the Committee on Finance.

EC–9118. A communication from the Acting Regulations Officer, Office of Disability and Income Security Programs, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Medicare Part B Income-Related Monthly Adjustment Amount" (RIN0960–AG11) received on November 27, 2006; to the Committee on Finance.

EC–9119. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare and Medicaid Programs; Hospital Conditions of Participation: Requirements for History and Physical Examinations; Authentications of Verbal Orders; Securing Medications and Postanesthesia Evaluations" (RIN0938–AM88) received on November 27, 2006; to the Committee on Finance.

EC–9120. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Bureau of Labor Statistics Price Indexes for Department Stores—September 2006" (Rev. Rul. 2006–59) received on November 16, 2006; to the Committee on Finance.

EC–9121. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Debit Cards Used to Provide Qualified Transportation Fringes Described Under Section 132(f) of the Internal Revenue Code" (Rev. Rul. 2006–57) received on November 27, 2006; to the Committee on Finance.

EC–9122. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—December 2006" (Rev. Rul. 2006–61) received on November 27, 2006; to the Committee on Finance.

EC–9123. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2007 Annual Covered Compensation Tables" (Rev. Rul. 2006–60) received on November 27, 2006; to the Committee on Finance.

EC–9124. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice: Tier 2 Tax Rates for 2007" received on November 16, 2006; to the Committee on Finance.

EC–9125. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Procedures for Requesting Competent Authority Assistance Under Tax Treaties" (Rev. Rul. 2006-54) received on November 27, 2006; to the Committee on Finance.

EC–9126. A communication from the Chief of the Border Security and Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Documents Required for Travelers Departing From or Arriving in the United States at Air Ports-of-Entry from within the Western Hemisphere" ((RIN1651–AA66)(RIN1400–AC10)) received on November 27, 2006; to the Committee on Finance.

EC–9127. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Extension of Import Restrictions Imposed on Archaeological and Ethnological Material from Bolivia" (RIN1505-AB74) received on November 27, 2006; to the Committee on Finance.

EC–9128. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Notification of Hospital Discharge Appeal Rights" (RIN0938-A041) received on November 27, 2006; to the Committee on Finance.

EC–9129. A communication from the Director of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Phase-In of Full Concurrent Receipt of Military Retired Pay and Veterans Disability Compensation for Certain Military Retirees" (RIN2900-AM13) received on November 27, 2006; to the Committee on Veterans' Affairs.

EC–9130. A communication from the Associate Chief Counsel for Import Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Procedures for Importation of Supplies for Use in Emergency Relief Work" (RIN0625--A71) received on November 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–9131. A communication from the Assistant Administrator for Fisheries, Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife; Sea Turtle Conservation" (RIN0648–AS92) received on November 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–9132. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Processor Vessels Using Hook-and-line Gear in the Bering Sea and Aleutian Islands Management Area" (ID No. 101906D) received on November 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–9133. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule; Closure (Total Allowable Catch Harvested for Management Area 1A, Period 2)" (ID No. 101706A) received on November 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–9134. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to obligations and unobligated balances of funds provided for Federal-aid highway and safety construction programs during fiscal year 2004; to the Committee on Commerce, Science, and Transportation.

EC–9135. A communication from the Director, Occupational Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Occupational Exposure to Hexavalent Chromium" (RIN1218–AB45) received on November 27, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–9136. A communication from the Director, Occupational Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Updating National Consensus Standards in OSHA's Standard for Fire Protection in Shipyard Employment" (RIN1218–AC16) received on November 27, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–9137. A communication from the Assistant Secretary, Office for Civil Rights, Department of Education, transmitting, pursuant to law, the Department's Annual Report for fiscal year 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–9138. A communication from the Human Resources Specialist, Office of the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of action on a nomination and discontinuation of service in acting role for the position of Assistant Secretary for Mine Safety and Health, received on November 27, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–9139. A communication from the Assistant General Counsel, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Final Regulations—Federal Student Aid Programs" (RIN1840–AC87) received on November 27, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–9140. A communication from the Assistant General Counsel, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Final Regulations—Student Assistance General Provisions; Federal Pell Grant Program; Academic Competitiveness Grant Program; and National Science and Mathematics Access to Retain Talent Grant Program" (RIN1840–AC86) received on November 27, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–9141. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the seventh annual report for the Temporary Assistance for Needy Families Program; to the Committee on Health, Education, Labor, and Pensions.

EC–9142. A communication from the Secretary to the Railroad Retirement Board, transmitting, pursuant to law, a report relative to the Board's Strategic Plan for 2006–2011; to the Committee on Health, Education, Labor, and Pensions.

EC–9143. A communication from the Chairman, National Indian Gaming Commission, transmitting, pursuant to law, the report of a rule entitled "Description of Duties of the General Counsel" (Release No. 34–53755) received on November 27, 2006; to the Committee on Indian Affairs.

EC–9144. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Technical Correction of Two Anabolic Steroid Names" (RIN1117–AB02) received on November 27, 2006; to the Committee on the Judiciary.

EC–9145. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Control of Sodium Permanganate as a List II Chemical" (RIN1117–AA90) received on November 27, 2006; to the Committee on the Judiciary.

EC–9146. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Schedules of Controlled Substances: Exempt Anabolic Steroid Products" (RIN1117–AA98) received on November 27, 2006; to the Committee on the Judiciary.

EC–9147. A communication from the Chairman, Federal Trade Commission, transmitting, pursuant to law, the Commission's Semiannual Report to Congress for the period from April 1, 2006 through September 30, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9148. A communication from the Acting Senior Procurement Executive, Office of the Chief Acquisition Officer, General Services Administration, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation: Federal Acquisition Circular 2005–13" (FAC 2005–13) received on November 27, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9149. A communication from the President, U.S. African Development Foundation, transmitting, pursuant to law, a report on the Foundation's activities during fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9150. A communication from the Deputy Director of Communications and Legislative Affairs, U.S. Equal Employment Opportunity Commission, transmitting, pursuant to law, a report relative to the Commission's Inventories of Commercial and Inherently Governmental Activities for 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9151. A communication from the Secretary, Department of Homeland Security, transmitting, pursuant to law, the Department's Performance and Accountability Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9152. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the Agency's Performance and Accountability Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9153. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Solicitation of Federal Civilian and Uniformed Service Personnel for Contributions to Private Voluntary Organizations" (RIN3206–AL05) received on November 27, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9154. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Allotments from Federal Employees" (RIN3206–AJ88) received on November 27, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9155. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Suspension of Enrollment in the Federal Employees Health Benefits Program for Peace Corps Volunteers" (RIN3203–AK90) received on November 27, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9156. A communication from the Director, U.S. Office of Government Ethics, transmitting, pursuant to law, the Office's Performance Accountability Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9157. A communication from the Archivist, National Archives and Records Administration, transmitting, pursuant to law, the Administration's Performance and Accountability Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9158. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's Performance and Accountability Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9159. A communication from the Chairman, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the Board's Inspector General's semiannual report for the period ending September 30, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9160. A communication from the Chairman, U.S. Commission on Civil Rights, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9161. A communication from the Chairman, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9162. A communication from the Chairman, Railroad Retirement Board, transmitting, pursuant to law, the Board's Performance and Accountability Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9163. A communication from the Secretary, Judicial Conference of the United States, transmitting, a joint proposal to consolidate the clerks offices of the District and Bankruptcy Courts for the District of Columbia; to the Committee on the Judiciary.

EC–9164. A communication from the President, American Academy of Arts and Letters, transmitting, pursuant to law, the report of activities during the year ending December 31, 2005; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM—443. A resolution adopted by the Chicago City Council relative to the United Nations' Responsibility to Protect; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ENZI, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute and an amendment to the title:

S. 1531. A bill to direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls (Rept. No. 109–362).

By Mr. ENZI, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 2322. A bill to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly (Rept. No. 109–363).

By Mr. GRASSLEY, from the Committee on Finance:

Report to accompany S. 3569, a bill to implement the United States-Oman Free Trade Agreement (Rept. No. 109–364).

By Mr. STEVENS, from the Committee on Commerce, Science, and Transportation, without amendment:

H.R. 3675. A bill to amend the Federal Trade Commission Act to increase civil penalties for violations involving unfair or deceptive acts or practices that exploit popular reaction to an emergency or major disaster, and to authorize the Federal Trade Commission to seek civil penalties for such violations in actions brought under section 13 of that Act.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. WARNER for the Committee on Armed Services.

Margaret A. Ryan, of Virginia, to be a Judge of the United States Court of Appeals for the Armed Forces for the term of fifteen years to expire on the date prescribed by law.

Scott Wallace Stucky, of Maryland, to be a Judge of the United States Court of Appeals for the Armed Forces for the term of fifteen years to expire on the date prescribed by law.

Army nomination of Col. Thomas J. Sellars to be Brigadier General.

Army nomination of Col. Donald C. Leins to be Brigadier General.

Army nominations beginning with Brigadier General Robert T. Bray and ending with Colonel Tony N. Wingo, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2006.

Navy nomination of Adm. Robert F. Willard to be Admiral.

Robert M. Gates, of Texas, to be Secretary of Defense.

Mr. WARNER. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nomination of Jeffrey C. Carstens to be Colonel.

Air Force nomination of Stephen R. Geringer to be Lieutenant Colonel.

Air Force nomination of Paul M. Roberts to be Major.

Air Force nominations beginning with Nevanna I. Koicheff and ending with Perlita K. Tam, which nominations were received by the Senate and appeared in the Congressional Record on November 14, 2006.

Air Force nominations beginning with Jerzy J. Chachaj and ending with Greg Gordon, which nominations were received by the Senate and appeared in the Congressional Record on November 15, 2006.

Air Force nominations beginning with Norman B. Dimond and ending with Mark A. Deaton, which nominations were received by the Senate and appeared in the Congressional Record on November 15, 2006.

Army nomination of Willie G. Barnes to be Colonel.

Army nomination of Daniel P. Mc Lemore to be Colonel.

Army nominations beginning with Josef R. Smith and ending with Michael D. Taylor, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2006.

Army nominations beginning with Robert M. Blackmon and ending with Bradley M. Voorhees, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2006.

Army nominations beginning with Nicholas C. Bakris and ending with Andrew D. Magnet, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2006.

Army nominations beginning with David E. Green and ending with Martin L. Ladwig, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2006.

Army nominations beginning with Moon H. Lee and ending with Phillip C. Zinni, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2006.

Army nominations beginning with Terrell W. Blanchard and ending with Robert L. Vogelsang III, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2006.

Army nomination of Victoria L. Smith to be Major.

Army nomination of Ira S. Derrick to be Major.

Army nomination of Joseph W. Brown to be Major.

Army nomination of Rebecca L. Blankenship to be Major.

Army nomination of Mark M. Kuba to be Colonel.

Army nomination of Craig H. Rhyne, Jr. to be Major.

Army nominations beginning with Lorraine T. Breen and ending with Thomas G. Sutlive, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2006.

Army nominations beginning with Debra L. Cohen and ending with Kyle J. Zablocki, which nominations were received by the Senate and appeared in the Congressional Record on November 14, 2006.

Army nominations beginning with Norman F. Allen and ending with Daria P. Wollschlaeger, which nominations were received by the Senate and appeared in the Congressional Record on November 14, 2006.

Army nominations beginning with Michael R. Aberle and ending with Marc L. Zuffa, which nominations were received by the Senate and appeared in the Congressional Record on November 14, 2006. (minus 1 nominee: James B. Sayers)

Army nominations beginning with Robin B. Allen and ending with Arthur D. Wellman, which nominations were received by the Senate and appeared in the Congressional Record on November 14, 2006.

Army nominations beginning with John G. Alvarez and ending with Tracy O. Wyatt, which nominations were received by the Senate and appeared in the Congressional Record on November 14, 2006.

Army nominations beginning with Jeffrey S. Ashley and ending with Thomas G. Winthrop, which nominations were received by the Senate and appeared in the Congressional Record on November 14, 2006.

Army nomination of Shelly M. Taylor to be Major.

Army nominations beginning with Omar L. Hamada and ending with Seth W. Wright, which nominations were received by the Senate and appeared in the Congressional Record on November 15, 2006.

Navy nominations beginning with Kimberly S. Evans and ending with John E. Lee III, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2006.

Navy nomination of David J. Allen to be Lieutenant Commander.

Navy nominations beginning with Harry T. Whelan and ending with William G. Rhea III, which nominations were received by the Senate and appeared in the Congressional Record on November 14, 2006.

Navy nominations beginning with Keith T. Adkins and ending with Dorsey Wisotski, which nominations were received by the Senate and appeared in the Congressional Record on November 15, 2006.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER:

S. 4075. A bill to amend the Internal Revenue Code of 1986 to apply the joint return limitation for capital gains exclusion to certain post-marriage sales of principal residences by surviving spouses; to the Committee on Finance.

By Mr. THOMAS:

S. 4076. A bill to amend the Energy Policy Act of 2005 to provide an alternate sulfur dioxide removal measurement for certain coal gasification project goals; to the Committee on Energy and Natural Resources.

By Mr. COLEMAN:

S. 4077. A bill to require the United States Trade Representative to initiate a section 301 investigation into abuses by the Australian Wheat Board with respect to the United Nations Oil-for-Food Programme, and for other purposes; to the Committee on Finance.

By Mr. ENZI (for himself and Mr. THOMAS):

S. 4078. A bill to designate the facility of the United States Postal Service located at 152 North 5th Street in Laramie, Wyoming, as the "Gale W. McGee Post Office" to the Committee on Homeland Security and Governmental Affairs.

By Mr. HATCH (for himself, Mr. ALLARD, Ms. CANTWELL, and Mrs. FEINSTEIN):

S. 4079. A bill to amend the Reclamation Safety of Dams Act of 1978 to authorize improvements for the security of dams and other facilities, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. STEVENS (for himself and Mr. ENSIGN):

S. 4080. A bill to amend title 17, United States Code, with respect to settlement agreements reached with respect to litigation involving certain secondary transmissions of superstations and network stations; read the first time.

By Mr. SPECTER (for himself and Mr. LEAHY):

S. 4081. A bill to restore habeas corpus for those detained by the United States; to the Committee on the Judiciary.

By Mr. CRAPO:

S. 4082. A bill to make a conforming amendment to the Federal Deposit Insurance Act with respect to examinations of certain insured depository institutions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WARNER (for himself and Mr. ALLEN):

S. Res. 622. A resolution supporting the goals and ideals of a "National Children and Families Day", as established by the National Children's Museum, on the fourth Saturday of June; to the Committee on Health, Education, Labor, and Pensions.

By Mr. STEVENS:

S. Res. 623. A resolution honoring the life and achievements of Tom Carr, Congressional Research Service Analyst, and extending the condolences of the Senate on the occasion of his death; to the Committee on the Judiciary.

By Mr. SCHUMER:

S. Con. Res. 122. A concurrent resolution urging the Commandant of the Coast Guard to name an appropriate Coast Guard vessel after Coast Guard Petty Officer Third Class Nathan Bruckenthal; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 228

At the request of Mr. CRAPO, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 228, a bill to amend the Public Health Service Act to establish an Office of Men's Health.

S. 408

At the request of Mr. DEWINE, the names of the Senator from North Carolina (Mrs. DOLE) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 408, a bill to provide for programs and activities with respect to the prevention of underage drinking.

S. 438

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 438, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 445

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 445, a resolution to amend part D of title XVIII of the Social Security Act, as added by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, to provide for negotiation of fair prices for Medicare prescription drugs.

S. 828

At the request of Mr. HARKIN, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 828, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 910

At the request of Ms. SNOWE, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 910, a bill to require that health plans provide coverage for a minimum hospital stay for mastectomies, lumpectomies, and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations.

S. 1214

At the request of Ms. SNOWE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1214, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 1283

At the request of Mrs. CLINTON, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1283, a bill to amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes.

S. 1376

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 1376, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 1508

At the request of Mr. FEINGOLD, the names of the Senator from Illinois (Mr. OBAMA), the Senator from North Dakota (Mr. DORGAN), the Senator from Oregon (Mr. WYDEN) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 1508, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 1534

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1534, a bill to reduce the risk to the food supply from intentional contamination, and for other purposes.

S. 1687

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 1687, a bill to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

S. 1862

At the request of Mr. SMITH, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1862, a bill to establish a joint energy cooperation program within the Department of Energy to fund eligible ventures between United States and Israeli businesses and academic persons in the national interest, and for other purposes.

S. 1934

At the request of Mr. SPECTER, the names of the Senator from Vermont (Mr. JEFFORDS), the Senator from Maryland (Mr. SARBANES) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 1934, a bill to reauthorize the grant program of the Department of Justice for reentry of offenders into the community, to establish a task force on Federal programs and activities relating to the reentry of offenders into the community, and for other purposes.

S. 1948

At the request of Mrs. CLINTON, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1948, a bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of passenger motor vehicles, and for other purposes.

S. 2039

At the request of Mr. DURBIN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 2039, a bill to provide for loan repayment for prosecutors and public defenders.

S. 2071

At the request of Ms. SNOWE, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2071, a bill to amend title XVIII of the Social Security Act to clarify congressional intent regarding the counting of residents in the nonhospital setting under the medicare program.

S. 2653

At the request of Mr. STEVENS, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 2653, a bill to direct the Federal Communications Commission to make efforts to reduce telephone rates for Armed Forces personnel deployed overseas.

S. 3485

At the request of Mr. DORGAN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3485, a bill to amend the Tariff Act of 1930 to prohibit the import, export, and sale of goods made with sweatshop labor, and for other purposes.

S. 3500

At the request of Mr. THOMAS, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 3500, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 3543

At the request of Mrs. FEINSTEIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 3543, a bill to improve passenger automobile fuel economy and safety, reduce greenhouse gas emissions, reduce dependence on foreign oil, and for other purposes.

S. 3545

At the request of Mr. CRAIG, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 3545, a bill to amend title 38, United States Code, to improve services for homeless veterans, and for other purposes.

S. 3554

At the request of Mr. OBAMA, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 3554, a bill to establish an alternative diesel standard, and for other purposes.

S. 3657

At the request of Mr. SANTORUM, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 3657, a bill to amend the Internal Revenue Code of 1986 to allow bonds guaranteed by the Federal home loan banks to be treated as tax exempt bonds.

S. 3707

At the request of Mr. LOTT, the names of the Senator from New Hampshire (Mr. GREGG) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 3707, a bill to improve consumer access to passenger vehicle loss data held by insurers.

S. 3771

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 3771, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 3775

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 3775, a bill to amend the Foreign Assistance Act of 1961 to assist countries in sub-Saharan Africa in the effort to achieve internationally recognized goals in the treatment and prevention of HIV/AIDS and other major diseases and the reduction of maternal and child mortality by improving human health care capacity and improving retention of medical health professionals in sub-Saharan Africa, and for other purposes.

S. 3795

At the request of Mr. SMITH, the names of the Senator from Maine (Ms. COLLINS) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 3795, a bill to amend title XVIII of the Social Security Act to provide for a two-year moratorium on certain Medicare physician payment reductions for imaging services.

S. 3837

At the request of Mr. AKAKA, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 3837, a bill to authorize the establishment of the Henry Kuualoha Giugni Kupuna Memorial Archives at the University of Hawaii.

S. 3873

At the request of Mr. INHOFE, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 3873, a bill to protect private property rights.

S. 3883

At the request of Mr. COLEMAN, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from Wyoming (Mr. THOMAS) were added as cosponsors of S. 3883, a bill to amend the Internal Revenue Code of 1986 to provide an alternate sulfur dioxide removal measurement for advanced coal-based generation technology units under the qualifying advanced coal project credit.

S. 3887

At the request of Mr. DORGAN, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 3887, a bill to prohibit the Internal Revenue Service from using private debt collection companies, and for other purposes.

S. 3910

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3910, a bill to direct the Joint Committee on the Library to accept the donation of a bust depicting Sojourner Truth and to display the bust in a suitable location in the Capitol.

S. 3912

At the request of Mr. ENSIGN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 3912, a bill to amend title XVIII of the Social Security Act to extend the exceptions process with respect to caps on payments for therapy services under the Medicare program.

S. 3915

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 3915, a bill to amend title XIX of the Social Security Act to encourage States to provide pregnant women enrolled in the Medicaid program with access to comprehensive tobacco cessation services.

S. 3920

At the request of Mr. HATCH, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 3920, a bill to amend part B of title XVIII of the Social Security Act to assure access to durable medical equipment under the Medicare Program.

S. 3936

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 3936, a bill to invest in innovation and education to improve the competitiveness of the United States in the global economy.

S. 3955

At the request of Mr. LIEBERMAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3955, a bill to provide benefits to domestic partners of Federal employees.

S. 3963

At the request of Mr. THOMAS, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 3963, a bill to amend title XVIII of the Social Security Act to provide for improved access to cost-effective, quality physical medicine and rehabilitation services under part B of the Medicare program, and for other purposes.

S. 4042

At the request of Mr. DURBIN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 4042, a bill to amend title 18, United States Code, to prohibit disruptions of funerals of members or former members of the Armed Forces.

S. 4060

At the request of Mr. DODD, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 4060, a bill to amend the Military Commissions Act of 2006 to improve and enhance due process and appellate procedures, and for other purposes.

S. 4067

At the request of Mr. LEAHY, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 4067, a bill to provide for secondary transmissions of distant network signals for private home viewing by certain satellite carriers.

S. 4069

At the request of Mr. OBAMA, the names of the Senator from New York (Mrs. CLINTON), the Senator from Massachusetts (Mr. KERRY), the Senator from California (Mrs. BOXER) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 4069, a bill to prohibit deceptive practices in Federal elections.

S. CON. RES. 97

At the request of Mr. SALAZAR, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. Con. Res. 97, a concurrent resolution expressing the sense of Congress that it is the goal of the United States that, not later than January 1, 2025, the agricultural, forestry, and working land of the United States should provide from renewable resources not less than 25 percent of the total energy consumed in the United States and continue to produce safe, abundant, and affordable food, feed, and fiber.

S. RES. 407

At the request of Mr. MENENDEZ, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. Res. 407, a resolution recognizing the African American Spiritual as a national treasure.

S. RES. 549

At the request of Mr. SANTORUM, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. Res. 549, a resolution expressing the sense of the Senate regarding modern-day slavery.

S. RES. 621

At the request of Mr. CRAPO, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. Res. 621, a resolution designating the week of February 5 through February 9, 2007, as "National Teen Dating Violence Awareness and Prevention Week".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COLEMAN:

S. 4077. A bill to require the United States Trade Representative to initiate a section 301 investigation into abuses by the Australian Wheat Board with respect to the United Nations Oil-for-Food Programme, and for other purposes; to the Committee on Finance.

Mr. COLEMAN. Mr. President, I would like to discuss today the gross misconduct of the Australian Wheat Board in its dealings with Saddam Hussein under the U.N. Oil for Food Program and to introduce legislation regarding the potential impact AWB's actions may have had U.S. farmers.

Last week, a commission in Australia led by former Supreme Court Justice Terence Cole released a detailed report documenting extensive corruption, fraud, and deceit on the part of the Australian Wheat Board, commonly called AWB. The report showed that AWB paid more than $221 million in under-the-table kickbacks to the Hussein regime to secure exclusive, illegal access to the Iraqi wheat market. I applaud Sir Terence Cole and his commission for the thorough and comprehensive manner in which they have dealt with this issue.

As chairman of the Senate Permanent Subcommittee on Investigations, I conducted an investigation for almost 3 years into abuses of the U.N. Oil-for-Food Program. During my investigation, I held numerous hearings and issued several detailed reports that exposed significant graft associated with the program.

In particular, my subcommittee exposed corruption involving public officials from the United Kingdom, Russia, France and the United Nations, along with corrupt transactions by companies in the United States, United Kingdom, and elsewhere around the world.

However, when my subcommittee considered investigating the AWB, we faced insurmountable legal challenges that prevented us from initiating the kind of exhaustive review that this case required. Unlike other foreign entities that voluntarily cooperated with the subcommittee's efforts, AWB declined to cooperate with the subcommittee by providing documents or witnesses. Given that AWB is a foreign entity, the subcommittee could not compel its cooperation through subpoenas.

Moreover, the U.N.'s investigators at the Independent Inquiry Committee issued a report in October 2004, which suggested that it would examine AWB's transactions along with the other deals executed under the program. Unlike the subcommittee's efforts, that inquiry would have complete access to U.N. files and unfettered access to documents from relevant Iraqi ministries and would likely have access to the files and banking records of AWB.

Instead of launching a duplicative investigation with no ability to compel the AWB to cooperate, I encouraged the Australian Government and the AWB to cooperate with the IIC and the Cole inquiry whose findings have just been released.

The Cole report has left me with a few lingering questions to which I plan to find some answers. My subcommittee is continuing its review of the Cole report to determine whether U.S. affiliates of the AWB should be held accountable here in the United States.

But the most important question to ask in the wake of the Cole report's findings is whether American wheat farmers have suffered as a result of the fraud and abuse on the part of the monopolistic AWB. I am introducing legislation today to address that question, and if we find proof of harm, to make our farmers whole.

I would like to introduce today the Australian Wheat Board Accountability Act of 2006. The purpose of this legislation is just that: to hold the Australian Wheat Board accountable for their illegal, deceitful, trade-distorting actions. The bill directs the Office of U.S. Trade Representative to use its authority to investigate and combat these practices.

This legislation is a simple bill with two distinct elements. First, the bill directs USTR to investigate whether U.S. wheat farmers have suffered economic damage due to the actions of the Australian Wheat Board. Second, if we find harm, we seek compensation.

I have spoken many times on this floor about the great experiences I have had meeting with farmers of my State. I just finished traveling to all 87 counties in Minnesota this year, and I will be the first to tell this body that some of the most enriching visits I had took place with farmers. Those who make a living by working the land, Mr. President. Those who produce the food and fiber of our Nation and have done so for generations. Those who contribute so much to the social fabric we hold so dear.

And they don't ask for much in return. They didn't ask me to come to the floor today or to introduce this legislation. All they ask is that when it comes to trade, everyone ought to play by the same rules. They want a level playing field because they know they can compete with anyone in a fair global market.

The fact is the Australian Wheat Board hasn't been playing by the rules. The Cole report has proven that the AWB unfairly monopolized wheat exports to Iraq under the Oil for Food Program. By paying Saddam and his henchmen millions in illegal kickbacks, they may have distorted the wheat market to the detriment of the honest, hard-working farmers across Minnesota and the United States while they reaped the benefits of a corrupt regime for their own ill-gotten gain.

I intend to find out if AWB's criminal actions hurt the bottom lines of our farmers, and that is what part one of this legislation does.

Part two of this legislation is about compensation. Under this bill, if it is found that our wheat farmers have suffered economic damage, USTR will seek appropriate compensation to make our farmers whole. If we cannot come to a negotiated settlement, we will impose duties on certain Australian goods until we collect a sum equivalent to the financial loss brought on by the AWB. Either way, I want any possibility of financial loss looked at, and if proven, I want compensation for our farmers.

Mr. President, I realize this is the final week of the 109th Congress and that this legislation probably doesn't make the priority list for passage this week. You can bet I will be back here again when we reconvene in January offering this bill in the 110th Congress. We owe it to our farmers to further investigate AWB's actions, and this legislation will make that happen.

By Mr. HATCH (for himself, Mr. ALLARD, Ms. CANTWELL, and Mrs. FEINSTEIN):

S. 4079. A bill to amend the Reclamation Safety of Dams Act of 1978 to authorize improvements for the security of dams and other facilities, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. HATCH. Mr. President, I rise today to introduce the Water and Power Infrastructure Security bill, S. 4079. This legislation will amend the Reclamation Safety of Dams Act of 1978 to authorize improvement for the security of dams and other facilities.

On September 11, 2001, America's view of national security changed. The threat of terrorist attacks on our own soil became a reality for each and every one of us. This possibility forced Americans to rethink security in many different sectors including the need to secure infrastructure such as our Nation's dams.

As a result of the 9/11 attacks, the Bureau of Reclamation set up site security programs, implemented more complex surveillance systems, erected protection barriers, and devoted substantial funding in the process.

Initially, the Bureau covered these added security costs, recognizing that water and power infrastructure benefits the public generally. This was a pattern established after the Pearl Harbor attacks when the Federal Government covered the added security costs at these public facilities.

Indeed, all Americans benefit from stable power sources and improved flood control. Other universal benefits of public dams include recreation, water supply, and fish and wildlife.

However, in recent years the Bureau has begun to shift these costs onto the energy rate payers probably due to pressure from Office of Management and Budget. Thus, hard working American families, many of whom are family farmers with limited incomes, are forced to shoulder this large financial burden. Shifting the burden of national security to family farmers is patently unfair.

Our bill amends the Reclamation Safety of Dams Act to require to clarify that consumers of public power must contribute to site security at Federal dams. However, the bill would limit their contribution to 15 percent of total security costs. This provides a more equitable division of dam security costs between local and national beneficiaries. The bill also would require the Secretary of the Interior to involve project beneficiaries in the planning and building of site security. Finally, the bill requires the Bureau to provide Congress a five-year plan on dam security and an annual report of its expenditures.

There is no question we need to protect our critical infrastructure. It seems logical that the costs of these national and multi-purpose facilities should not be imposed on a concentrated group of energy consumers. However, customers who depend on the Bureau of Reclamation facilities are willing to pay their fair allotment of the security reflected in this legislation.

I believe this bill strikes a good balance between reasonable costs and a legitimate amount of transparency. Ultimately, its about working together as Americans to protect our critical infrastructure and provide a fair cost distribution system. I urge my colleagues to support this bill.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 4079

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONAL AUTHORIZATION FOR IMPROVEMENTS TO SITE SECURITY.

The Reclamation Safety of Dams Act of 1978 is amended—

(1) in section 2 (43 U.S.C. 506), by inserting "and site security" after "structural safety";

(2) in section 3 (43 U.S.C. 507), by inserting "and site security" after "dam safety"; and

(3) in section 4 (43 U.S.C. 508)—

(A) in subsection (c)—

(i) in the matter preceding paragraph (1), by inserting after "safety purposes" the following: "and all costs incurred for building and site security activities (including facility fortifications, operation, maintenance and replacement of the fortifications, and guards and patrols, as identified in the Bureau of Reclamation's Report to Congress dated February 2006)";

(ii) by inserting after paragraph (2) the following:

"(3) In the case of the Central Valley Project of California—

"(A) the Secretary shall collect dam safety and site security costs allocated to irrigation and municipal and industrial water service exclusively through inclusion of the costs in the operation and maintenance rates, capital water rates, or a combination of operation and maintenance rates and capital water rates; and

"(B) dam safety and site security costs allocated to irrigation and municipal and industrial water service shall not be segregated from other project operation, maintenance, or capital costs for separate allocation or repayment."; and

(iii) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(B) in subsection (e)—

(i) in paragraph (1), by inserting "or site security measure" after "modification"; and

(ii) in paragraph (2), by inserting "or site security measure" after "modification".

SEC. 2. REPORTS.

The Reclamation Safety of Dams Act of 1978 is amended—

(1) in section 5 (43 U.S.C. 509)—

(A) in the first sentence—

(i) by striking "There are hereby" and inserting the following:

"(a) In General.—There are"; and

(ii) by striking "Act:" and inserting "Act.";

(B) in the proviso—

(i) by striking "*Provided*, That no funds" and inserting the following:

"(b) Limitation.—

"(1) In general.—No funds"; and

(ii) by inserting after "under authority of this Act" the following: ", the cause of which results from new hydrologic or seismic data or changes in the state-of-the-art criteria determined to be necessary for site security or structural safety purposes,"; and

(iii) by striking "The report required to be submitted by this section" and inserting the following:

"(2) Report.—The report required under paragraph (1)"; and

(C) by adding at the end the following:

"(c) Annual Report.—

"(1) In general.—The Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee Energy and Natural Resources of the Senate an annual report on building and site security measures carried out under this Act during the applicable fiscal year.

"(2) Components.—The report required under paragraph (1) shall include—

"(A) a summary of Federal and non-Federal expenditures for the fiscal year; and

"(B) information relating to a 5-year plan for building and site security measures carried out under this Act, which shall provide pre- and post-September 11, 2001, costs for the building and site security measures."; and

(2) in section 5A (43 U.S.C. 509a)—

(A) in subsection (c)—

(i) in paragraph (1), by striking "under section 5" and inserting "under section 5(b)"; and

(ii) in paragraph (3)—

(I) by striking "The response" and inserting "If a modification is the result of new hydrologic or seismic data or changes in the state-of-the-art criteria determined to be necessary for structural safety purposes, the response"; and

(II) by striking "by section 5" and inserting "under section 5(b)";

(B) in subsection (d), by inserting "site" before "security"; and

(C) by inserting "or site security measure" after "modification" each place it appears.

Mr. SPECTER (for himself and Mr. Leahy):

S. 4081. A bill to restore habeas corpus for those detained by the United States; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I introduce legislation which is captioned "Habeas Corpus Restoration Act of 2006" which I introduced on behalf of myself and Senator Leahy.

The legislation which was adopted earlier this year on war crimes struck out habeas corpus jurisdiction of the Federal courts, sought to limit jurisdiction of the Federal courts on habeas corpus for Guantanamo detainees and others detained on charges of being enemy combatants or war criminals.

There was very extended debate on the issue at that time. The bill reported by the Armed Services Committee and backed by the administration eliminated the jurisdiction of the Federal courts. I offered an amendment to reinstate habeas corpus. It was defeated 51 to 48. This legislation would reinstate habeas corpus jurisdiction of the Federal courts. It is my view that the Federal courts will strike down the provisions in the legislation eliminating Federal court jurisdiction for a number of reasons. One is that the Constitution of the United States is explicit that habeas corpus may be suspended only in time of rebellion or invasion. We are suffering neither of those alternatives at the present time. We have not been invaded, and there has not been a rebellion. That much is conceded.

There has been an effort made to contend that those constitutional rights are maintained with the very limited review which goes to the Court of Appeals for the District of Columbia.

In the limited time I have today I will not go into great detail during the course of the argument as it appears in the Congressional Record as to why that does not maintain the traditional constitutional right of habeas corpus, a right which has existed in Anglo Saxon jurisprudence since King John in 1215 at Runnymede. The Supreme Court of the United States in the Hamdi case made it plain that these habeas corpus rights apply to aliens as well as to citizens.

The administration has taken the position now that someone who is making a charge of having been tortured, which is a violation of U.S. law, may not be permitted to disclose the specifics of his interrogation which he says constituted torture because al-Qaida will find out what our interrogation techniques are and will move to train their operatives so they can withstand those interrogations.

It is unthinkable, in my opinion, to have a system of laws where someone who claims to have been tortured cannot describe what has happened to him to get judicial relief because al-Qaida may be able to educate or train their operatives to avoid those techniques.

I supported the ultimate legislation on war crimes tribunals because it provided for recognition of the Geneva Conventions. It also provided for confrontation. It also provided for limitations on interrogation techniques.

It was my view as I expressed it at the time that with the severability clause the Federal courts would eliminate the restriction on their jurisdiction. But as a precautionary matter, to put the matter in issue, this legislation is being introduced at this time.

I ask unanimous consent that the summary of the Habeas Corpus Restoration Act of 2006 be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

HABEAS CORPUS RESTORATION ACT OF 2006

The bill strikes the new limitations on habeas corpus created in the Military Commissions Act of 2006, Public Law 109-366, 2006 Stat. 3930.

The MCA added two new habeas provisions—

(1) A new paragraph in the federal habeas statute, 28 U.S.C. §2241(e), that would bar any alien detained by the United States as an enemy combatant from filing a writ of habeas corpus. The new paragraph was to apply to all pending cases "without exception" thereby barring all pending habeas corpus applications pending on behalf of Guantanamo Bay detainees.

(2) An entirely new habeas corpus limitation that barred any habeas review of military commission procedures. Had this bill been passed before the Hamdan v. Rumsfeld case was decided, the Supreme Court would not have had jurisdiction to review and reject the military commission procedures that were at issue. This new habeas limitation was added to federal law as 10 U.S.C. §950j(b).

The Habeas Corpus Restoration Act would strike these two provisions from the law in their entirety, thereby restoring the right of aliens detained within U.S. territorial jurisdiction (including at Gitmo) to challenge their detention via file writs of habeas corpus.

Because the Military Commissions Act already completely repealed and superseded the habeas limitations created by the Graham Amendment to the Detainee Treatment Act of 2005, the bill would restore the state of play before the DTA.

Actual effect—The MCA would deprive federal courts of jurisdiction to hear the 196 habeas corpus applications currently pending on behalf of the detainees at Guantanamo Bay, Cuba. This bill would restore jurisdiction and allow those cases to be decided on their merits. It would also allow habeas corpus challenges to military commission procedures.

ARTICLE 1, SECTION 9, CLAUSE 2 OF THE UNITED STATES CONSTITUTION

"The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it."

SELECT UNITED STATES SUPREME COURT DECISION QUOTES

Hamdi

In the 2004 Supreme Court decision of Hamdi v. Rumsfeld, Justice O'Connor stated, "All agree that, absent suspension, the writ of habeas corpus remains available to every individual detained within the United States."

Justice O'Connor was unequivocally in stating, "[w]e have long since made clear that a state of war is not a blank check for the President when it comes to the rights of the Nation's citizens."

The Hamdi court made clear that "[i]t is during our most challenging and uncertain moments that our Nation's commitment to due process is most severely tested; and it is in those times that we must preserve our commitment at home to the principles for which we fight abroad."

Regarding habeas corpus, Justice O'Connor wrote, "we have made clear that, unless Congress acts to suspend it, the Great Writ of habeas corpus allows the Judicial Branch to play a necessary role in maintaining this delicate balance of governance, serving as an important judicial check on the Executive's discretion in the realm of detentions."

Korematsu

In 1949, Justice Murphy dissented in Korematsu v. United States: "[i]ndividuals must not be left impoverished of their constitutional rights on a plea of military necessity that has neither substance nor support" . . . "[t]he judicial test of whether the Government, on a plea of military necessity, can validly deprive an individual of any of his constitutional rights is whether the deprivation is reasonably related to a public danger that is so 'immediate, imminent, and impending' as not to admit of delay and not to permit the intervention of ordinary constitutional processes to alleviate the danger."

CSRTS ARE NOT AN ADEQUATE AND EFFECTIVE SUBSTITUTE FOR HABEAS CORPUS

Combatant Status Review Tribunals, commonly referred to as "CSRTs," are not an adequate and effective means to challenge detention in accordance with the Supreme Court's decision in Swain v. Pressley ("the substitution of a collateral remedy which is neither inadequate nor ineffective to test the legality of a person's detention does not constitute a suspension of the writ of habeas corpus.").

CSRTs are not adversarial, but consist of a one-sided interrogation of the detainee by the tribunal members. The proceedings do not comport with basic fairness because the individuals detained do not have the right to confront accusers, call witnesses, or know what evidence there is against them. As Justice O'Connor wrote in her plurality opinion in the Hamdi case, "[a]n interrogation by one's captor, however effective an intelligence-gathering tool, hardly constitutes a constitutionally adequate factfinding before a neutral decisionmaker."

According to the September 25, 2006 Judiciary Committee testimony of the former U.S. Attorney for the Northern District of Illinois, Thomas Sullivan, who has been to Guantanamo on many occasions and has represented many detainees. Mr. Sullivan cited hearings where individuals were summoned before the tribunal, but did not speak the language, did not have an attorney, did not have access to the information which was presented against them, and continued to be detained.

For example, in the case of Abdul Hadi al Siba'i, a Saudi Arabian police officer who came to Afghanistan in August 2001 to build schools and a mosque, Mr. Sullivan described how Mr. Siba'i had no lawyer, spoke through a translator, and was read the charges against him, but with no access to the underlying evidence. According to Mr. Sullivan, his client was returned to Saudi Arabia after a prolonged detention without a trial, compensation, or apology. Mr. Sullivan received no notice that his client was to be returned to Saudi Arabia.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 4081

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Habeas Corpus Restoration Act of 2006".

SEC. 2. RESTORATION OF HABEAS CORPUS FOR THOSE DETAINED BY THE UNITED STATES.

(a) In General.—Section 2241 of title 28, United States Code, is amended by striking subsection (e).

(b) Title 10.—Section 950j of title 10, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) Limited Review of Military Commission Procedures and Actions.—Except as otherwise provided in this chapter or in section 2241 of title 28 or any other habeas corpus provision, and notwithstanding any other provision of law, no court, justice, or judge shall have jurisdiction to hear or consider any claim or cause of action whatsoever, including any action pending on or filed after the date of the enactment of the Military Commissions Act of 2006, relating to the prosecution, trial, or judgment of a military commission under this chapter, including challenges to the lawfulness of procedures of military commissions under this chapter.".

SEC. 3. EFFECTIVE DATE AND APPLICABILITY.

The amendments made by this Act shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to any case that is pending on or after the date of enactment of this Act.

Mr. LEAHY. Mr. President, I am pleased to join the chairman of the Judiciary Committee and cosponsor the Habeas Corpus Restoration Act of 2006. This bill would restore the great writ of habeas corpus, a cornerstone of American liberty for hundreds of years that Congress and the President rolled back in an unprecedented and unnecessary way with September's Military Commissions Act.

I am also pleased to join Senator DODD as a cosponsor of the Effective Terrorists Prosecution Act of 2006. That bill would likewise restore the liberties guaranteed by the writ of habeas corpus. It would also correct many of the other very disturbing provisions of the Military Commissions Act by narrowing that act's extremely broad definition of "unlawful enemy combatants," excluding evidence obtained by coercion, and allowing defendants to review evidence used against them.

Habeas corpus provides a remedy against arbitrary detentions and constitutional violations. It guarantees an opportunity to go to court, with the aid of a lawyer, to prove one's innocence. As Justice Scalia stated in the Hamdi case: "The very core of liberty secured by our Anglo-Saxon system of separated powers has been freedom from indefinite imprisonment at the will of the Executive." The remedy that secures that most basic of freedoms is habeas corpus.

The Military Commissions Act eliminated that right, permanently, for any non-citizen determined to be an enemy combatant, or even "awaiting" such a determination. That includes the approximately 12 million lawful permanent residents in the United States today, people who work for American firms, raise American kids, and pay American taxes. This new law means that any of these people can be detained, forever, without any ability to challenge their detention in federal court—or anywhere else—simply on the Government's say-so that they are awaiting determination whether they are enemy combatants.

I regret that Chairman SPECTER and I were unsuccessful in our efforts to stop this injustice when the President and the Republican leadership insisted on rushing the Military Commissions Act through Congress in the lead-up to the elections. We supported an amendment which would have removed the habeas-stripping provision from the Military Commissions Act. It failed by just three votes. I was saddened that the bill passed even with this poisonous habeas provision. Since then, the American people have spoken against the administration's "stay the course" approach to national security and against a rubber stamp Congress that accommodated this administration's efforts to grab more and more power.

When we debated Chairman SPECTER's amendment to remove the habeas-stripping provision back in September, I spelled out a nightmare scenario about a hard-working legal permanent resident who makes an innocent donation to, among other charities, a Muslim charity that the Government thinks might be funneling money to terrorists. I suggested that, on the basis of this donation and perhaps a report of "suspicious behavior" from an overzealous neighbor based on visits from Muslim guests, the permanent resident could be brought in for questioning, denied a lawyer, confined, and even tortured. And this lawful permanent resident would have no recourse in the courts for years, for decades, forever.

Many people viewed this kind of nightmare scenario as fanciful, just the rhetoric of a politician. It was not. It is all spelled out clearly in the language of the law that this body passed. Last month, the scenario I spelled out was confirmed by the Department of Justice itself in a legal brief submitted in a Federal court in Virginia. The Justice Department, in a brief to dismiss a detainee's habeas case, said that the Military Commissions Act allows the Government to detain any noncitizen declared to be an enemy combatant without giving that person any ability to challenge his detention in court. This is true, the Justice Department said, even for someone arrested and imprisoned in the United States. The Washington Post wrote that the brief "raises the possibility that any of the millions of immigrants living in the United States could be subject to indefinite detention if they are accused of ties to terrorist groups."

In fact, the situation is more stark even than the Washington Post story suggested. The Justice Department's brief says that the Government can detain any noncitizen declared to be an enemy combatant. But the law this Congress passed says the Government need not even make that declaration; they can hold people indefinitely who are just awaiting determination whether or not they are enemy combatants. It gets worse. Republican leaders in the Senate followed the White House's lead and greatly expanded the definition of "enemy combatants" in the dark of night in the final days before the bill's passage, so that enemy combatants need not be soldiers on battlefield. They can be people who give money, or people that any group of decisionmakers selected by the President decides to call enemy combatants. The possibilities are chilling.

The administration has made it clear that they intend to use every expansive definition and unchecked power given to them by the new law. Last month's Justice Department brief made clear that any of our legal immigrants could be held indefinitely without recourse in court. Earlier in November, the Justice Department went to court to say that detainees who had been held in secret CIA prisons could not even meet with lawyers because they might tell their lawyers about the cruel interrogation techniques used against them. In other words, if our Government tortures somebody, that person loses his right to a lawyer because he might tell the lawyer about having been tortured. A law professor was quoted as saying about the government's position in that case: "Kafka-esque doesn't do it justice. This is 'Alice in Wonderland.'" We are not talking about nightmare scenarios here. We are talking about today's reality.

We have eliminated basic legal and human rights for the 12 million lawful permanent residents who live and work among us, to say nothing of the millions of other legal immigrants and visitors who we welcome to our shores each year. We have removed the check that our legal system provides against the Government arbitrarily detaining people for life without charge, and we may well have made many of our remaining limits against torture and cruel and inhuman treatment obsolete because they are unenforceable. We have removed the mechanism the Constitution provides to check Government overreaching and lawlessness.

This is wrong. It is unconstitutional. It is un-American. It is designed to ensure that the Bush-Cheney administration will never again be embarrassed by a U.S. Supreme Court decision reviewing its unlawful abuses of power. The conservative Supreme Court, with seven of its nine members appointed by Republican Presidents, has been the only check on the Bush-Cheney administration's lawlessness. Certainly the outgoing rubberstamp Republican Congress has not done it, or even investigated it. With passage of the Military Commissions Act, the Republican Congress completed the job of eviscerating its role as a check and balance on the administration.

Abolishing habeas corpus for anyone who the Government thinks might have assisted enemies of the United States is unnecessary and morally wrong. It is a betrayal of the most basic values of freedom for which America stands. It makes a mockery of the Bush-Cheney administration's lofty rhetoric about exporting freedom across the globe.

Admiral John Hutson testified before the Judiciary Committee that stripping the courts of habeas jurisdiction was inconsistent with American history and tradition. He concluded, "We don't need to do this. America is too strong." Even Kenneth Starr, the former independent counsel and Solicitor General to the first President Bush, wrote that the Constitution's conditions for suspending habeas corpus have not been met, and that doing so would be problematic.

Under the Constitution, a suspension of the writ may only be justified during an invasion or a rebellion, when the public safety demands it. Six weeks after the deadliest attack on American soil in our history, the Congress that passed the PATRIOT Act rightly concluded that a suspension of the writ would not be justified. Yet 6 weeks before a midterm election, the Bush-Cheney administration and the Republican

Congress deemed a complete abolition of the writ their highest priority. Notwithstanding the harm the administration has done to national security with its mismanaged misadventure in Iraq, there was no new national security crisis. There was only a Republican political crisis. The people have now spoken, and it is time to reverse the dangerous choices this Congress made.

Rolling back the Military Commissions Act's disastrous habeas provision will set the stage for us to approach that issue in a way consistent with our needs and our values. We should take steps to ensure that our enemies can be tried efficiently and quickly and to prevent our courts from being tied up with frivolous suits. But abolishing the writ of habeas corpus for millions of legal immigrants and others, denying their right to get into court to challenge indefinite detainment on the Government's say-so, is not the answer.

I hope that others will hear the call of the American people for a new direction and work to correct these and other problems with the new law, including the gutting of the War Crimes Act, which I was proud to help spearhead with strong bipartisan support in 1997.

I will keep working on these issues until we restore the checks and balances that make our country great. We can ensure our security without giving up our liberty.

By Mr. CRAPO:

S. 4082. A bill to make a conforming amendment to the Federal Deposit Insurance Act with respect to examinations of certain insured depository institutions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. CRAPO. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 4082

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT TO THE FEDERAL DEPOSIT INSURANCE ACT.

Paragraph (10) of section 10(d) of the Federal Deposit Insurance Act (12 U.S.C. 1820(d)(10)) is amended by striking "$250,000,000" and inserting "$500,000,000".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 622—SUPPORTING THE GOALS AND IDEALS OF A "NATIONAL CHILDREN AND FAMILIES DAY", AS ESTABLISHED BY THE NATIONAL CHILDREN'S MUSEUM, ON THE FOURTH SATURDAY OF JUNE

Mr. WARNER (for himself and Mr. ALLEN) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 622

Whereas research shows that spending time together as a family is critical to raising strong and resilient kids;

Whereas strong healthy families improve the quality of life and development of children;

Whereas it is essential to celebrate and reflect upon the important role that all families play in the lives of children and in the future of the United States; and

Whereas the country's greatest natural resource is its children: Now, therefore, be it

Resolved, That the Senate supports the goals and ideals of a "National Children and Families Day" on the fourth Saturday of June, as established by the National Children's Museum, to—

(1) encourage adults to support, listen to, and encourage children throughout the United. States so that those children may achieve their hopes and dreams;

(2) reflect upon the important role that all families play in the lives of children; and

(3) recognize that strong, healthy families improve the quality of life and development of children.

SENATE RESOLUTION 623—HONORING THE LIFE AND ACHIEVEMENTS OF TOM CARR, CONGRESSIONAL RESEARCH SERVICE ANALYST, AND EXTENDING THE CONDOLENCES OF THE SENATE ON THE OCCASION OF HIS DEATH

Mr. STEVENS submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 623

Whereas Tom Carr served Congress with distinction for 31 years at the Library of Congress as an analyst for the Congressional Research Service;

Whereas Mr. Carr held a bachelor's degree in history from Catholic University in Washington, D.C., and a master's degree in information systems from Strayer University in Fredericksburg, Virginia;

Whereas Mr. Carr was born in Jacksonville, Illinois, and grew up in Atlanta, Georgia;

Whereas Mr. Carr was an expert on congressional committees, House and Senate floor procedure, and congressionally created commissions;

Whereas Mr. Carr was an enthusiastic teacher of congressional procedure to staff, helping them to do their jobs better;

Whereas Mr. Carr was an accomplished and entertaining public speaker who founded the Library of Congress chapter of the Toastmasters and was president of the Capitol Hill Toastmasters;

Whereas Mr. Carr worked tirelessly and cheerfully in service to Congress and set a high example for his colleagues;

Whereas Mr. Carr was distinguished for the generous enthusiasm with which he met the needs of colleagues and clients alike, as well as for his persistent and expansive good humor and wit; and

Whereas Mr. Carr faithfully discharged his duties and responsibilities in a wide variety of demanding positions in public life with honesty, integrity, loyalty, and humility: Now, therefore, be it

Resolved, That the Senate—

(1) honors the life and achievements of Congressional Research Service Analyst Tom Carr;

(2) expresses profound sorrow upon the occasion of Mr. Carr's death and extends heartful condolences to those who survive him: his wife Mary (Mimi), his sons Thomas and John, his mother Carswella, and his 9 brothers and sisters; and

(3) expresses its appreciation and respect for Mr. Carr's exemplary record as an analyst for Congress.

SENATE CONCURRENT RESOLUTION 122—URGING THE COMMANDANT OF THE COAST GUARD TO NAME AN APPROPRIATE COAST GUARD VESSEL AFTER COAST GUARD PETTY OFFICER THIRD CLASS NATHAN BRUCKENTHAL

Mr. SCHUMER submitted the following concurrent resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. CON. RES. 122

Whereas Coast Guard Petty Officer Third Class Nathan Bruckenthal was a proud member of the Coast Guard who willingly entered into harms way—

(1) to protect the United States and his fellow service members from terrorists; and

(2) to assist the people of Iraq in their pursuit of freedom and democracy;

Whereas, on April 25, 2004, Petty Officer Bruckenthal died of wounds that were inflicted during an attack that began when suicide bombers in boats attacked pumping stations in the Persian Gulf;

Whereas Petty Officer Bruckenthal was the first member of the Coast Guard to be killed in action since the Vietnam War;

Whereas, by his actions, Petty Officer Bruckenthal exemplified honor, respect, and devotion to duty; and

Whereas it is necessary to ensure that the legacy of that great citizen of the United States, like the many individuals who have served the United States and have fallen with him, is known and honored: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress urges the Commandant of the Coast Guard to name an appropriate Coast Guard vessel after Coast Guard Petty Officer Third Class Nathan Bruckenthal.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5194. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table.

SA 5195. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5196. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5197. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5198. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5199. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5200. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5201. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5202. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5203. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5204. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5205. Mr. CONRAD (for himself, Mr. COLEMAN, Mr. DORGAN, Mr. ROBERTS, Mr. NELSON, of Nebraska, Mr. HAGEL, Mr. JOHNSON, Mr. THUNE, Mr. BAUCUS, Mr. BURNS, Mr. SALAZAR, Mr. BOND, Mr. HARKIN, Mr. REID, Mr. LEAHY, Mr. DAYTON, Mr. DURBIN, Ms. CANTWELL, Ms. LANDRIEU, Mr. INOUYE, Mrs. FEINSTEIN, Mrs. CLINTON, Mrs. BOXER, Mr. OBAMA, Mr. AKAKA, Mr. JEFFORDS, Mr. SCHUMER, and Mr. BIDEN) proposed an amendment to the bill H.R. 5384, supra.

SA 5206. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5207. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5208. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5209. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5210. Mr. BURR (for himself and Mr. KENNEDY) proposed an amendment to the bill S. 3678, to amend the Public Health Service Act with respect to public health security and all-hazards preparedness and response, and for other purposes.

SA 5211. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 3821, to authorize certain athletes to be admitted temporarily into the United States to compete or perform in an athletic league, competition, or performance; which was referred to the Committee on the Judiciary.

TEXT OF AMENDMENTS

SA 5194. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following: Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act may be available for Bee Genetic Resources Research, and the total amount made available in this Act is reduced by $100,000.

SA 5195. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following: Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act may be available for the Food Marketing Policy Center, and the total amount made available in this Act is reduced by $573,000.

SA 5196. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following: Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act may be available for Berry research, 'and the total amount made available in this Act is reduced by $1,287,000.

SA 5197. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following: Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act may be available for Citrus Waste Utilization, and the total amount made available in this Act is reduced by $392,832.

SA 5198. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following: Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act may be available for a catfish grading system, and the total amount made available in this Act is reduced by $100,000.

SA 5199. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following: Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act may be available for Illinois River Agricultural Water Conservation, and the total amount made available in this Act is reduced by $240,000.

SA 5200. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following: Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act may be available for Urban horticulture, and the total amount made available in this Act is reduced by $809,000.

SA 5201. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following: Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act may be available for Pineapple Nematode Research, and the total amount made available in this Act is reduced by $283,707.

SA 5202. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following: Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act may be available for the construction of an entrance to the U.S. National Arboretum, and the total amount made available in this Act is reduced by $1,500,000.

SA 5203. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following: Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act may be available for beaver control activities, and the total amount made available in this Act is reduced by $623,000.

SA 5204. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 7 . Notwithstanding any other provision of law, no national ambient air quality standard for particulate matter promulgated pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.) shall be enforced by the Federal Government, or required by the Federal Government to be enforced by any State or local government, with respect to particulate matter deposited in the ambient air as a result of the conduct of an agricultural activity (as that term is defined by the Secretary of Agriculture).

SA 5205. Mr. CONRAD (for himself, Mr. COLEMAN, Mr. DORGAN, Mr. ROBERTS, Mr. NELSON of Nebraska, Mr. HAGEL, Mr. JOHNSON, Mr. THUNE, Mr. BAUCUS, Mr. BURNS, Mr. SALAZAR, Mr. BOND, Mr. HARKIN, Mr. REID, Mr. LEAHY, Mr. DAYTON, Mr. DURBIN, Ms. CANTWELL, Ms. LANDRIEU, Mr. INOUYE, Mrs. FEINSTEIN, Mrs. CLINTON, Mrs. BOXER, Mr. OBAMA, Mr. AKAKA, Mr. JEFFORDS, Mr. SCHUMER, and Mr. BIDEN) proposed an amendment to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; as follows:

Strike title VIII and insert the following:

TITLE VIII—EMERGENCY FARM RELIEF

SEC. 801. SHORT TITLE.

This title may be cited as the "Emergency Farm Relief Act of 2006".

SEC. 802. DEFINITIONS.

In this title:

(1) ADDITIONAL COVERAGE.—The term "additional coverage" has the meaning given the term in section 502(b)(1) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)(1)).

(2) DISASTER COUNTY.—The term "disaster county" means—

(A) a county included in the geographic area covered by a natural disaster declaration; and

(B) each county contiguous to a county described in subparagraph (A).

(3) HURRICANE-AFFECTED COUNTY.—The term "hurricane-affected county" means—

(A) a county included in the geographic area covered by a natural disaster declaration related to Hurricane Katrina, Hurricane Rita, Hurricane Wilma, or a related condition; and

(B) each county contiguous to a county described in subparagraph (A).

(4) INSURABLE COMMODITY.—The term "insurable commodity" means an agricultural commodity (excluding livestock) for which the producers on a farm are eligible to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(5) LIVESTOCK.—The term "livestock" includes—

(A) cattle (including dairy cattle);

(B) bison;

(C) sheep;

(D) swine; and

(E) other livestock, as determined by the Secretary.

(6) NATURAL DISASTER DECLARATION.—The term "natural disaster declaration" means a natural disaster declared by the Secretary during calendar year 2005 or 2006 under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)).

(7) NONINSURABLE COMMODITY.—The term "noninsurable commodity" means a crop for which the producers on a farm are eligible to obtain assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

(8) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

Subtitle A—Agricultural Production Losses

SEC. 811. CROP DISASTER ASSISTANCE.

(a) IN GENERAL.—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance authorized under this section available to producers on a farm that have incurred qualifying losses described in subsection (c).

(b) ADMINISTRATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-55), including using the same loss thresholds for quantity and economic losses as were used in administering that section, except that the payment rate shall be 45 percent of the established price, instead of 65 percent.

(2) NONINSURED PRODUCERS.—For producers on a farm that were eligible to acquire crop insurance for the applicable production loss and failed to do so or failed to submit an application for the noninsured assistance program for the loss, the Secretary shall make assistance in accordance with paragraph (1), except that the payment rate shall be 20 percent of the established price, instead of 50 percent.

(c) QUALIFYING LOSSES.—Assistance under this section shall be made available to producers on farms, other than producers of sugar beets, that incurred qualifying quantity or quality losses for the 2005 or 2006 crop, or both, due to damaging weather or any related condition (including losses due to crop diseases, insects, and delayed harvest), as determined by the Secretary.

(d) QUALITY LOSSES.—

(1) IN GENERAL.—In addition to any payment received under subsection (b), the Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make payments to producers on a farm described in subsection (a) that incurred a quality loss for the 2005 or 2006 crop, or both, of a commodity in an amount equal to the product obtained by multiplying—

(A) the payment quantity determined under paragraph (2);

(B)(i) in the case of an insurable commodity, the coverage level elected by the insured under the policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); or

(ii) in the case of a noninsurable commodity, the applicable coverage level for the payment quantity determined under paragraph (2); by

(C) 45 percent of the payment rate determined under paragraph (3).

(2) PAYMENT QUANTITY.—For the purpose of paragraph (1)(A), the payment quantity for quality losses for a crop of a commodity on a farm shall equal the lesser of—

(A) the actual production of the crop affected by a quality loss of the commodity on the farm; or

(B)(i) in the case of an insurable commodity, the actual production history for the commodity by the producers on the farm under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); or

(ii) in the case of a noninsurable commodity, the established yield for the crop for the producers on the farm under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

(3) PAYMENT RATE.—

(A) IN GENERAL.—For the purpose of paragraph (1)(B), the payment rate for quality losses for a crop of a commodity on a farm shall be equal to the difference between (as determined by the applicable State committee of the Farm Service Agency)—

(i) the per unit market value that the units of the crop affected by the quality loss would have had if the crop had not suffered a quality loss; and

(ii) the per unit market value of the units of the crop affected by the quality loss.

(B) FACTORS.—In determining the payment rate for quality losses for a crop of a commodity on a farm, the applicable State committee of the Farm Service Agency shall take into account—

(i) the average local market quality discounts that purchasers applied to the commodity during the first 2 months following the normal harvest period for the commodity;

(ii) the loan rate and repayment rate established for the commodity under the marketing loan program established for the commodity under subtitle B of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7931 et seq.);

(iii) the market value of the commodity if sold into a secondary market; and

(iv) other factors determined appropriate by the committee.

(4) ELIGIBILITY.—

(A) IN GENERAL.—For producers on a farm to be eligible to obtain a payment for a quality loss for a crop under this subsection—

(i) the amount obtained by multiplying the per unit loss determined under paragraph (1) by the number of units affected by the quality loss shall be reduced by the amount of any indemnification received by the producers on the farm for quality loss adjustment for the commodity under a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); and

(ii) the remainder shall be at least 25 percent of the value that all affected production of the crop would have had if the crop had not suffered a quality loss.

(B) INELIGIBILITY.—If the amount of a quality loss payment for a commodity for the producers on a farm determined under this paragraph is equal to or less than zero, the producers on the farm shall be ineligible for assistance for the commodity under this subsection.

(5) ELIGIBLE PRODUCTION.—The Secretary shall carry out this subsection in a fair and equitable manner for all eligible production, including the production of fruits and vegetables, other specialty crops, and field crops.

(e) TIMING.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall make payments to producers on a farm for a crop under this section not later than 60 days after the date the

producers on the farm submit to the Secretary a completed application for the payments.

(2) INTEREST.—If the Secretary does not make payments to the producers on a farm by the date described in paragraph (1), the Secretary shall pay to the producers on a farm interest on the payments at a rate equal to the current (as of the sign-up deadline established by the Secretary) market yield on outstanding, marketable obligations of the United States with maturities of 30 years.

SEC. 812. DAIRY ASSISTANCE.

The Secretary shall use $95,000,000 of funds of the Commodity Credit Corporation to make payments to dairy producers for dairy production losses in disaster counties.

SEC. 813. ALTERNATIVE DISASTER ASSISTANCE.

(a) DEFINITIONS.—

(1) COVERED COMMODITY.—The term "covered commodity" has the meaning given the term in section 1001 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901)).

(2) ELIGIBLE PRODUCER.—In this section, the term "eligible producer" means a producer on a farm (including a dairy producer) that elects not to apply for assistance for the 2005 or 2006 production year, or both, under section 811 or 812.

(3) PRODUCTION YEAR.—The term "production year" means—

(A) in the case of a covered commodity, a crop year; and

(B) in the case of milk, a calendar year.

(b) ALTERNATIVE DISASTER ASSISTANCE.—The Secretary shall use such funds of the Commodity Credit Corporation as are necessary to make direct payments to eligible producers for the 2005 production year to compensate the eligible producers for increased operating, marketing, and transportation costs related to rising energy prices due to hurricanes during the 2005 production year and other energy market factors.

(c) REQUIREMENT.—To be eligible to receive assistance under this section, an eligible producer shall demonstrate in accordance with conditions established by the Secretary that the eligible producer had a loss in net farm income in the 2005 production year as compared to the 2004 production year.

(d) PAYMENT RATE.—

(1) CROP PRODUCERS.—The Secretary shall make supplemental direct payments under this section to eligible producers of covered commodities in an amount equal to 25 percent of the direct payments the Secretary made to the producers for the 2005 crop year under sections 1103 and 1303 of that Act (7 U.S.C. 7913, 7953).

(2) DAIRY PRODUCERS.—The Secretary shall make direct payments under this section to eligible producers that were eligible for payments under section 1502 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982) at a rate equal to $0.12 per hundredweight for all milk produced and marketed by the eligible producers during the 2005 calendar year.

(e) PAYMENT LIMITATIONS.—

(1) IN GENERAL.—The total amount of payments made to a person (as defined in section 1001(e) of the Food Security Act of 1985 (7 U.S.C. 1308(e)) under this section shall not exceed $10,000.

(2) RELATION TO LOST INCOME.—The total amount of payments to an eligible producer under this section may not exceed the loss of net farm income of the eligible producer during the 2005 production year, as determined by the Secretary.

SEC. 814. LIVESTOCK ASSISTANCE.

(a) LIVESTOCK COMPENSATION PROGRAM.—

(1) USE OF COMMODITY CREDIT CORPORATION FUNDS.—Effective beginning on the date of enactment of this Act, the Secretary shall use funds of the Commodity Credit Corporation to carry out the 2002 Livestock Compensation Program announced by the Secretary on October 10, 2002 (67 Fed. Reg. 63070), to provide compensation for livestock losses during calendar years 2005 and 2006 for losses due to a disaster, as determined by the Secretary, except that the payment rate shall be 70 percent of the payment rate established for the 2002 Livestock Compensation Program.

(2) ELIGIBLE APPLICANTS.—In carrying out the program described in paragraph (1), the Secretary shall provide assistance to any applicant for livestock losses during calendar year 2005 or 2006, or both, that—

(A)(i) conducts a livestock operation that is located in a disaster county, including any applicant conducting a livestock operation with eligible livestock (within the meaning of the livestock assistance program under section 101(b) of division B of Public Law 108–324 (118 Stat. 1234)); or

(ii) produces an animal described in section 10806(a)(1) of the Farm Security and Rural Investment Act of 2002 (21 U.S.C. 321d(a)(1));

(B) demonstrates to the Secretary that the applicant suffered a material loss of pasture or hay production, or experienced substantially increased feed costs, due to damaging weather or a related condition during the calendar year, as determined by the Secretary; and

(C) meets all other eligibility requirements established by the Secretary for the program.

(3) MITIGATION.—In determining the eligibility for or amount of payments for which a producer is eligible under the livestock compensation program, the Secretary shall not penalize a producer that takes actions (recognizing disaster conditions) that reduce the average number of livestock the producer owned for grazing during the production year for which assistance is being provided.

(b) LIVESTOCK INDEMNITY PAYMENTS.—

(1) IN GENERAL.—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make livestock indemnity payments to producers on farms that have incurred livestock losses during calendar years 2005 and 2006 for losses that occurred prior to the date of enactment of this Act (including wildfire disaster losses in the State of Texas and other States) due to a disaster, as determined by the Secretary, including losses due to hurricanes, floods, anthrax, wildfires, and extreme heat.

(2) PAYMENT RATES.—Indemnity payments to a producer on a farm under paragraph (1) shall be made at a rate of not less than 30 percent of the market value of the applicable livestock on the day before the date of death of the livestock, as determined by the Secretary.

(c) EWE LAMB REPLACEMENT AND RETENTION.—

(1) IN GENERAL.—The Secretary shall use $13,000,000 of funds of the Commodity Credit Corporation to make payments to producers located in disaster counties under the Ewe Lamb Replacement and Retention Payment Program under part 784 of title 7, Code of Federal Regulations (or a successor regulation) for each qualifying ewe lamb retained or purchased during the period beginning on January 1, 2006, and ending on December 31, 2006, by the producers.

(2) INELIGIBILITY FOR OTHER ASSISTANCE.—A producer that receives assistance under this subsection shall not be eligible to receive assistance under subsection (a).

SEC. 815. FLOODED CROP AND GRAZING LAND.

(a) IN GENERAL.—The Secretary shall compensate eligible owners of flooded crop and grazing land in—

(1) the Devils Lake basin; and

(2) the McHugh, Lake Laretta, and Rose Lake closed drainage areas of the State of North Dakota.

(b) ELIGIBILITY.—

(1) IN GENERAL.—To be eligible to receive compensation under this section, an owner shall own land described in subsection (a) that, during the 2 crop years preceding receipt of compensation, was rendered incapable of use for the production of an agricultural commodity or for grazing purposes (in a manner consistent with the historical use of the land) as the result of flooding, as determined by the Secretary.

(2) INCLUSIONS.—Land described in paragraph (1) shall include—

(A) land that has been flooded;

(B) land that has been rendered inaccessible due to flooding; and

(C) a reasonable buffer strip adjoining the flooded land, as determined by the Secretary.

(3) ADMINISTRATION.—The Secretary may establish—

(A) reasonable minimum acreage levels for individual parcels of land for which owners may receive compensation under this section; and

(B) the location and area of adjoining flooded land for which owners may receive compensation under this section.

(c) SIGN-UP.—The Secretary shall establish a sign-up program for eligible owners to apply for compensation from the Secretary under this section.

(d) COMPENSATION PAYMENTS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the rate of an annual compensation payment under this section shall be equal to 90 percent of the average annual per acre rental payment rate (at the time of entry into the contract) for comparable crop or grazing land that has not been flooded and remains in production in the county where the flooded land is located, as determined by the Secretary.

(2) REDUCTION.—An annual compensation payment under this section shall be reduced by the amount of any conservation program rental payments or Federal agricultural commodity program payments received by the owner for the land during any crop year for which compensation is received under this section.

(3) EXCLUSION.—During any year in which an owner receives compensation for flooded land under this section, the owner shall not be eligible to participate in or receive benefits for the flooded land under—

(A) the Federal crop insurance program established under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.);

(B) the noninsured crop assistance program established under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333); or

(C) any Federal agricultural crop disaster assistance program.

(e) RELATIONSHIP TO AGRICULTURAL COMMODITY PROGRAMS.—The Secretary, by regulation, shall provide for the preservation of cropland base, allotment history, and payment yields applicable to land described in subsection (a) that was rendered incapable of use for the production of an agricultural commodity or for grazing purposes as the result of flooding.

(f) USE OF LAND.—

(1) IN GENERAL.—An owner that receives compensation under this section for flooded

land shall take such actions as are necessary to not degrade any wildlife habitat on the land that has naturally developed as a result of the flooding.

(2) RECREATIONAL ACTIVITIES.—To encourage owners that receive compensation for flooded land to allow public access to and use of the land for recreational activities, as determined by the Secretary, the Secretary may—

(A) offer an eligible owner additional compensation; and

(B) provide compensation for additional acreage under this section.

(g) FUNDING.—

(1) IN GENERAL.—The Secretary shall use $6,000,000 of funds of the Commodity Credit Corporation to carry out this section.

(2) PRO-RATED PAYMENTS.—In a case in which the amount made available under paragraph (1) for a fiscal year is insufficient to compensate all eligible owners under this section, the Secretary shall pro-rate payments for that fiscal year on a per acre basis.

SEC. 816. SUGAR BEET AND SUGAR CANE DISASTER ASSISTANCE.

(a) IN GENERAL.—The Secretary shall use $24,000,000 of funds of the Commodity Credit Corporation to provide assistance to sugar beet producers that suffered production losses (including quality losses) for the 2005 or 2006 crop year.

(b) REQUIREMENT.—The Secretary shall make payments under subsection (a) in the same manner as payments were made under section 208 of the Agricultural Assistance Act of 2003 (Public Law 108-7; 117 Stat. 544), including using the same indemnity benefits as were used in carrying out that section.

(c) HAWAII.—The Secretary shall use $3,000,000 of funds of the Commodity Credit Corporation to assist sugarcane growers in Hawaii by making a payment in that amount to an agricultural transportation cooperative in Hawaii, the members of which are eligible to obtain a loan under section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a)).

SEC. 817. NONINSURED CROP ASSISTANCE PROGRAM.

Section 196(c) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333(c)) is amended by adding at the end the following:

"(5) LOSS ASSESSMENT FOR GRAZING.—The Secretary shall permit the use of 1 claims adjustor certified by the Secretary to assess the quantity of loss on the acreage or allotment of a producer devoted to grazing for livestock under this section.".

SEC. 818. REDUCTION IN PAYMENTS.

The amount of any payment for which a producer is eligible under this subtitle shall be reduced by any amount received by the producer for the same loss or any similar loss under—

(1) the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109-148; 119 Stat. 2680);

(2) an agricultural disaster assistance provision contained in the announcement of the Secretary on January 26, 2006, or August 29, 2006;

(3) the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 418); or

(4) the Livestock Assistance Grant Program announced by the Secretary on August 29, 2006.

Subtitle B—Small Business Economic Loss Grant Program

SEC. 821. SMALL BUSINESS ECONOMIC LOSS GRANT PROGRAM.

(a) DEFINITION OF QUALIFIED STATE.—In this section, the term "qualified State" means a State in which at least 50 percent of the counties of the State were declared to be primary agricultural disaster areas by the Secretary during the 2005 or 2006 crop year.

(b) GRANTS TO QUALIFIED STATES.—

(1) IN GENERAL.—The Secretary shall use $100,000,000 of funds of the Commodity Credit Corporation to make grants to State departments of agriculture or comparable State agencies in qualified States.

(2) AMOUNT.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall allocate grants among qualified States described in paragraph (1) based on the average value of agricultural sector production in the qualified State, determined as a percentage of the gross domestic product of the qualified State.

(B) MINIMUM AMOUNT.—The minimum amount of a grant under this subsection shall be $500,000.

(3) REQUIREMENT.—To be eligible to receive a grant under this subsection, a qualified State shall agree to carry out an expedited disaster assistance program to provide direct payments to qualified small businesses in accordance with subsection (c).

(c) DIRECT PAYMENTS TO QUALIFIED SMALL BUSINESSES.—

(1) IN GENERAL.—In carrying out an expedited disaster assistance program described in subsection (b)(3), a qualified State shall provide direct payments to eligible small businesses in the qualified State that suffered material economic losses during the 2005 or 2006 crop year as a direct result of weather-related agricultural losses to the crop or livestock production sectors of the qualified State, as determined by the Secretary.

(2) ELIGIBILITY.—

(A) IN GENERAL.—To be eligible to receive a direct payment under paragraph (1), a small business shall—

(i) have less than $15,000,000 in average annual gross income from all business activities, at least 75 percent of which shall be directly related to production agriculture or agriculture support industries, as determined by the Secretary;

(ii) verify the amount of economic loss attributable to weather-related agricultural losses using such documentation as the Secretary and the head of the qualified State agency may require;

(iii) have suffered losses attributable to weather-related agricultural disasters that equal at least 50 percent of the total economic loss of the small business for each year a grant is requested; and

(iv) demonstrate that the grant will materially improve the likelihood the business will—

(I) recover from the disaster; and

(II) continue to service and support production agriculture.

(3) REQUIREMENTS.—A direct payment to small business under this subsection shall—

(A) be limited to not more than 2 years of documented losses; and

(B) be in an amount of not more than 75 percent of the documented average economic loss attributable to weather-related agriculture disasters for each eligible year in the qualified State.

(4) INSUFFICIENT FUNDING.—If the grant funds received by a qualified State agency under subsection (b) are insufficient to fund the direct payments of the qualified State agency under this subsection, the qualified State agency may apply a proportional reduction to all of the direct payments.

Subtitle C—Conservation

SEC. 831. EMERGENCY CONSERVATION PROGRAM.

(a) IN GENERAL.—The Secretary shall use an additional $35,000,000 of funds of the Commodity Credit Corporation to carry out emergency measures, including wildfire recovery efforts in Montana and other States, identified by the Administrator of the Farm Service Agency as of the date of enactment of this Act through the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.), of which $3,000,000 shall be to repair broken irrigation pipelines and damaged and collapsed water tanks on the Big Island in the State of Hawaii, including $2,000,000 to repair stone fences on cattle ranches in the Kona and Kohala areas and $1,000,000 to provide emergency loans for losses of agricultural income due to the earthquake of October 15, 2006.

(b) KOHALA DITCH SYSTEM.—The Secretary shall use $2,000,000 of funds of the Commodity Credit Corporation to provide a grant to the Big Island Resource Conservation and Development Council, Incorporated, to repair the Kohala Ditch system.

SEC. 832. EMERGENCY WATERSHED PROTECTION PROGRAM.

The Secretary shall use an additional $70,000,000 of funds of the Commodity Credit Corporation to carry out emergency measures identified by the Chief of the Natural Resources Conservation Service as of the date of enactment of this Act through the emergency watershed protection program established under section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203), of which $10,000,000 shall be for emergency measures on the Big Island in the State of Hawaii, including $6,000,000 to repair the Lower Hamakua Ditch and $4,000,000 to repair the Waimea Irrigation System/Upper Hamakua Ditch.

SEC. 833. ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.

The Secretary shall use an additional $75,000,000 of funds of the Commodity Credit Corporation to carry out emergency measures identified by the Secretary through the environmental quality incentives program established under chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.), of which not less than $40,000,000 shall be used to carry out wildfire recovery efforts (including in Montana and other States).

Subtitle D—Farm Service Agency

SEC. 841. FUNDING FOR ADDITIONAL PERSONNEL.

The Secretary shall use $9,000,000 of funds of the Commodity Credit Corporation to hire additional County Farm Service Agency personnel—

(1) to expedite the implementation of, and delivery under, the agricultural disaster and economic assistance programs under this title; and

(2) as the Secretary determines to be necessary to carry out other agriculture and disaster assistance programs.

Subtitle E—Miscellaneous

SEC. 851. CONTRACT WAIVER.

In carrying out section 101(a)(5) of the Emergency Supplemental Appropriations for Hurricane Disasters Assistance Act, 2005 (Public Law 108-324; 118 Stat. 1233), the Secretary shall not require participation in a crop insurance pilot program relating to forage.

SEC. 852. FUNDING.

The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this title, to remain available until expended.

SEC. 853. REGULATIONS.

(a) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this title.

(b) PROCEDURE.—The promulgation of the regulations and administration of this title shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

Subtitle F—Emergency Designation

SEC. 871. EMERGENCY DESIGNATION.

The amounts provided under this title are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

SA 5206. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

TITLE IX—PIGFORDS CLAIMS REMEDY ACT

SEC. 901. SHORT TITLE.

This title may be cited as the "Pigford Claims Remedy Act of 2006".

SEC. 902. DETERMINATION ON MERITS OF PIGFORD CLAIMS.

(a) IN GENERAL.—Any Pigford claimant who has not previously obtained a determination on the merits of a Pigford claim may, in a civil action, obtain that determination.

(b) INTENT OF CONGRESS AS TO REMEDIAL NATURE OF SECTION.—It is the intent of Congress that this section be liberally construed so as to effectuate its remedial purpose of giving a full determination on the merits for each Pigford claim denied that determination.

(c) DEFINITIONS.—In this title—

(1) the term "Pigford claimant" means an individual who previously submitted a late-filing request under section 5(g) of the consent decree in the case of Pigford v. Glickman, approved by the United States District Court for the District of Columbia on April 14, 1999; and

(2) the term "Pigford claim" means a discrimination complaint, as defined by section 1(h) of that consent decree and documented under section 5(b) of that consent decree.

SA 5207. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. ___. (a) Notwithstanding any other provision of law, the University of Missouri (referred to in this section as the "University") may expand the vivarium capacity of the University in the lower level of the National Plant Genetics Security Center (referred to in this section as the "Center") in Columbia, Missouri.

(b) Funds used for costs relating to the expansion of the vivarium capacity of the University under subsection (a) shall be derived from sources other than the Agricultural Research Service.

(c) The Agricultural Research Service shall complete the design of, and construct, the lower level of the Center to expand the vivarium capacity of the University under subsection (a).

(d) Title to the lower level of the Center made available to expand the vivarium capacity of the University under subsection (a) shall be held by the Agricultural Research Service.

SA 5208. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 175, between lines 9 and 10, insert the following:

SEC. 758. (a) Until receipt of the decennial census in the year 2010, the city of Perkins, Oklahoma shall be considered by the Secretary of Agriculture to be a rural area for purposes of eligibility for water or waste disposal grants and direct or guaranteed loans under paragraph (1) or (2) of section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)).

(b) The city of Perkins, Oklahoma, including individuals and entities with projects in the city, shall be eligible for the grants and loans described in subsection (a) in an amount of 75 percent of the project cost regardless of calculated per capita income of the residents of the city.

SA 5209. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 144, line 25, after "Affairs" insert ", of which $1,000,000 is for the Center for Veterinary Medicine to conduct additional research and, not later than August 1, 2007, submit to the Subcommittee on Agriculture, Rural Development, and Related Agencies of the Committee on Appropriations of the Senate and the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies of the Committee on Appropriations of the House of Representatives a report regarding the certain uses of penicillin in animal feeds as described in the document entitled 'Penicillin Use in Animal Feeds' (42 Fed. Reg. 43769-43793) (August 30, 1977)".

SA 5210. Mr. BURR (for himself and Mr. KENNEDY) proposed an amendment to the bill S. 3678, to amend the Public Health Service Act with respect to public health security and all-hazards preparedness and response, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Pandemic and All-Hazards Preparedness Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—NATIONAL PREPAREDNESS AND RESPONSE, LEADERSHIP, ORGANIZATION, AND PLANNING

Sec. 101. Public health and medical preparedness and response functions of the Secretary of Health and Human Services.
Sec. 102. Assistant Secretary for Preparedness and Response.
Sec. 103. National Health Security Strategy.

TITLE II—PUBLIC HEALTH SECURITY PREPAREDNESS

Sec. 201. Improving State and local public health security.
Sec. 202. Using information technology to improve situational awareness in public health emergencies.
Sec. 203. Public health workforce enhancements.
Sec. 204. Vaccine tracking and distribution.
Sec. 205. National Science Advisory Board for Biosecurity.
Sec. 206. Revitalization of Commissioned Corps.

TITLE III—ALL-HAZARDS MEDICAL SURGE CAPACITY

Sec. 301. National disaster medical system.
Sec. 302. Enhancing medical surge capacity.
Sec. 303. Encouraging health professional volunteers.
Sec. 304. Core education and training.
Sec. 305. Partnerships for state and regional hospital preparedness to improve surge capacity.
Sec. 306. Enhancing the role of the Department of Veterans Affairs.

TITLE IV—PANDEMIC AND BIODEFENSE VACCINE AND DRUG DEVELOPMENT

Sec. 401. Biomedical Advanced Research and Development Authority.
Sec. 402. National Biodefense Science Board.
Sec. 403. Clarification of countermeasures covered by Project BioShield.
Sec. 404. Technical assistance.
Sec. 405. Collaboration and coordination.
Sec. 406. Procurement.

TITLE I—NATIONAL PREPAREDNESS AND RESPONSE, LEADERSHIP, ORGANIZATION, AND PLANNING

SEC. 101. PUBLIC HEALTH AND MEDICAL PREPAREDNESS AND RESPONSE FUNCTIONS OF THE SECRETARY OF HEALTH AND HUMAN SERVICES.

Title XXVIII of the Public Health Service Act (42 U.S.C. 300hh–11 et seq.) is amended—

(1) by striking the title heading and inserting the following:

"TITLE XXVIII—NATIONAL ALL-HAZARDS PREPAREDNESS FOR PUBLIC HEALTH EMERGENCIES";

and

(2) by amending subtitle A to read as follows:

"Subtitle A—National All-Hazards Preparedness and Response Planning, Coordinating, and Reporting

"SEC. 2801. PUBLIC HEALTH AND MEDICAL PREPAREDNESS AND RESPONSE FUNCTIONS.

"(a) In General.—The Secretary of Health and Human Services shall lead all Federal public health and medical response to public health emergencies and incidents covered by the National Response Plan developed pursuant to section 502(6) of the Homeland Security Act of 2002, or any successor plan.

"(b) Interagency Agreement.—The Secretary, in collaboration with the Secretary of Veterans Affairs, the Secretary of Transportation, the Secretary of Defense, the Secretary of Homeland Security, and the head of any other relevant Federal agency, shall establish an interagency agreement, consistent with the National Response Plan or any successor plan, under which agreement the Secretary of Health and Human Services shall assume operational control of emergency public health and medical response assets, as necessary, in the event of a public health emergency, except that members of the armed forces under the authority of the Secretary of Defense shall remain under the command and control of the Secretary of Defense, as shall any associated assets of the Department of Defense."

SEC. 102. ASSISTANT SECRETARY FOR PREPAREDNESS AND RESPONSE.

(a) Assistant Secretary for Preparedness and Response.—Subtitle B of title XXVIII of the Public Health Service Act (42 U.S.C. 300hh-11 et seq.) is amended—

(1) in the subtitle heading, by inserting "All-Hazards" before "Emergency Preparedness";

(2) by redesignating section 2811 as section 2812;

(3) by inserting after the subtitle heading the following new section:

"SEC. 2811. COORDINATION OF PREPAREDNESS FOR AND RESPONSE TO ALL-HAZARDS PUBLIC HEALTH EMERGENCIES.

"(a) In General.—There is established within the Department of Health and Human Services the position of the Assistant Secretary for Preparedness and Response. The President, with the advice and consent of the Senate, shall appoint an individual to serve in such position. Such Assistant Secretary shall report to the Secretary.

"(b) Duties.—Subject to the authority of the Secretary, the Assistant Secretary for Preparedness and Response shall carry out the following functions:

"(1) Leadership.—Serve as the principal advisor to the Secretary on all matters related to Federal public health and medical preparedness and response for public health emergencies.

"(2) Personnel.—Register, credential, organize, train, equip, and have the authority to deploy Federal public health and medical personnel under the authority of the Secretary, including the National Disaster Medical System, and coordinate such personnel with the Medical Reserve Corps and the Emergency System for Advance Registration of Volunteer Health Professionals.

"(3) Countermeasures.—Oversee advanced research, development, and procurement of qualified countermeasures (as defined in section 319F-1) and qualified pandemic or epidemic products (as defined in section 319F-3).

"(4) Coordination.—

"(A) Federal integration.—Coordinate with relevant Federal officials to ensure integration of Federal preparedness and response activities for public health emergencies.

"(B) State, local, and tribal integration.—Coordinate with State, local, and tribal public health officials, the Emergency Management Assistance Compact, health care systems, and emergency medical service systems to ensure effective integration of Federal public health and medical assets during a public health emergency.

"(C) Emergency medical services.—Promote improved emergency medical services medical direction, system integration, research, and uniformity of data collection, treatment protocols, and policies with regard to public health emergencies.

"(5) Logistics.—In coordination with the Secretary of Veterans Affairs, the Secretary of Homeland Security, the General Services Administration, and other public and private entities, provide logistical support for medical and public health aspects of Federal responses to public health emergencies.

"(6) Leadership.—Provide leadership in international programs, initiatives, and policies that deal with public health and medical emergency preparedness and response.

"(c) Functions.—The Assistant Secretary for Preparedness and Response shall—

"(1) have authority over and responsibility for—

"(A) the National Disaster Medical System (in accordance with section 301 of the Pandemic and All-Hazards Preparedness Act); and

"(B) the Hospital Preparedness Cooperative Agreement Program pursuant to section 319C-2;

"(2) exercise the responsibilities and authorities of the Secretary with respect to the coordination of—

"(A) the Medical Reserve Corps pursuant to section 2813;

"(B) the Emergency System for Advance Registration of Volunteer Health Professionals pursuant to section 319I;

"(C) the Strategic National Stockpile; and

"(D) the Cities Readiness Initiative; and

"(3) assume other duties as determined appropriate by the Secretary."; and

(4) by striking "Assistant Secretary for Public Health Emergency Preparedness" each place it appears and inserting "Assistant Secretary for Preparedness and Response".

(b) Transfer of Functions; References.—

(1) Transfer of functions.—There shall be transferred to the Office of the Assistant Secretary for Preparedness and Response the functions, personnel, assets, and liabilities of the Assistant Secretary for Public Health Emergency Preparedness as in effect on the day before the date of enactment of this Act.

(2) References.—Any reference in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Assistant Secretary for Public Health Emergency Preparedness as in effect the day before the date of enactment of this Act, shall be deemed to be a reference to the Assistant Secretary for Preparedness and Response.

(c) Stockpile.—Section 319F-2(a)(1) of the Public Health Service Act (42 U.S.C. 247d-6b(a)(1)) is amended by—

(1) inserting "in collaboration with the Director of the Centers for Disease Control and Prevention, and" after "Secretary,"; and

(2) inserting at the end the following: "The Secretary shall conduct an annual review (taking into account at-risk individuals) of the contents of the stockpile, including non-pharmaceutical supplies, and make necessary additions or modifications to the contents based on such review.".

(d) At-Risk Individuals.—Title XXVIII of the Public Health Service Act (42 U.S.C. 300hh et seq.), as amended by section 303 of this Act, is amended by inserting after section 2813 the following:

"SEC. 2814. AT-RISK INDIVIDUALS.

"The Secretary, acting through such employee of the Department of Health and Human Services as determined by the Secretary and designated publicly (which may, at the discretion of the Secretary, involve the appointment or designation of an individual as the Director of At-Risk Individuals), shall—

"(1) oversee the implementation of the National Preparedness goal of taking into account the public health and medical needs of at-risk individuals in the event of a public health emergency, as described in section 2802(b)(4);

"(2) assist other Federal agencies responsible for planning for, responding to, and recovering from public health emergencies in addressing the needs of at-risk individuals;

"(3) provide guidance to and ensure that recipients of State and local public health grants include preparedness and response strategies and capabilities that take into account the medical and public health needs of at-risk individuals in the event of a public health emergency, as described in section 319C-1(b)(2)(A)(iii);

"(4) ensure that the contents of the strategic national stockpile take into account at-risk populations as described in section 2811(b)(3)(B);

"(5) oversee the progress of the Advisory Committee on At-Risk Individuals and Public Health Emergencies established under section 319F(b)(2) and make recommendations with a focus on opportunities for action based on the work of the Committee;

"(6) oversee curriculum development for the public health and medical response training program on medical management of casualties, as it concerns at-risk individuals as described in subparagraphs (A) through (C) of section 319F(a)(2);

"(7) disseminate novel and best practices of outreach to and care of at-risk individuals before, during, and following public health emergencies; and

"(8) not later than one year after the date of enactment of the Pandemic and All-Hazards Preparedness Act, prepare and submit to Congress a report describing the progress made on implementing the duties described in this section.".

SEC. 103. NATIONAL HEALTH SECURITY STRATEGY.

Title XXVIII of the Public Health Service Act (300hh-11 et seq.), as amended by section 101, is amended by inserting after section 2801 the following:

"SEC. 2802. NATIONAL HEALTH SECURITY STRATEGY.

"(a) In General.—

"(1) Preparedness and response regarding public health emergencies.—Beginning in 2009 and every four years thereafter, the Secretary shall prepare and submit to the relevant committees of Congress a coordinated strategy (to be known as the National Health Security Strategy) and any revisions thereof, and an accompanying implementation plan for public health emergency preparedness and response. Such National Health Security Strategy shall identify the process for achieving the preparedness goals described in subsection (b) and shall be consistent with the National Preparedness Goal, the National Incident Management System, and the National Response Plan developed pursuant to section 502(6) of the Homeland Security Act of 2002, or any successor plan.

"(2) EVALUATION OF PROGRESS.—The National Health Security Strategy shall include an evaluation of the progress made by Federal, State, local, and tribal entities, based on the evidence-based benchmarks and objective standards that measure levels of preparedness established pursuant to section 319C-1(g). Such evaluation shall include aggregate and State-specific breakdowns of obligated funding spent by major category (as defined by the Secretary) for activities funded through awards pursuant to sections 319C–1 and 319C–2.

"(3) PUBLIC HEALTH WORKFORCE.—In 2009, the National Health Security Strategy shall include a national strategy for establishing an effective and prepared public health workforce, including defining the functions, capabilities, and gaps in such workforce, and identifying strategies to recruit, retain, and protect such workforce from workplace exposures during public health emergencies.

"(b) PREPAREDNESS GOALS.—The National Health Security Strategy shall include provisions in furtherance of the following:

"(1) INTEGRATION.—Integrating public health and public and private medical capabilities with other first responder systems, including through—

"(A) the periodic evaluation of Federal, State, local, and tribal preparedness and response capabilities through drills and exercises; and

"(B) integrating public and private sector public health and medical donations and volunteers.

"(2) PUBLIC HEALTH.—Developing and sustaining Federal, State, local, and tribal essential public health security capabilities, including the following:

"(A) Disease situational awareness domestically and abroad, including detection, identification, and investigation.

"(B) Disease containment including capabilities for isolation, quarantine, social distancing, and decontamination.

"(C) Risk communication and public preparedness.

"(D) Rapid distribution and administration of medical countermeasures.

"(3) MEDICAL.—Increasing the preparedness, response capabilities, and surge capacity of hospitals, other health care facilities (including mental health facilities), and trauma care and emergency medical service systems, with respect to public health emergencies, which shall include developing plans for the following:

"(A) Strengthening public health emergency medical management and treatment capabilities.

"(B) Medical evacuation and fatality management.

"(C) Rapid distribution and administration of medical countermeasures.

"(D) Effective utilization of any available public and private mobile medical assets and integration of other Federal assets.

"(E) Protecting health care workers and health care first responders from workplace exposures during a public health emergency.

"(4) AT-RISK INDIVIDUALS.—

"(A) Taking into account the public health and medical needs of at-risk individuals in the event of a public health emergency.

"(B) For purpose of this section and sections 319C–1, 319F, and 319L, the term 'at-risk individuals' means children, pregnant women, senior citizens and other individuals who have special needs in the event of a public health emergency, as determined by the Secretary.

"(5) COORDINATION.—Minimizing duplication of, and ensuring coordination between, Federal, State, local, and tribal planning, preparedness, and response activities (including the State Emergency Management Assistance Compact). Such planning shall be consistent with the National Response Plan, or any successor plan, and National Incident Management System and the National Preparedness Goal.

"(6) CONTINUITY OF OPERATIONS.—Maintaining vital public health and medical services to allow for optimal Federal, State, local, and tribal operations in the event of a public health emergency.".

TITLE II—PUBLIC HEALTH SECURITY PREPAREDNESS

SEC. 201. IMPROVING STATE AND LOCAL PUBLIC HEALTH SECURITY.

Section 319C–1 of the Public Health Service Act (42 U.S.C. 247d–3a) is amended—

(1) by amending the heading to read as follows: "**IMPROVING STATE AND LOCAL PUBLIC HEALTH SECURITY.**";

(2) by striking subsections (a) through (i) and inserting the following:

"(a) In General.—To enhance the security of the United States with respect to public health emergencies, the Secretary shall award cooperative agreements to eligible entities to enable such entities to conduct the activities described in subsection (d).

"(b) Eligible Entities.—To be eligible to receive an award under subsection (a), an entity shall—

"(1)(A) be a State;

"(B) be a political subdivision determined by the Secretary to be eligible for an award under this section (based on criteria described in subsection (i)(4)); or

"(C) be a consortium of entities described in subparagraph (A); and

"(2) prepare and submit to the Secretary an application at such time, and in such manner, and containing such information as the Secretary may require, including—

"(A) an All-Hazards Public Health Emergency Preparedness and Response Plan which shall include—

"(i) a description of the activities such entity will carry out under the agreement to meet the goals identified under section 2802;

"(ii) a pandemic influenza plan consistent with the requirements of paragraphs (2) and (5) of subsection (g);

"(iii) preparedness and response strategies and capabilities that take into account the medical and public health needs of at-risk individuals in the event of a public health emergency;

"(iv) a description of the mechanism the entity will implement to utilize the Emergency Management Assistance Compact or other mutual aid agreements for medical and public health mutual aid; and

"(v) a description of how the entity will include the State Unit on Aging in public health emergency preparedness;

"(B) an assurance that the entity will report to the Secretary on an annual basis (or more frequently as determined by the Secretary) on the evidence-based benchmarks and objective standards established by the Secretary to evaluate the preparedness and response capabilities of such entity under subsection (g);

"(C) an assurance that the entity will conduct, on at least an annual basis, an exercise or drill that meets any criteria established by the Secretary to test the preparedness and response capabilities of such entity, and that the entity will report back to the Secretary within the application of the following year on the strengths and weaknesses identified through such exercise or drill, and corrective actions taken to address material weaknesses;

"(D) an assurance that the entity will provide to the Secretary the data described under section 319D(d)(3) as determined feasible by the Secretary;

"(E) an assurance that the entity will conduct activities to inform and educate the hospitals within the jurisdiction of such entity on the role of such hospitals in the plan required under subparagraph (A);

"(F) an assurance that the entity, with respect to the plan described under subparagraph (A), has developed and will implement an accountability system to ensure that such entity make satisfactory annual improvement and describe such system in the plan under subparagraph (A);

"(G) a description of the means by which to obtain public comment and input on the plan described in subparagraph (A) and on the implementation of such plan, that shall include an advisory committee or other similar mechanism for obtaining comment from the public and from other State, local, and tribal stakeholders; and

"(H) as relevant, a description of the process used by the entity to consult with local departments of public health to reach consensus, approval, or concurrence on the relative distribution of amounts received under this section.

"(c) Limitation.—Beginning in fiscal year 2009, the Secretary may not award a cooperative agreement to a State unless such State is a participant in the Emergency System for Advance Registration of Volunteer Health Professionals described in section 319I.

"(d) Use of Funds.—

"(1) IN GENERAL.—An award under subsection (a) shall be expended for activities to achieve the preparedness goals described under paragraphs (1), (2), (4), (5), and (6) of section 2802(b).

"(2) EFFECT OF SECTION.—Nothing in this subsection may be construed as establishing new regulatory authority or as modifying any existing regulatory authority.

"(e) Coordination With Local Response Capabilities.—An entity shall, to the extent practicable, ensure that activities carried out under an award under subsection (a) are coordinated with activities of relevant Metropolitan Medical Response Systems, local public health departments, the Cities Readiness Initiative, and local emergency plans.

"(f) Consultation With Homeland Security.—In making awards under subsection (a), the Secretary shall consult with the Secretary of Homeland Security to—

"(1) ensure maximum coordination of public health and medical preparedness and response activities with the Metropolitan Medical Response System, and other relevant activities;

"(2) minimize duplicative funding of programs and activities;

"(3) analyze activities, including exercises and drills, conducted under this section to develop recommendations and guidance on best practices for such activities; and

"(4) disseminate such recommendations and guidance, including through expanding existing lessons learned information systems to create a single Internet-based point of access for sharing and distributing medical and public health best practices and lessons learned from drills, exercises, disasters, and other emergencies.

"(g) Achievement of Measurable Evidence-Based Benchmarks and Objective Standards.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary shall develop or where appropriate adopt, and require the application of, measurable evidence-based benchmarks and objective standards that measure levels of preparedness with respect to the activities described in this section and with respect to activities described in section 319C-2. In developing such benchmarks and standards, the Secretary shall consult with and seek comments from State, local, and tribal officials and private entities, as appropriate. Where appropriate, the Secretary shall incorporate existing objective standards. Such benchmarks and standards shall—

"(A) include outcome goals representing operational achievement of the National Preparedness Goals developed under section 2802(b); and

"(B) at a minimum, require entities to—

"(i) measure progress toward achieving the outcome goals; and

"(ii) at least annually, test, exercise, and rigorously evaluate the public health and medical emergency preparedness and response capabilities of the entity, and report to the Secretary on such measured and tested capabilities and measured and tested progress toward achieving outcome goals, based on criteria established by the Secretary.

"(2) CRITERIA FOR PANDEMIC INFLUENZA PLANS.—

"(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary shall develop and disseminate to the chief executive officer of each State criteria for an effective State plan for responding to pandemic influenza.

"(B) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require the duplication of Federal efforts with respect to the development of criteria or standards, without regard to whether such efforts were carried out prior to or after the date of enactment of this section.

"(3) TECHNICAL ASSISTANCE.—The Secretary shall, as determined appropriate by the Secretary, provide to a State, upon request, technical assistance in meeting the requirements of this section, including the provision of advice by experts in the development of high-quality assessments, the setting of State objectives and assessment methods, the development of measures of satisfactory annual improvement that are valid and reliable, and other relevant areas.

"(4) NOTIFICATION OF FAILURES.—The Secretary shall develop and implement a process to notify entities that are determined by the Secretary to have failed to meet the requirements of paragraph (1) or (2). Such process shall provide such entities with the opportunity to correct such noncompliance. An entity that fails to correct such noncompliance shall be subject to paragraph (5).

"(5) WITHHOLDING OF AMOUNTS FROM ENTITIES THAT FAIL TO ACHIEVE BENCHMARKS OR SUBMIT INFLUENZA PLAN.—Beginning with fiscal year 2009, and in each succeeding fiscal year, the Secretary shall—

"(A) withhold from each entity that has failed substantially to meet the benchmarks and performance measures described in paragraph (1) for the immediately preceding fiscal year (beginning with fiscal year 2008), pursuant to the process developed under paragraph (4), the amount described in paragraph (6); and

"(B) withhold from each entity that has failed to submit to the Secretary a plan for responding to pandemic influenza that meets the criteria developed under paragraph (2), the amount described in paragraph (6).

"(6) AMOUNTS DESCRIBED.—

"(A) IN GENERAL.—The amounts described in this paragraph are the following amounts that are payable to an entity for activities described in section 319C–1 or 319C–2:

"(i) For the fiscal year immediately following a fiscal year in which an entity experienced a failure described in subparagraph (A) or (B) of paragraph (5) by the entity, an amount equal to 10 percent of the amount the entity was eligible to receive for such fiscal year.

"(ii) For the fiscal year immediately following two consecutive fiscal years in which an entity experienced such a failure, an amount equal to 15 percent of the amount the entity was eligible to receive for such fiscal year, taking into account the withholding of funds for the immediately preceding fiscal year under clause (i).

"(iii) For the fiscal year immediately following three consecutive fiscal years in which an entity experienced such a failure, an amount equal to 20 percent of the amount the entity was eligible to receive for such fiscal year, taking into account the withholding of funds for the immediately preceding fiscal years under clauses (i) and (ii).

"(iv) For the fiscal year immediately following four consecutive fiscal years in which an entity experienced such a failure, an amount equal to 25 percent of the amount the entity was eligible to receive for such a fiscal year, taking into account the withholding of funds for the immediately preceding fiscal years under clauses (i), (ii), and (iii).

"(B) SEPARATE ACCOUNTING.—Each failure described in subparagraph (A) or (B) of paragraph (5) shall be treated as a separate failure for purposes of calculating amounts withheld under subparagraph (A).

"(7) REALLOCATION OF AMOUNTS WITHHELD.—

"(A) IN GENERAL.—The Secretary shall make amounts withheld under paragraph (6) available for making awards under section 319C-2 to entities described in subsection (b)(1) of such section.

"(B) PREFERENCE IN REALLOCATION.—In making awards under section 319C-2 with amounts described in subparagraph (A), the Secretary shall give preference to eligible entities (as described in section 319C-2(b)(1)) that are located in whole or in part in States from which amounts have been withheld under paragraph (6).

"(8) WAIVE OR REDUCE WITHHOLDING.—The Secretary may waive or reduce the withholding described in paragraph (6), for a single entity or for all entities in a fiscal year, if the Secretary determines that mitigating conditions exist that justify the waiver or reduction.

"(h) GRANTS FOR REAL-TIME DISEASE DETECTION IMPROVEMENT.—

"(1) IN GENERAL.—The Secretary may award grants to eligible entities to carry out projects described under paragraph (4).

"(2) ELIGIBLE ENTITY.—For purposes of this section, the term 'eligible entity' means an entity that is—

"(A)(i) a hospital, clinical laboratory, university; or

"(ii) a poison control center or professional organization in the field of poison control; and

"(B) a participant in the network established under subsection 319D(d).

"(3) APPLICATION.—Each eligible entity desiring a grant under this subsection shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(4) USE OF FUNDS.—

"(A) IN GENERAL.—An eligible entity described in paragraph (2)(A)(i) that receives a grant under this subsection shall use the funds awarded pursuant to such grant to carry out a pilot demonstration project to purchase and implement the use of advanced diagnostic medical equipment to analyze real-time clinical specimens for pathogens of public health or bioterrorism significance and report any results from such project to State, local, and tribal public health entities and the network established under section 319D(d).

"(B) OTHER ENTITIES.—An eligible entity described in paragraph (2)(A)(ii) that receives a grant under this section shall use the funds awarded pursuant to such grant to—

"(i) improve the early detection, surveillance, and investigative capabilities of poison control centers for chemical, biological, radiological, and nuclear events by training poison information personnel to improve the accuracy of surveillance data, improving the definitions used by the poison control centers for surveillance, and enhancing timely and efficient investigation of data anomalies;

"(ii) improve the capabilities of poison control centers to provide information to health care providers and the public with regard to chemical, biological, radiological, or nuclear threats or exposures, in consultation with the appropriate State, local, and tribal public health entities; or

"(iii) provide surge capacity in the event of a chemical, biological, radiological, or nuclear event through the establishment of alternative poison control center worksites and the training of nontraditional personnel.";

(3) by redesignating subsection (j) as subsection (i);

(4) in subsection (i), as so redesignated—

(A) by striking paragraphs (1) through (3)(A) and inserting the following:

"(1) AUTHORIZATION OF APPROPRIATIONS.—

"(A) IN GENERAL.—For the purpose of carrying out this section, there is authorized to be appropriated $824,000,000 for fiscal year 2007, of which $35,000,000 shall be used to carry out subsection (h), for awards pursuant to paragraph (3) (subject to the authority of the Secretary to make awards pursuant to paragraphs (4) and (5)), and such sums as may be necessary for each of fiscal years 2008 through 2011.

"(B) COORDINATION.—There are authorized to be appropriated, $10,000,000 for fiscal year 2007 to carry out subsection (f)(4) of this section and section 2814.

"(C) REQUIREMENT FOR STATE MATCHING FUNDS.—Beginning in fiscal year 2009, in the case of any State or consortium of two or more States, the Secretary may not award a cooperative agreement under this section unless the State or consortium of States agree that, with respect to the amount of the cooperative agreement awarded by the Secretary, the State or consortium of States will make available (directly or through donations from public or private entities) non-Federal contributions in an amount equal to—

"(i) for the first fiscal year of the cooperative agreement, not less than 5 percent of such costs ($1 for each $20 of Federal funds provided in the cooperative agreement); and

"(ii) for any second fiscal year of the cooperative agreement, and for any subsequent fiscal year of such cooperative agreement, not less than 10 percent of such costs ($1 for each $10 of Federal funds provided in the cooperative agreement).

"(D) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTIONS.—As determined by the Secretary, non-Federal contributions required in subparagraph (C) may be provided directly or through donations from public or private entities and may be in cash or in kind, fairly evaluated, including plant, equipment or services. Amounts provided by the Federal government, or services assisted or subsidized to any significant extent by the Federal government, may not be included in determining the amount of such non-Federal contributions.

"(2) MAINTAINING STATE FUNDING.—

"(A) IN GENERAL.—An entity that receives an award under this section shall maintain expenditures for public health security at a level that is not less than the average level of such expenditures maintained by the entity for the preceding 2 year period.

"(B) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the use of awards under this section to pay salary and related expenses of public health and other professionals employed by State, local, or tribal public health agencies who are carrying out activities supported by such awards (regardless of whether the primary assignment of such personnel is to carry out such activities).

"(3) DETERMINATION OF AMOUNT.—

"(A) IN GENERAL.—The Secretary shall award cooperative agreements under subsection (a) to each State or consortium of 2 or more States that submits to the Secretary an application that meets the criteria of the Secretary for the receipt of such an award and that meets other implementation conditions established by the Secretary for such awards.";

(B) in paragraph (4)(A)—

(i) by striking "2003" and inserting "2007"; and

(ii) by striking "(A)(i)(I)";

(C) in paragraph (4)(D), by striking "2002" and inserting "2006";

(D) in paragraph (5)—

(i) by striking "2003" and inserting "2007"; and

(ii) by striking "(A)(i)(I)"; and

(E) by striking paragraph (6) and inserting the following:

"(6) FUNDING OF LOCAL ENTITIES.—The Secretary shall, in making awards under this section, ensure that with respect to the cooperative agreement awarded, the entity make available appropriate portions of such award to political subdivisions and local departments of public health through a process involving the consensus, approval or concurrence with such local entities."; and

(5) by adding at the end the following:

"(j) ADMINISTRATIVE AND FISCAL RESPONSIBILITY.—

"(1) ANNUAL REPORTING REQUIREMENTS.—Each entity shall prepare and submit to the Secretary annual reports on its activities under this section and section 319C–2. Each such report shall be prepared by, or in consultation with, the health department. In order to properly evaluate and compare the performance of different entities assisted under this section and section 319C–2 and to assure the proper expenditure of funds under this section and section 319C–2, such reports shall be in such standardized form and contain such information as the Secretary determines and describes within 180 days of the date of enactment of the Pandemic and All-Hazards Preparedness Act (after consultation with the States) to be necessary to—

"(A) secure an accurate description of those activities;

"(B) secure a complete record of the purposes for which funds were spent, and of the recipients of such funds;

"(C) describe the extent to which the entity has met the goals and objectives it set forth under this section or section 319C–2;

"(D) determine the extent to which funds were expended consistent with the entity's application transmitted under this section or section 319C–2; and

"(E) publish such information on a Federal Internet website consistent with subsection (k).

"(2) AUDITS; IMPLEMENTATION.—

"(A) IN GENERAL.—Each entity receiving funds under this section or section 319C–2 shall, not less often than once every 2 years, audit its expenditures from amounts received under this section or section 319C–2. Such audits shall be conducted by an entity independent of the agency administering a program funded under this section or section 319C–2 in accordance with the Comptroller General's standards for auditing governmental organizations, programs, activities, and functions and generally accepted auditing standards. Within 30 days following the completion of each audit report, the entity shall submit a copy of that audit report to the Secretary.

"(B) REPAYMENT.—Each entity shall repay to the United States amounts found by the Secretary, after notice and opportunity for a hearing to the entity, not to have been expended in accordance with this section or section 319C–2 and, if such repayment is not made, the Secretary may offset such amounts against the amount of any allotment to which the entity is or may become entitled under this section or section 319C–2 or may otherwise recover such amounts.

"(C) WITHHOLDING OF PAYMENT.—The Secretary may, after notice and opportunity for a hearing, withhold payment of funds to any entity which is not using its allotment under this section or section 319C–2 in accordance with such section. The Secretary may withhold such funds until the Secretary finds that the reason for the withholding has been removed and there is reasonable assurance that it will not recur.

"(3) MAXIMUM CARRYOVER AMOUNT.—

"(A) IN GENERAL.—For each fiscal year, the Secretary, in consultation with the States and political subdivisions, shall determine the maximum percentage amount of an award under this section that an entity may carryover to the succeeding fiscal year.

"(B) AMOUNT EXCEEDED.—For each fiscal year, if the percentage amount of an award under this section unexpended by an entity exceeds the maximum percentage permitted by the Secretary under subparagraph (A), the entity shall return to the Secretary the portion of the unexpended amount that exceeds the maximum amount permitted to be carried over by the Secretary.

"(C) ACTION BY SECRETARY.—The Secretary shall make amounts returned to the Secretary under subparagraph (B) available for awards under section 319C–2(b)(1). In making awards under section 319C–2(b)(1) with amounts collected under this paragraph the Secretary shall give preference to entities that are located in whole or in part in States from which amounts have been returned under subparagraph (B).

"(D) WAIVER.—An entity may apply to the Secretary for a waiver of the maximum percentage amount under subparagraph (A). Such an application for a waiver shall include an explanation why such requirement should not apply to the entity and the steps taken by such entity to ensure that all funds under an award under this section will be expended appropriately.

"(E) WAIVE OR REDUCE WITHHOLDING.—The Secretary may waive the application of subparagraph (B), or reduce the amount determined under such subparagraph, for a single entity pursuant to subparagraph (D) or for all entities in a fiscal year, if the Secretary determines that mitigating conditions exist that justify the waiver or reduction.

"(k) COMPILATION AND AVAILABILITY OF DATA.—The Secretary shall compile the data submitted under this section and make such data available in a timely manner on an appropriate Internet website in a format that is useful to the public and to other entities and that provides information on what activities are best contributing to the achievement of the outcome goals described in subsection (g).".

SEC. 202. USING INFORMATION TECHNOLOGY TO IMPROVE SITUATIONAL AWARENESS IN PUBLIC HEALTH EMERGENCIES.

Section 319D of the Public Health Service Act (42 U.S.C. 247d–4) is amended—

(1) in subsection (a)(1), by inserting "domestically and abroad" after "public health threats"; and

(2) by adding at the end the following:

"(d) PUBLIC HEALTH SITUATIONAL AWARENESS.—

"(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary, in collaboration with State, local, and tribal public health officials, shall establish a near real-time electronic nationwide public health situational awareness capability through an interoperable network of systems to share data and information to enhance early detection of rapid response to, and management of, potentially catastrophic infectious disease outbreaks and other public health emergencies that originate domestically or abroad. Such network shall be built on existing State situational awareness systems or enhanced systems that enable such connectivity.

"(2) STRATEGIC PLAN.—Not later than 180 days after the date of enactment the Pandemic and All-Hazards Preparedness Act, the Secretary shall submit to the appropriate committees of Congress, a strategic plan that demonstrates the steps the Secretary will undertake to develop, implement, and evaluate the network described in paragraph (1), utilizing the elements described in paragraph (3).

"(3) ELEMENTS.—The network described in paragraph (1) shall include data and information transmitted in a standardized format from—

"(A) State, local, and tribal public health entities, including public health laboratories;

"(B) Federal health agencies;

"(C) zoonotic disease monitoring systems;

"(D) public and private sector health care entities, hospitals, pharmacies, poison control centers or professional organizations in the field of poison control, and clinical laboratories, to the extent practicable and provided that such data are voluntarily provided simultaneously to the Secretary and appropriate State, local, and tribal public health agencies; and

"(E) such other sources as the Secretary may deem appropriate.

"(4) RULE OF CONSTRUCTION.—Paragraph (3) shall not be construed as requiring separate reporting of data and information from each source listed.

"(5) REQUIRED ACTIVITIES.—In establishing and operating the network described in paragraph (1), the Secretary shall—

"(A) utilize applicable interoperability standards as determined by the Secretary through a joint public and private sector process;

"(B) define minimal data elements for such network;

"(C) in collaboration with State, local, and tribal public health officials, integrate and build upon existing State, local, and tribal capabilities, ensuring simultaneous sharing of data, information, and analyses from the network described in paragraph (1) with State, local, and tribal public health agencies; and

"(D) in collaboration with State, local, and tribal public health officials, develop procedures and standards for the collection, analysis, and interpretation of data that States, regions, or other entities collect and report to the network described in paragraph (1).

"(e) STATE AND REGIONAL SYSTEMS TO ENHANCE SITUATIONAL AWARENESS IN PUBLIC HEALTH EMERGENCIES.—

"(1) IN GENERAL.—To implement the network described in subsection (d), the Secretary may award grants to States or consortia of States to enhance the ability of such States or consortia of States to establish or operate a coordinated public health situational awareness system for regional or Statewide early detection of, rapid response to, and management of potentially catastrophic infectious disease outbreaks and public health emergencies, in collaboration with appropriate public health agencies, sentinel hospitals, clinical laboratories, pharmacies, poison control centers, other health care organizations, and animal health organizations within such States.

"(2) ELIGIBILITY.—To be eligible to receive a grant under paragraph (1), the State or consortium of States shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including an assurance that the State or consortium of States will submit to the Secretary—

"(A) reports of such data, information, and metrics as the Secretary may require;

"(B) a report on the effectiveness of the systems funded under the grant; and

"(C) a description of the manner in which grant funds will be used to enhance the timelines and comprehensiveness of efforts to detect, respond to, and manage potentially catastrophic infectious disease outbreaks and public health emergencies.

"(3) USE OF FUNDS.—A State or consortium of States that receives an award under this subsection—

"(A) shall establish, enhance, or operate a coordinated public health situational awareness system for regional or Statewide early detection of, rapid response to, and management of potentially catastrophic infectious disease outbreaks and public health emergencies;

"(B) may award grants or contracts to entities described in paragraph (1) within or serving such State to assist such entities in improving the operation of information technology systems, facilitating the secure exchange of data and information, and training personnel to enhance the operation of the system described in subparagraph (A); and

"(C) may conduct a pilot program for the development of multi-State telehealth network test beds that build on, enhance, and securely link existing State and local telehealth programs to prepare for, monitor, respond to, and manage the events of public health emergencies, facilitate coordination and communication among medical, public health, and emergency response agencies, and provide medical services through telehealth initiatives within the States that are involved in such a multi-State telehealth network test bed.

"(4) LIMITATION.—Information technology systems acquired or implemented using grants awarded under this section must be compliant with—

"(A) interoperability and other technological standards, as determined by the Secretary; and

"(B) data collection and reporting requirements for the network described in subsection (d).

"(5) INDEPENDENT EVALUATION.—Not later than 4 years after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Government Accountability Office shall conduct an independent evaluation, and submit to the Secretary and the appropriate committees of Congress a report concerning the activities conducted under this subsection and subsection (d).

"(f) TELEHEALTH ENHANCEMENTS FOR EMERGENCY RESPONSE.—

"(1) EVALUATION.—The Secretary, in consultation with the Federal Communications Commission and other relevant Federal agencies, shall—

"(A) conduct an inventory of telehealth initiatives in existence on the date of enactment of the Pandemic and All-Hazards Preparedness Act, including—

"(i) the specific location of network components;

"(ii) the medical, technological, and communications capabilities of such components;

"(iii) the functionality of such components; and

"(iv) the capacity and ability of such components to handle increased volume during the response to a public health emergency;

"(B) identify methods to expand and interconnect the regional health information networks funded by the Secretary, the State and regional broadband networks funded through the rural health care support mechanism pilot program funded by the Federal Communications Commission, and other telehealth networks;

"(C) evaluate ways to prepare for, monitor, respond rapidly to, or manage the events of, a public health emergency through the enhanced use of telehealth technologies, including mechanisms for payment or reimbursement for use of such technologies and personnel during public health emergencies;

"(D) identify methods for reducing legal barriers that deter health care professionals from providing telemedicine services, such as by utilizing State emergency health care professional credentialing verification systems, encouraging States to establish and implement mechanisms to improve interstate medical licensure cooperation, facilitating the exchange of information among States regarding investigations and adverse actions, and encouraging States to waive the application of licensing requirements during a public health emergency;

"(E) evaluate ways to integrate the practice of telemedicine within the National Disaster Medical System; and

"(F) promote greater coordination among existing Federal interagency telemedicine and health information technology initiatives.

"(2) REPORT.—Not later than 12 months after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary shall prepare and submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives regarding the findings and recommendations pursuant to subparagraphs (A) through (F) of paragraph (1).

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary in each of fiscal years 2007 through 2011.".

SEC. 203. PUBLIC HEALTH WORKFORCE ENHANCEMENTS.

(a) DEMONSTRATION PROJECT.—Subpart III of part D of title III of the Public Health Service Act (42 U.S.C. 254l) is amended by adding at the end the following:

"SEC. 338M. PUBLIC HEALTH DEPARTMENTS.

"(a) IN GENERAL.—To the extent that funds are appropriated under subsection (e), the Secretary shall establish a demonstration project to provide for the participation of individuals who are eligible for the Loan Repayment Program described in section 338B and who agree to complete their service obligation in a State health department that provides a significant amount of service to health professional shortage areas or areas at risk of a public health emergency, as determined by the Secretary, or in a local or tribal health department that serves a health professional shortage area or an area at risk of a public health emergency.

"(b) PROCEDURE.—To be eligible to receive assistance under subsection (a), with respect to the program described in section 338B, an individual shall—

"(1) comply with all rules and requirements described in such section (other than section 338B(f)(1)(B)(iv)); and

"(2) agree to serve for a time period equal to 2 years, or such longer period as the individual may agree to, in a State, local, or tribal health department, described in subsection (a).

"(c) DESIGNATIONS.—The demonstration project described in subsection (a), and any healthcare providers who are selected to participate in such project, shall not be considered by the Secretary in the designation of health professional shortage areas under section 332 during fiscal years 2007 through 2010.

"(d) REPORT.—Not later than 3 years after the date of enactment of this section, the Secretary shall submit a report to the relevant committees of Congress that evaluates the participation of individuals in the demonstration project under subsection (a), the impact of such participation on State, local, and tribal health departments, and the benefit and feasibility of permanently allowing such placements in the Loan Repayment Program.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2007 through 2010.".

(b) GRANTS FOR LOAN REPAYMENT PROGRAM.—Section 338I of the Public Health Service Act (42 U.S.C. 254q-1) is amended by adding at the end the following:

"(j) PUBLIC HEALTH LOAN REPAYMENT.—

"(1) IN GENERAL.—The Secretary may award grants to States for the purpose of assisting such States in operating loan repayment programs under which such States enter into contracts to repay all or part of the eligible loans borrowed by, or on behalf of, individuals who agree to serve in State, local, or tribal health departments that serve health professional shortage areas or other areas at risk of a public health emergency, as designated by the Secretary.

"(2) LOANS ELIGIBLE FOR REPAYMENT.—To be eligible for repayment under this subsection, a loan shall be a loan made, insured, or guaranteed by the Federal Government that is borrowed by, or on behalf of, an individual to pay the cost of attendance for a program of education leading to a degree appropriate for serving in a State, local, or tribal health department as determined by the Secretary and the chief executive officer of the State in which the grant is administered, at an institution of higher education (as defined in section 102 of the Higher Education Act of 1965), including principal, interest, and related expenses on such loan.

"(3) APPLICABILITY OF EXISTING REQUIREMENTS.—With respect to awards made under paragraph (1)—

"(A) the requirements of subsections (b), (f), and (g) shall apply to such awards; and

"(B) the requirements of subsection (c) shall apply to such awards except that with respect to paragraph (1) of such subsection, the State involved may assign an individual only to public and nonprofit private entities that serve health professional shortage areas or areas at risk of a public health emergency, as determined by the Secretary.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for each of fiscal years 2007 through 2010.".

SEC. 204. VACCINE TRACKING AND DISTRIBUTION.

(a) IN GENERAL.—Section 319A of the Public Health Service Act (42 U.S.C. 247d–1) is amended to read as follows:

"SEC. 319A. VACCINE TRACKING AND DISTRIBUTION.

"(a) TRACKING.—The Secretary, together with relevant manufacturers, wholesalers, and distributors as may agree to cooperate, may track the initial distribution of federally purchased influenza vaccine in an influenza pandemic. Such tracking information shall be used to inform Federal, State, local, and tribal decision makers during an influenza pandemic.

"(b) DISTRIBUTION.—The Secretary shall promote communication between State, local, and tribal public health officials and such manufacturers, wholesalers, and distributors as agree to participate, regarding the effective distribution of seasonal influenza vaccine. Such communication shall include estimates of high priority populations, as determined by the Secretary, in State, local, and tribal jurisdictions in order to inform Federal, State, local, and tribal decision makers during vaccine shortages and supply disruptions.

"(c) CONFIDENTIALITY.—The information submitted to the Secretary or its contractors, if any, under this section or under any other section of this Act related to vaccine distribution information shall remain confidential in accordance with the exception from the public disclosure of trade secrets, commercial or financial information, and information obtained from an individual that is privileged and confidential, as provided for in section 552(b)(4) of title 5, United States Code, and subject to the penalties and exceptions under sections 1832 and 1833 of title 18, United States Code, relating to the protection and theft of trade secrets, and subject to privacy protections that are consistent with the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996. None of such information provided by a manufacturer, wholesaler, or distributor shall be disclosed without its consent to another manufacturer, wholesaler, or distributor, or shall be used in any manner to give a manufacturer, wholesaler, or distributor a proprietary advantage.

"(d) GUIDELINES.—The Secretary, in order to maintain the confidentiality of relevant information and ensure that none of the information contained in the systems involved may be used to provide proprietary advantage within the vaccine market, while allowing State, local, and tribal health officials access to such information to maximize the delivery and availability of vaccines to high priority populations, during times of influenza pandemics, vaccine shortages, and supply disruptions, in consultation with manufacturers, distributors, wholesalers and State, local, and tribal health departments, shall develop guidelines for subsections (a) and (b).

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums for each of fiscal years 2007 through 2011.

"(f) REPORT TO CONGRESS.—As part of the National Health Security Strategy described in section 2802, the Secretary shall provide an update on the implementation of subsections (a) through (d).".

(b) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by striking sections 319B and 319C.

(2) TECHNICAL AMENDMENT.—Section 319D(a)(3) of the Public Health Service Act (42 U.S.C. 247d–4(a)(3)) is amended by striking ", taking into account evaluations under section 319B(a),".

SEC. 205. NATIONAL SCIENCE ADVISORY BOARD FOR BIOSECURITY.

The National Science Advisory Board for Biosecurity shall, when requested by the Secretary of Health and Human Services, provide to relevant Federal departments and agencies, advice, guidance, or recommendations concerning—

(1) a core curriculum and training requirements for workers in maximum containment biological laboratories; and

(2) periodic evaluations of maximum containment biological laboratory capacity nationwide and assessments of the future need for increased laboratory capacity.

SEC. 206. REVITALIZATION OF COMMISSIONED CORPS.

(a) PURPOSE.—It is the purpose of this section to improve the force management and readiness of the Commissioned Corps to accomplish the following objectives:

(1) To ensure the Corps is ready to respond rapidly to urgent or emergency public health care needs and challenges.

(2) To ensure the availability of the Corps for assignments that address clinical and public health needs in isolated, hardship, and hazardous duty positions, and, when required, to address needs related to the well-being, security, and defense of the United States.

(3) To establish the Corps as a resource available to Federal and State Government agencies for assistance in meeting public health leadership and service roles.

(b) COMMISSIONED CORPS READINESS.—Title II of the Public Health Service Act (42 U.S.C. 202 et seq.) is amended by inserting after section 203 the following:

"SEC. 203A. DEPLOYMENT READINESS.

"(a) READINESS REQUIREMENTS FOR COMMISSIONED CORPS OFFICERS.—

"(1) IN GENERAL.—The Secretary, with respect to members of the following Corps components, shall establish requirements, including training and medical examinations, to ensure the readiness of such components to respond to urgent or emergency public health care needs that cannot otherwise be met at the Federal, State, and local levels:

"(A) Active duty Regular Corps.

"(B) Active Reserves.

"(2) ANNUAL ASSESSMENT OF MEMBERS.—The Secretary shall annually determine whether each member of the Corps meets the applicable readiness requirements established under paragraph (1).

"(3) FAILURE TO MEET REQUIREMENTS.—A member of the Corps who fails to meet or maintain the readiness requirements established under paragraph (1) or who fails to comply with orders to respond to an urgent or emergency public health care need shall, except as provided in paragraph (4), in accordance with procedures established by the Secretary, be subject to disciplinary action as prescribed by the Secretary.

"(4) WAIVER OF REQUIREMENTS.—

"(A) IN GENERAL.—The Secretary may waive one or more of the requirements established under paragraph (1) for an individual who is not able to meet such requirements because of—

"(i) a disability;

"(ii) a temporary medical condition; or

"(iii) any other extraordinary limitation as determined by the Secretary.

"(B) REGULATIONS.—The Secretary shall promulgate regulations under which a waiver described in subparagraph (A) may be granted.

"(5) URGENT OR EMERGENCY PUBLIC HEALTH CARE NEED.—For purposes of this section and section 214, the term 'urgent or emergency public health care need' means a health care need, as determined by the Secretary, arising as the result of—

"(A) a national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.);

"(B) an emergency or major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

"(C) a public health emergency declared by the Secretary under section 319 of this Act; or

"(D) any emergency that, in the judgment of the Secretary, is appropriate for the deployment of members of the Corps.

"(b) CORPS MANAGEMENT FOR DEPLOYMENT.—The Secretary shall—

"(1) organize members of the Corps into units for rapid deployment by the Secretary to respond to urgent or emergency public health care needs;

"(2) establish appropriate procedures for the command and control of units or individual members of the Corps that are deployed at the direction of the President or the Secretary in response to an urgent or emergency public health care need of national, State or local significance;

"(3) ensure that members of the Corps are trained, equipped and otherwise prepared to fulfill their public health and emergency response roles; and

"(4) ensure that deployment planning takes into account—

"(A) any deployment exemptions that may be granted by the Secretary based on the unique requirements of an agency and an individual's functional role in such agency; and

"(B) the nature of the urgent or emergency public health care need.

"(c) DEPLOYMENT OF DETAILED OR ASSIGNED OFFICERS.—For purposes of pay, allowances, and benefits of a Commissioned Corps officer who is detailed or assigned to a Federal entity, the deployment of such officer by the Secretary in response to an urgent or emergency public health care need shall be deemed to be an authorized activity of the

Federal entity to which the officer is detailed or assigned.".

(c) PERSONNEL DEPLOYMENT AUTHORITY.—

(1) PERSONNEL DETAILED.—Section 214 of the Public Health Service Act (42 U.S.C. 215) is amended by adding at the end the following:

"(e) Except with respect to the United States Coast Guard and the Department of Defense, and except as provided in agreements negotiated with officials at agencies where officers of the Commissioned Corps may be assigned, the Secretary shall have the sole authority to deploy any Commissioned Corps officer assigned under this section to an entity outside of the Department of Health and Human Services for service under the Secretary's direction in response to an urgent or emergency public health care need (as defined in section 203A(a)(5)).".

(2) NATIONAL HEALTH SERVICE CORPS.—Section 331(f) of the Public Health Service Act (42 U.S.C. 254d(f)(1)) is amended by inserting before the period the following: ", except when such members are Commissioned Corps officers who entered into a contract with Secretary under section 338A or 338B after December 31, 2006 and when the Secretary determines that exercising the authority provided under section 214 or 216 with respect to any such officer to would not cause unreasonable disruption to health care services provided in the community in which such officer is providing health care services".

TITLE III—ALL-HAZARDS MEDICAL SURGE CAPACITY

SEC. 301. NATIONAL DISASTER MEDICAL SYSTEM.

(a) NATIONAL DISASTER MEDICAL SYSTEM.—Section 2812 of subtitle B of title XXVIII of the Public Health Service Act (42 U.S.C. 300hh-11 et seq.), as redesignated by section 102, is amended—

(1) by striking the section heading and inserting "**NATIONAL DISASTER MEDICAL SYSTEM**";

(2) by striking subsection (a);

(3) by redesignating subsections (b) through (h) as subsections (a) through (g);

(4) in subsection (a), as so redesignated—

(A) in paragraph (2)(B), by striking "Federal Emergency Management Agency" and inserting "Department of Homeland Security"; and

(B) in paragraph (3)(C), by striking "Public Health Security and Bioterrorism Preparedness and Response Act of 2002" and inserting "Pandemic and All-Hazards Preparedness Act";

(5) in subsection (b), as so redesignated, by—

(A) striking the subsection heading and inserting "MODIFICATIONS";

(B) redesignating paragraph (2) as paragraph (3); and

(C) striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—Taking into account the findings from the joint review described under paragraph (2), the Secretary shall modify the policies of the National Disaster Medical System as necessary.

"(2) JOINT REVIEW AND MEDICAL SURGE CAPACITY STRATEGIC PLAN.—Not later than 180 days after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary, in coordination with the Secretary of Homeland Security, the Secretary of Defense, and the Secretary of Veterans Affairs, shall conduct a joint review of the National Disaster Medical System. Such review shall include an evaluation of medical surge capacity, as described by section 2803(a). As part of the National Health Security Strategy under section 2802, the Secretary shall update the findings from such review and further modify the policies of the National Disaster Medical System as necessary.";

(6) by striking "subsection (b)" each place it appears and inserting "subsection (a)";

(7) by striking "subsection (d)" each place it appears and inserting "subsection (c)"; and

(8) in subsection (g), as so redesignated, by striking "2002 through 2006" and inserting "2007 through 2011".

(b) TRANSFER OF NATIONAL DISASTER MEDICAL SYSTEM TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.—There shall be transferred to the Secretary of Health and Human Services the functions, personnel, assets, and liabilities of the National Disaster Medical System of the Department of Homeland Security, including the functions of the Secretary of Homeland Security and the Under Secretary for Emergency Preparedness and Response relating thereto.

(c) CONFORMING AMENDMENTS TO THE HOMELAND SECURITY ACT OF 2002.—The Homeland Security Act of 2002 (6 U.S.C. 312(3)(B), 313(5))) is amended—

(1) in section 502(3)(B), by striking ", the National Disaster Medical System,"; and

(2) in section 503(5), by striking ", the National Disaster Medical System".

(d) UPDATE OF CERTAIN PROVISION.—Section 319F(b)(2) of the Public Health Service Act (42 U.S.C. 247d-6(b)(2)) is amended—

(1) in the paragraph heading, by striking "CHILDREN AND TERRORISM" and inserting "AT-RISK INDIVIDUALS AND PUBLIC HEALTH EMERGENCIES";

(2) in subparagraph (A), by striking "Children and Terrorism" and inserting "At-Risk Individuals and Public Health Emergencies";

(3) in subparagraph (B)—

(A) in clause (i), by striking "bioterrorism as it relates to children" and inserting "public health emergencies as they relate to at-risk individuals";

(B) in clause (ii), by striking "children" and inserting "at-risk individuals"; and

(C) in clause (iii), by striking "children" and inserting "at-risk individuals";

(4) in subparagraph (C), by striking "children" and all that follows through the period and inserting "at-risk populations."; and

(5) in subparagraph (D), by striking "one year" and inserting "six years".

(e) CONFORMING AMENDMENT.—Section 319F(b)(3)(B) of the Public Health Service Act (42 U.S.C. 247d-6(b)(3)(B)) is amended by striking "and the working group under subsection (a)".

(f) EFFECTIVE DATE.—The amendments made by subsections (b) and (c) shall take effect on January 1, 2007.

SEC. 302. ENHANCING MEDICAL SURGE CAPACITY.

(a) IN GENERAL.—Title XXVIII of the Public Health Service Act (300hh-11 et seq.), as amended by section 103, is amended by inserting after section 2802 the following:

"SEC. 2803. ENHANCING MEDICAL SURGE CAPACITY.

"(a) STUDY OF ENHANCING MEDICAL SURGE CAPACITY.—As part of the joint review described in section 2812(b), the Secretary shall evaluate the benefits and feasibility of improving the capacity of the Department of Health and Human Services to provide additional medical surge capacity to local communities in the event of a public health emergency. Such study shall include an assessment of the need for and feasibility of improving surge capacity through—

"(1) acquisition and operation of mobile medical assets by the Secretary to be deployed, on a contingency basis, to a community in the event of a public health emergency;

"(2) integrating the practice of telemedicine within the National Disaster Medical System; and

"(3) other strategies to improve such capacity as determined appropriate by the Secretary.

"(b) AUTHORITY TO ACQUIRE AND OPERATE MOBILE MEDICAL ASSETS.—In addition to any other authority to acquire, deploy, and operate mobile medical assets, the Secretary may acquire, deploy, and operate mobile medical assets if, taking into consideration the evaluation conducted under subsection (a), such acquisition, deployment, and operation is determined to be beneficial and feasible in improving the capacity of the Department of Health and Human Services to provide additional medical surge capacity to local communities in the event of a public health emergency.

"(c) USING FEDERAL FACILITIES TO ENHANCE MEDICAL SURGE CAPACITY.—

"(1) ANALYSIS.—The Secretary shall conduct an analysis of whether there are Federal facilities which, in the event of a public health emergency, could practicably be used as facilities in which to provide health care.

"(2) MEMORANDA OF UNDERSTANDING.—If, based on the analysis conducted under paragraph (1), the Secretary determines that there are Federal facilities which, in the event of a public health emergency, could be used as facilities in which to provide health care, the Secretary shall, with respect to each such facility, seek to conclude a memorandum of understanding with the head of the Department or agency that operates such facility that permits the use of such facility to provide health care in the event of a public health emergency.".

(b) EMTALA.—

(1) IN GENERAL.—Section 1135(b) of the Social Security Act (42 U.S.C. 1320b-5(b)) is amended—

(A) in paragraph (3), by striking subparagraph (B) and inserting the following:

"(B) the direction or relocation of an individual to receive medical screening in an alternative location—

"(i) pursuant to an appropriate State emergency preparedness plan; or

"(ii) in the case of a public health emergency described in subsection (g)(1)(B) that involves a pandemic infectious disease, pursuant to a State pandemic preparedness plan or a plan referred to in clause (i), whichever is applicable in the State;";

(B) in the third sentence, by striking "and shall be limited to" and inserting "and, except in the case of a waiver or modification to which the fifth sentence of this subsection applies, shall be limited to"; and

(C) by adding at the end the following: "If a public health emergency described in subsection (g)(1)(B) involves a pandemic infectious disease (such as pandemic influenza), the duration of a waiver or modification under paragraph (3) shall be determined in accordance with subsection (e) as such subsection applies to public health emergencies.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to public health emergencies declared pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d) on or after such date.

SEC. 303. ENCOURAGING HEALTH PROFESSIONAL VOLUNTEERS.

(a) VOLUNTEER MEDICAL RESERVE CORPS.—Title XXVIII of the Public Health Service

Act (42 U.S.C. 300hh–11 et seq.), as amended by this Act, is amended by inserting after section 2812 the following:

"SEC. 2813. VOLUNTEER MEDICAL RESERVE CORPS.

"(a) IN GENERAL.—Not later than 180 days after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary, in collaboration with State, local, and tribal officials, shall build on State, local, and tribal programs in existence on the date of enactment of such Act to establish and maintain a Medical Reserve Corps (referred to in this section as the 'Corps') to provide for an adequate supply of volunteers in the case of a Federal, State, local, or tribal public health emergency. The Corps shall be headed by a Director who shall be appointed by the Secretary and shall oversee the activities of the Corps chapters that exist at the State, local, and tribal levels.

"(b) STATE, LOCAL, AND TRIBAL COORDINATION.—The Corps shall be established using existing State, local, and tribal teams and shall not alter such teams.

"(c) COMPOSITION.—The Corps shall be composed of individuals who—

"(1)(A) are health professionals who have appropriate professional training and expertise as determined appropriate by the Director of the Corps; or

"(B) are non-health professionals who have an interest in serving in an auxiliary or support capacity to facilitate access to health care services in a public health emergency;

"(2) are certified in accordance with the certification program developed under subsection (d);

"(3) are geographically diverse in residence;

"(4) have registered and carry out training exercises with a local chapter of the Medical Reserve Corps; and

"(5) indicate whether they are willing to be deployed outside the area in which they reside in the event of a public health emergency.

"(d) CERTIFICATION; DRILLS.—

"(1) CERTIFICATION.—The Director, in collaboration with State, local, and tribal officials, shall establish a process for the periodic certification of individuals who volunteer for the Corps, as determined by the Secretary, which shall include the completion by each individual of the core training programs developed under section 319F, as required by the Director. Such certification shall not supercede State licensing or credentialing requirements.

"(2) DRILLS.—In conjunction with the core training programs referred to in paragraph (1), and in order to facilitate the integration of trained volunteers into the health care system at the local level, Corps members shall engage in periodic training exercises to be carried out at the local level.

"(e) DEPLOYMENT.—During a public health emergency, the Secretary shall have the authority to activate and deploy willing members of the Corps to areas of need, taking into consideration the public health and medical expertise required, with the concurrence of the State, local, or tribal officials from the area where the members reside.

"(f) EXPENSES AND TRANSPORTATION.—While engaged in performing duties as a member of the Corps pursuant to an assignment by the Secretary (including periods of travel to facilitate such assignment), members of the Corps who are not otherwise employed by the Federal Government shall be allowed travel or transportation expenses, including per diem in lieu of subsistence.

"(g) IDENTIFICATION.—The Secretary, in cooperation and consultation with the States, shall develop a Medical Reserve Corps Identification Card that describes the licensure and certification information of Corps members, as well as other identifying information determined necessary by the Secretary.

"(h) INTERMITTENT DISASTER-RESPONSE PERSONNEL.—

"(1) IN GENERAL.—For the purpose of assisting the Corps in carrying out duties under this section, during a public health emergency, the Secretary may appoint selected individuals to serve as intermittent personnel of such Corps in accordance with applicable civil service laws and regulations. In all other cases, members of the Corps are subject to the laws of the State in which the activities of the Corps are undertaken.

"(2) APPLICABLE PROTECTIONS.—Subsections (c)(2), (d), and (e) of section 2812 shall apply to an individual appointed under paragraph (1) in the same manner as such subsections apply to an individual appointed under section 2812(c).

"(3) LIMITATION.—State, local, and tribal officials shall have no authority to designate a member of the Corps as Federal intermittent disaster-response personnel, but may request the services of such members.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $22,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2011.".

(b) ENCOURAGING HEALTH PROFESSIONS VOLUNTEERS.—Section 319I of the Public Health Service Act (42 U.S.C. 247d–7b) is amended—

(1) by redesignating subsections (e) and (f) as subsections (j) and (k), respectively;

(2) by striking subsections (a) and (b) and inserting the following:

"(a) IN GENERAL.—Not later than 12 months after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary shall link existing State verification systems to maintain a single national interoperable network of systems, each system being maintained by a State or group of States, for the purpose of verifying the credentials and licenses of health care professionals who volunteer to provide health services during a public health emergency.

"(b) REQUIREMENTS.—The interoperable network of systems established under subsection (a) (referred to in this section as the 'verification network') shall include—

"(1) with respect to each volunteer health professional included in the verification network—

"(A) information necessary for the rapid identification of, and communication with, such professionals; and

"(B) the credentials, certifications, licenses, and relevant training of such individuals; and

"(2) the name of each member of the Medical Reserve Corps, the National Disaster Medical System, and any other relevant federally-sponsored or administered programs determined necessary by the Secretary.";

(3) in subsection (c), strike "system" and insert "network"; and

(4) by striking subsection (d) and inserting the following:

"(d) ACCESSIBILITY.—The Secretary shall ensure that the verification network is electronically accessible by State, local, and tribal health departments and can be linked with the identification cards under section 2813.

"(e) CONFIDENTIALITY.—The Secretary shall establish and require the application of and compliance with measures to ensure the effective security of, integrity of, and access to the data included in the verification network.

"(f) COORDINATION.—The Secretary shall coordinate with the Secretary of Veterans Affairs and the Secretary of Homeland Security to assess the feasibility of integrating the verification network under this section with the VetPro system of the Department of Veterans Affairs and the National Emergency Responder Credentialing System of the Department of Homeland Security. The Secretary shall, if feasible, integrate the verification network under this section with such VetPro system and the National Emergency Responder Credentialing System.

"(g) UPDATING OF INFORMATION.—The States that are participants in the verification network shall, on at least a quarterly basis, work with the Director to provide for the updating of the information contained in the verification network.

"(h) CLARIFICATION.—Inclusion of a health professional in the verification network shall not constitute appointment of such individual as a Federal employee for any purpose, either under section 2812(c) or otherwise. Such appointment may only be made under section 2812 or 2813.

"(i) HEALTH CARE PROVIDER LICENSES.—The Secretary shall encourage States to establish and implement mechanisms to waive the application of licensing requirements applicable to health professionals, who are seeking to provide medical services (within their scope of practice), during a national, State, local, or tribal public health emergency upon verification that such health professionals are licensed and in good standing in another State and have not been disciplined by any State health licensing or disciplinary board."; and

(5) in subsection (k) (as so redesignated), by striking "2006" and inserting "2011".

SEC. 304. CORE EDUCATION AND TRAINING.

Section 319F of the Public Health Service Act (42 U.S.C. 247d–6) is amended—

(1) by striking subsection (a) and inserting the following;

"(a) ALL-HAZARDS PUBLIC HEALTH AND MEDICAL RESPONSE CURRICULA AND TRAINING.—

"(1) IN GENERAL.—The Secretary, in collaboration with the Secretary of Defense, and in consultation with relevant public and private entities, shall develop core health and medical response curricula and trainings by adapting applicable existing curricula and training programs to improve responses to public health emergencies.

"(2) CURRICULUM.—The public health and medical response training program may include course work related to—

"(A) medical management of casualties, taking into account the needs of at-risk individuals;

"(B) public health aspects of public health emergencies;

"(C) mental health aspects of public health emergencies;

"(D) national incident management, including coordination among Federal, State, local, tribal, international agencies, and other entities; and

"(E) protecting health care workers and health care first responders from workplace exposures during a public health emergency.

"(3) PEER REVIEW.—On a periodic basis, products prepared as part of the program shall be rigorously tested and peer-reviewed by experts in the relevant fields.

"(4) CREDIT.—The Secretary and the Secretary of Defense shall—

"(A) take into account continuing professional education requirements of public health and healthcare professions; and

"(B) cooperate with State, local, and tribal accrediting agencies and with professional associations in arranging for students enrolled in the program to obtain continuing professional education credit for program courses.

"(5) DISSEMINATION AND TRAINING.—

"(A) IN GENERAL.—The Secretary may provide for the dissemination and teaching of the materials described in paragraphs (1) and (2) by appropriate means, as determined by the Secretary.

"(B) CERTAIN ENTITIES.—The education and training activities described in subparagraph (A) may be carried out by Federal public health or medical entities, appropriate educational entities, professional organizations and societies, private accrediting organizations, and other nonprofit institutions or entities meeting criteria established by the Secretary.

"(C) GRANTS AND CONTRACTS.—In carrying out this subsection, the Secretary may carry out activities directly or through the award of grants and contracts, and may enter into interagency agreements with other Federal agencies.".

(2) by striking subsections (c) through (g) and inserting the following:

"(c) EXPANSION OF EPIDEMIC INTELLIGENCE SERVICE PROGRAM.—The Secretary may establish 20 officer positions in the Epidemic Intelligence Service Program, in addition to the number of the officer positions offered under such Program in 2006, for individuals who agree to participate, for a period of not less than 2 years, in the Career Epidemiology Field Officer program in a State, local, or tribal health department that serves a health professional shortage area (as defined under section 332(a)), a medically underserved population (as defined under section 330(b)(3)), or a medically underserved area or area at high risk of a public health emergency as designated by the Secretary.

"(d) CENTERS FOR PUBLIC HEALTH PREPAREDNESS; CORE CURRICULA AND TRAINING.—

"(1) IN GENERAL.—The Secretary may establish at accredited schools of public health, Centers for Public Health Preparedness (hereafter referred to in this section as the 'Centers').

"(2) ELIGIBILITY.—To be eligible to receive an award under this subsection to establish a Center, an accredited school of public health shall agree to conduct activities consistent with the requirements of this subsection.

"(3) CORE CURRICULA.—The Secretary, in collaboration with the Centers and other public or private entities shall establish core curricula based on established competencies leading to a 4-year bachelor's degree, a graduate degree, a combined bachelor and master's degree, or a certificate program, for use by each Center. The Secretary shall disseminate such curricula to other accredited schools of public health and other health professions schools determined appropriate by the Secretary, for voluntary use by such schools.

"(4) CORE COMPETENCY-BASED TRAINING PROGRAM.—The Secretary, in collaboration with the Centers and other public or private entities shall facilitate the development of a competency-based training program to train public health practitioners. The Centers shall use such training program to train public health practitioners. The Secretary shall disseminate such training program to other accredited schools of public health, health professions schools, and other public or private entities as determined by the Secretary, for voluntary use by such entities.

"(5) CONTENT OF CORE CURRICULA AND TRAINING PROGRAM.—The Secretary shall ensure that the core curricula and training program established pursuant to this subsection respond to the needs of State, local, and tribal public health authorities and integrate and emphasize essential public health security capabilities consistent with section 2802(b)(2).

"(6) ACADEMIC-WORKFORCE COMMUNICATION.—As a condition of receiving funding from the Secretary under this subsection, a Center shall collaborate with a State, local, or tribal public health department to—

"(A) define the public health preparedness and response needs of the community involved;

"(B) assess the extent to which such needs are fulfilled by existing preparedness and response activities of such school or health department, and how such activities may be improved;

"(C) prior to developing new materials or trainings, evaluate and utilize relevant materials and trainings developed by others Centers; and

"(D) evaluate community impact and the effectiveness of any newly developed materials or trainings.

"(7) PUBLIC HEALTH SYSTEMS RESEARCH.—In consultation with relevant public and private entities, the Secretary shall define the existing knowledge base for public health preparedness and response systems, and establish a research agenda based on Federal, State, local, and tribal public health preparedness priorities. As a condition of receiving funding from the Secretary under this subsection, a Center shall conduct public health systems research that is consistent with the agenda described under this paragraph.";

(3) by redesignating subsection (h) as subsection (e);

(4) by inserting after subsection (e) (as so redesignated), the following:

"(f) AUTHORIZATION OF APPROPRIATIONS.—

"(1) FISCAL YEAR 2007.—There are authorized to be appropriated to carry out this section for fiscal year 2007—

"(A) to carry out subsection (a)—

"(i) $5,000,000 to carry out paragraphs (1) through (4); and

"(ii) $7,000,000 to carry out paragraph (5);

"(B) to carry out subsection (c), $3,000,000; and

"(C) to carry out subsection (d), $31,000,000, of which $5,000,000 shall be used to carry out paragraphs (3) through (5) of such subsection.

"(2) SUBSEQUENT FISCAL YEARS.—There are authorized to be appropriated such sums as may be necessary to carry out this section for fiscal year 2008 and each subsequent fiscal year."; and

(5) by striking subsections (i) and (j).

SEC. 305. PARTNERSHIPS FOR STATE AND REGIONAL HOSPITAL PREPAREDNESS TO IMPROVE SURGE CAPACITY.

Section 319C-2 of the Public Health Service Act (42 U.S.C. 247d-3b) is amended to read as follows:

"SEC. 319C-2. PARTNERSHIPS FOR STATE AND REGIONAL HOSPITAL PREPAREDNESS TO IMPROVE SURGE CAPACITY.

"(a) IN GENERAL.—The Secretary shall award competitive grants or cooperative agreements to eligible entities to enable such entities to improve surge capacity and enhance community and hospital preparedness for public health emergencies.

"(b) ELIGIBILITY.—To be eligible for an award under subsection (a), an entity shall—

"(1)(A) be a partnership consisting of—

"(i) one or more hospitals, at least one of which shall be a designated trauma center, consistent with section 1213(c);

"(ii) one or more other local health care facilities, including clinics, health centers, primary care facilities, mental health centers, mobile medical assets, or nursing homes; and

"(iii)(I) one or more political subdivisions;

"(II) one or more States; or

"(III) one or more States and one or more political subdivisions; and

"(B) prepare, in consultation with the Chief Executive Officer and the lead health officials of the State, District, or territory in which the hospital and health care facilities described in subparagraph (A) are located, and submit to the Secretary, an application at such time, in such manner, and containing such information as the Secretary may require; or

"(2)(A) be an entity described in section 319C-1(b)(1); and

"(B) submit an application at such time, in such manner, and containing such information as the Secretary may require, including the information or assurances required under section 319C-1(b)(2) and an assurance that the State will adhere to any applicable guidelines established by the Secretary.

"(c) USE OF FUNDS.—An award under subsection (a) shall be expended for activities to achieve the preparedness goals described under paragraphs (1), (3), (4), (5), and (6) of section 2802(b).

"(d) PREFERENCES.—

"(1) REGIONAL COORDINATION.—In making awards under subsection (a), the Secretary shall give preference to eligible entities that submit applications that, in the determination of the Secretary—

"(A) will enhance coordination—

"(i) among the entities described in subsection (b)(1)(A)(i); and

"(ii) between such entities and the entities described in subsection (b)(1)(A)(ii); and

"(B) include, in the partnership described in subsection (b)(1)(A), a significant percentage of the hospitals and health care facilities within the geographic area served by such partnership.

"(2) OTHER PREFERENCES.—In making awards under subsection (a), the Secretary shall give preference to eligible entities that, in the determination of the Secretary—

"(A) include one or more hospitals that are participants in the National Disaster Medical System;

"(B) are located in a geographic area that faces a high degree of risk, as determined by the Secretary in consultation with the Secretary of Homeland Security; or

"(C) have a significant need for funds to achieve the medical preparedness goals described in section 2802(b)(3).

"(e) CONSISTENCY OF PLANNED ACTIVITIES.—The Secretary may not award a cooperative agreement to an eligible entity described in subsection (b)(1) unless the application submitted by the entity is coordinated and consistent with an applicable State All-Hazards Public Health Emergency Preparedness and Response Plan and relevant local plans, as determined by the Secretary in consultation with relevant State health officials..

"(f) LIMITATION ON AWARDS.—A political subdivision shall not participate in more than one partnership described in subsection (b)(1).

"(g) COORDINATION WITH LOCAL RESPONSE CAPABILITIES.—An eligible entity shall, to the extent practicable, ensure that activities carried out under an award under subsection (a) are coordinated with activities of relevant local Metropolitan Medical Response Systems, local Medical Reserve Corps, the Cities Readiness Initiative, and local emergency plans.

"(h) MAINTENANCE OF FUNDING.—

"(1) IN GENERAL.—An entity that receives an award under this section shall maintain expenditures for health care preparedness at a level that is not less than the average level of such expenditures maintained by the entity for the preceding 2 year period.

"(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the use of awards under this section to pay salary and related expenses of public health and other professionals employed by State, local, or tribal agencies who are carrying out activities supported by such awards (regardless of whether the primary assignment of such personnel is to carry out such activities).

"(i) PERFORMANCE AND ACCOUNTABILITY.—The requirements of section 319C-1(g), (j), and (k) shall apply to entities receiving awards under this section (regardless of whether such entities are described under subsection (b)(1)(A) or (b)(2)(A)) in the same manner as such requirements apply to entities under section 319C-1. An entity described in subsection (b)(1)(A) shall make such reports available to the lead health official of the State in which such partnership is located.

"(j) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—For the purpose of carrying out this section, there is authorized to be appropriated $474,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2011.

"(2) RESERVATION OF AMOUNTS FOR PARTNERSHIPS.—Prior to making awards described in paragraph (3), the Secretary may reserve from the amount appropriated under paragraph (1) for a fiscal year, an amount determined appropriate by the Secretary for making awards to entities described in subsection (b)(1)(A).

"(3) AWARDS TO STATES AND POLITICAL SUBDIVISIONS.—

"(A) IN GENERAL.—From amounts appropriated for a fiscal year under paragraph (1) and not reserved under paragraph (2), the Secretary shall make awards to entities described in subsection (b)(2)(A) that have completed an application as described in subsection (b)(2)(B).

"(B) AMOUNT.—The Secretary shall determine the amount of an award to each entity described in subparagraph (A) in the same manner as such amounts are determined under section 319C-1(h).".

SEC. 306. ENHANCING THE ROLE OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 8117 of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by—

(i) striking "chemical or biological attack" and inserting "a public health emergency (as defined in section 2801 of the Public Health Service Act)";

(ii) striking "an attack" and inserting "such an emergency"; and

(iii) striking "public health emergencies" and inserting "such emergencies"; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "; and" and inserting a semicolon;

(ii) in subparagraph (B), by striking the period and inserting a semicolon; and

(iii) by adding at the end the following:

"(C) organizing, training, and equipping the staff of such centers to support the activities carried out by the Secretary of Health and Human Services under section 2801 of the Public Health Service Act in the event of a public health emergency and incidents covered by the National Response Plan developed pursuant to section 502(6) of the Homeland Security Act of 2002, or any successor plan; and

"(D) providing medical logistical support to the National Disaster Medical System and the Secretary of Health and Human Services as necessary, on a reimbursable basis, and in coordination with other designated Federal agencies.";

(2) in subsection (c), by striking "a chemical or biological attack or other terrorist attack." and inserting "a public health emergency. The Secretary shall, through existing medical procurement contracts, and on a reimbursable basis, make available as necessary, medical supplies, equipment, and pharmaceuticals in response to a public health emergency in support of the Secretary of Health and Human Services.";

(3) in subsection (d), by—

(A) striking "develop and";

(B) striking "biological, chemical, or radiological attacks" and inserting "public health emergencies"; and

(C) by inserting "consistent with section 319F(a) of the Public Health Service Act" before the period; and

(4) in subsection (e)—

(A) in paragraph (1), by striking "2811(b)" and inserting "2812"; and

(B) in paragraph (2)—

(i) by striking "bioterrorism and other"; and

(ii) by striking "319F(a)" and inserting "319F".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 8117 of title 38, United States Code, is amended by adding at the end the following:

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, such sums as may be necessary to carry out this section for each of fiscal years 2007 through 2011.".

TITLE IV—PANDEMIC AND BIODEFENSE VACCINE AND DRUG DEVELOPMENT

SEC. 401. BIOMEDICAL ADVANCED RESEARCH AND DEVELOPMENT AUTHORITY.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by inserting after section 319K the following:

"SEC. 319L. BIOMEDICAL ADVANCED RESEARCH AND DEVELOPMENT AUTHORITY.

"(a) DEFINITIONS.—In this section:

"(1) BARDA.—The term 'BARDA' means the Biomedical Advanced Research and Development Authority.

"(2) FUND.—The term 'Fund' means the Biodefense Medical Countermeasure Development Fund established under subsection (d).

"(3) OTHER TRANSACTIONS.—The term 'other transactions' means transactions, other than procurement contracts, grants, and cooperative agreements, such as the Secretary of Defense may enter into under section 2371 of title 10, United States Code.

"(4) QUALIFIED COUNTERMEASURE.—The term 'qualified countermeasure' has the meaning given such term in section 319F–1.

"(5) QUALIFIED PANDEMIC OR EPIDEMIC PRODUCT.—The term 'qualified pandemic or epidemic product' has the meaning given the term in section 319F–3.

"(6) ADVANCED RESEARCH AND DEVELOPMENT.—

"(A) IN GENERAL.—The term 'advanced research and development' means, with respect to a product that is or may become a qualified countermeasure or a qualified pandemic or epidemic product, activities that predominantly—

"(i) are conducted after basic research and preclinical development of the product; and

"(ii) are related to manufacturing the product on a commercial scale and in a form that satisfies the regulatory requirements under the Federal Food, Drug, and Cosmetic Act or under section 351 of this Act.

"(B) ACTIVITIES INCLUDED.—The term under subparagraph (A) includes—

"(i) testing of the product to determine whether the product may be approved, cleared, or licensed under the Federal Food, Drug, and Cosmetic Act or under section 351 of this Act for a use that is or may be the basis for such product becoming a qualified countermeasure or qualified pandemic or epidemic product, or to help obtain such approval, clearance, or license;

"(ii) design and development of tests or models, including animal models, for such testing;

"(iii) activities to facilitate manufacture of the product on a commercial scale with consistently high quality, as well as to improve and make available new technologies to increase manufacturing surge capacity;

"(iv) activities to improve the shelf-life of the product or technologies for administering the product; and

"(v) such other activities as are part of the advanced stages of testing, refinement, improvement, or preparation of the product for such use and as are specified by the Secretary.

"(7) SECURITY COUNTERMEASURE.—The term 'security countermeasure' has the meaning given such term in section 319F–2.

"(8) RESEARCH TOOL.—The term 'research tool' means a device, technology, biological material (including a cell line or an antibody), reagent, animal model, computer system, computer software, or analytical technique that is developed to assist in the discovery, development, or manufacture of qualified countermeasures or qualified pandemic or epidemic products.

"(9) PROGRAM MANAGER.—The term 'program manager' means an individual appointed to carry out functions under this section and authorized to provide project oversight and management of strategic initiatives.

"(10) PERSON.—The term 'person' includes an individual, partnership, corporation, association, entity, or public or private corporation, and a Federal, State, or local government agency or department.

"(b) STRATEGIC PLAN FOR COUNTERMEASURE RESEARCH, DEVELOPMENT, AND PROCUREMENT.—

"(1) IN GENERAL.—Not later than 6 months after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary shall develop and make public a strategic plan to integrate biodefense and emerging infectious disease requirements with the advanced research and development, strategic initiatives for innovation, and the procurement of qualified countermeasures and qualified pandemic or epidemic products. The Secretary shall carry out such activities as may be practicable to disseminate the information contained in such plan to persons who may have the capacity to substantially contribute to the activities described in such strategic plan. The Secretary shall update and incorporate such plan as part of the National Health Security Strategy described in section 2802.

"(2) CONTENT.—The strategic plan under paragraph (1) shall guide—

"(A) research and development, conducted or supported by the Department of Health and Human Services, of qualified countermeasures and qualified pandemic or epidemic products against possible biological, chemical, radiological, and nuclear agents and to emerging infectious diseases;

"(B) innovation in technologies that may assist advanced research and development of qualified countermeasures and qualified pandemic or epidemic products (such research and development referred to in this section as 'countermeasure and product advanced research and development'); and

"(C) procurement of such qualified countermeasures and qualified pandemic or epidemic products by such Department.

"(c) BIOMEDICAL ADVANCED RESEARCH AND DEVELOPMENT AUTHORITY.—

"(1) ESTABLISHMENT.—There is established within the Department of Health and Human Services the Biomedical Advanced Research and Development Authority.

"(2) IN GENERAL.—Based upon the strategic plan described in subsection (b), the Secretary shall coordinate the acceleration of countermeasure and product advanced research and development by—

"(A) facilitating collaboration between the Department of Health and Human Services and other Federal agencies, relevant industries, academia, and other persons, with respect to such advanced research and development;

"(B) promoting countermeasure and product advanced research and development;

"(C) facilitating contacts between interested persons and the offices or employees authorized by the Secretary to advise such persons regarding requirements under the Federal Food, Drug, and Cosmetic Act and under section 351 of this Act; and

"(D) promoting innovation to reduce the time and cost of countermeasure and product advanced research and development.

"(3) DIRECTOR.—The BARDA shall be headed by a Director (referred to in this section as the 'Director') who shall be appointed by the Secretary and to whom the Secretary shall delegate such functions and authorities as necessary to implement this section.

"(4) DUTIES.—

"(A) COLLABORATION.—To carry out the purpose described in paragraph (2)(A), the Secretary shall—

"(i) facilitate and increase the expeditious and direct communication between the Department of Health and Human Services and relevant persons with respect to countermeasure and product advanced research and development, including by—

"(I) facilitating such communication regarding the processes for procuring such advanced research and development with respect to qualified countermeasures and qualified pandemic or epidemic products of interest; and

"(II) soliciting information about and data from research on potential qualified countermeasures and qualified pandemic or epidemic products and related technologies;

"(ii) at least annually—

"(I) convene meetings with representatives from relevant industries, academia, other Federal agencies, international agencies as appropriate, and other interested persons;

"(II) sponsor opportunities to demonstrate the operation and effectiveness of relevant biodefense countermeasure technologies; and

"(III) convene such working groups on countermeasure and product advanced research and development as the Secretary may determine are necessary to carry out this section; and

"(iii) carry out the activities described in section 405 of the Pandemic and All-Hazards Preparedness Act.

"(B) SUPPORT ADVANCED RESEARCH AND DEVELOPMENT.—To carry out the purpose described in paragraph (2)(B), the Secretary shall—

"(i) conduct ongoing searches for, and support calls for, potential qualified countermeasures and qualified pandemic or epidemic products;

"(ii) direct and coordinate the countermeasure and product advanced research and development activities of the Department of Health and Human Services;

"(iii) establish strategic initiatives to accelerate countermeasure and product advanced research and development and innovation in such areas as the Secretary may identify as priority unmet need areas; and

"(iv) award contracts, grants, cooperative agreements, and enter into other transactions, for countermeasure and product advanced research and development.

"(C) FACILITATING ADVICE.—To carry out the purpose described in paragraph (2)(C) the Secretary shall—

"(i) connect interested persons with the offices or employees authorized by the Secretary to advise such persons regarding the regulatory requirements under the Federal Food, Drug, and Cosmetic Act and under section 351 of this Act related to the approval, clearance, or licensure of qualified countermeasures or qualified pandemic or epidemic products; and

"(ii) with respect to persons performing countermeasure and product advanced research and development funded under this section, enable such offices or employees to provide to the extent practicable such advice in a manner that is ongoing and that is otherwise designed to facilitate expeditious development of qualified countermeasures and qualified pandemic or epidemic products that may achieve such approval, clearance, or licensure.

"(D) SUPPORTING INNOVATION.—To carry out the purpose described in paragraph (2)(D), the Secretary may award contracts, grants, and cooperative agreements, or enter into other transactions, such as prize payments, to promote—

"(i) innovation in technologies that may assist countermeasure and product advanced research and development;

"(ii) research on and development of research tools and other devices and technologies; and

"(iii) research to promote strategic initiatives, such as rapid diagnostics, broad spectrum antimicrobials, and vaccine manufacturing technologies.

"(5) TRANSACTION AUTHORITIES.—

"(A) OTHER TRANSACTIONS.—

"(i) IN GENERAL.—The Secretary shall have the authority to enter into other transactions under this subsection in the same manner as the Secretary of Defense enters into such transactions under section 2371 of title 10, United States Code.

"(ii) LIMITATIONS ON AUTHORITY.—

"(I) IN GENERAL.—Subsections (b), (c), and (h) of section 845 of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2371 note) shall apply to other transactions under this subparagraph as if such transactions were for prototype projects described by subsection (a) of such section 845.

"(II) WRITTEN DETERMINATIONS REQUIRED.—The authority of this subparagraph may be exercised for a project that is expected to cost the Department of Health and Human Services in excess of $20,000,000 only upon a written determination by the senior procurement executive for the Department (as designated for purpose of section 16(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(c))), that the use of such authority is essential to promoting the success of the project. The authority of the senior procurement executive under this subclause may not be delegated.

"(iii) GUIDELINES.—The Secretary shall establish guidelines regarding the use of the authority under clause (i). Such guidelines shall include auditing requirements.

"(B) EXPEDITED AUTHORITIES.—

"(i) IN GENERAL.—In awarding contracts, grants, and cooperative agreements, and in entering into other transactions under subparagraph (B) or (D) of paragraph (4), the Secretary shall have the expedited procurement authorities, the authority to expedite peer review, and the authority for personal services contracts, supplied by subsections (b), (c), and (d) of section 319F–1.

"(ii) APPLICATION OF PROVISIONS.—Provisions in such section 319F–1 that apply to such authorities and that require institution of internal controls, limit review, provide for Federal Tort Claims Act coverage of personal services contractors, and commit decisions to the discretion of the Secretary shall apply to the authorities as exercised pursuant to this paragraph.

"(iii) AUTHORITY TO LIMIT COMPETITION.—For purposes of applying section 319F–1(b)(1)(D) to this paragraph, the phrase 'BioShield Program under the Project BioShield Act of 2004' shall be deemed to mean the countermeasure and product advanced research and development program under this section.

"(iv) AVAILABILITY OF DATA.—The Secretary shall require that, as a condition of being awarded a contract, grant, cooperative agreement, or other transaction under subparagraph (B) or (D) of paragraph (4), a person make available to the Secretary on an ongoing basis, and submit upon request to the Secretary, all data related to or resulting from countermeasure and product advanced research and development carried out pursuant to this section.

"(C) ADVANCE PAYMENTS; ADVERTISING.—The Secretary may waive the requirements of section 3324(a) of title 31, United States Code, or section 3709 of the Revised Statutes of the United States (41 U.S.C. 5) upon the determination by the Secretary that such waiver is necessary to obtain countermeasures or products under this section.

"(D) MILESTONE-BASED PAYMENTS ALLOWED.—In awarding contracts, grants, and cooperative agreements, and in entering into other transactions, under this section, the Secretary may use milestone-based awards and payments.

"(E) FOREIGN NATIONALS ELIGIBLE.—The Secretary may under this section award contracts, grants, and cooperative agreements to, and may enter into other transactions with, highly qualified foreign national persons outside the United States, alone or in collaboration with American participants, when such transactions may inure to the benefit of the American people.

"(F) ESTABLISHMENT OF RESEARCH CENTERS.—The Secretary may assess the feasibility and appropriateness of establishing, through contract, grant, cooperative agreement, or other transaction, an arrangement with an existing research center in order to achieve the goals of this section. If such an agreement is not feasible and appropriate, the Secretary may establish one or more federally-funded research and development centers, or university-affiliated research centers, in accordance with section 303(c)(3) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(3)).

"(6) AT-RISK INDIVIDUALS.—In carrying out the functions under this section, the Secretary may give priority to the advanced research and development of qualified countermeasures and qualified pandemic or epidemic products that are likely to be safe and effective with respect to children, pregnant women, elderly, and other at-risk individuals.

"(7) PERSONNEL AUTHORITIES.—

"(A) SPECIALLY QUALIFIED SCIENTIFIC AND PROFESSIONAL PERSONNEL.—

"(i) IN GENERAL.—In addition to any other personnel authorities, the Secretary may—

"(I) without regard to those provisions of title 5, United States Code, governing appointments in the competitive service, appoint highly qualified individuals to scientific or professional positions in BARDA, such as program managers, to carry out this section; and

"(II) compensate them in the same manner and subject to the same terms and conditions in which individuals appointed under section 9903 of such title are compensated, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(ii) MANNER OF EXERCISE OF AUTHORITY.—The authority provided for in this subparagraph shall be exercised subject to the same limitations described in section 319F–1(e)(2).

"(iii) TERM OF APPOINTMENT.—The term limitations described in section 9903(c) of title 5, United States Code, shall apply to appointments under this subparagraph, except that the references to the 'Secretary' and to the 'Department of Defense's national security missions' shall be deemed to be to the Secretary of Health and Human Services and to the mission of the Department of Health and Human Services under this section.

"(B) SPECIAL CONSULTANTS.—In carrying out this section, the Secretary may appoint special consultants pursuant to section 207(f).

"(C) LIMITATION.—

"(i) IN GENERAL.—The Secretary may hire up to 100 highly qualified individuals, or up to 50 percent of the total number of employees, whichever is less, under the authorities provided for in subparagraphs (A) and (B).

"(ii) REPORT.—The Secretary shall report to Congress on a biennial basis on the implementation of this subparagraph.

"(d) FUND.—

"(1) ESTABLISHMENT.—There is established the Biodefense Medical Countermeasure Development Fund, which shall be available to carry out this section in addition to such amounts as are otherwise available for this purpose.

"(2) FUNDING.—To carry out the purposes of this section, there are authorized to be appropriated to the Fund—

"(A) $1,070,000,000 for fiscal years 2006 through 2008, the amounts to remain available until expended; and

"(B) such sums as may be necessary for subsequent fiscal years, the amounts to remain available until expended.

"(e) INAPPLICABILITY OF CERTAIN PROVISIONS.—

"(1) DISCLOSURE.—

"(A) IN GENERAL.—The Secretary shall withhold from disclosure under section 552 of title 5, United States Code, specific technical data or scientific information that is created or obtained during the countermeasure and product advanced research and development carried out under subsection (c) that reveals significant and not otherwise publicly known vulnerabilities of existing medical or public health defenses against biological, chemical, nuclear, or radiological threats. Such information shall be deemed to be information described in section 552(b)(3) of title 5, United States Code.

"(B) REVIEW.—Information subject to nondisclosure under subparagraph (A) shall be reviewed by the Secretary every 5 years, or more frequently as determined necessary by the Secretary, to determine the relevance or necessity of continued nondisclosure.

"(C) SUNSET.—This paragraph shall cease to have force or effect on the date that is 7 years after the date of enactment of the Pandemic and All-Hazards Preparedness Act.

"(2) REVIEW.—Notwithstanding section 14 of the Federal Advisory Committee Act, a working group of BARDA under this section and the National Biodefense Science Board under section 319M shall each terminate on the date that is 5 years after the date on which each such group or Board, as applicable, was established. Such 5-year period may be extended by the Secretary for one or more additional 5-year periods if the Secretary determines that any such extension is appropriate.".

SEC. 402. NATIONAL BIODEFENSE SCIENCE BOARD.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.), as amended by section 401, is further amended by inserting after section 319L the following:

"SEC. 319M. NATIONAL BIODEFENSE SCIENCE BOARD AND WORKING GROUPS.

"(a) IN GENERAL.—

"(1) ESTABLISHMENT AND FUNCTION.—The Secretary shall establish the National Biodefense Science Board (referred to in this section as the 'Board') to provide expert advice and guidance to the Secretary on scientific, technical and other matters of special interest to the Department of Health and Human Services regarding current and future chemical, biological, nuclear, and radiological agents, whether naturally occurring, accidental, or deliberate.

"(2) MEMBERSHIP.—The membership of the Board shall be comprised of individuals who represent the Nation's preeminent scientific, public health, and medical experts, as follows—

"(A) such Federal officials as the Secretary may determine are necessary to support the functions of the Board;

"(B) four individuals representing the pharmaceutical, biotechnology, and device industries;

"(C) four individuals representing academia; and

"(D) five other members as determined appropriate by the Secretary, of whom—

"(i) one such member shall be a practicing healthcare professional; and

"(ii) one such member shall be an individual from an organization representing healthcare consumers.

"(3) TERM OF APPOINTMENT.—A member of the Board described in subparagraph (B), (C), or (D) of paragraph (2) shall serve for a term of 3 years, except that the Secretary may adjust the terms of the initial Board appointees in order to provide for a staggered term of appointment for all members.

"(4) CONSECUTIVE APPOINTMENTS; MAXIMUM TERMS.—A member may be appointed to serve not more than 3 terms on the Board and may serve not more than 2 consecutive terms.

"(5) DUTIES.—The Board shall—

"(A) advise the Secretary on current and future trends, challenges, and opportunities presented by advances in biological and life sciences, biotechnology, and genetic engineering with respect to threats posed by naturally occurring infectious diseases and chemical, biological, radiological, and nuclear agents;

"(B) at the request of the Secretary, review and consider any information and findings received from the working groups established under subsection (b); and

"(C) at the request of the Secretary, provide recommendations and findings for expanded, intensified, and coordinated biodefense research and development activities.

"(6) MEETINGS.—

"(A) INITIAL MEETING.—Not later than one year after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary shall hold the first meeting of the Board.

"(B) SUBSEQUENT MEETINGS.—The Board shall meet at the call of the Secretary, but in no case less than twice annually.

"(7) VACANCIES.—Any vacancy in the Board shall not affect its powers, but shall be filled in the same manner as the original appointment.

"(8) CHAIRPERSON.—The Secretary shall appoint a chairperson from among the members of the Board.

"(9) POWERS.—

"(A) HEARINGS.—The Board may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Board considers advisable to carry out this subsection.

"(B) POSTAL SERVICES.—The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

"(10) PERSONNEL.—

"(A) EMPLOYEES OF THE FEDERAL GOVERNMENT.—A member of the Board that is an employee of the Federal Government may not receive additional pay, allowances, or benefits by reason of the member's service on the Board.

"(B) OTHER MEMBERS.—A member of the Board that is not an employee of the Federal Government may be compensated at a rate not to exceed the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties as a member of the Board.

"(C) TRAVEL EXPENSES.—Each member of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

"(D) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Board with the approval for the contributing agency without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

"(b) OTHER WORKING GROUPS.—The Secretary may establish a working group of experts, or may use an existing working group or advisory committee, to—

"(1) identify innovative research with the potential to be developed as a qualified countermeasure or a qualified pandemic or epidemic product;

"(2) identify accepted animal models for particular diseases and conditions associated with any biological, chemical, radiological, or nuclear agent, any toxin, or any potential pandemic infectious disease, and identify strategies to accelerate animal model and research tool development and validation; and

"(3) obtain advice regarding supporting and facilitating advanced research and development related to qualified countermeasures and qualified pandemic or epidemic products that are likely to be safe and effective with respect to children, pregnant women, and other vulnerable populations, and other issues regarding activities under this section that affect such populations.

"(c) DEFINITIONS.—Any term that is defined in section 319L and that is used in this section shall have the same meaning in this section as such term is given in section 319L.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 to carry out this section for fiscal year 2007 and each fiscal year thereafter.".

SEC. 403. CLARIFICATION OF COUNTERMEASURES COVERED BY PROJECT BIOSHIELD.

(a) QUALIFIED COUNTERMEASURE.—Section 319F-1(a) of the Public Health Service Act (42 U.S.C. 247d–6a(a)) is amended by striking paragraph (2) and inserting the following:

"(2) DEFINITIONS.—In this section:

"(A) QUALIFIED COUNTERMEASURE.—The term 'qualified countermeasure' means a drug (as that term is defined by section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1))), biological product (as that term is defined by section 351(i) of this Act (42 U.S.C. 262(i))), or device (as that term is defined by section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h))), that the Secretary determines to be a priority (consistent with sections 302(2) and 304(a) of the Homeland Security Act of 2002) to—

"(i) diagnose, mitigate, prevent, or treat harm from any biological agent (including organisms that cause an infectious disease) or toxin, chemical, radiological, or nuclear agent that may cause a public health emergency affecting national security; or

"(ii) diagnose, mitigate, prevent, or treat harm from a condition that may result in adverse health consequences or death and may be caused by administering a drug, biological product, or device that is used as described in this subparagraph.

"(B) INFECTIOUS DISEASE.—The term 'infectious disease' means a disease potentially caused by a pathogenic organism (including a bacteria, virus, fungus, or parasite) that is acquired by a person and that reproduces in that person.".

(b) SECURITY COUNTERMEASURE.—Section 319F–2(c)(1)(B) is amended by striking "treat, identify, or prevent" each place it appears and inserting "diagnose, mitigate, prevent, or treat".

(c) LIMITATION ON USE OF FUNDS.—Section 510(a) of the Homeland Security Act of 2002 (6 U.S.C. 320(a)) is amended by adding at the end the following: "None of the funds made available under this subsection shall be used to procure countermeasures to diagnose, mitigate, prevent, or treat harm resulting from any naturally occurring infectious disease or other public health threat that are not security countermeasures under section 319F–2(c)(1)(B).".

SEC. 404. TECHNICAL ASSISTANCE.

Subchapter E of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb et seq.) is amended by adding at the end the following:

"SEC. 566. TECHNICAL ASSISTANCE.

"The Secretary, in consultation with the Commissioner of Food and Drugs, shall establish within the Food and Drug Administration a team of experts on manufacturing and regulatory activities (including compliance with current Good Manufacturing Practice) to provide both off-site and on-site technical assistance to the manufacturers of qualified countermeasures (as defined in section 319F-1 of the Public Health Service Act), security countermeasures (as defined in section 319F–2 of such Act), or vaccines, at the request of such a manufacturer and at the discretion of the Secretary, if the Secretary determines that a shortage or potential shortage may occur in the United States in the supply of such vaccines or countermeasures and that the provision of such assistance would be beneficial in helping alleviate or avert such shortage.".

SEC. 405. COLLABORATION AND COORDINATION.

(a) LIMITED ANTITRUST EXEMPTION.—

(1) MEETINGS AND CONSULTATIONS TO DISCUSS SECURITY COUNTERMEASURES, QUALIFIED COUNTERMEASURES, OR QUALIFIED PANDEMIC OR EPIDEMIC PRODUCT DEVELOPMENT.—

(A) AUTHORITY TO CONDUCT MEETINGS AND CONSULTATIONS.—The Secretary of Health and Human Services (referred to in this subsection as the "Secretary"), in coordination with the Attorney General and the Secretary of Homeland Security, may conduct meetings and consultations with persons engaged in the development of a security countermeasure (as defined in section 319F–2 of the Public Health Service Act (42 U.S.C. 247d–6b)) (as amended by this Act), a qualified countermeasure (as defined in section 319F–1 of the Public Health Service Act (42 U.S.C. 247d–6a)) (as amended by this Act), or a qualified pandemic or epidemic product (as defined in section 319F–3 of the Public Health Service Act (42 U.S.C. 247d–6d)) for the purpose of the development, manufacture, distribution, purchase, or storage of a countermeasure or product. The Secretary may convene such meeting or consultation at the request of the Secretary of Homeland Security, the Attorney General, the Chairman of the Federal Trade Commission (referred to in this section as the "Chairman"), or any interested person, or upon initiation by the Secretary. The Secretary shall give prior notice of any such meeting or consultation, and the topics to be discussed, to the Attorney General, the Chairman, and the Secretary of Homeland Security.

(B) MEETING AND CONSULTATION CONDITIONS.—A meeting or consultation conducted under subparagraph (A) shall—

(i) be chaired or, in the case of a consultation, facilitated by the Secretary;

(ii) be open to persons involved in the development, manufacture, distribution, purchase, or storage of a countermeasure or product, as determined by the Secretary;

(iii) be open to the Attorney General, the Secretary of Homeland Security, and the Chairman;

(iv) be limited to discussions involving covered activities; and

(v) be conducted in such manner as to ensure that no national security, confidential commercial, or proprietary information is disclosed outside the meeting or consultation.

(C) LIMITATION.—The Secretary may not require participants to disclose confidential commercial or proprietary information.

(D) TRANSCRIPT.—The Secretary shall maintain a complete verbatim transcript of each meeting or consultation conducted under this subsection. Such transcript (or a portion thereof) shall not be disclosed under section 552 of title 5, United States Code, to the extent that the Secretary, in consultation with the Attorney General and the Secretary of Homeland Security, determines that disclosure of such transcript (or portion thereof) would pose a threat to national security. The transcript (or portion thereof) with respect to which the Secretary has made such a determination shall be deemed to be information described in subsection (b)(3) of such section 552.

(E) EXEMPTION.—

(i) IN GENERAL.—Subject to clause (ii), it shall not be a violation of the antitrust laws for any person to participate in a meeting or consultation conducted in accordance with this paragraph.

(ii) LIMITATION.—Clause (i) shall not apply to any agreement or conduct that results from a meeting or consultation and that is not covered by an exemption granted under paragraph (4).

(2) SUBMISSION OF WRITTEN AGREEMENTS.—The Secretary shall submit each written agreement regarding covered activities that is made pursuant to meetings or consultations conducted under paragraph (1) to the Attorney General and the Chairman for consideration. In addition to the proposed agreement itself, any submission shall include—

(A) an explanation of the intended purpose of the agreement;

(B) a specific statement of the substance of the agreement;

(C) a description of the methods that will be utilized to achieve the objectives of the agreement;

(D) an explanation of the necessity for a cooperative effort among the particular participating persons to achieve the objectives of the agreement; and

(E) any other relevant information determined necessary by the Attorney General, in consultation with the Chairman and the Secretary.

(3) EXEMPTION FOR CONDUCT UNDER APPROVED AGREEMENT.—It shall not be a violation of the antitrust laws for a person to engage in conduct in accordance with a written agreement to the extent that such agreement has been granted an exemption under paragraph (4), during the period for which the exemption is in effect.

(4) ACTION ON WRITTEN AGREEMENTS.—

(A) IN GENERAL.—The Attorney General, in consultation with the Chairman, shall grant, deny, grant in part and deny in part, or propose modifications to an exemption request regarding a written agreement submitted under paragraph (2), in a written statement to the Secretary, within 15 business days of the receipt of such request. An exemption granted under this paragraph shall take effect immediately.

(B) EXTENSION.—The Attorney General may extend the 15-day period referred to in subparagraph (A) for an additional period of not to exceed 10 business days.

(C) DETERMINATION.—An exemption shall be granted regarding a written agreement submitted in accordance with paragraph (2) only to the extent that the Attorney General, in consultation with the Chairman and the Secretary, finds that the conduct that will be exempted will not have any substantial anticompetitive effect that is not reasonably necessary for ensuring the availability of the countermeasure or product involved.

(5) LIMITATION ON AND RENEWAL OF EXEMPTIONS.—An exemption granted under paragraph (4) shall be limited to covered activities, and such exemption shall be renewed (with modifications, as appropriate, consistent with the finding described in paragraph (4)(C)), on the date that is 3 years after the date on which the exemption is granted unless the Attorney General in consultation

with the Chairman determines that the exemption should not be renewed (with modifications, as appropriate) considering the factors described in paragraph (4).

(6) AUTHORITY TO OBTAIN INFORMATION.—Consideration by the Attorney General for granting or renewing an exemption submitted under this section shall be considered an antitrust investigation for purposes of the Antitrust Civil Process Act (15 U.S.C. 1311 et seq.).

(7) LIMITATION ON PARTIES.—The use of any information acquired under an agreement for which an exemption has been granted under paragraph (4), for any purpose other than specified in the exemption, shall be subject to the antitrust laws and any other applicable laws.

(8) REPORT.—Not later than one year after the date of enactment of this Act and biannually thereafter, the Attorney General and the Chairman shall report to Congress on the use of the exemption from the antitrust laws provided by this subsection.

(b) SUNSET.—The applicability of this section shall expire at the end of the 6-year period that begins on the date of enactment of this Act.

(c) DEFINITIONS.—In this section:

(1) ANTITRUST LAWS.—The term "antitrust laws"—

(A) has the meaning given such term in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent such section 5 applies to unfair methods of competition; and

(B) includes any State law similar to the laws referred to in subparagraph (A).

(2) COUNTERMEASURE OR PRODUCT.—The term "countermeasure or product" refers to a security countermeasure, qualified countermeasure, or qualified pandemic or epidemic product (as those terms are defined in subsection (a)(1)).

(3) COVERED ACTIVITIES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term "covered activities" includes any activity relating to the development, manufacture, distribution, purchase, or storage of a countermeasure or product.

(B) EXCEPTION.—The term "covered activities" shall not include, with respect to a meeting or consultation conducted under subsection (a)(1) or an agreement for which an exemption has been granted under subsection (a)(4), the following activities involving 2 or more persons:

(i) Exchanging information among competitors relating to costs, profitability, or distribution of any product, process, or service if such information is not reasonably necessary to carry out covered activities—

(I) with respect to a countermeasure or product regarding which such meeting or consultation is being conducted; or

(II) that are described in the agreement as exempted.

(ii) Entering into any agreement or engaging in any other conduct—

(I) to restrict or require the sale, licensing, or sharing of inventions, developments, products, processes, or services not developed through, produced by, or distributed or sold through such covered activities; or

(II) to restrict or require participation, by any person participating in such covered activities, in other research and development activities, except as reasonably necessary to prevent the misappropriation of proprietary information contributed by any person participating in such covered activities or of the results of such covered activities.

(iii) Entering into any agreement or engaging in any other conduct allocating a market with a competitor that is not expressly exempted from the antitrust laws under subsection (a)(4).

(iv) Exchanging information among competitors relating to production (other than production by such covered activities) of a product, process, or service if such information is not reasonably necessary to carry out such covered activities.

(v) Entering into any agreement or engaging in any other conduct restricting, requiring, or otherwise involving the production of a product, process, or service that is not expressly exempted from the antitrust laws under subsection (a)(4).

(vi) Except as otherwise provided in this subsection, entering into any agreement or engaging in any other conduct to restrict or require participation by any person participating in such covered activities, in any unilateral or joint activity that is not reasonably necessary to carry out such covered activities.

(vii) Entering into any agreement or engaging in any other conduct restricting or setting the price at which a countermeasure or product is offered for sale, whether by bid or otherwise.

SEC. 406. PROCUREMENT.

Section 319F–2 of the Public Health Service Act (42 U.S.C. 247d–6b) is amended—

(1) in the section heading, by inserting "**AND SECURITY COUNTERMEASURE PROCUREMENTS**" before the period; and

(2) in subsection (c)—

(A) in the subsection heading, by striking "BIOMEDICAL";

(B) in paragraph (3)—

(i) by striking "COUNTERMEASURES.—The Secretary" and inserting the following: "COUNTERMEASURES.—

"(A) IN GENERAL.—The Secretary"; and

(ii) by adding at the end the following:

"(B) INFORMATION.—The Secretary shall institute a process for making publicly available the results of assessments under subparagraph (A) while withholding such information as—

"(i) would, in the judgment of the Secretary, tend to reveal public health vulnerabilities; or

"(ii) would otherwise be exempt from disclosure under section 552 of title 5, United States Code.";

(C) in paragraph (4)(A), by inserting "not developed or" after "currently";

(D) in paragraph (5)(B)(i), by striking "to meet the needs of the stockpile" and inserting "to meet the stockpile needs";

(E) in paragraph (7)(B)—

(i) by striking the subparagraph heading and all that follows through "Homeland Security Secretary" and inserting the following: "INTERAGENCY AGREEMENT; COST.—The Homeland Security Secretary"; and

(ii) by striking clause (ii);

(F) in paragraph (7)(C)(ii)—

(i) by amending subclause (I) to read as follows:

"(I) PAYMENT CONDITIONED ON DELIVERY.—The contract shall provide that no payment may be made until delivery of a portion, acceptable to the Secretary, of the total number of units contracted for, except that, notwithstanding any other provision of law, the contract may provide that, if the Secretary determines (in the Secretary's discretion) that an advance payment, partial payment for significant milestones, or payment to increase manufacturing capacity is necessary to ensure success of a project, the Secretary shall pay an amount, not to exceed 10 percent of the contract amount, in advance of delivery. The Secretary shall, to the extent practicable, make the determination of advance payment at the same time as the issuance of a solicitation. The contract shall provide that such advance payment is required to be repaid if there is a failure to perform by the vendor under the contract. The contract may also provide for additional advance payments of 5 percent each for meeting the milestones specified in such contract, except that such payments shall not exceed 50 percent of the total contract amount. If the specified milestones are reached, the advanced payments of 5 percent shall not be required to be repaid. Nothing in this subclause shall be construed as affecting the rights of vendors under provisions of law or regulation (including the Federal Acquisition Regulation) relating to the termination of contracts for the convenience of the Government."; and

(ii) by adding at the end the following:

"(VII) SALES EXCLUSIVITY.—The contract may provide that the vendor is the exclusive supplier of the product to the Federal Government for a specified period of time, not to exceed the term of the contract, on the condition that the vendor is able to satisfy the needs of the Government. During the agreed period of sales exclusivity, the vendor shall not assign its rights of sales exclusivity to another entity or entities without approval by the Secretary. Such a sales exclusivity provision in such a contract shall constitute a valid basis for a sole source procurement under section 303(c)(1) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(1)).

"(VIII) WARM BASED SURGE CAPACITY.—The contract may provide that the vendor establish domestic manufacturing capacity of the product to ensure that additional production of the product is available in the event that the Secretary determines that there is a need to quickly purchase additional quantities of the product. Such contract may provide a fee to the vendor for establishing and maintaining such capacity in excess of the initial requirement for the purchase of the product. Additionally, the cost of maintaining the domestic manufacturing capacity shall be an allowable and allocable direct cost of the contract.

"(IX) CONTRACT TERMS.—The Secretary, in any contract for procurement under this section, may specify—

"(aa) the dosing and administration requirements for countermeasures to be developed and procured;

"(bb) the amount of funding that will be dedicated by the Secretary for development and acquisition of the countermeasure; and

"(cc) the specifications the countermeasure must meet to qualify for procurement under a contract under this section."; and

(G) in paragraph (8)(A), by adding at the end the following: "Such agreements may allow other executive agencies to order qualified and security countermeasures under procurement contracts or other agreements established by the Secretary. Such ordering process (including transfers of appropriated funds between an agency and the Department of Health and Human Services as reimbursements for such orders for countermeasures) may be conducted under the authority of section 1535 of title 31, United States Code, except that all such orders shall be processed under the terms established under this subsection for the procurement of countermeasures.".

SA 5211. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 3821, to authorize certain athletes to be admitted temporarily into the United States to compete or perform in an athletic league, competition, or performance; which was referred to the Committee on the Judiciary; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as either the "Creating Opportunities for Minor League Professionals, Entertainers, and Teams through Legal Entry Act of 2006" or the "COMPETE Act of 2006".

SEC. 2. NONIMMIGRANT ALIEN STATUS FOR CERTAIN ATHLETES.

(a) IN GENERAL.—Section 214(c)(4)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(4)(A)) is amended by striking clauses (i) and (ii) and inserting the following:

"(i)(I) performs as an athlete, individually or as part of a group or team, at an internationally recognized level of performance;

"(II) is a professional athlete, as defined in section 204(i)(2);

"(III) performs as an athlete, or as a coach, as part of a team or franchise that is located in the United States and a member of a foreign league or association of 15 or more amateur sports teams, if—

"(aa) the foreign league or association is the highest level of amateur performance of that sport in the relevant foreign country;

"(bb) participation in such league or association renders players ineligible, whether on a temporary or permanent basis, to earn a scholarship in, or participate in, that sport at a college or university in the United States under the rules of the National Collegiate Athletic Association; and

"(cc) a significant number of the individuals who play in such league or association are drafted by a major sports league or a minor league affiliate of such a sports league; or

"(IV) is a professional athlete or amateur athlete who performs individually or as part of a group in a theatrical ice skating production; and

"(ii) seeks to enter the United States temporarily and solely for the purpose of performing—

"(I) as such an athlete with respect to a specific athletic competition; or

"(II) in the case of an individual described in clause (i)(IV), in a specific theatrical ice skating production or tour.".

(b) LIMITATION.—Section 214(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(4)) is amended by adding at the end the following:

"(F)(i) No nonimmigrant visa under section 101(a)(15)(P)(i)(a) shall be issued to any alien who is a national of a country that is a state sponsor of international terrorism unless the Secretary of State determines, in consultation with the Secretary of Homeland Security and the heads of other appropriate United States agencies, that such alien does not pose a threat to the safety, national security, or national interest of the United States. In making a determination under this subparagraph, the Secretary of State shall apply standards developed by the Secretary of State, in consultation with the Secretary of Homeland Security and the heads of other appropriate United States agencies, that are applicable to the nationals of such states.

"(ii) In this subparagraph, the term 'state sponsor of international terrorism' means any country the government of which has been determined by the Secretary of State under any of the laws specified in clause (iii) to have repeatedly provided support for acts of international terrorism.

"(iii) The laws specified in this clause are the following:

"(I) Section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)) (or successor statute).

"(II) Section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)).

"(III) Section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)).".

(c) PETITIONS FOR MULTIPLE ALIENS.—Section 214(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(4)), as amended by subsection (b), is further amended by adding at the end the following:

"(G) The Secretary of Homeland Security shall permit a petition under this subsection to seek classification of more than 1 alien as a nonimmigrant under section 101(a)(15)(P)(i)(a).".

(d) RELATIONSHIP TO OTHER PROVISIONS OF THE IMMIGRATION AND NATIONALITY ACT.—Section 214(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(4)), as amended by subsections (b) and (c), is further amended by adding at the end the following:

"(H) The Secretary of Homeland Security shall permit an athlete, or the employer of an athlete, to seek admission to the United States for such athlete under a provision of this Act other than section 101(a)(15)(P)(i) if the athlete is eligible under such other provision.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BURR. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on December 5, 2006, at 9:30 a.m., to consider the nomination of Robert M. Gates to be Secretary of Defense.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BURR. Mr. President. I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a Full Committee hearing on Nominations on Tuesday, December 5, 2006 at 10 a.m. in room 253 of the Russell Senate Office Building. Nominees to be considered are Steven Chealander to be a Member of the NTSB and Charles Dorkey to be a Member of the Advisory Board of the Saint Lawrence Seaway Development Corporation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BURR. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, December 5, 2006, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on "Report Card on Tax Exemptions and Incentives for Higher Education: Pass, Fail, or Need Improvement?"

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BURR. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Finance on Tuesday, December 5, 2006, at 12 noon, in 215 Dirksen Senate Office Building, to hear testimony on the nominations of Mr. Anthony Ryan to be Assistant Secretary for Financial Markets, U.S. Department of the Treasury, Washington, DC; Dr. Phillip Swagel to be Assistant Secretary for Economic Policy, U.S. Department of the Treasury. Washington. DC; Mr. Dean Pinkert to be Member of the U.S. International Trade Commission, Washington, DC; Mr. Irving Williamson to be Member of the U.S. International Trade Commission, Washington, DC; Ms. Dana Bilyeu to be Member of the Social Security Advisory Board, Social Security Administration, Baltimore, MD; and, The Honorable Mark Warshawsky to be Member of the Social Security Advisory Board, Social Security Administration, Baltimore, MD.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BURR. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions meet in executive session during the session of the Senate on Tuesday, December 5, 2006 at 5 p.m. in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BURR. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Examining Enforcement of Criminal Insider Trading and Hedge Fund Activity" on Tuesday, December 5, 2006 at 9:30 a.m. in Dirksen Senate Office Building Room 226.

Witness List

Panel I: Mr. Ronald J. Tenpas, Associate Deputy Attorney General, United States Department of Justice, Washington, DC; The Honorable Richard Blumenthal, Attorney General, State of Connecticut, Hartford, CT: Ms. Linda C. Thomsen, Director of Enforcement, U.S. Securities and Exchange Commission, Washington, DC;

Panel II: Mr. Gary J. Aguirre, Former Investigator, U.S. Securities and Exchange Commission, Washington, DC; Mr. Walter J. Stachnik, Inspector General, U.S. Securities and Exchange Commission, Washington, DC: Mr. Robert B. Hanson, Branch Chief, Division of Enforcement, U.S. Securities and Exchange Commission, Washington, DC; Mr. Mark Kreitman, Assistant Director, Division of Enforcement, U.S. Securities and Exchange Commission, Washington, DC: Mr. Paul R. Berger, Former Associate Director, Division of Enforcement, U.S. Securities and Exchange Commission.

Washington, DC; Mr. Eric Ribelin, Branch Chief, Office of Market Surveillance, U.S. Securities and Exchange Commission, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BURR. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Judicial Nominations" on Tuesday, December 5, 2006 at 2:30 p.m. in Dirksen Senate Office Building Room 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION AND INTERNATIONAL SECURITY

Mr. BURR. Mr. President, I ask unanimous consent that the Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Tuesday, December 5, 2006, at 10:30 a.m. for a hearing regarding "An Assessment of Improper Payments Information Act of 2002".

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BENNETT. Mr. President, I ask unanimous consent that the following staff members be accorded the privilege of the floor during debate and all votes on H.R. 5384, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act for fiscal year 2007: Fitzhugh Elder, Dianne Preece, Stacy McBride, Graham Harper, Galen Fountain, Jessica Frederick, Tom Gonzales, Tyler Owens, Amber Sechrist, Phil Karsting, and West Higginbothom.

The PRESIDING OFFICER. Without objection, it is so ordered.

PANDEMIC AND ALL-HAZARDS PREPAREDNESS ACT

Mr. BURR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 583, S. 3678.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3678) to amend the Public Health Service Act with respect to public health security and all-hazards preparedness and response, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Health, Education, Labor and Pensions, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

S. 3678

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Pandemic and All-Hazards Preparedness Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—NATIONAL PREPAREDNESS AND RESPONSE, LEADERSHIP, ORGANIZATION, AND PLANNING

Sec. 101. Public health and medical preparedness and response functions of the Secretary of Health and Human Services.
Sec. 102. Assistant Secretary for Preparedness and Response.
Sec. 103. National Health Security Strategy.

TITLE II—PUBLIC HEALTH SECURITY PREPAREDNESS

Sec. 201. Improving State and local public health security.
Sec. 202. Using information technology to improve situational awareness in public health emergencies.
Sec. 203. Public health workforce enhancements.
Sec. 204. Vaccine tracking and distribution.
Sec. 205. National Science Advisory Board for Biosecurity.

TITLE III—ALL-HAZARDS MEDICAL SURGE CAPACITY

Sec. 301. National Disaster Medical System.
Sec. 302. Enhancing medical surge capacity.
Sec. 303. Encouraging health professional volunteers.
Sec. 304. Core education and training.
Sec. 305. Partnerships for state and regional hospital preparedness to improve surge capacity.
Sec. 306. Enhancing the role of the Department of Veterans Affairs.

TITLE I—NATIONAL PREPAREDNESS AND RESPONSE, LEADERSHIP, ORGANIZATION, AND PLANNING

SEC. 101. PUBLIC HEALTH AND MEDICAL PREPAREDNESS AND RESPONSE FUNCTIONS OF THE SECRETARY OF HEALTH AND HUMAN SERVICES.

Title XXVIII of the Public Health Service Act (42 U.S.C. 300hh–11 et seq.) is amended—

(1) by striking the title heading and inserting the following:

"TITLE XXVIII—NATIONAL ALL-HAZARDS PREPAREDNESS FOR PUBLIC HEALTH EMERGENCIES";

(2) by amending subtitle A to read as follows:

"Subtitle A—National All-Hazards Preparedness and Response Planning, Coordinating, and Reporting

"SEC. 2801. PUBLIC HEALTH AND MEDICAL PREPAREDNESS AND RESPONSE FUNCTIONS.

"(a) IN GENERAL.—The Secretary of Health and Human Services shall lead all Federal public health and medical response to public health emergencies and incidents covered by the National Response Plan developed pursuant to section 502(6) of the Homeland Security Act of 2002, or any successor plan.

"(b) INTERAGENCY AGREEMENT.—The Secretary, in collaboration with the Secretary of Veterans Affairs, the Secretary of Transportation, the Secretary of Defense, the Secretary of Homeland Security, and the head of any other relevant Federal agency, shall establish an interagency agreement, consistent with the National Response Plan or any successor plan, under which agreement the Secretary of Health and Human Services shall assume operational control of emergency public health and medical response assets, as necessary, in the event of a public health emergency.".

SEC. 102. ASSISTANT SECRETARY FOR PREPAREDNESS AND RESPONSE.

(a) ASSISTANT SECRETARY FOR PREPAREDNESS AND RESPONSE.—Subtitle B of title XXVIII of the Public Health Service Act (42 U.S.C. 300hh–11 et seq.) is amended—

(1) in the subtitle heading, by inserting "All-Hazards" before "Emergency Preparedness";

(2) by redesignating section 2811 as section 2812;

(3) by inserting after the subtitle heading the following new section:

"SEC. 2811. COORDINATION OF PREPAREDNESS FOR AND RESPONSE TO ALL-HAZARDS PUBLIC HEALTH EMERGENCIES.

"(a) IN GENERAL.—There is established within the Department of Health and Human Services the position of the Assistant Secretary for Preparedness and Response. The President, with the advice and consent of the Senate, shall appoint an individual to serve in such position. Such Assistant Secretary shall report to the Secretary.

"(b) DUTIES.—Subject to the authority of the Secretary, the Assistant Secretary for Preparedness and Response shall carry out the following functions:

"(1) LEADERSHIP.—Serve as the principal advisor to the Secretary on all matters related to Federal public health and medical preparedness and response for public health emergencies.

"(2) PERSONNEL.—Register, credential, organize, train, equip, and have the authority to deploy Federal public health and medical personnel under the authority of the Secretary, including the National Disaster Medical System, and coordinate such personnel with the Medical Reserve Corps and the Emergency System for Advance Registration of Volunteer Health Professionals.

"(3) COUNTERMEASURES.—

"(A) OVERSIGHT.—Oversee advanced research, development, and procurement of qualified countermeasures (as defined in section 319F–1) and qualified pandemic or epidemic products (as defined in section 319F–3).

"(B) STRATEGIC NATIONAL STOCKPILE.—Maintain the Strategic National Stockpile in accordance with section 319F–2, including conducting an annual review (taking into account at-risk individuals) of the contents of the stockpile, including non-pharmaceutical supplies, and make necessary additions or modifications to the contents based on such review.

"(4) COORDINATION.—

"(A) FEDERAL INTEGRATION.—Coordinate with relevant Federal officials to ensure integration of Federal preparedness and response activities for public health emergencies.

"(B) STATE, LOCAL, AND TRIBAL INTEGRATION.—Coordinate with State, local, and tribal public health officials, the Emergency Management Assistance Compact, health care systems, and emergency medical service systems to ensure effective integration of Federal public health and medical assets during a public health emergency.

"(C) EMERGENCY MEDICAL SERVICES.—Promote improved emergency medical services medical direction, system integration, research, and uniformity of data collection, treatment protocols, and policies with regard to public health emergencies.

"(5) LOGISTICS.—In coordination with the Secretary of Veterans Affairs, the Secretary of Homeland Security, the General Services Administration, and other public and private entities, provide logistical support for medical and public health aspects of Federal responses to public health emergencies.

"(6) LEADERSHIP.—Provide leadership in international programs, initiatives, and policies that deal with public health and medical emergency preparedness and response.

"(c) FUNCTIONS.—The Assistant Secretary for Preparedness and Response shall—

"(1) have authority over and responsibility for the functions, personnel, assets, and liabilities of the following—

"(A) the National Disaster Medical System (in accordance with section 301 of the Pandemic and All-Hazards Preparedness Act);

"(B) the Hospital Preparedness Cooperative Agreement Program pursuant to section 319C–2; and

"(C) the Public Health Preparedness Cooperative Agreement Program pursuant to section 319C–1;

"(2) exercise the responsibilities and authorities of the Secretary with respect to the coordination of—

"(A) the Medical Reserve Corps pursuant to section 2813;

"(B) the Emergency System for Advance Registration of Volunteer Health Professionals pursuant to section 319I;

"(C) the Strategic National Stockpile; and

"(D) the Cities Readiness Initiative; and

"(3) assume other duties as determined appropriate by the Secretary."; and

(4) by striking "Assistant Secretary for Public Health Emergency Preparedness" each place it appears and inserting "Assistant Secretary for Preparedness and Response".

(b) TRANSFER OF FUNCTIONS; REFERENCES.—

(1) TRANSFER OF FUNCTIONS.—There shall be transferred to the Office of the Assistant Secretary for Preparedness and Response the functions, personnel, assets, and liabilities of the Assistant Secretary for Public Health Emergency Preparedness as in effect on the day before the date of enactment of this Act.

(2) REFERENCES.—Any reference in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Assistant Secretary for Public Health Emergency Preparedness as in effect the day before the date of enactment of this Act, shall be deemed to be a reference to the Assistant Secretary for Preparedness and Response.

SEC. 103. NATIONAL HEALTH SECURITY STRATEGY.

Title XXVIII of the Public Health Service Act (300hh–11 et seq.), as amended by section 101, is amended by inserting after section 2801 the following:

"SEC. 2802. NATIONAL HEALTH SECURITY STRATEGY.

"(a) IN GENERAL.—

"(1) PREPAREDNESS AND RESPONSE REGARDING PUBLIC HEALTH EMERGENCIES.—Beginning in 2009 and every four years thereafter, the Secretary shall prepare and submit to the relevant Committees of Congress a coordinated strategy and any revisions thereof, and an accompanying implementation plan for public health emergency preparedness and response. The strategy shall identify the process for achieving the preparedness goals described in subsection (b) and shall be consistent with the National Preparedness Goal, the National Incident Management System, and the National Response Plan developed pursuant to section 502(6) of the Homeland Security Act of 2002, or any successor plan.

"(2) EVALUATION OF PROGRESS.—The National Health Security Strategy shall include an evaluation of the progress made by Federal, State, local, and tribal entities, based on the evidence-based benchmarks and objective standards that measure levels of preparedness established pursuant to section 319C–1(g). Such evaluation shall include aggregate and State-specific breakdowns of obligated funding spent by major category (as defined by the Secretary) for activities funded through awards pursuant to sections 319C–1 and 319C–2.

"(3) PUBLIC HEALTH WORKFORCE.—In 2009, the National Health Security Strategy shall include a national strategy for establishing an effective and prepared public health workforce, including defining the functions, capabilities, and gaps in such workforce, and identifying strategies to recruit, retain, and protect such workforce from workplace exposures during public health emergencies.

"(b) PREPAREDNESS GOALS.—The strategy under subsection (a) shall include provisions in furtherance of the following:

"(1) INTEGRATION.—Integrating public health and public and private medical capabilities with other first responder systems, including through—

"(A) the periodic evaluation of Federal, State, local, and tribal preparedness and response capabilities through drills and exercises; and

"(B) integrating public and private sector public health and medical donations and volunteers.

"(2) PUBLIC HEALTH.—Developing and sustaining Federal, State, local, and tribal essential public health security capabilities, including the following:

"(A) Disease situational awareness domestically and abroad, including detection, identification, and investigation.

"(B) Disease containment including capabilities for isolation, quarantine, social distancing, and decontamination.

"(C) Risk communication and public preparedness.

"(D) Rapid distribution and administration of medical countermeasures.

"(3) MEDICAL.—Increasing the preparedness, response capabilities, and surge capacity of hospitals, other health care facilities (including mental health facilities), and trauma care and emergency medical service systems with respect to public health emergencies, which shall include developing plans for the following:

"(A) Strengthening public health emergency medical management and treatment capabilities.

"(B) Medical evacuation and fatality management.

"(C) Rapid distribution and administration of medical countermeasures.

"(D) Effective utilization of any available public and private mobile medical assets and integration of other Federal assets.

"(E) Protecting health care workers and health care first responders from workplace exposures during a public health emergency.

"(4) AT-RISK INDIVIDUALS.—

"(A) Taking into account the public health and medical needs of at-risk individuals in the event of a public health emergency.

"(B) For purpose of the Pandemic and All-Hazards Preparedness Act, the term 'at-risk individuals' means children, pregnant women, senior citizens and other individuals who have special needs in the event of a public health emergency, as determined by the Secretary.

"(5) COORDINATION.—Minimizing duplication of, and ensuring coordination between Federal, State, local, and tribal planning, preparedness, and response activities (including the State Emergency Management Assistance Compact). Such planning shall be consistent with the National Response Plan, or any successor plan, and National Incident Management System and the National Preparedness Goal.

"(6) CONTINUITY OF OPERATIONS.—Maintaining vital public health and medical services to allow for optimal Federal, State, local, and tribal operations in the event of a public health emergency.".

TITLE II—PUBLIC HEALTH SECURITY PREPAREDNESS

SEC. 201. IMPROVING STATE AND LOCAL PUBLIC HEALTH SECURITY.

Section 319C–1 of the Public Health Service Act (42 U.S.C. 247d–3a) is amended—

(1) by amending the heading to read as follows:

"IMPROVING STATE AND LOCAL PUBLIC HEALTH SECURITY.";

(2) by striking subsections (a) through (i) and inserting the following:

"(a) IN GENERAL.—To enhance the security of the United States with respect to public health emergencies, the Secretary shall award cooperative agreements to eligible entities to enable such entities to conduct the activities described in subsection (d).

"(b) ELIGIBLE ENTITIES.—To be eligible to receive an award under subsection (a), an entity shall—

"(1)(A) be a State;

"(B) be a political subdivision determined by the Secretary to be eligible for an award under this section (based on criteria described in subsection (h)(4)); or

"(C) be a consortium of entities described in subparagraph (A); and

"(2) prepare and submit to the Secretary an application at such time, and in such manner, and containing such information as the Secretary may require, including—

"(A) an All-Hazards Public Health Emergency Preparedness and Response Plan which shall include—

"(i) a description of the activities such entity will carry out under the agreement to meet the goals identified under section 2802;

"(ii) a pandemic influenza plan consistent with the requirements of paragraphs (2) and (5) of subsection (g);

"(iii) preparedness and response strategies and capabilities that take into account the medical and public health needs of at-risk individuals in the event of a public health emergency;

"(iv) a description of the mechanism the entity will implement to utilize the Emergency Management Assistance Compact or other mutual aid agreements for medical and public health mutual aid; and

"(v) a description of how the entity will include the State Area Agency on Aging in public health emergency preparedness;

"(B) an assurance that the entity will report to the Secretary on an annual basis (or more frequently as determined by the Secretary) on the evidence-based benchmarks and objective standards established by the Secretary to evaluate the preparedness and response capabilities of such entity;

"(C) an assurance that the entity will conduct, on at least an annual basis, an exercise or drill that meets any criteria established by the Secretary to test the preparedness and response capabilities of such entity, and that the entity will report back to the Secretary within the application of the following year on the strengths and weaknesses identified through such exercise or drill, and corrective actions taken to address material weaknesses;

"(D) an assurance that the entity will provide to the Secretary the data described under section 319D(d)(3) as determined feasible by the Secretary;

"(E) an assurance that the entity will conduct activities to inform and educate the hospitals within the jurisdiction of such entity on the role of such hospitals in the plan required under subparagraph (A);

"(F) an assurance that the entity, with respect to the plan described under subparagraph (A), has developed and will implement an accountability system to ensure that such entity make satisfactory annual improvement and describe such system in the plan under subparagraph (A);

"(G) a description of the means by which to obtain public comment and input on the plan described in subparagraph (A) and on the implementation of such plan, that shall include an advisory committee or other similar mechanism for obtaining comment from the public and from other State, local, and tribal stakeholders; and

"(H) as relevant, a description of the process used by the entity to consult with local departments of public health to reach consensus, approval, or concurrence on the relative distribution of amounts received under this section.

"(c) LIMITATION.—Beginning in fiscal year 2009, the Secretary may not award a cooperative agreement to a State unless such State is a participant in the Emergency System for Advance Registration of Volunteer Health Professionals described in section 319I.

"(d) USE OF FUNDS.—

"(1) IN GENERAL.—An award under subsection (a) shall be expended for activities to achieve the preparedness goals described under paragraphs (1), (2), (4), (5), and (6) of section 2802(b).

"(2) EFFECT OF SECTION.—Nothing in this subsection may be construed as establishing new regulatory authority or as modifying any existing regulatory authority.

"(e) COORDINATION WITH LOCAL RESPONSE CAPABILITIES.—An entity shall, to the extent practicable, ensure that activities carried out under an award under subsection (a) are coordinated with activities of relevant Metropolitan Medical Response Systems, local public health departments, the Cities Readiness Initiative, and local emergency plans.

"(f) CONSULTATION WITH HOMELAND SECURITY.—In making awards under subsection (a), the Secretary shall consult with the Secretary of Homeland Security to—

"(1) ensure maximum coordination of public health and medical preparedness and response activities with the Metropolitan Medical Response System, and other relevant activities;

"(2) minimize duplicative funding of programs and activities;

"(3) analyze activities, including exercises and drills, conducted under this section to develop recommendations and guidance on best practices for such activities, and

"(4) disseminate such recommendations and guidance, including through expanding existing lessons learned information systems to create a single Internet-based point of access for sharing and distributing medical and public health best practices and lessons learned from drills, exercises, disasters, and other emergencies.

"(g) ACHIEVEMENT OF MEASURABLE EVIDENCE-BASED BENCHMARKS AND OBJECTIVE STANDARDS.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary shall develop or where appropriate adopt, and require the application of measurable evidence-based benchmarks and objective standards that measure levels of preparedness with respect to the activities described in this section and with respect to activities described in section 319C–2. In developing such benchmarks and standards, the Secretary shall consult with and seek comments from State, local, and tribal officials and private entities, as appropriate. Where appropriate, the Secretary shall incorporate existing objective standards. Such benchmarks and standards shall, at a minimum, require entities to—

"(A) demonstrate progress toward achieving the preparedness goals described in section 2802 in a reasonable timeframe determined by the Secretary;

"(B) annually report grant expenditures to the Secretary (in a form prescribed by the Secretary) who shall ensure that such information is included on the Federal Internet-based point of access developed under subsection (f); and

"(C) at least annually, test and exercise the public health and medical emergency preparedness and response capabilities of the grantee, based on criteria established by the Secretary.

"(2) CRITERIA FOR PANDEMIC INFLUENZA PLANS.—

"(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary shall develop and disseminate to the chief executive officer of each State criteria for an effective State plan for responding to pandemic influenza.

"(B) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require the duplication of Federal efforts with respect to the development of criteria or standards, without regard to whether such efforts were carried out prior to or after the date of enactment of this section.

"(3) TECHNICAL ASSISTANCE.—The Secretary shall, as determined appropriate by the Secretary, provide to a State, upon request, technical assistance in meeting the requirements of this section, including the provision of advice by experts in the development of high-quality assessments, the setting of State objectives and assessment methods, the development of measures of satisfactory annual improvement that are valid and reliable, and other relevant areas.

"(4) NOTIFICATION OF FAILURES.—The Secretary shall develop and implement a process to notify entities that are determined by the Secretary to have failed to meet the requirements of paragraph (1) or (2). Such process shall provide such entities with the opportunity to correct such noncompliance. An entity that fails to correct such noncompliance shall be subject to paragraph (5).

"(5) WITHHOLDING OF AMOUNTS FROM ENTITIES THAT FAIL TO ACHIEVE BENCHMARKS OR SUBMIT INFLUENZA PLAN.—Beginning with fiscal year 2009, and in each succeeding fiscal year, the Secretary shall—

"(A) withhold from each entity that has failed substantially to meet the benchmarks and performance measures described in paragraph (1) for the immediately preceding fiscal year (beginning with fiscal year 2008), pursuant to the process developed under paragraph (4), the amount described in paragraph (6); and

"(B) withhold from each entity that has failed to submit to the Secretary a plan for responding to pandemic influenza that meets the criteria developed under paragraph (2), the amount described in paragraph (6).

"(6) AMOUNTS DESCRIBED.—

"(A) IN GENERAL.—The amounts described in this paragraph are the following amounts that are payable to an entity for activities described in section 319C–1 or 319C–2:

"(i) For the fiscal year immediately following a fiscal year in which an entity experienced a failure described in subparagraph (A) or (B) of paragraph (5) by the entity, an amount equal to 10 percent of the amount the entity was eligible to receive for such fiscal year.

"(ii) For the fiscal year immediately following two consecutive fiscal years in which an entity experienced such a failure, an amount equal to 15 percent of the amount the entity was eligible to receive for such fiscal year, taking into account the withholding of funds for the immediately preceding fiscal year under clause (i).

"(iii) For the fiscal year immediately following three consecutive fiscal years in which an entity experienced such a failure, an amount equal to 20 percent of the amount the entity was eligible to receive for such fiscal year, taking into account the withholding of funds for the immediately preceding fiscal years under clauses (i) and (ii).

"(iv) For the fiscal year immediately following four consecutive fiscal years in which an entity experienced such a failure, an amount equal to 25 percent of the amount the entity was eligible to receive for such a fiscal year, taking into account the withholding of funds for the immediately preceding fiscal years under clauses (i), (ii), and (iii).

"(B) SEPARATE ACCOUNTING.—Each failure described in subparagraph (A) or (B) of paragraph (5) shall be treated as a separate failure for purposes of calculating amounts withheld under subparagraph (A).

"(7) REALLOCATION OF AMOUNTS WITHHELD.—

"(A) IN GENERAL.—The Secretary shall make amounts withheld under paragraph (6) available for making awards under section 319C–2 to entities described in subsection (b)(1) of such section.

"(B) PREFERENCE IN REALLOCATION.—In making awards under section 319C–2 with amounts described in subparagraph (A), the Secretary shall give preference to eligible entities (as described in section 319C–2(b)(1)) that are located in whole or in part in States from which amounts have been withheld under paragraph (6).

"(8) WAIVER OR REDUCE WITHHOLDING.—The Secretary may waive or reduce the withholding described in paragraph (6), for a single entity or for all entities in a fiscal year, if the Secretary determines that mitigating conditions exist that justify the waiver or reduction.";

(3) by redesignating subsection (j) as subsection (h);

(4) in subsection (h), as so redesignated—

(A) by striking paragraphs (1) through (3)(A) and inserting the following:

"(1) AUTHORIZATION OF APPROPRIATIONS.—

"(A) IN GENERAL.—For the purpose of carrying out this section, there is authorized to be appropriated $824,000,000 fiscal year 2007 for awards pursuant to paragraph (3) (subject to the authority of the Secretary to make awards pursuant to paragraphs (4) and (5)), and such sums as may be necessary for each of fiscal years 2008 through 2011.

"(B) COORDINATION.—There are authorized to be appropriated, $10,000,000 for fiscal year 2007 to carry out subsection (f)(3).

"(C) REQUIREMENT FOR STATE MATCHING FUNDS.—Beginning in fiscal year 2009, in the case of any State or consortium of two or more States, the Secretary may not award a cooperative agreement under this section unless the State or consortium of States agree that, with respect to the amount of the cooperative agreement awarded by the Secretary, the State or consortium of States will make available (directly or through donations from public or private entities) non-Federal contributions in an amount equal to—

"(i) for the first fiscal year of the cooperative agreement, not less than 5 percent of such costs ($1 for each $20 of Federal funds provided in the cooperative agreement); and

"(ii) for any second fiscal year of the cooperative agreement, and for any subsequent fiscal year of such cooperative agreement, not less than 10 percent of such costs ($1 for each $10 of Federal funds provided in the cooperative agreement).

"(D) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTIONS.—As determined by the Secretary, non-Federal contributions required in subparagraph (C) may be provided directly or through donations from public or private entities and may be in cash or in kind, fairly evaluated, including plant, equipment or services. Amounts provided by the Federal government, or services assisted or subsidized to any significant extent by the Federal government, may not be included in determining the amount of such non-Federal contributions.

"(2) MAINTAINING FUNDING.—

"(A) IN GENERAL.—An entity that receives an award under this section shall maintain expenditures for public health security at a level that is not less than the average level of such expenditures maintained by the entity for the preceding 2 year period.

"(B) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the use of

awards under this section to pay salary and related expenses of public health and other professionals employed by State, local, or tribal public health agencies who are carrying out activities supported by such awards (regardless of whether the primary assignment of such personnel is to carry out such activities).

"(3) DETERMINATION OF AMOUNT.—

"(A) IN GENERAL.—The Secretary shall award cooperative agreements under subsection (a) to each State or consortium of 2 or more States that submits to the Secretary an application that meets the criteria of the Secretary for the receipt of such an award and that meets other implementation conditions established by the Secretary for such awards.";

(B) in paragraph (4)(A)—

(i) by striking "2003" and inserting "2007"; and

(ii) by striking "(A)(i)(I)";

(C) in paragraph (4)(D), by striking "2002" and inserting "2006";

(D) in paragraph (5)—

(i) by striking "2003"and inserting "2007"; and

(ii) By striking "(A)(i)(I)"; and

(E) by striking paragraph (6) and inserting the following:

"(6) FUNDING OF LOCAL ENTITIES.—The Secretary shall, in making awards under this section, ensure that with respect to the cooperative agreement awarded, the entity make available appropriate portions of such award to political subdivisions and local departments of public health through a process involving the consensus, approval or concurrence with such local entities."; and

(5) by adding at the end the following:

"(i) ADMINISTRATIVE AND FISCAL RESPONSIBILITY.—

"(1) ANNUAL REPORTING REQUIREMENTS.—Each entity shall prepare and submit to the Secretary annual reports on its activities under this section and section 319C–2. Each such report shall be prepared by, or in consultation with, the health department. In order to properly evaluate and compare the performance of different entities assisted under this section and section 319C–2 and to assure the proper expenditure of funds under this section and section 319C–2, such reports shall be in such standardized form and contain such information as the Secretary determines (after consultation with the States) to be necessary to—

"(A) secure an accurate description of those activities;

"(B) secure a complete record of the purposes for which funds were spent, and of the recipients of such funds;

"(C) describe the extent to which the entity has met the goals and objectives it set forth under this section or section 319C–2; and

"(D) determine the extent to which funds were expended consistent with the entity's application transmitted under this section or section 319C–2.

"(2) AUDITS; IMPLEMENTATION.—

"(A) IN GENERAL.—Each entity receiving funds under this section or section 319C–2 shall, not less often than once every 2 years, audit its expenditures from amounts received under this section or section 319C–2. Such audits shall be conducted by an entity independent of the agency administering a program funded under this section or section 319C–2 in accordance with the Comptroller General's standards for auditing governmental organizations, programs, activities, and functions and generally accepted auditing standards. Within 30 days following the completion of each audit report, the entity shall submit a copy of that audit report to the Secretary.

"(B) REPAYMENT.—Each entity shall repay to the United States amounts found by the Secretary, after notice and opportunity for a hearing to the entity, not to have been expended in accordance with this section or section 319C–2 and, if such repayment is not made, the Secretary may offset such amounts against the amount of any allotment to which the entity is or may become entitled under this section or section 319C–2 or may otherwise recover such amounts.

"(C) WITHHOLDING OF PAYMENT.—The Secretary may, after notice and opportunity for a hearing, withhold payment of funds to any entity which is not using its allotment under this section or section 319C–2 in accordance with such section. The Secretary may withhold such funds until the Secretary finds that the reason for the withholding has been removed and there is reasonable assurance that it will not recur.

"(3) MAXIMUM CARRYOVER AMOUNT.—

"(A) IN GENERAL.—For each fiscal year, the Secretary, in consultation with the States and political subdivisions, shall determine the maximum percentage amount of an award under this section that an entity may carryover to the succeeding fiscal year.

"(B) AMOUNT EXCEEDED.—For each fiscal year, if the percentage amount of an award under this section unexpended by an entity exceeds the maximum percentage permitted by the Secretary under subparagraph (A), the entity shall return to the Secretary the portion of the unexpended amount that exceeds the maximum amount permitted to be carried over by the Secretary.

"(C) ACTION BY SECRETARY.—The Secretary shall make amounts returned to the Secretary under subparagraph (B) available for awards under section 319C–2(b)(1). In making awards under section 319C–2(b)(1) with amounts collected under this paragraph the Secretary shall give preference to entities that are located in whole or in part in States from which amounts have been returned under subparagraph (B).

"(D) WAIVER.—An entity may apply to the Secretary for a waiver of the maximum percentage amount under subparagraph (A). Such an application for a waiver shall include an explanation why such requirement should not apply to the entity and the steps taken by such entity to ensure that all funds under an award under this section will be expended appropriately.

"(E) WAIVE OR REDUCE WITHHOLDING.—The Secretary may waive the application of subparagraph (B) for a single entity pursuant to subparagraph (D) or for all entities in a fiscal year, if the Secretary determines that mitigating conditions exist that justify the waiver or reduction.".

SEC. 202. USING INFORMATION TECHNOLOGY TO IMPROVE SITUATIONAL AWARENESS IN PUBLIC HEALTH EMERGENCIES.

Section 319D of the Public Health Service Act (42 U.S.C. 247d–4) is amended—

(1) in subsection (a)(1), by inserting "domestically and abroad" after "public health threats"; and

(2) by adding at the end the following:

"(d) PUBLIC HEALTH SITUATIONAL AWARENESS.—

"(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary, in collaboration with State, local, and tribal public health officials, shall establish a near real-time electronic nationwide public health situational awareness capability through an interoperable network of systems to share data and information to enhance early detection of rapid response to, and management of, potentially catastrophic infectious disease outbreaks and other public health emergencies that originate domestically or abroad. Such network shall be built on existing State situational awareness systems or enhanced systems that enable such connectivity.

"(2) STRATEGIC PLAN.—Not later than 180 days after the date of enactment the Pandemic and All-Hazards Preparedness Act, the Secretary shall submit to the appropriate committees of Congress, a strategic plan that demonstrates the steps the Secretary will undertake to develop, implement, and evaluate the network described in paragraph (1), utilizing the elements described in paragraph (3).

"(3) ELEMENTS.—The network described in paragraph (1) shall include data and information transmitted in a standardized format from—

"(A) State, local, and tribal public health entities, including public health laboratories;

"(B) Federal health agencies;

"(C) zoonotic disease monitoring systems;

"(D) public and private sector health care entities, hospitals, pharmacies, poison control centers or professional organizations in the field of poison control, and clinical laboratories, to the extent practicable and provided that such data are voluntarily provided simultaneously to the Secretary and appropriate State, local, and tribal public health agencies; and

"(E) such other sources as the Secretary may deem appropriate.

"(4) RULE OF CONSTRUCTION.—Paragraph (3) shall not be construed as requiring separate reporting of data and information from each source listed.

"(5) REQUIRED ACTIVITIES.—In establishing and operating the network described in paragraph (1), the Secretary shall—

"(A) utilize applicable interoperability standards as determined by the Secretary through a joint public and private sector process;

"(B) define minimal data elements for such network;

"(C) in collaboration with State, local, and tribal public health officials, integrate and build upon existing State, local, and tribal capabilities, ensuring simultaneous sharing of data, information, and analyses from the network described in paragraph (1) with State, local, and tribal public health agencies; and

"(D) in collaboration with State, local, and tribal public health officials, develop procedures and standards for the collection, analysis, and interpretation of data that States, regions, or other entities collect and report to the network described in paragraph (1).

"(e) STATE AND REGIONAL SYSTEMS TO ENHANCE SITUATIONAL AWARENESS IN PUBLIC HEALTH EMERGENCIES.—

"(1) IN GENERAL.—To implement the network described in section (d), the Secretary may award grants to States to enhance the ability of such States to establish or operate a coordinated public health situational awareness system for regional or Statewide early detection of, rapid response to, and management of potentially catastrophic infectious disease outbreaks and public health emergencies, in collaboration with public health agencies, sentinel hospitals, clinical laboratories, pharmacies, poison control centers, other health care organizations, and animal health organizations within such States.

"(2) ELIGIBILITY.—To be eligible to receive a grant under paragraph (1), the State shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including an assurance that the State will submit to the Secretary—

"(A) reports of such data, information, and metrics as the Secretary may require;

"(B) a report on the effectiveness of the systems funded under the grant; and

"(C) a description of the manner in which grant funds will be used to enhance the timelines and comprehensiveness of efforts to detect, respond to, and manage potentially catastrophic infectious disease outbreaks and public health emergencies.

“(3) USE OF FUNDS.—A State that receives an award under this subsection—

“(A) shall establish, enhance, or operate a coordinated public health situational awareness system for regional or Statewide early detection of, rapid response to, and management of potentially catastrophic infectious disease outbreaks and public health emergencies; and

“(B) may award grants or contracts to entities described in paragraph (1) within or serving such State to assist such entities in improving the operation of information technology systems, facilitating the secure exchange of data and information, and training personnel to enhance the operation of the system described in paragraph (A).

“(4) LIMITATION.—Information technology systems acquired or implemented using grants awarded under this section must be compliant with—

“(A) interoperability and other technological standards, as determined by the Secretary; and

“(B) data collection and reporting requirements for the network described in subsection (d).

“(5) INDEPENDENT EVALUATION.—Not later than 4 years after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Government Accountability Office shall conduct an independent evaluation, and submit to the Secretary and the appropriate committees of Congress a report, concerning the activities conducted under this subsection and subsection (d).

“(f) GRANTS FOR REAL-TIME SURVEILLANCE IMPROVEMENT.—

“(1) IN GENERAL.—The Secretary may award grants to eligible entities to carry out projects described under paragraph (4).

“(2) ELIGIBLE ENTITY.—For purposes of this section, the term ‘eligible entity’ means an entity that is—

“(A)(i) a hospital, clinical laboratory, university; or

“(ii) poison control center or professional organization in the field of poison control; and

“(B) a participant in the network established under subsection (d).

“(3) APPLICATION.—Each eligible entity desiring a grant under this section shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

“(4) USE OF FUNDS.—

“(A) IN GENERAL.—An eligible entity described in paragraph (2)(A)(i) that receives a grant under this section shall use the funds awarded pursuant to such grant to carry out a pilot demonstration project to purchase and implement the use of advanced diagnostic medical equipment to analyze real-time clinical specimens for pathogens of public health or bioterrorism significance and report any results from such project to State, local, and tribal public health entities and the network established under subsection (d).

“(B) OTHER ENTITIES.—An eligible entity described in paragraph (2)(A)(ii) that receives a grant under this section shall use the funds awarded pursuant to such grant to—

“(i) improve the early detection, surveillance, and investigative capabilities of poison control centers for chemical, biological, radiological, and nuclear events by training poison information personnel to improve the accuracy of surveillance data, improving the definitions used by the poison control centers for surveillance, and enhancing timely and efficient investigation of data anomalies;

“(ii) improve the capabilities of poison control centers to provide information to health care providers and the public with regard to chemical, biological, radiological, or nuclear threats or exposures, in consultation with the appropriate State, local, and tribal public health entities; or

“(iii) provide surge capacity in the event of a chemical, biological, radiological, or nuclear event through the establishment of alternative poison control center worksites and the training of nontraditional personnel.

“(g) AUTHORIZATION OF APPROPRIATIONS.—

“(1) FISCAL YEAR 2007.—There are authorized to be appropriated to carry out subsections (d), (e), and (f) $102,000,000 for fiscal year 2007, of which $35,000,000 is authorized to be appropriated to carry out subsection (f).

“(2) SUBSEQUENT FISCAL YEARS.—There are authorized to be appropriated such sums as may be necessary to carry out subsections (d), (e), and (f) for each of fiscal years 2008 through 2011.”.

SEC. 203. PUBLIC HEALTH WORKFORCE ENHANCEMENTS.

(a) DEMONSTRATION PROJECT.—Subpart III of part D of title III of the Public Health Service Act (42 U.S.C. 254l) is amended by adding at the end the following:

“SEC. 338M. PUBLIC HEALTH DEPARTMENTS.

“(a) IN GENERAL.—To the extent that funds are appropriated under subsection (e), the Secretary shall establish a demonstration project to provide for the participation of individuals who are eligible for the Loan Repayment Program described in section 338B and who agree to complete their service obligation in a State health department that provides a significant amount of service to health professional shortage areas or areas at risk of a public health emergency, as determined by the Secretary, or in a local or tribal health department that serves a health professional shortage area or an area at risk of a public health emergency.

“(b) PROCEDURE.—To be eligible to receive assistance under subsection (a), with respect to the program described in section 338B, an individual shall—

“(1) comply with all rules and requirements described in such section (other than section 338B(f)(1)(B)(iv)); and

“(2) agree to serve for a time period equal to 2 years, or such longer period as the individual may agree to, in a State, local, or tribal health department, described in subsection (a).

“(c) DESIGNATIONS.—The demonstration project described in subsection (a), and any healthcare providers who are selected to participate in such project, shall not be considered by the Secretary in the designation of health professional shortage areas under section 332 during fiscal years 2007 through 2010.

“(d) REPORT.—Not later than 3 years after the date of enactment of this section, the Secretary shall submit a report to the relevant committees of Congress that evaluates the participation of individuals in the demonstration project under subsection (a), the impact of such participation on State, local, and tribal health departments, and the benefit and feasibility of permanently allowing such placements in the Loan Repayment Program.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2007 through 2010.”.

(b) GRANTS FOR LOAN REPAYMENT PROGRAM.—Section 338I of the Public Health Service Act (42 U.S.C. 254q–1) is amended by adding at the end the following:

“(j) PUBLIC HEALTH LOAN REPAYMENT.—

“(1) IN GENERAL.—The Secretary may award grants to States for the purpose of assisting such States in operating loan repayment programs under which such States enter into contracts to repay all or part of the eligible loans borrowed by, or on behalf of, individuals who agree to serve in State, local, or tribal health departments that serve health professional shortage areas or other areas at risk of a public health emergency, as designated by the Secretary.

“(2) LOANS ELIGIBLE FOR REPAYMENT.—To be eligible for repayment under this subsection, a loan shall be a loan made, insured, or guaranteed by the Federal Government that is borrowed by, or on behalf of, an individual to pay the cost of attendance for a program of education leading to a degree appropriate for serving in a State, local, or tribal health department as determined by the Secretary and the chief executive officer of the State in which the grant is administered, at an institution of higher education (as defined in section 102 of the Higher Education Act of 1965), including principal, interest, and related expenses on such loan.

“(3) APPLICABILITY OF EXISTING REQUIREMENTS.—With respect to awards made under paragraph (1)—

“(A) the requirements of subsections (b), (f), and (g) shall apply to such awards; and

“(B) the requirements of subsection (c) shall apply to such awards except that with respect to paragraph (1) of such subsection, the State involved may assign an individual only to public and nonprofit private entities that serve health professional shortage areas or areas at risk of a public health emergency, as determined by the Secretary.

“(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for each of fiscal years 2007 through 2010.”.

SEC. 204. VACCINE TRACKING AND DISTRIBUTION.

Section 319A of the Public Health Service Act (42 U.S.C. 247d–1) is amended to read as follows:

“SEC. 319A. VACCINE TRACKING AND DISTRIBUTION.

“(a) TRACKING.—The Secretary, together with relevant manufacturers, wholesalers, and distributors as may agree to cooperate, may track the initial distribution of federally purchased influenza vaccine in an influenza pandemic. Such tracking information shall be used to inform Federal, State, local, and tribal decision makers during an influenza pandemic.

“(b) DISTRIBUTION.—The Secretary shall promote communication between State, local, and tribal public health officials and such manufacturers, wholesalers, and distributors as agree to participate, regarding the effective distribution of seasonal influenza vaccine. Such communication shall include estimates of high priority populations, as determined by the Secretary, in State, local, and tribal jurisdictions in order to inform Federal, State, local, and tribal decision makers during vaccine shortages and supply disruptions.

“(c) CONFIDENTIALITY.—The information submitted to the Secretary or its contractors, if any, under this section or under any other section of this Act related to vaccine distribution information shall remain confidential in accordance with the exception from the public disclosure of trade secrets, commercial or financial information, and information obtained from an individual that is privileged and confidential, as provided for in section 552(b)(4) of title 5, United States Code, and subject to the penalties and exceptions under sections 1832 and 1833 of title 18, United States Code, relating to the protection and theft of trade secrets, and subject to privacy protections that are consistent with the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996. None of such information provided by a manufacturer, wholesaler, or distributor shall be disclosed without its consent to another manufacturer, wholesaler, or distributor, or shall be used in any manner to give a manufacturer, wholesaler, or distributor a proprietary advantage.

“(d) GUIDELINES.—The Secretary, in order to maintain the confidentiality of relevant information and ensure that none of the information

contained in the systems involved may be used to provide proprietary advantage within the vaccine market, while allowing State, local, and tribal health officials access to such information to maximize the delivery and availability of vaccines to high priority populations, during times of influenza pandemics, vaccine shortages, and supply disruptions, in consultation with manufacturers, distributors, wholesalers and State, local, and tribal health departments, shall develop guidelines for subsections (a) and (b).

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums for each of fiscal years 2007 through 2011.

"(f) REPORT TO CONGRESS.—As part of the National Health Security Strategy described in section 2802, the Secretary shall provide an update on the implementation of subsections (a) through (d).".

SEC. 205. NATIONAL SCIENCE ADVISORY BOARD FOR BIOSECURITY.

The National Science Advisory Board for Biosecurity shall, when requested by the Secretary of Health and Human Services, provide to relevant Federal departments and agencies, advice, guidance, or recommendations concerning—

(1) a core curriculum and training requirements for workers in maximum containment biological laboratories; and

(2) periodic evaluations of maximum containment biological laboratory capacity nationwide and assessments of the future need for increased laboratory capacity;

TITLE III—ALL-HAZARDS MEDICAL SURGE CAPACITY

SEC. 301. NATIONAL DISASTER MEDICAL SYSTEM.

(a) NATIONAL DISASTER MEDICAL SYSTEM.—Section 2812 of subtitle B of title XXVIII of the Public Health Service Act (42 U.S.C. 300hh–11 et seq.), as redesignated by section 102, is amended—

(1) by striking the section heading and inserting "**NATIONAL DISASTER MEDICAL SYSTEM**";

(2) by striking subsection (a);

(3) by redesignating subsections (b) through (h) as subsections (a) through (g);

(4) in subsection (a), as so redesignated—

(A) in paragraph (2)(B), by striking "Federal Emergency Management Agency" and inserting "Department of Homeland Security"; and

(B) in paragraph (3)(C), by striking "Public Health Security and Bioterrorism Preparedness and Response Act of 2002" and inserting "Pandemic and All-Hazards Preparedness Act";

(5) in subsection (b), as so redesignated, by—

(A) striking the subsection heading and inserting "MODIFICATIONS";

(B) redesignating paragraph (2) as paragraph (3); and

(C) striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—Taking into account the findings from the joint review described under paragraph (2), the Secretary shall modify the policies of the National Disaster Medical System as necessary.

"(2) JOINT REVIEW AND MEDICAL SURGE CAPACITY STRATEGIC PLAN.—Not later than 180 days after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary, in coordination with the Secretary of Homeland Security, the Secretary of Defense, and the Secretary of Veterans Affairs, shall conduct a joint review of the National Disaster Medical System. Such review shall include an evaluation of medical surge capacity, as described by section 2804(a). As part of the National Health Security Strategy under section 2802, the Secretary shall update the findings from such review and further modify the policies of the National Disaster Medical System as necessary.";

(6) by striking "subsection (b)" each place it appears and inserting "subsection (a)";

(7) by striking "subsection (d)" each place it appears and inserting "subsection (c)"; and

(8) in subsection (g), as so redesignated, by striking "2002 through 2006" and inserting "2007 through 2011".

(b) TRANSFER OF NATIONAL DISASTER MEDICAL SYSTEM TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.—There shall be transferred to the Secretary of Health and Human Services the functions, personnel, assets, and liabilities of the National Disaster Medical System of the Department of Homeland Security, including the functions of the Secretary of Homeland Security and the Under Secretary for Emergency Preparedness and Response relating thereto.

(c) CONFORMING AMENDMENTS TO THE HOMELAND SECURITY ACT OF 2002.—The Homeland Security Act of 2002 (6 U.S.C. 312(3)(B), 313(5))) is amended—

(1) in section 502(3)(B), by striking ", the National Disaster Medical System,"; and

(2) in section 503(5), by striking ", the National Disaster Medical System".

(d) UPDATE OF CERTAIN PROVISION.—Section 319F(b)(2) of the Public Health Service Act (42 U.S.C. 247d–6(b)(2)) is amended—

(1) in the paragraph heading, by striking "CHILDREN AND TERRORISM" and inserting "AT-RISK INDIVIDUALS AND PUBLIC HEALTH EMERGENCIES";

(2) in subparagraph (A), by striking "Children and Terrorism" and inserting "At-Risk Individuals and Public Health Emergencies";

(3) in subparagraph (B)—

(A) in clause (i), by striking "bioterrorism as it relates to children" and inserting "public health emergencies as they relate to at-risk individuals";

(B) in clause (ii), by striking "children" and inserting "at-risk individuals"; and

(C) in clause (iii), by striking "children" and inserting "at-risk individuals";

(4) in subparagraph (C), by striking "children" and all that follows through the period and inserting "at-risk populations."; and

(5) in subparagraph (D), by striking "one year" and inserting "six years".

(e) CONFORMING AMENDMENT.—Section 319F(b)(3)(B) of the Public Health Service Act (42 U.S.C. 247d–6(b)(3)(B)) is amended by striking "and the working group under subsection (a)".

(f) EFFECTIVE DATE.—The amendments made by subsections (b) and (c) shall take effect on January 1, 2007.

SEC. 302. ENHANCING MEDICAL SURGE CAPACITY.

(a) IN GENERAL.—Title XXVIII of the Public Health Service Act (300hh–11 et seq.), as amended by section 103, is amended by inserting after section 2802 the following:

"SEC. 2804. ENHANCING MEDICAL SURGE CAPACITY.

"(a) STUDY OF ENHANCING MEDICAL SURGE CAPACITY.—As part of the joint review described in section 2812(b), the Secretary shall evaluate the benefits and feasibility of improving the capacity of the Department of Health and Human Services to provide additional medical surge capacity to local communities in the event of a public health emergency. Such study shall include an assessment of the need for and feasibility of improving surge capacity through—

"(1) acquisition and operation of mobile medical assets by the Secretary to be deployed, on a contingency basis, to a community in the event of a public health emergency; and

"(2) other strategies to improve such capacity as determined appropriate by the Secretary.

"(b) AUTHORITY TO ACQUIRE AND OPERATE MOBILE MEDICAL ASSETS.—In addition to any other authority to acquire, deploy, and operate mobile medical assets, the Secretary may acquire, deploy, and operate mobile medical assets if, taking into consideration the evaluation conducted under subsection (a), such acquisition, deployment, and operation is determined to be beneficial and feasible in improving the capacity of the Department of Health and Human Services to provide additional medical surge capacity to local communities in the event of a public health emergency.

"(c) USING FEDERAL FACILITIES TO ENHANCE MEDICAL SURGE CAPACITY.—

"(1) ANALYSIS.—The Secretary shall conduct an analysis of whether there are Federal facilities which, in the event of a public health emergency, could practicably be used as facilities in which to provide health care.

"(2) MEMORANDA OF UNDERSTANDING.—If, based on the analysis conducted under paragraph (1), the Secretary determines that there are Federal facilities which, in the event of a public health emergency, could be used as facilities in which to provide health care, the Secretary shall, with respect to each such facility, seek to conclude a memorandum of understanding with the head of the Department or agency that operates such facility that permits the use of such facility to provide health care in the event of a public health emergency.".

(b) EMTALA.—

(1) IN GENERAL.—Section 1135(b) of the Social Security Act (42 U.S.C. 1320b–5(b)) is amended—

(A) in paragraph (3), by striking subparagraph (B) and inserting the following:

"(B) the direction or relocation of an individual to receive medical screening in an alternative location—

"(i) pursuant to an appropriate State emergency preparedness plan; or

"(ii) in the case of a public health emergency described in subsection (g)(1)(B) that involves a pandemic infectious disease, pursuant to a State pandemic preparedness plan or a plan referred to in clause (i), whichever is applicable in the State;";

(B) in the third sentence, by striking "and shall be limited to" and inserting "and, except in the case of a waiver or modification to which the fifth sentence of this subsection applies, shall be limited to"; and

(C) by adding at the end the following: "If a public health emergency described in subsection (g)(1)(B) involves a pandemic infectious disease (such as pandemic influenza), the duration of a waiver or modification under paragraph (3) shall be determined in accordance with subsection (e) as such subsection applies to public health emergencies.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to public health emergencies declared pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d) on or after such date.

SEC. 303. ENCOURAGING HEALTH PROFESSIONAL VOLUNTEERS.

(a) VOLUNTEER MEDICAL RESERVE CORPS.—Title XXVIII of the Public Health Service Act (42 U.S.C. 300hh–11 et seq.), as amended by this Act, is amended by inserting after section 2812 the following:

"SEC. 2813. VOLUNTEER MEDICAL RESERVE CORPS.

"(a) IN GENERAL.—Not later than 180 days after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary, in collaboration with State, local, and tribal officials, shall build on State, local, and tribal programs in existence on the date of enactment of such Act to establish and maintain a Medical Reserve Corps (referred to in this section as the 'Corps') to provide for an adequate supply of volunteers in the case of a Federal, State, local, or tribal public health emergency. The Corps shall be headed by a Director who shall be appointed by the Secretary and shall oversee the activities of the Corps chapters that exist at the State, local, and tribal levels.

"(b) STATE, LOCAL, AND TRIBAL COORDINATION.—The Corps shall be established using existing State, local, and tribal teams and shall not alter such teams.

"(c) COMPOSITION.—The Corps shall be composed of individuals who—

"(1)(A) are health professionals who have appropriate professional training and expertise as determined appropriate by the Director of the Corps; or

"(B) are non-health professionals who have an interest in serving in an auxiliary or support capacity to facilitate access to health care services in a public health emergency;

"(2) are certified in accordance with the certification program developed under subsection (d);

"(3) are geographically diverse in residence;

"(4) have registered and carry out training exercises with a local chapter of the Medical Reserve Corps; and

"(5) indicate whether they are willing to be deployed outside the area in which they reside in the event of a public health emergency.

"(d) CERTIFICATION; DRILLS.—

"(1) CERTIFICATION.—The Director, in collaboration with State, local, and tribal officials, shall establish a process for the periodic certification of individuals who volunteer for the Corps, as determined by the Secretary, which shall include the completion by each individual of the core training programs developed under section 319F, as required by the Director. Such certification shall not supercede State licensing or credentialing requirements.

"(2) DRILLS.—In conjunction with the core training programs referred to in paragraph (1), and in order to facilitate the integration of trained volunteers into the health care system at the local level, Corps members shall engage in periodic training exercises to be carried out at the local level.

"(e) DEPLOYMENT.—During a public health emergency, the Secretary shall have the authority to activate and deploy willing members of the Corps to areas of need, taking into consideration the public health and medical expertise required, with the concurrence of the State, local, or tribal officials from the area where the members reside.

"(f) EXPENSES AND TRANSPORTATION.—While engaged in performing duties as a member of the Corps pursuant to an assignment by the Secretary (including periods of travel to facilitate such assignment), members of the Corps who are not otherwise employed by the Federal Government shall be allowed travel or transportation expenses, including per diem in lieu of subsistence.

"(g) IDENTIFICATION.—The Secretary, in cooperation and consultation with the States, shall develop a Medical Reserve Corps Identification Card that describes the licensure and certification information of Corps members, as well as other identifying information determined necessary by the Secretary.

"(h) INTERMITTENT DISASTER-RESPONSE PERSONNEL.—

"(1) IN GENERAL.—For the purpose of assisting the Corps in carrying out duties under this section, during a public health emergency, the Secretary may appoint selected individuals to serve as intermittent personnel of such Corps in accordance with applicable civil service laws and regulations. In all other cases, members of the Corps are subject to the laws of the State in which the activities of the Corps are undertaken.

"(2) APPLICABLE PROTECTIONS.—Subsections (c)(2), (d), and (e) of section 2812 shall apply to an individual appointed under paragraph (1) in the same manner as such subsections apply to an individual appointed under section 2812(c).

"(3) LIMITATION.—State, local, and tribal officials shall have no authority to designate a member of the Corps as Federal intermittent disaster-response personnel, but may request the services of such members.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $22,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2011.".

(b) ENCOURAGING HEALTH PROFESSIONS VOLUNTEERS.—Section 319I of the Public Health Service Act (42 U.S.C. 247d–7b) is amended—

(1) by redesignating subsections (e) and (f) as subsections (j) and (k), respectively;

(2) by striking subsections (a) and (b) and inserting the following:

"(a) IN GENERAL.—Not later than 12 months after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary shall link existing State verification systems to maintain a single national interoperable network of systems, each system being maintained by a State or group of States, for the purpose of verifying the credentials and licenses of health care professionals who volunteer to provide health services during a public health emergency (such network shall be referred to in this section as the 'verification network').

"(b) REQUIREMENTS.—The interoperable network of systems established under subsection (a) shall include—

"(1) with respect to each volunteer health professional included in the system—

"(A) information necessary for the rapid identification of, and communication with, such professionals; and

"(B) the credentials, certifications, licenses, and relevant training of such individuals; and

"(2) the name of each member of the Medical Reserve Corps, the National Disaster Medical System, and any other relevant federally-sponsored or administered programs determined necessary by the Secretary.";

(3) in subsection (c), strike "system" and insert "network";

(4) by striking subsection (d) and inserting the following:

"(d) ACCESSIBILITY.—The Secretary shall ensure that the network established under subsection (a) is electronically accessible by State, local, and tribal health departments and can be linked with the identification cards under section 2813.

"(e) CONFIDENTIALITY.—The Secretary shall establish and require the application of and compliance with measures to ensure the effective security of, integrity of, and access to the data included in the network.

"(f) COORDINATION.—The Secretary shall coordinate with the Secretary of Veterans Affairs and the Secretary of Homeland Security to assess the feasibility of integrating the verification network under this section with the VetPro system of the Department of Veterans Affairs and the National Emergency Responder Credentialing System of the Department of Homeland Security. The Secretary shall, if feasible, integrate the verification network under this section with such VetPro system and the National Emergency Responder Credentialing System.

"(g) UPDATING OF INFORMATION.—The States that are participants in the network established under subsection (a) shall, on at least a quarterly basis, work with the Director to provide for the updating of the information contained in such network.

"(h) CLARIFICATION.—Inclusion of a health professional in the verification network established pursuant to this section shall not constitute appointment of such individual as a Federal employee for any purpose, either under section 2812(c) or otherwise. Such appointment may only be made under section 2812 or 2813.

"(i) HEALTH CARE PROVIDER LICENSES.—The Secretary shall encourage States to establish and implement mechanisms to waive the application of licensing requirements applicable to health professionals, who are seeking to provide medical services (within their scope of practice), during a national, State, local, or tribal public health emergency upon verification that such health professionals are licensed and in good standing in another State and have not been disciplined by any State health licensing or disciplinary board."; and

(5) in subsection (k) (as so redesignated), by striking "2006" and inserting "2011".

SEC. 304. CORE EDUCATION AND TRAINING.

Section 319F of the Public Health Service Act (42 U.S.C. 247d–6) is amended—

(1) by striking subsection (a) and inserting the following;

"(a) ALL-HAZARDS PUBLIC HEALTH AND MEDICAL RESPONSE CURRICULA AND TRAINING.—

"(1) IN GENERAL.—The Secretary, in collaboration with the Secretary of Defense, and in consultation with relevant public and private entities, shall develop core health and medical response curricula and trainings by adapting applicable existing curricula and training programs to improve responses to public health emergencies.

"(2) CURRICULUM.—The public health and medical response training program may include course work related to—

"(A) medical management of casualties, taking into account the needs of at-risk individuals;

"(B) public health aspects of public health emergencies;

"(C) mental health aspects of public health emergencies;

"(D) national incident management, including coordination among Federal, State, local, tribal, international agencies, and other entities; and

"(E) protecting health care workers and health care first responders from workplace exposures during a public health emergency.

"(3) PEER REVIEW.—On a periodic basis, products prepared as part of the program shall be rigorously tested and peer-reviewed by experts in the relevant fields.

"(4) CREDIT.—The Secretary and the Secretary of Defense shall—

"(A) take into account continuing professional education requirements of public health and healthcare professions; and

"(B) cooperate with State, local, and tribal accrediting agencies and with professional associations in arranging for students enrolled in the program to obtain continuing professional education credit for program courses.

"(5) DISSEMINATION AND TRAINING.—

"(A) IN GENERAL.—The Secretary may provide for the dissemination and teaching of the materials described in paragraphs (1) and (2) by appropriate means, as determined by the Secretary.

"(B) CERTAIN ENTITIES.—The education and training activities described in subparagraph (A) may be carried out by Federal public health or medical entities, appropriate educational entities, professional organizations and societies, private accrediting organizations, and other nonprofit institutions or entities meeting criteria established by the Secretary.

"(C) GRANTS AND CONTRACTS.—In carrying out this subsection, the Secretary may carry out activities directly or through the award of grants and contracts, and may enter into interagency agreements with other Federal agencies.";

(2) by striking subsections (c) through (g) and inserting the following:

"(c) EXPANSION OF EPIDEMIC INTELLIGENCE SERVICE PROGRAM.—The Secretary may establish 20 officer positions in the Epidemic Intelligence Service Program, in addition to the number of the officer positions offered under such

Program in 2006, for individuals who agree to participate, for a period of not less than 2 years, in the Career Epidemiology Field Officer program in a State, local, or tribal health department that serves a health professional shortage area (as defined under section 332(a)), a medically underserved population (as defined under section 330(b)(3)), or a medically underserved area or area at high risk of a public health emergency as designated by the Secretary.

"(d) Centers for Public Health Preparedness; Core Curricula and Training.—

"(1) In general.—The Secretary may establish at accredited schools of public health, Centers for Public Health Preparedness (hereafter referred to in this section as the 'Centers').

"(2) Eligibility.—To be eligible to receive an award under this subsection to establish a Center, an accredited school of public health shall agree to conduct activities consistent with the requirements of this subsection.

"(3) Core curricula.—The Secretary, in collaboration with the Centers and other public or private entities shall establish core curricula based on established competencies leading to a 4-year bachelor's degree, a graduate degree, a combined bachelor and master's degree, or a certificate program, for use by each Center. The Secretary shall disseminate such curricula to other accredited schools of public health and other health professions schools determined appropriate by the Secretary, for voluntary use by such schools.

"(4) Core competency-based training program.—The Secretary, in collaboration with the Centers and other public or private entities shall facilitate the development of a competency-based training program to train public health practitioners. The Centers shall use such training program to train public health practitioners. The Secretary shall disseminate such training program to other accredited schools of public health, health professions schools, and other public or private entities as determined by the Secretary, for voluntary use by such entities.

"(5) Content of core curricula and training program.—The Secretary shall ensure that the core curricula and training program established pursuant to this subsection respond to the needs of State, local, and tribal public health authorities and integrate and emphasize essential public health security capabilities consistent with section 2802(b)(2).

"(6) Academic-workforce communication.—As a condition of receiving funding from the Secretary under this subsection, a Center shall collaborate with a State, local, or tribal public health department to—

"(A) define the public health preparedness and response needs of the community involved;

"(B) assess the extent to which such needs are fulfilled by existing preparedness and response activities of such school or health department, and how such activities may be improved;

"(C) prior to developing new materials or trainings, evaluate and utilize relevant materials and trainings developed by others Centers; and

"(D) evaluate community impact and the effectiveness of any newly developed materials or trainings.

"(7) Public health systems research.—In consultation with relevant public and private entities, the Secretary shall define the existing knowledge base for public health preparedness and response systems, and establish a research agenda based on Federal, State, local, and tribal public health preparedness priorities. As a condition of receiving funding from the Secretary under this subsection, a Center shall conduct public health systems research that is consistent with the agenda described under this paragraph.";

(3) by redesignating subsection (h) as subsection (e);

(4) by inserting after subsection (e) (as so redesignated), the following:

"(f) Authorization of Appropriations.—

"(1) Fiscal year 2007.—There are authorized to be appropriated to carry out this section for fiscal year 2007—

"(A) to carry out subsection (a)—

"(i) $5,000,000 to carry out paragraphs (1) through (4); and

"(ii) $7,000,000 to carry out paragraph (5);

"(B) to carry out subsection (c), $3,000,000; and

"(C) to carry out subsection (d), $31,000,000, of which $5,000,000 shall be used to carry out paragraphs (3) through (5) of such subsection.

"(2) Subsequent fiscal years.—There are authorized to be appropriated such sums as may be necessary to carry out this section for fiscal year 2008 and each subsequent fiscal year."; and

(5) by striking subsections (i) and (j).

SEC. 305. PARTNERSHIPS FOR STATE AND REGIONAL HOSPITAL PREPAREDNESS TO IMPROVE SURGE CAPACITY.

Section 319C-2 of the Public Health Service Act (42 U.S.C. 247d–3b) is amended to read as follows:

"SEC. 319C–2. PARTNERSHIPS FOR STATE AND REGIONAL HOSPITAL PREPAREDNESS TO IMPROVE SURGE CAPACITY.

"(a) In General.—The Secretary shall award competitive grants or cooperative agreements to eligible entities to enable such entities to improve surge capacity and enhance community and hospital preparedness for public health emergencies.

"(b) Eligibility.—To be eligible for an award under subsection (a), an entity shall—

"(1)(A) be a partnership consisting of—

"(i) one or more hospitals, at least one of which shall be a designated trauma center, consistent with section 1213(c);

"(ii) one or more other local health care facilities, including clinics, health centers, primary care facilities, mental health centers, mobile medical assets, or nursing homes; and

"(iii)(I) one or more political subdivisions;

"(II) one or more States; or

"(III) one or more States and one or more political subdivisions; and

"(B) prepare, in consultation with the Chief Executive Officer and the lead health officials of the State, District, or territory in which the hospital and health care facilities described in subparagraph (A) are located, and submit to the Secretary, an application at such time, in such manner, and containing such information as the Secretary may require; or

"(2)(A) be an entity described in section 319C–1(b)(1); and

"(B) submit an application at such time, in such manner, and containing such information as the Secretary may require, including the information or assurances required under section 319C–1(b)(2) and an assurance that the State will retain not more than 25 percent of the funds awarded for administrative and other support functions.

"(c) Use of Funds.—An award under subsection (a) shall be expended for activities to achieve the preparedness goals described under paragraphs (1), (3), (4), (5), and (6) of section 2802(b).

"(d) Preferences.—

"(1) Regional coordination.—In making awards under subsection (a), the Secretary shall give preference to eligible entities that submit applications that, in the determination of the Secretary—

"(A) will enhance coordination—

"(i) among the entities described in subsection (b)(1)(A)(i); and

"(ii) between such entities and the entities described in subsection (b)(1)(A)(ii); and

"(B) include, in the partnership described in subsection (b)(1)(A), a significant percentage of the hospitals and health care facilities within the geographic area served by such partnership.

"(2) Other preferences.—In making awards under subsection (a), the Secretary shall give preference to eligible entities that, in the determination of the Secretary—

"(A) include one or more hospitals that are participants in the National Disaster Medical System;

"(B) are located in a geographic area that faces a high degree of risk, as determined by the Secretary in consultation with the Secretary of Homeland Security; or

"(C) have a significant need for funds to achieve the medical preparedness goals described in section 2802(b)(3).

"(e) Consistency of Planned Activities.—The Secretary may not award a cooperative agreement to an eligible entity described in subsection (b)(1) unless the application submitted by the entity is coordinated and consistent with an applicable State All-Hazards Public Health Emergency Preparedness and Response Plan and relevant local plans, as determined by the Secretary in consultation with relevant State health officials.

"(f) Limitation on Awards.—A political subdivision shall not participate in more than one partnership described in subsection (b)(1).

"(g) Coordination With Local Response Capabilities.—An eligible entity shall, to the extent practicable, ensure that activities carried out under an award under subsection (a) are coordinated with activities of relevant local Metropolitan Medical Response Systems, local Medical Reserve Corps, the Cities Readiness Initiative, and local emergency plans.

"(h) Maintenance of Funding.—

"(1) In general.—An entity that receives an award under this section shall maintain expenditures for health care preparedness at a level that is not less than the average level of such expenditures maintained by the entity for the preceding 2 year period.

"(2) Rule of construction.—Nothing in this section shall be construed to prohibit the use of awards under this section to pay salary and related expenses of public health and other professionals employed by State, local, or tribal agencies who are carrying out activities supported by such awards (regardless of whether the primary assignment of such personnel is to carry out such activities).

"(i) Performance and Accountability.—The requirements of section 319C–1(g) and (i) shall apply to entities receiving awards under this section (regardless of whether such entities are described under subsection (b)(1)(A) or (b)(2)(A)) in the same manner as such requirements apply to entities under section 319C–1. An entity described in subsection (b)(1)(A) shall make such reports available to the lead health official of the State in which such partnership is located.

"(j) Authorization of Appropriations.—

"(1) In general.—For the purpose of carrying out this section, there is authorized to be appropriated $474,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2011.

"(2) Reservation of amounts for partnerships.—Prior to making awards described in paragraph (3), the Secretary may reserve from the amount appropriated under paragraph (1) for a fiscal year, an amount determined appropriate by the Secretary for making awards to entities described in subsection (b)(1)(A).

"(3) Awards to States and political subdivisions.—

"(A) In general.—From amounts appropriated for a fiscal year under paragraph (1) and not reserved under paragraph (2), the Secretary shall make awards to entities described in

subsection (b)(2)(A) that have completed an application as described in subsection (b)(2)(B).

"(B) AMOUNT.—The Secretary shall determine the amount of an award to each entity described in subparagraph (A) in the same manner as such amounts are determined under section 319C-1(h).".

SEC. 306. ENHANCING THE ROLE OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 8117 of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by—

(i) striking "chemical or biological attack" and inserting "a public health emergency (as defined in section 2801 of the Public Health Service Act)";

(ii) striking "an attack" and inserting "such an emergency"; and

(iii) striking "public health emergencies" and inserting "such emergencies"; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "; and" and inserting a semicolon;

(ii) in subparagraph (B), by striking the period and inserting a semicolon; and

(iii) by adding at the end the following:

"(C) organizing, training, and equipping the staff of such centers to support the activities carried out by the Secretary of Health and Human Services under section 2801 of the Public Health Service Act in the event of a public health emergency and incidents covered by the National Response Plan developed pursuant to section 502(6) of the Homeland Security Act of 2002, or any successor plan; and

"(D) providing medical logistical support to the National Disaster Medical System and the Secretary of Health and Human Services as necessary, on a reimbursable basis, and in coordination with other designated Federal agencies.";

(2) in subsection (c), by striking "a chemical or biological attack or other terrorist attack." and inserting "a public health emergency. The Secretary shall, through existing medical procurement contracts, and on a reimbursable basis, make available as necessary, medical supplies, equipment, and pharmaceuticals in response to a public health emergency in support of the Secretary of Health and Human Services.";

(3) in subsection (d), by—

(A) striking "develop and";

(B) striking "biological, chemical, or radiological attacks" and inserting "public health emergencies"; and

(C) by inserting "consistent with section 319F(a) of the Public Health Service Act" before the period; and

(4) in subsection (e)—

(A) in paragraph (1), by striking "2811(b)" and inserting "2812"; and

(B) in paragraph (2)—

(i) by striking "bioterrorism and other"; and

(ii) by striking "319F(a)" and inserting "319F".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 8117 of title 38, United States Code, is amended by adding at the end the following:

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, such sums as may be necessary to carry out this section for each of fiscal years 2007 through 2011.".

Mr. BURR. Mr. President, I rise today in support of S. 3678, the Pandemic and All-Hazards Preparedness Act. This bipartisan bill, which was drafted closely with Senator KENNEDY, will improve our public health and medical preparedness and responses during emergencies and disasters. I thank the Senator from Massachusetts for his partnership on this important legislation. I also thank Chairman ENZI for his leadership, Majority Leader FRIST, Senator GREGG and all 14 bipartisan cosponsors of this legislation for their hard work and support.

S. 3678 achieves two overarching goals. It reauthorizes the Bioterrorism Act of 2002, which was signed into law following the terrorist attacks of September 11 and expired at the end of September, and it builds on the Project Bioshield Act of 2004, to speed up the development of drug and vaccine countermeasures against bioterrorist and other public health threats.

In June 2002, President Bush signed the Bioterrorism Act into law and stated the legislation was proof that "When people of both parties work together, they can work on behalf of our country." Over the last 2 years, S. 3678 has been developed through the same bipartisan process. We all understand that the threats of bioterrorism and other public health emergencies, such as pandemic flu, are very real and we are committed to act now to protect the American people.

We know we must act now, before avian flu reaches our shores, before the next hurricane devastates a great city, before a bioterrorist attack kills an innocent American.

The threat of bioterrorism remains. Around the world, radical religious groups are being urged to establish new terror cells that specialize in biological warfare. It is increasingly easy to access Internet guides to bioterrorism, including methods for contaminating food and water supplies and spreading deadly microbes using do-it-yourself sprayers.

We often think of smallpox and anthrax as the gravest bioterrorism threats; however, as science and technology advance, the number of worrisome agents is expanding. In fact, the Department of Homeland Security recently determined that an additional nine biological agents present material threats against the United States sufficient to affect national security.

It is clear we will not keep up with new and emerging threats if we continue to be constrained by practices and procedures which require, for example, a decade to develop a new drug or vaccine countermeasure. Instead, we must take a faster, more creative approach to developing flexible, dynamic defenses against these threats.

Hurricanes Katrina and Rita proved once again that Mother Nature can be extremely destructive. And now, the United States is preparing for a potential flu pandemic that may be carried by birds. The biodefense plan laid out in this bill will enable us to be more flexible and will allow us to rapidly respond to all-hazards emergencies—be they natural, deliberate, or accidental.

We take five key actions in S. 3678, which will better prepare the Nation for the all-hazards public health emergencies of the future.

First, the bill puts someone in charge. After Hurricane Katrina, it was unclear who was in charge of our public health and medical response to this devastating storm. I believe unity of command and control is the key to rapid emergency response. This legislation identifies the Secretary of Health and Human Services as the lead Federal official for public health and medical response to emergencies, thereby eliminating confusion and chaos and increasing accountability and predictability. S. 3678 also unifies HHS preparedness and response programs under a renamed Assistant Secretary for Preparedness and Response, ensuring someone in the Federal Government is constantly improving our preparedness.

Second, S. 3678 funds State and local preparedness. We know the best emergency response begins at the local level. My bill reauthorizes over $1 billion per year in grants from HHS for State and local public health and medical preparedness. Authorization for these important grant programs expired in September 2006. The legislation also stresses accountability and fiscal responsibility in order to measure the progress made through these funds, and it requires States to match Federal investments in preparedness, beginning in 2009.

Third, the bill improves public health security. Public health departments across the country have varying abilities to identify a case of bird flu and contain its spread. S. 3678 establishes a set of key capabilities that all health departments must strive for. It also modernizes how public health departments detect, respond to, and manage public health threats, by collecting instant electronic information which will enable public health officials to make informed decisions before, during, and after a public health emergency.

Fourth, S. 3678 will speed up emergency medical response. During the response to Hurricane Katrina, it was too difficult for willing health care providers to volunteer their time and provide much-needed medical expertise to the gulf coast region. My bill makes it easier for health care providers to volunteer in emergency situations, and it enables the Secretary of Health and Human Services to provide liability protections for approved volunteers. This legislation also promotes the use of mobile hospitals and alternative Federal facilities which can help handle an increased number of patients during an emergency. Additionally, the bill improves planning and logistics for health care providers and volunteers to ensure emergency medical care can be delivered faster during a disaster.

Finally, the bill ensures the development of more drug and vaccine countermeasures to combat public health emergencies. The process for developing a new medical countermeasure still takes up to a decade and costs hundreds of millions of dollars. S. 3678 will improve our ability to quickly develop drugs and vaccines to protect against threats such as bird flu and bioterrorism. It reorganizes and enhances HHS medical countermeasure research, development, and procurement activities, through the Biomedical Advanced Research and Development Authority, or BARDA. Modeled after the Defense Advanced Research Projects Agency's successes in defense research, BARDA will bring innovation to a process that is simply too slow to combat terrorist activities or Mother Nature.

Making the Government more dynamic, nimble, and accountable will bring more and better medical countermeasures to the public faster case of emergency.

In closing, I applaud my Senate colleagues for taking a decisive step forward today in improving the Nation's preparedness for all-hazards public health emergencies—including acts of terrorism and those brought to us by Mother Nature, by passing S. 3678, the Pandemic and All-Hazards Preparedness Act.

I would like to thank the staff of my Subcommittee on Bioterrorism and Public Health Preparedness for their hard work, Jennifer Bryning, Kendall Byrum, Jenny Ware, Heidi Swygard, former staff director, Dr. Bob Kadlec, and former Senate fellow, David Marcozzi. Also, thank you to the majority leader's staff, especially Elizabeth Hall. Thank you to Chairman ENZI's staff, Katherine McGuire, Ilyse Schuman, Steve Northrup, and David Schmickel. Thank you to Senator KENNEDY's staff for their hard work, David Bowen, and Caya Lewis. And thank you to Senator GREGG's staff for their support, David Fisher, and Richard Weiblinger.

Earlier this year, I had the opportunity to travel to the Gulf Coast to learn from the disaster of Hurricane Katrina. It is our solemn responsibility to do all we can to make sure our Federal response is better. I want to also thank the many State and local public health officials from across the country, the hospitals, health care providers, elected officials, patients, EMT personnel and citizens who gave us their ideas and shared their experiences in this process. Together, we have laid out a plan to improve our Nation's public health and to better respond to disasters in the future.

Mr. KENNEDY. Mr. President, this afternoon, the Senate will consider legislation that will have far-reaching effects on the Nation's readiness for bioterrorist attacks, epidemics, and other public health emergencies.

The passage of the bill today is the culmination of a long process that our subcommittee, under the able leadership of Senator BURR, conducted to evaluate recommendations for renewing and strengthening the public health legislation enacted in 2002 and the BioShield proposal enacted the following year.

That was no small challenge. Our lack of preparedness was painfully clear to the hundreds of thousands of Americans who suffered and are still suffering in the aftermath of Hurricane Katrina.

Today we face the possibility of a pandemic or a bioterrorist attack, which could be as bad as a Hurricane Katrina in every community in America. We know that we are not yet ready for a catastrophe of that scale.

We need new medicines and new vaccines to protect against the disease threats of the twenty-first century. Yet many biotechnology companies are unwilling to invest in this area because of its uncertain commercial rewards.

Congress previously enacted the BioShield law to provide a guaranteed market for these products, but that program has been implemented poorly and has failed to live up to its promise.

Our legislation makes improvements in BioShield and supplements it by creating a new agency based on the successful model of DARPA, which has enhanced the development of important new products for our national defense. In recent years, the innovative research funded by DARPA has led to breakthroughs in supercomputers, robotics, materials science, nanotechnology, and in many other areas. Through the creation of a new agency, the Biomedical Advanced Research and Development Agency, we can emulate that success in the development of new vaccines and medicines.

But creating new products is only half the story. The newest vaccines and the most sophisticated technology are of little value if our hospitals and health agencies are overwhelmed and underequipped.

Time and again, Congress has called on the administration to take the steps needed to protect America against these new threats. But time and again, the response has been insufficient.

In 2000, Congress enacted the Frist-Kennedy legislation to provide a framework for bioterrorism preparedness. In the first year after the legislation was enacted, these programs received just $1 million out of the $360 million called for by the legislation.

Even in the aftermath of the September 11 attacks, the administration initially proposed only $50 million to upgrade our hospitals and emergency rooms, and requested only $125 million to improve our health agencies. Thanks to the leadership of Senator DASCHLE, Senator FRIST, and Senator BYRD, and of now-Senator BURR when he served in the House, Congress rejected these recommendations and provided over half a billion dollars for hospital readiness and nearly a billion dollars for health agencies.

Yet the administration has cut these needed funds. The support for hospital readiness through HRSA has decreased from $518 million in 2003 to $483 this year. The story is the same in the CDC program to improve our health agencies. Funding has dropped from $939 million in 2003 to $834 million this year.

Is it any wonder that study after study shows that America is not ready for a biological attack? Our former colleague, Senator Lowell Weicker, is chairman of the board of the Trust for America's Health, which convened a panel of experts in public health to assess each State's readiness for bioterrorism. The sad story is that no State was fully ready. Even the most prepared States scored only 8 out of 10 on measures of basic preparedness.

And these measures don't ask the impossible. One measure is whether a State has plans to ensure continuity of care in an emergency. Another is whether the State can provide additional ventilator beds for ten—yes, just ten—additional patients. Even on these basic measures of readiness the majority of States scored a five or worse—and four States scored only a woeful 2 out of 10.

We have seen the consequences of failure. Now we must prepare for success.

With this bill, we take many important steps to increase our preparedness and response capabilities for public health emergencies. This bill will increase our medical surge capacity, strengthen our public health infrastructure, and clarify the responsibilities of Federal officials.

The first response to emergencies happens at the State and local level. But State and local governments were quickly overwhelmed by the magnitude of the tragedy during Hurricane Katrina and would soon be overwhelmed in a pandemic. Federal assistance is essential. But for the past 4 years, we have been giving States money for public health preparedness without giving them adequate guidance on how to spend it. This bill reauthorizes these grants to State and local public health departments, but now provides benchmarks, performance standards and increased technical assistance from HHS that will allow State and local governments to improve their performance.

Accurate and up-to-the-minute information is essential to managing an emergency. Health information technology is the key to a more effective health care system in so many areas, and it can immeasurably improve our ability to monitor a health emergency. Our legislation includes an important program to harness the power of health IT to aid our health emergency response.

We must learn the lessons of the past and see that our hospitals and health professionals can treat the victims of disease, that our health agencies can detect disease threats rapidly and accurately and that all parts of our society have adequate plans to contain a disease outbreak. This bill takes the right steps to better prepare our Nation for the next public health emergency, no matter what its source. I urge my colleagues to approve this proposal and to work with us to see that we can send it to the President's desk before the end of the Congress.

Mr. LIEBERMAN. Mr. President, I wanted to give my thanks to Senators BURR and KENNEDY for working with me and my esteemed colleagues, Senators COCHRAN, OBAMA, KOHL, and LANDRIEU, to pass a bill that together makes a difference to the health and well-being of Americans in the event of a public health emergency—natural or man-made. We saw in Hurricane Katrina that local, State, and Federal governments were not adequately prepared for a situation that could have been much worse. Also, much of the public was not prepared and could not get out of harm's way because of issues of capacity and trust. Regardless of our preparation then, it is clear that the government and the public must become better prepared now. We must come up with a disaster preparedness and response system which does a better job of knowing what is happening not in government cubicles but on the ground, which is able to prioritize the allocation and delivery of finite resources, and which utilizes our cumulative man and woman-power to work together to get anything that needs to be done, done.

This is not a perfect bill, but S. 3678, the Pandemic and All-Hazards Preparedness Act, does improve the ability of the Federal Government to coordinate response to emergencies and disasters. It centralizes command and control of Federal public health and medical emergency response and for the first time ever, lists the needs of at-risk individuals in emergencies as a national preparedness goal.

Considering the needs of at-risk populations in public health emergencies and disasters is perhaps the most vital way to reduce casualties when treatment options are limited, environmental exposures place the public at risk and or when evacuation is necessary to get people out of harm's way. In disasters, the burden of casualties almost always fall on populations with unequal ability to protect themselves. These populations are termed special-needs populations, at-risk populations or at-risk individuals. They are populations who possess unique needs or limitations and may as a result not be able to receive, comprehend, or respond to public health messaging during emergencies in the way that bests support their safety and well-being. They are populations that may not able to fully address their own preparedness for, response to, and recovery from public health emergencies. At-risk individuals include the elderly, children, pregnant women, the poor, disabled, individuals with limited English proficiency, and others. Forty million Americans are over 65 years old, a number that will reach 71 million by 2030. There are over 70 million children under age 18. There are approximately 7 million pregnant women. Fourteen percent of Americans are limited in activity due to a chronic health condition.

I thank Senators BURR and KENNEDY for having the vision to address at-risk individuals in S. 3678 but also the willingness to work with Senators COCHRAN, OBAMA, KOHL, and LANDRIEU and me to make the language concerning at-risk individuals even stronger. The Lieberman-Cochran amendment, which has been incorporated into the final S. 3678 managers' package, publicly designates a person with a budget, who would ideally be called the Director Office of At-Risk Individuals, to oversee the implementation of the national preparedness goal concerning at-risk individuals: assist Federal agencies responsible with planning for, responding to, and recovering from public health emergencies in addressing the needs of at-risk individuals; provide guidance to State and local public health grant recipients as to how to incorporate the needs of at-risk individuals in emergency preparedness and response strategies: and develop and disseminate best principles and practices regarding outreach to and care of at-risk individuals in public health emergencies.

Senators COCHRAN, OBAMA, KOHL, and LANDRIEU and I believe that a new director of At-Risk Individuals will be a great resource to the Assistant Secretary in keeping the needs of at-risk individuals central as the Secretary works to implement the Nation's disaster preparedness goals across the Federal agencies. In the past, the Nation has not done enough to break down the artificial silos between the agencies charged with the health aspects of disaster planning and response, which is vital for the public in general but particularly to at-risk individuals in disasters. At-risk individuals are not monolithic, and their identities change depending upon the type, location, and character of disasters. Yet they are many, and their existence poses consistent challenges which must be addressed. These groups include people with disabilities, the elderly, non-English speakers, children, the poor, and the homeless. We understand that there is often significant overlap between at-risk groups. Individuals who are homeless, for example, are also poor and often disabled.

Senators COCHRAN, OBAMA, KOHL, and LANDRIEU and I also believe that a new director of At-Risk Individuals will also be a great resource to States, which will now have to incorporate the needs of at-risk individuals into disaster plans as a condition of receiving Federal disaster preparedness funding. The process by which the needs of at-risk individuals are incorporated into State, let alone Federal disaster plans is not obvious and will require both accumulation and dissemination of expertise. The committee envisions the Office of At-Risk Individuals as an ideal repository and resource for information in this regard. This information can be gathered from entities already doing excellent work in the field. Within HHS, this includes the Administration on Aging, the Office on Disability, and Administration on Developmental Disabilities. Within DHS, this includes the Office for Civil Rights and Civil Liberties, the Preparedness Directorate, and the Interagency Coordinating Council on Emergency Preparedness and Individuals with Disabilities. Within the community, this includes organizations like C.A.R.D. in California and the Kellogg Foundation's Redefining Readiness Projects. Within Academia, this includes work done by the Center for Civilian Biodefense Studies in Maryland and the New York Academy of Medicine. Nationally, this includes the National Organization on Disability's Emergency Preparedness. Initiative, the Center for Disability and Special Needs Preparedness, and the American Academy of Pediatrics.

Finally, Senators COCHRAN, OBAMA, KOHL, and LANDRIEU and I believe that a new Director of At-Risk Individuals can be an important source of funding and support for a community engagement process focused on organizing ordinary citizens to prepare and to respond to public health emergencies. The public is not a passive entity and must be viewed as a valuable partner in disaster planning and response. Communities are better able, for example, to identify the location of their special needs populations, to communicate with them, and to intervene in ways that are consistent with the reality of people's lives. In addition, during disasters, the governmental response is often delayed, and people must be able to protect themselves why they wait for help. Last of all, community-derived public health emergency plans must be coordinated with local, State and Federal disaster plans and the new Office of At-Risk Individuals can fund opportunities to bring all key stakeholders together.

The AARP, the American Red Cross, United Cerebral Palsy, and the American Academy of Pediatrics have all endorsed this important amendment. These are groups that most would agree know much about at-risk individuals, disaster preparedness and response.

In short, the process of addressing the needs of at-risk individuals during public health emergencies is a necessary and immense task that must be overseen. A new Director of At-Risk Individuals with a budget of up to $5 million as specified in S. 3678 will provide the focus, expertise, personnel, and institutional memory to assure that the at-risk language in S. 3678 is followed and that the Government, in planning for and responding to emergencies, keeps the needs of all Americans, front and center.

I thank Senators BURR and KENNEDY again for writing and passing S. 3678 and being open to the Lieberman-Cochran language.

Mr. BURR. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to; the committee-reported amendment, as amended, be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5210) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The bill (S. 3678), as amended, was passed.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, we will be closing down in a few moments. I have several quick pieces of business to do first.

EXECUTIVE SESSION

NOMINATION OF ANDREW VON ESCHENBACH TO BE COMMISSIONER OF FOOD AND DRUGS, DEPARTMENT OF HEALTH AND HUMAN SERVICES

Mr. FRIST. I ask consent that the Senate proceed to executive session for the consideration of Calendar No. 907, the nomination of Andrew von Eschenbach, to be Commissioner of Food and Drugs, Department of Health and Human Services.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read the nomination of Andrew von Eschenbach, of Texas, to be Commissioner of Food and Drugs, Department of Health and Human Services.

CLOTURE MOTION

Mr. FRIST. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 907, the nomination of Andrew von Eschenbach, of Texas, to be Commissioner of Food and Drugs, Department of Health and Human Services.

William H. Frist, Michael B. Enzi, Richard Burr, Thad Cochran, George V. Voinovich, Robert F. Bennett, Tom Coburn, Norm Coleman, Conrad R. Burns, Jon Kyl, Pat Roberts, Mel Martinez, John Ensign, Lamar Alexander, Elizabeth Dole, Christopher Bond, John Cornyn.

Mr. FRIST. Mr. President, this cloture vote will occur on Thursday morning. If we can reach an agreement for a vote at a time certain on this FDA nomination, we would vitiate this cloture vote. In the meantime, I now ask consent that the mandatory quorum be waived and the Senate now resume legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I should add that Dr. Andrew von Eschenbach has done a superb job in the position he is currently occupying. It is time for the Senate to vote on this outstanding nominee. There are very few, if any, people who substantively are opposed to this nomination. Thus, I intend to use all the influence that I can to have him as Commissioner of FDA before we depart.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

APPOINTMENT

The PRESIDING OFFICER. The Chair announces, on behalf of the majority leader, pursuant to Public Law 107–12, the appointment of William Pickle of Virginia to serve as a member of the Medal of Valor Review Board.

MEASURE READ THE FIRST TIME—S. 4080

Mr. FRIST. Mr. President, I understand that there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 4080) to amend title 17, United States Code, with respect to settlement agreements reached with respect to litigation involving certain secondary transmissions of superstations and network stations.

Mr. FRIST. Mr. President, I now ask for a second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will receive its second reading on the next legislative day.

DISCHARGE AND REFERRAL—S. 4048

Mr. FRIST. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of S. 4048 and that the bill be referred to the Committee on Foreign Relations.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, DECEMBER 6, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, December 6. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then proceed to a period of morning business until 11:30 a.m., with Senators permitted to speak for up to 10 minutes each, and that the Senate stand in recess from 12:30 until 2:15 to accommodate the weekly party luncheons. I further ask consent that at 11:30 a.m. the Senate proceed to executive session to consider the nomination of Robert Gates to be Secretary of Defense.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, the Senate, tomorrow, will conduct a period of morning business so that Senators may pay tribute to our retiring colleagues. At 11:30, the Senate will proceed to executive session to consider the nomination of Robert Gates to be Secretary of Defense. It is my hope and expectation that consideration of this critical nomination can be expedited.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:16 p.m., adjourned until Wednesday, December 6, 2006, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate December 5, 2006:

COMMODITY FUTURES TRADING COMMISSION

JILL E. SOMMERS, OF KANSAS, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING APRIL 13, 2009, VICE SHARON BROWN-HRUSKA, RESIGNED.

SOCIAL SECURITY ADMINISTRATION

JEFFREY ROBERT BROWN, OF ILLINOIS, TO BE A MEMBER OF THE SOCIAL SECURITY ADVISORY BOARD FOR A TERM EXPIRING SEPTEMBER 30, 2008, VICE BRADLEY D. BELT, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF STATE

STANLEY DAVIS PHILLIPS, OF NORTH CAROLINA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ESTONIA.

SAM FOX, OF MISSOURI, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BELGIUM.

DEPARTMENT OF HOMELAND SECURITY

GREGORY B. CADE, OF VIRGINIA, TO BE ADMINISTRATOR OF THE UNITED STATES FIRE ADMINISTRATION, DEPARTMENT OF HOMELAND SECURITY, VICE R. DAVID PAULISON, RESIGNED.

THE JUDICIARY

HEIDI M. PASICHOW, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE ANNA BLACKBURNE-RIGSBY, ELEVATED.

FREDERICK J. KAPALA, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS, VICE PHILIP G. REINHARD, RETIRING.

EXPORT-IMPORT BANK OF THE UNITED STATES

MICHAEL W. TANKERSLEY, OF TEXAS, TO BE INSPECTOR GENERAL, EXPORT-IMPORT BANK. (NEW POSITION)

EXTENSIONS OF REMARKS

SAN MATEO COUNTY SHERIFF DON HORSLEY—A DISTINGUISHED LAW ENFORCEMENT OFFICIAL

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. LANTOS. Mr. Speaker, I rise today to congratulate Sheriff Donald Horsley on his long and distinguished law enforcement service for the County of San Mateo, and cities of East Palo Alto and Daly City, California, in my congressional district. As a patrol officer and as Sheriff, Don Horsley has dedicated thirty-eight years to law enforcement and has a proven record of combating the community's most vexing criminal challenges with effective strategies.

Under Sheriff Horsley's professional and dedicated leadership, the San Mateo County Sheriff's Office has developed an extensive number of innovative programs to ensure a safer community. These include the Graffiti Abatement Program, Community Policing Program, Vehicle Theft Task Force, Gang Intelligence/Investigative Unit, Sexual Habitual Offender Program, an expanded DARE Program, an identity theft and computer related crime task force, and a School Resource Officer Program as well as the Sheriff's Activity League to help kids become successful in school and keep at-risk kids out of gangs.

Sheriff Horsley has also exhibited a great talent in working with other public officials in coordinating cohesion among municipalities within San Mateo County, neighboring counties in the San Francisco Bay Area, and working with federal law enforcement. Sheriff Horsley has been actively involved in coordinating with the FBI and other Bay Area Sheriffs' Departments as part of a regional Joint Terrorism Task Force and has established a regional information sharing network.

Sheriff Horsley has proven instrumental in obtaining the necessary funds for enhancing law enforcement in San Mateo County. He has been integral in directing the Sheriff's Office of Emergency Services to obtain federal grants from the Department of Homeland Security to secure equipment and training for first responders and public health workers. Additionally, Sheriff Horsley successfully worked with Congresswoman ESHOO and me to obtain federal funds for San Mateo County to build a state of the art crime laboratory.

In performing the many responsibilities of his job, Sheriff Horsley has not lost sight of the goal of attempting to rehabilitate and treat prisoners humanely. Under his leadership, Sheriff Horsley has brought educational, religious and substance abuse programs to the county jail. He has also ensured medical and mental health services for prisoners as well as instituting Critical Incident Training for officers in the field to more effectively communicate with mentally ill individuals.

Mr. Speaker, I invite my colleagues to join me in thanking Sheriff Donald Horsley for his contribution to the protection and improvement of our community in San Mateo County. I am truly delighted and inspired by Sheriff Horsley's dedication to law enforcement and public service and wish him continued success in his future endeavors.

50TH BUSINESS ANNIVERSARY OF MR. JOSEPH H. BALL

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. GERLACH. Mr. Speaker, I would like the below article to be included in the CONGRESSIONAL RECORD. Mr. Ball is an outstanding constituent and I am honored to help him celebrate his fifty years of service to his family, community, and business. This article, "LM Honors Joe Ball for Five Decades in a Business He Loves", by Melissa Steven, appeared in the Main Line Times on November 9, 2006.

LM HONORS JOE BALL FOR FIVE DECADES IN A BUSINESS HE LOVES

Although he has been working for a half-century as founder and CEO of American Advertising Services, Joseph Ball said he feels like he hasn't worked at all. "I didn't work a day in 50 years because I loved every minute of it," said Ball of Penn Valley. "I believe in advertising. I sincerely do." This past August, the Lower Merion Township Board of Commissioners recognized Ball and his American Advertising Services with an "Official Commendation" plaque for the company's 50th anniversary. Throughout five decades, Ball has spawned numerous other businesses in the communications area, including ACT (Advertising/Communications Times), the longest established marketing and business-to-business monthly journal for the Philadelphia region. And just a few weeks ago, Ball created yet another new business, American Business Development, which "marries businesses," said Ball.

"I don't live in yesterday," said Ball. "I look ahead and live in today." Ball was just 26 when he launched American Advertising Services in 1956. Working since 17 for The Philadelphia Inquirer, where he started as a copy boy, Ball volunteered to do just about anything his managers would let him do to learn, including writing and editing. He left the newspaper business because he wanted to take a chance and start his own company.

He started American Advertising Services company with a $35 Royal typewriter on a desk in a room he shared with his 10-year-old sister. The company grew and moved to Philadelphia, where he rented a space in a basement on South 22nd Street for $50 a month. Two more relocations later, Ball settled for the next 40 years at Second and Chestnut streets in Old City, Philadelphia. Two years ago, he moved the business to a new home in Bala Cynwyd.

Ball and his wife of 48 years, Sandy, have made Penn Valley their home for the past 40 years. They raised their three children there and sent all through Lower Merion School District schools. Now, with eight grandchildren, Ball still shows no signs of slowing down.

Melinda Williams, managing partner of the Williams Group, an ad agency, started her communications career as an account executive at American Advertising Services after graduating from Syracuse University. She had trouble finding a job, she said, because "you come out of college with a lot of knowledge, but yet no one would hire you because you didn't have any experience. Joe took a chance on me and on a lot of other people when they were young," said Williams. "And you never forget the first person who takes a chance on you."

Williams spent a year and a half with Ball's company, working with different companies as an account executive. She said the experience provided an education second to none. "It gave me a unique perch on the market. It allowed me to figure out which areas in communications I wanted to go into."

Including Williams, Ball has helped launch the careers of many other communications professionals who have walked through the doors of his businesses. Ball gave Warren Conely his start as an artist in the late '70s. Conely, now working at the Philadelphia Inquirer in advertising art, started as an artist for ACT. "He did give me my start in the business," said Conely. "He gave you a true taste of the ad industry." Ball believes so many former employees have succeeded because they learned very essential techniques from working with him. He teaches employees to "persevere, persevere, persevere" and "In sales, never hear the first 'no,' just give another idea."

"You just smile your way through the day and never see a problem," said Ball, "[but] see a challenge and think 'How can I overcome it?'" "Any facet in the ad industry, whether it be radio, television or print, you learned it all from Joe because he did it all," said Conely. "He got everybody involved in every aspect of the business." Williams said Ball's dedication to his job and love for it really showed every day. "He was always the first one in and last one out," she said. One key ingredient to Ball's success, said Williams, was his knack for hiring the right people for the job. "He always hired nice people who were smart, innovative, creative and who had a lot of potential."

In the '60s, at a time when women were going on interviews in white gloves, pumps at a reasonable height, and pearls, Ball was basing his hiring decisions on talent, not gender. "It was very hard for women to get positions because you needed experience to get hired, and Joe hired me without experience," said Jane Stark, who was hired by Ball in 1965 as a copywriter. Stark went on to be promoted to a public relations position at American Advertising Services. "Joe was responsible for opening a lot of doors and was very open to promoting employees within his business," said Stark, who later became the general manager of NBC TV-40 in

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

South Jersey for 21 years. "He gave women lots of opportunities. From little acorns, big trees grow."

Williams agreed that Ball gave many women opportunities to start their careers when there were not too many opportunities to be had. Williams said that the amount of people who have come through Ball's businesses, then moved on to bigger and better things—as well as the employees who have stayed over the years—is a testament to Ball. "The students are doing better today than the teacher," said Ball, "and that's the way it should be in America."

PERSONAL EXPLANATION

HON. CHARLIE NORWOOD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. NORWOOD. Mr. Speaker, on rollcall No. 522, H.R. 5585, the Financial Netting Improvements Act, had I been present, I would have voted "yes."

L.D. BELL HIGH SCHOOL'S BLUE RAIDER MARCHING BAND PLACES 2ND AT THE BANDS OF AMERICA GRAND NATIONAL COMPETITION

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. BURGESS. Mr. Speaker, I rise today to recognize the superior performance of the L.D. Bell High School's Blue Raider Marching Band of the 26th District of Texas. L.D. Bell placed second at the Bands of America Grand National Competition in Indianapolis.

The Grand Nationals Competition is considered to be the most elite marching band contest in the nation. L.D. Bell's Band of 300 students was also recognized with the National Outstanding Music Award. Earlier in the week, the band received second place at the rigorous UIL 5A State Marching Band Contest in San Antonio, Texas.

The Blue Raiders' achievements are the combined efforts of many extremely talented students, dedicated school administrators, the H-E-B School District, and a support network of parents and community. The students have excelled under the capable direction of Directors Jeremy Earnhart, Jolette Wine, Nick Thomas, Brandon Holt, and Wes Cartwright.

Mr. Speaker, I am proud to recognize the achievements of the L.D. Bell High School Blue Raider Marching Band. I extend my sincere congratulations to these hard-working students, and I look forward to their future successes.

TRIBUTE TO PATRICK McCARTY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to Patrick McCarty on his retirement as Executive Director of the Michigan Community Action Program. Patrick will be honored at a dinner on November 30th in Livonia Michigan.

Patrick began his career with the UAW in 1973 at Ford Motor Company. After serving as a bargaining committee representative for Local 723, Patrick was appointed by Stephen P. Yokich to be his plant's Quality Liaison Representative. During this time he was responsible for implementing the "Working Together for Quality Program" working with both management and employees at the Monroe, Michigan Ford Plant. In February 1992 his efforts were recognized and the Monroe Plant received the first National Recognition of Innovation, Support and Excellence Award for the "Customer Commitment Quality Team" created at the plant.

As a result of his leadership Stephen Yokich appointed Patrick as the Executive Director of the Michigan Community Action Program in 1995. In this capacity, Patrick was the head of the political and legislative arm in Michigan for the UAW. He has served in this position until his retirement.

Active in the Democratic Party, Patrick is an officer of the Michigan Democratic Party, a member of the Democratic State Central Committee, the 11th Congressional District Democratic Party, and a precinct delegate. He is also a lifetime member of the NAACP and the Detroit NAACP.

Mr. Speaker, please join me in congratulating Patrick McCarty on his retirement from the UAW. I wish him, and his wife Dr. Rhonda Hennessy, the best as they embark on a new chapter in their lives.

HONORING G. JESSE FLYNN

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to pay public tribute to Jesse Flynn, a public servant, businessman and citizen from my congressional district. Jesse is stepping down this month as President of the Bullitt County Chamber of Commerce after a year of exemplary service.

Raised in Anderson County, Jesse earned a college degree in business administration from Bellarmine College in 1971. Following service in the U.S. Army Medical Corp, Jesse formed Flynn Brothers Paving in 1973. Two decades later, Flynn Brothers Contracting, Inc. employs 250 personnel in the Greater Louisville area, generating strong annual revenues.

Jesse has distinguished himself as a business leader, serving as chairman at Flynn Brothers and as a board member of various organizations including the National and Kentucky Associated Builders & Contractors, de Paul School, First Citizens Bank in Elizabethtown and the Bullitt County Advisory Economic Advisory Board. His vast knowledge and strong work ethic led to his selection as Kentucky delegate to the White House Conference for Small Business during the early 1990's.

In addition to his many contributions to the business community, Jesse Flynn has remained actively involved in numerous community and charitable organizations. For his consistent generosity, Jesse was recently awarded the March of Dimes REACH Award and was named "Citizen of the Year" by the Kentucky Nurses Association. He was also selected to be a member of the U.S. International Cultural Center.

It is my great privilege to recognize Jesse Flynn today, before the entire U.S. House of Representatives, for his leadership and service. His unique achievements make him an outstanding American worthy of our collective honor and appreciation.

TRIBUTE TO JELKA JANKOVIC

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. VAN HOLLEN. Mr. Speaker, I rise today to congratulate Mrs. Jelka Jankovic on her 100th birthday, which she celebrated on November 25, 2006. Since her immigration to the United States over fifty years ago, Mrs. Jankovic has been a model citizen, contributing to her community and bringing joy to the lives of family members and friends.

Mrs. Jankovic married Janko N. Jankovic, a lawyer, on October 4, 1925 in Serbia. Their son, Miodrag, was born in 1926. For the first part of her married life, Mrs. Jankovic concentrated on raising her son and running her household. In 1942 her son joined the army to fight the Germans and later the Communists. Tragically, he was lost in the war. Meanwhile, her husband who was serving in the Royal Yugoslav Reserve Forces, was captured by the Germans and spent the war years in a POW camp in Germany. Mr. Jankovic immigrated to the United States in 1950 and settled in Washington, D.C. where Mrs. Jankovic joined him in 1953.

Mrs. Jankovic has been an active and productive member of her community for over fifty years. She has worked as a private tailor, a baker at a French restaurant, and a beautician at a local salon. After retiring, Mrs. Jankovic moved to Bethesda, Maryland where she is well-known and loved for her generosity and kindness.

Mr. Speaker, I extend my heartfelt congratulations to Mrs. Jankovic as she celebrates her 100th birthday and I wish her good health and happiness. I ask my colleagues to join me in congratulating Mrs. Jankovic.

HONORING THE 50TH ANNIVERSARY OF THE HAYWARD AREA HISTORICAL SOCIETY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. STARK. Mr. Speaker, December 2006 marks the 50th anniversary of the founding of the Hayward Area Historical Society in Hayward, California. I rise to pay tribute to the Society's significant anniversary.

On an autumn night in 1956, 25 Hayward Area residents met at Bret Harte School to discuss a growing concern in the community. Amidst the progress and prosperity of the post World War II boom, the history of the area once known as Eden Township seemed to be missing from the cultural landscape.

The Hayward Chamber of Commerce Postwar Planning Committee first recommended the formation of a historical society in 1944. With so much happening at the conclusion of World War II and the community experiencing unprecedented growth in the following years, no action was taken on the committee's suggestion. However, 10 years later, the City of Hayward celebrated its 80th birthday with great fanfare. Though the festivities were considered a success, the planners had encountered a huge problem identifying pioneer residents to ride in the city's anniversary parade. There was no established resource for gathering and providing information on Hayward's past.

The Community Services Committee of the Hayward Chamber of Commerce, chaired by Allen Strutz, decided to take matters into their hands and took steps to begin saving Hayward history. Soon, the Hayward Area Historical Society, HAHS, was born.

The first official election of officers was scheduled for the night of December 6, 1956. Volunteers immediately began gathering members and asking pioneer families to fill out historical questionnaires. Those documents became the foundation for HAHS's extensive archives.

During the ceremony to sign the Society's charter, which took place at the historic Eden Congregational Church, the Society proclaimed its intent to "discover, preserve and disseminate knowledge of the history of the Hayward Area." Among the first artifacts to be donated was a pencil drawing of Mission Dolores and a copy of the Hayward Journal from 1894.

HAHS has reached a number of benchmarks in growth and prosperity over the last fifty years. It has published numerous books, an "Adobe Trails" member newsletter, established a museum, a research library, and has amassed a collection of thousands of historical artifacts, self-produced exhibitions and has been a partner in restoring historical property in Hayward.

As the Hayward Area Historical Society continues its progress, I join the community in wishing them a very happy 50th birthday and continued success.

TRIBUTE TO QUEENIE MARY WOOTEN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Queenie Mary Wooten, a distinguished public servant and citizen of Brooklyn, New York. It behooves us to pay tribute to this outstanding woman and I hope my colleagues will join me in recognizing her impressive service to community.

In 1974, Queenie Mary Wooten received her Bachelor of Arts degree in education from Medgar Evers College. She took additional courses, which enhanced her long and remarkable career in education. Currently, Ms. Wooten is the Coordinator of External Community Programs for Region #5. In addition to networking with East New York and Brownsville city agencies, she serves on the cabinets of Planning Boards #5 and #16.

Ms. Wooten is developing innovative and creative external programs to improve educational and developmental outcomes for students. She coordinates activities with the external community and assists the director with setting priorities and selecting high quality collaborative programs. Ms. Wooten mobilizes resources for regional and school priorities, collaborates with schools in Region #5 to create inter-agency regional advisory councils, and volunteers on Planning Board #5, working with the committee on education. Additionally, she works diligently with students to help them get credit for community services.

Ms. Wooten is one of the founders of the American College of Counselors, for the New York Branch, and was recently honored by the Department of Education for 41 years of service. She has received numerous honors and awards for her work, including: an award from Medgar Evers College as one of its first graduates; the Brooklyn Club of the Negro Business & Professional Women's Club Sojourner Truth Award; and the Van Siclen Block Association Education Award. Ms. Wooten has been honored by organizations such as the Women's League of Science and Medicine, Inc., National Sickle Cell Research and the Latin Souls Little League Baseball.

A very active member of her community, Ms. Wooten serves on numerous boards and is the Chair of the North East Committee of Elections. Ms. Wooten has been a faithful member of Grace Baptist Church for the past 35 years. One of 10 children of the late James and Estella Hunt Corely, Ms. Wooten has encountered many challenges during her life and has embraced them all with courage and dignity.

Mr. Speaker, I believe that it is incumbent on this body to recognize the work of Queenie Mary Wooten. Her deep commitment to her community makes her most worthy of our recognition today.

HONORING FEDERAL JUDGE PAUL BROWN

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. HALL. Mr. Speaker, I am honored to pay tribute to one of the outstanding Federal judges in our Nation, U.S. District Judge Paul Brown, who is retiring after 21 years of distinguished service on the bench in the Eastern District of Texas. Judge Brown has been my good friend for many years, and he is a respected and beloved Judge and member of the community in Sherman, Texas.

Judge Brown represents the finest qualities of jurisprudence. Hanging on his wall in the Sherman Federal Courthouse are Socrates' four qualities for a good judge—to hear courteously, to answer wisely, to consider soberly, and to decide impartially. Judge Brown embodied all of these qualities, and he dispensed justice accordingly. He was highly regarded, well-respected, and was a role model for many.

Paul Brown was the youngest of a family of six raised on a farm near Pottsboro, TX. He graduated from Denison High School and although underage, he got his parents' consent to join the U.S. Navy when World War II broke out. He served as a minesweeper in both the Atlantic and Pacific Theaters and as a part of the occupation forces in Japan. He was discharged as an Electrician's Mate 2nd Class in June 1946.

He returned to his studies and received a law degree in 1950 from the University of Texas before being recalled to active duty in the Korean war. He saw combat aboard a minesweeper which was sunk by mines, and he received an honorable discharge in December 1951.

Judge Brown began his practice of law following the war and following President Dwight Eisenhower's election, he went to work as an assistant U.S. Attorney in Texarkana under U.S. Attorney William Steger, who would become his mentor, good friend, and fellow colleague on the bench in the Eastern District until Judge Steger's passing this year. He served as Assistant U.S. Attorney from 1953 to 1959, then followed in Judge Steger's footsteps as U.S. District Attorney from 1959 to 1961.

While in Texarkana, Judge met and married Frances Morehead, and the two returned home to Sherman, where Judge Brown practiced law for a number of years. In 1985 Senator Phil Graham recommended him to President Ronald Reagan for a new judge's position created for the Eastern District of Texas, and Judge was confirmed that year. He held court in Beaumont, Paris, Sherman, and Texarkana, and as the caseload in Sherman grew, he eventually presided over the Sherman courthouse exclusively.

Premiere cases over the years included intellectual property, patent cases, and criminal cases precipitated by the bank and savings and loan failures of the 1980s and 1990s. In recent years he noted the increase in drug cases and expressed his regret that, in spite of all the efforts that have been made to prosecute drug dealers, the Nation is not making much progress in curtailing the use of drugs. No matter what type of cases came before him, Judge Brown always enjoyed the work and ran an efficient and orderly courtroom. His personal work ethic and judicial integrity have been remarkable, and his reputation for punctuality has been legendary.

At his retirement reception, hundreds of local attorneys, area judges and friends and family paid tribute to Judge Brown. The Eastern District Chief Judge, Thad Heartfield, speaking for the 15 judges on their court, has recommended that Congress name the U.S. District Courthouse in Sherman the "Paul Brown U.S. Courthouse." Judge Heartfield noted that Judge Brown has demonstrated the finest qualities of a U.S. district judge: knowledge of the law, courtesy, patience, wisdom and compassion. It will be my pleasure to introduce legislation to that end.

As we near adjournment of the 109th Congress, I ask my colleagues to join me in celebrating the life of a great American, outstanding public servant, and respected jurist, the Honorable Paul Brown, U.S. District Judge for the Eastern District of Texas.

PAYING TRIBUTE TO BONNIE SCHOFIELD

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Mrs. Bonnie Schofield for her dedication to the community and families she served.

Bonnie has been serving 22 families in Hiko, NV, as a postmaster relief since 1973, 6 hours a day, 6 days a week. Last year, she became postmaster. Bonnie's families picked their mail up at the post office in front of her house in an old-fashioned way. Instead of using the modern-day post office boxes, the mail was sorted into old-fashioned sacks Bonnie handmade herself and then hung onto pegs. Families would then pick up their mail while the traditions of past generations stayed intact.

For the 30 years prior to her appointment as postmaster, Bonnie's mother-in-law held the position. Her daughter also continues the family tradition for she was named postmaster for 2004 in Alamo, NV. Bonnie also has served the National Association of Postmasters of the U.S., NAPUS, as state president, on its state council, and representing Nevada in Washington, DC.

On December 1, 2006, Bonnie retired from her position as postmaster and, with her, lay to rest the traditions of Hiko's community. What she will miss the most is the customer interaction and personalized service. Now that she is retired, she plans on nurturing her garden and traveling with her husband of 49 years. Bonnie also plans on spending more time with her 4 children, 18 grandchildren, and 8 great-grandchildren.

Mr. Speaker, it is with great honor that I recognize the gracious efforts of Mrs. Bonnie Schofield. Her diligence and dedication are to be admired. I wish her luck with all her future endeavors.

PAYING TRIBUTE TO ERSILIA CRUZ

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. SALAZAR. Mr. Speaker, I rise today to recognize a woman who made a difference to so many people in the community of Pueblo, CO.

Ersilia Cruz left her community a better place.

Ersilia Cruz, who was a driving force for Hyde Park and "remodeling the West Side," as she put it, died of a stroke Friday. She was 75.

She helped bring the Cesar Chavez Academy and, most recently, the Dolores Huerta Preparatory High School to Hyde Park. She was director for many programs at the Hyde Park Community Center, was active at church and, her family said, had strong interests in the community and children.

Her son Steve said that Ersilia decided to stay alive long past when she was supposed to because "she wanted to talk to everyone before she left. She wasn't going until everyone in the family talked to her, and the whole week was like that. She was all family. That's what she stood for, and it was a neat experience for our family."

The recipient of several local, State and national awards, Cruz's most distinguished was probably the Dorothy Richardson Award in 2003, for which she was flown to Washington.

That same year she also had a street in Hyde Park named after her, called Cruz Court.

In the 1970s, Cruz operated G&E Grocery Store and later worked for Kwik Way and PDQ convenience stores, from which she retired while a manager.

Cruz is survived by her husband of 59 years, George. The two met and wed in Mora, NM.

Mrs. Cruz also is survived by 20 grandchildren, 22 great-grandchildren and a great-great-granddaughter.

The entire community of Pueblo, CO, will miss Ersilia Cruz.

TRIBUTE TO FRED J. SHALTZ

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. KILDEE. Mr. Speaker, I would like to take this opportunity to pay tribute to an outstanding public servant and a close friend, Fred J. Shaltz. Fred recently retired as a Genesee County Michigan Commissioner after serving seven consecutive terms in office.

Fred's career in public service started long before he was elected to office. After attending the University of Michigan, Fred passed the State of Michigan examination and was licensed as a land surveyor in 1963. Two years later he founded Delta Land Surveying and Engineering, Inc. and Delta Aerial Photography. At the same time his career in community service began.

He has served as either a current or former board member of the following organizations: Flint Jaycees, Hemophilia Foundation of Michigan, Rubicon-Odyssey House, Eastern Michigan Mortgage Banker's Association, Builder's Association of Metropolitan Flint, Fenton City Local Development Finance Authority, Fenton Chamber of Commerce, Mott College Foundation Board, Valley School Trustee, and served as the vice president of the Flint Area Chamber of Commerce.

During his tenure as a Genesee County Commissioner, Fred carried out his duties by serving in the following capacities: member of the Genesee County Metropolitan Planning Commission, as chair of the Public Works Committee, member of the Lobdell Lake Board, chair of the Courthouse Square Committee, member of the 911 Consortium, the Valley Area Agency of Aging, the Genesee County Mental Health Board, Genesee County Recycling Coalition, chair of the Finance Committee, a member of the Leadership Committee, member of the Genesee County Mass Transit Authority, Greater Health Coalition, Genesee County Retirement Board, New Paths, County Park and Recreation, Chair of the Community Economic Development Committee, the Genesee County Board of Review, and the Flint City Planning Commission. Fred also served as the vice chair of the board of commissioners from 1995–1996 and 2000–2004. He was the chairman of the board during 1997 and 1998.

Recognized by his peers, Fred has received the following awards: Young Democrat-of-the-Year Award, Knight of the Month K of C Council 695 Flint, the 1966 Speak-Up and Spoke Award Flint Jaycees, Michigan's Community Leader, Flint Beautification Commendation, Women's Council of Flint Board of Realtor's Award, Feat Foundation Award, American Congress on Surveying and Mapping Fellow, Michigan American Legion Appreciation Award, Outstanding Service Award Greater Flint Area Chamber of Commerce, Community Mental Service Award, Flint City Council Appreciation, City of Fenton Community Service Award, Life-Member Award from Michigan Association of Realtors, Key to City of Flint, 2000 Dare Program, Burton Health Center Leadership Recognition, 1986 Associate of the Year from Home Builder's Association of Metropolitan Flint, Appreciation Award from Bureau of Business Practice, Patriotic Citizen Award from the Veterans of Foreign Wars, Dedicated Service Award from Genesee County Park and Recreation, Appreciation Award from the County Board of Health, Award from Valley Area Agency of Aging.

Between the years 1968 to 1992 Fred was appointed by different mayors to serve on 11 city boards. He was also appointed by three different Michigan Governors to the board of licensing for architects, land surveyors, and Michigan's Small Business Council. He was the second vice president of the Home Builder's Association in 1985, and repeatedly recognized by the National Engineering Society on Education, Qualifications and Examiners. Fred was a founding member of the Fenton Rotary Club and a founding member of the Fenton Township Service Club. His article on excellent business practices appeared in a 1988 issue of Inc. Magazine and he was a contributor to the magazine's book "301 Great Management Ideas" published in 1991. He contributed an article to a University of Michigan textbook on business, management, and leadership. In 2004 he was inducted into the Builder's Association of Metropolitan Flint Wall of Fame.

Mr. Speaker, I am proud to be able to congratulate my friend, Fred Shaltz, as he retires undefeated in office after 7 terms with the Genesee County Board of Commissioners and 43 years of public service. I wish him the best as he embarks on this new phase of his life.

TRIBUTE TO THE 2006 KENWOOD ELEMENTARY SCHOOL ROBOTIACS TEAM

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. VISCLOSKY. Mr. Speaker, it is with great pride and enthusiasm that I take this time to recognize the 2006 Kenwood Elementary School Robotiacs. The team, which competes as part of the FIRST LEGO League (FLL), recently finished in first place for robot design and second place overall at the local competition held in Hammond, Indiana on November 11, 2006. With their success, the Robotiacs have advanced to the State competition, which will be held at Indiana University—Purdue University in Fort Wayne, IN on December 9, 2006.

The FLL is the result of an alliance between For Inspiration and Recognition of Science and Technology, FIRST, and the LEGO Company. The purpose of the FLL is to allow students to be creative and, with the assistance of mentors, solve real-world engineering challenges, develop important life skills, and learn to make positive contributions to society.

Kenwood Elementary School has been no stranger to success in this competition. This is the 4th consecutive year they have won first place awards at the regional level, which includes awards for research and robot design, as well as an overall championship. They advanced each of these years to compete at the State level, each time competing against more than 45 other teams. One of these State competitions resulted in the team being honored with the distinguished Judge's Award.

The 2006 Robotiacs team consists of: Lena Colon, R.J. Groszewski, and Antonio Rosa, all sixth grade students, and two new members, third grade student Christopher Tucker and fifth grade student Connor Westerfield. With this year's theme being centered on nanotechnology, the team was given the task of creating a way to use existing technologies or to create a new product utilizing nanostructures. The result of their research and innovation was a quite impressive roofing system, which produces hydrogen that is compressed, stored, and used in the future by a fuel cell found in a home, thus eliminating the need for dependence on natural gas, oil, and coal. This, which the team is quick to point out, is very different than a solar panel that uses the sun's energy to produce electricity.

The Robotiacs are coached by Mrs. Alicia Madeka, a third grade teacher at Kenwood Elementary School. Mrs. Madeka, who has coached the team for the past 4 years, is a shining example of what it means to be a teacher. She is dedicated to educating tomorrow's leaders, and she encourages these students to realize that through hard work and self-sacrifice, they can make a significant contribution to the future.

Mrs. Madeka and these amazing students are truly an inspiration to their school and the community. The Robotiacs' commitment to furthering their knowledge in math, science, and technology, and then using this knowledge in ways that can benefit society is truly remarkable. The tireless efforts of all involved in such endeavors are a source of pride for the community and the First Congressional District.

I would be remiss if I did not take a moment to offer a word of praise to all of the faculty, administrators, and supporters who play a special role in enriching these young lives with the desire to learn and succeed. Finally, special recognition is due for the parents and guardians of these gifted students. It is clear that these individuals have been raised in an environment where character and work ethic are instilled at an early age, and for that, they are to be commended.

Mr. Speaker, it is with great pride that I congratulate the Kenwood Robotiacs, Mrs. Alicia Madeka, and Principal Mary Beth Nickolaou on their success, and I wish them continued success as they go on to participate in the State competition this weekend. These gifted young students possess the work ethic and dedication that will make them successful leaders and contributing members of society throughout their lives. I hope that the rest of my colleagues will join with me in applauding the Kenwood Robotiacs for their commendable efforts.

* * *

IN RECOGNITION OF MAYOR KATHY HICKS FOR HER SEVENTEEN YEARS OF SERVICE TO THE CITY OF WALNUT CREEK

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mrs. TAUSCHER. Mr. Speaker, I rise to pay tribute to Mayor Kathy Hicks who is retiring after prominently serving the City of Walnut Creek for 17 years.

A resident of Walnut Creek since 1969, she has served on the City Council since November 1994, the City's Planning Commission and the Park, Recreation and Open Space Commission from 1990 to 1994, for which she served as chair. She also served as vice chair of the Walnut Creek Bicycle Advisory Committee, a member of the Boundary Oak Golf Course Advisory Committee, and the Creek Restoration Plan Task Force. She is past vice president of and current City Council liaison to Friends of the Creek, a non-profit organization supporting the creek restoration plan in downtown Walnut Creek.

Mrs. Hicks represents the City as board member for the Central Contra Costa Solid Waste Authority, for which she served as chair in 1995 and negotiated a historic reduction in garbage collection rates as part of a new, longterm contract. Additionally, she serves on City Council subcommittees focusing on the library, youth and schools, community outreach, and economic development. Mrs. Hicks is also the City liaison to the Transportation Commission and serves as vice chair of the League of California Cities Community Services Policy Committee.

Mrs. Hicks other community activities include membership in the Walnut Creek Open Space Foundation, the Friends of the Library, the Diablo Regional Arts Association, Ruth Bancroft Garden Conservancy, the Gardens at Heather Farm, the Walnut Creek Action for Beauty Council, the Lindsay Wildlife Museum, American Association of University Women, the National Women's Political Caucus and the League of Women Voters of Diablo Valley. Mrs. Hicks is also a 1994 graduate of the Walnut Creek Chamber of Commerce "Leadership Contra Costa."

For the 17 years Mrs. Hicks has served the city of Walnut Creek, her hard work and dedication has proved to be a great asset to the community. Today, I am proud to commend her for her service to the community, her dedication to duty and her commitment to the people of Walnut Creek.

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IN HONOR AND RECOGNITION OF DR. MARK H. COLLIER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Dr. Mark H. Collier, a distinguished leader and man of rich faith and vision whose unparalleled commitment to the Baldwin-Wallace College community, especially the learning, growth, and development of its student body, has touched the lives of all at B–W.

Dr. Collier, the seventh president of Baldwin-Wallace, has served in this capacity since 1999. Prior to assuming this role, he served as Vice President for Academic Affairs and Dean of the College for 18 years. He guided the curriculum and instruction, enrollment, continuing education, and multicultural affairs with strength, passion, and vigor. Dr. Collier came to B–W in 1974 as chaplain and professor of religion, before serving as pastor of the North Olmsted United Methodist Church. His academic expertise and contributions are equally significant.

During his time leading Baldwin-Wallace, he led multiple planning efforts, including a campus-wide master plan, which have enhanced Baldwin-Wallace's ability to continue to achieve its mission in the future. He continued to shape the culture of Baldwin-Wallace to reflect values of diversity, expression, global interconnectedness, and spirituality. His numerous accomplishments are not only reflected in the success of the college and campus atmosphere, but perhaps most important, in the societal contributions of its students and graduates.

In addition to serving Baldwin-Wallace, Dr Collier's considerable commitment to the Cleveland-area community and beyond is evident in his volunteer work with the United Way, Leadership Cleveland, the Greater Cleveland Roundtable, and groups.

Mr. Speaker and colleagues, please join me in honor and recognition of Dr. Mark H. Collier, as he leaves the post of President of Baldwin-Wallace College in Berea, Ohio, an academic institution which I know has benefited in tremendous ways through his time, effort, and leadership throughout the past 31 years.

RECOGNIZING MAYOR PAT KUHN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Pat Kuhn for her exceptional service on the Oakdale City Council from 1992 to 1994 and as Mayor of Oakdale from 1994 to 2006.

During her tenure as Mayor, Miss Kuhn set an example for surrounding communities with her emphasis on public safety, education, and anti-graffiti laws. In 1996, Mayor Kuhn was appointed by then Governor Pete Wilson to the California Commission of Teacher Credentialing, a position that required Senate Confirmation, and was responsible for accrediting state colleges and setting education criteria for the teaching professionals for the State of California.

Mayor Kuhn has been honored for her contributions by the State of California and her community through her designation as "Woman of the Year" by the California Assembly and by receiving the Rotary Paul Harris Fellow in 2005.

Mr. Speaker, I rise to recognize Mayor Pat Kuhn for her many years of commitment and dedication. I urge my colleagues to join me in wishing her years of continued happiness and success.

IN HONOR OF NANCY ANN BUDDEN

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. FARR. Mr. Speaker, I rise today to honor my good friend Nancy Ann Budden as she transitions to a new career. She currently serves as Associate Provost for Strategic Development at the Naval Postgraduate School in Monterey, California, and as of December 1, 2006 she will become the Director for Counter Terrorism Technology under the Secretary of Defense.

Nancy graduated from Carmel High School with the highest honors, earned her Bachelor of Sciences in Earth Sciences from the University of California at Santa Cruz in 1974, went on to get her Master of Sciences in Marine Geology from Oregon State University's School of Oceanography in 1977, and also took an M.B.A. at California Lutheran University's Graduate School of Business in 1982, again with highest honors. From earth science to counter terrorism seems like a big step, but it's not at all surprising for those of us who know Nancy.

In 1977 Ms. Budden joined Union Oil Company of California, (UNOCAL), as an exploration geologist and oceanographer. There she conducted research and wellsite geology, and served as chief scientist on research vessels conducting exploratory cruises off the shore of California.

In 1983 she joined the National Science Foundation in Washington D.C. as a White House Placement in the Reagan Administration, where she worked in Science Policy and Planning for the Assistant Director for Geosciences.

Nancy began a long career with NASA in 1988 at the Johnson Space Center in Houston, Texas, where she was Manager of the Office of Science Integration within the Lunar and Mars Exploration Program Office. During those years she participated in mission planning for human missions to the Moon and to Mars, published technical papers in professional journals and books, spoke to professional and government audiences around the world, and appeared on television programs and films dealing with the human exploration of space. She accepted several special assignments: Project Scientist for the NASA and NSF Antarctic Space Analog Program, and Acting Deputy Director of NASA's Mission Development Office. Nancy continues her association with NASA to this day as Acting Chair of NASA Headquarters Advisory Committee on Planetary Protection, and as Visiting Scientist to the Lunar and Planetary Institute. She is also an Associate Fellow of the American Institute of Aeronautics and Astronautics.

In 1999 Nancy's husband, R. Terrance Budden, President of UNOCAL, was transferred to Dhaka, Bangladesh with UNOCAL Bangladesh, Ltd. Nancy and their son, Spencer, accompanied him on this assignment. Nancy worked two years there as Director of the Office of External Affairs. In that short period of time Nancy was instrumental in building the first tuberculosis hospital in Bangladesh, four regional libraries, and seven schools. She was a team leader for the regional joint USAID and UNOCAL Polio Campaign, and in 2000 she coordinated national flood relief efforts with CARE and Shell Oil Company.

After Bangladesh she returned to the Monterey Bay area with her family and began yet another career at the Naval Postgraduate School as Associate Provost for Strategic Development. In this capacity she worked with various directorates within the defense, intelligence and academic realms to advance the mission and accomplishments of NPS. These included the Office of the Secretary of Defense, the Combatant Commands, Combating Terrorism Technology Task Force, OSD Office of Stabilization and Reconstruction, Departments of Homeland Defense and Homeland Security, the Office of Naval Research, NASA, the National Science Foundation, and advisory bodies such as the Defense Science Board, National Research Council, and the Naval Research Advisory Committee.

I have known and worked with Nancy over a number of years, but especially in helping save the NPS and DLI from base closure efforts. Her inside work was most helpful and in the end, successful.

Mr. Speaker, I join her colleagues, friends, and family in congratulating her on this well-deserved promotion.

RECOGNIZING BUSINESSWOMAN AND ENTREPRENEUR KATHLEEN M. BALUS

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. HIGGINS. Mr. Speaker, I rise today to pay tribute to one of western New York's business leaders. Kathleen M. Balus will be honored tomorrow, Friday, November 17, by her corporation, Pioneer Credit Recovery, for her lifetime of achievement.

Ms. Balus founded Pioneer Credit Recovery while a senior at the State University of New York at Buffalo. She graduated with a B.S. in business administration. Following graduation, Ms. Balus incorporated Pioneer and built it into the industry-leading collection agency that it is today.

Ms. Balus has, throughout her career, been recognized as one of western New York's most distinguished business leaders. She has been awarded four Entrepreneurial Excellence Awards from Working Women Magazine. She has also been awarded the 1999 Better Business Bureau's Torch Award for Marketplace Ethics; the Wyoming County Business Development Corporation's Retail/Service Business of the Year; U.S. Small Business Administration's 2000 Small Business Person of the Year for the State of New York; Buffalo Niagara Partnership's ATHENA Award; MDA's 2005 Humanitarian of the Year; and in 2006, she was named a New York State "Woman of Distinction."

Ms. Balus has also affected her community through her efforts in the public sphere. She has served as a Sardina town board councilmember; Sardina town supervisor; member of the Small Business Administration Advisory Board and the board of Wyoming County Business Development Corporation. She is a past president of the New York State Collector's Association as well as serving two terms on the board of directors.

Mr. Speaker, it is with great pleasure and gratitude that I stand here today to recognize the work of Kathleen M. Balus, a business leader and admired community member of the western New York region.

TRIBUTE TO EULA HALL

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. ROGERS of Kentucky. Mr. Speaker, I rise today to pay tribute to Ms. Eula Hall, an exceptional Kentuckian. On October 27, 2006, friends and colleagues of Eula Hall gathered at the Mud Creek Clinic on Kentucky Route 979, KY 979, in Grethel, KY, to celebrate the life and accomplishments of a brave mountain woman. As a result of a resolution passed unanimously by the Kentucky General Assembly, KY 979 will be renamed Eula Hall Highway.

For the past 40 years, Eula Hall has probably traveled Kentucky Route 979 more than anyone else. She was a woman with a mission—to bring quality health care to people who had no medical insurance and could not afford to pay for things like visits to the doctor, shots, prescription medicine, much less surgery, physical therapy, and other more expensive treatments and procedures. She's made it her life's work to make sure that no one within her reach goes without the basic health care they need to live full, productive lives.

Born on Greasy Creek in Pike County, Eula didn't start school until she was 9 years old. She remembers crying on her last day of the eighth grade because she knew she couldn't continue her education. The closest high school was about 20 miles away, and school buses did not travel that far out in the county. She had six brothers and sisters; her parents didn't own a vehicle and as farm workers they couldn't afford to send her to boarding school or college.

In 1973, as a young mother raising five children on her own, she realized the terrible toll that lack of proper health care took on people without money or insurance. She organized screenings using medical students from the University of Kentucky and Vanderbilt as well as volunteer nurses and physicians. They found undiagnosed tuberculosis, pneumoconiosis—black lung, diabetes, heart disease, and high blood pressure. Shortly afterward, Eula managed to get a clinic licensed to operate on Mud Creek in Floyd County. The Mud Creek Clinic opened in a rented house on Tinker Fork, which it quickly outgrew. Hall moved the facility to her own home on Mink Branch. Her house was bigger and easier to get to. But it meant moving her family into a mobile home. Eula Hall picked up patients and took them home because many of them had no means of transportation.

By 1977 the clinic merged with Big Sandy Health Care, which remains its parent organization today. Today, there are 24 employees, including two full-time physicians, a full-time certified physician assistant, and a part-time doctor. The clinic is housed in a modern brick building with another facility behind it that houses a dental clinic and food pantry. Now she even works to get people their rightful Social Security and other benefits. Eula Hall is 78 years old but still goes to work at 8 o'clock every morning.

Mr. Speaker, on behalf of my colleagues and myself, I want to thank Eula Hall for her sacrifices and service on behalf of the people of Floyd County, KY. Her dedication and integrity are an inspiration to us all.

KATHRYN OPPERMAN

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. GERLACH. Mr. Speaker, I rise today to honor Kathryn Opperman on her installation as the President of the Montgomery County Association of Realtors.

Kathryn will now lead a group of 300 local real estate agents committed to outstanding ethical and professional service to the community. The organization, formed over 85 years ago, is the local arm of both the Pennsylvania and the National Association of Realtors. Kathryn was inducted as president at a ceremony on Friday, December 1, 2006.

Kathryn is an agent with the Century 21 Alliance in Blue Bell, Pennsylvania. She joined the Central Montgomery County Association of Realtors in 1986 and rose to various leadership roles before it merged with several local real estate groups to form the current association in 1998.

Kathryn has shown her commitment to the associations by serving on several committees, including the Technology, Finance, Grievance, Education and Professional Standards Committees. She was also appointed to the Board of directors in both organizations.

Kathryn currently holds the position of Vice President for the local group, and she serves as a Director and a member of the Standard Forms Committee for the Pennsylvania Association of Realtors.

In addition to the dedication she shows to her organization, Kathryn, a former nurse, volunteers her energy and time to the community through numerous church, civic, and charitable organizations. She balances all of her community commitments with caring for her two daughters and husband in Norristown.

Mr. Speaker, I ask that my colleagues join me today in honoring Kathryn Opperman on her installation as the President of the Montgomery County Association of Realtors and extending best wishes for a successful tenure in leading this outstanding professional organization.

PERSONAL EXPLANATION

HON. CHARLIE NORWOOD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. NORWOOD. Mr. Speaker, on rollcall No. 523, H. Res. 1078, congratulating the St. Louis Cardinals on winning the 2006 World Series, had I been present, I would have voted "yes."

PANTEGO BIBLE CHURCH CELEBRATES 100 YEARS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. BURGESS. Mr. Speaker, I rise today to congratulate Pantego Bible Church for 100 years of service and involvement in the Fort Worth and Pantego communities. Pantego Bible Church is located in the 26th District of Texas.

Since opening the doors of a small, thatched shelter in 1906, Pantego Bible Church has encouraged the ministry, fellowship, and outreach of its members. Pantego Bible Church has grown through the years and now conducts services in a beautiful campus. Under the faithful guidance of their five senior pastors, Pantego Bible Church has flourished as a cornerstone of worship in our community for the past century.

Mr. Speaker, I am honored to represent this congregation. I congratulate Pantego Bible Church as they celebrate 100 proud years of cultivating a commitment to ministry. I look forward to many years to come.

TRIBUTE TO NORMA R. HAGENOW

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to Norma R. Hagenow as she is honored by the Boy Scouts of America Tall Pine Council. The Tall Pine Council has named Norma their Distinguished Citizen of the Year and held a banquet on November 30 to express their appreciation for her support over the years.

Norma Hagenow is a graduate of the Trinity Lutheran Hospital School of Nursing, received a bachelor of science in nursing from Milton College, and has a master's degree in business administration from Indiana State University.

After serving as the vice president of Care with Carondelet Health System in Tucson, AZ, Norma also was vice president of operations for the Mercy System in Des Moines, IA. She came to Genesys Health System in January 1999 as the executive vice president and chief operating officer and assumed the presidency in May 2001. In addition to her position with Genesys, Norma is also the president and senior partner of CenterPoint, LLC, a healthcare consulting firm in Arizona; serves as adjunct faculty with several universities; and has written course curriculums at these schools.

She has had several articles published in national journals, contributes to the National Public Policy dialogue at the Brookings Institute, serves as chair of the Certificate of Need Program for the State of Michigan, was appointed by Governor Jennifer Granholm to the State of Michigan Council for Labor and Economic Growth, and was a health care expert on the United States Secretary of Labor's Committee on Changing Demographics in the Workforce from 2002 to 2004. As a member of the national level Clinical Excellence Team for Ascension Health, Norma has direct input into the operations of the largest non-profit healthcare delivery system in America.

Since her arrival in the Flint, MI, area she has been very supportive of the Tall Pine Council, the Boy Scouts of America and the Annual Friends of Scouting Campaign. The Tall Pine Council serves over 16,000 youngsters in Genesee, Lapeer and Shiawassee Counties.

Mr. Speaker please join me in congratulating Norma Hagenow upon receiving the Distinguished Citizen of the Year Award from the Tall Pine Council. I commend her for her service to the community and wish her the best in the coming years.

RECOGNIZING CHARLES H. HORRELL, JR.

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to recognize an outstanding Federal employee, Mr. Charles H. Horrell, Jr., on the occasion of his retirement from the Department of the Navy after 38½ years of dedicated service to our country.

During his career, Mr. Horrell's contributions to the Navy have varied, ranging from naval gun ammunition to aircraft carriers. He has specialized in multiple career fields including engineering, logistics, and program management. From this diverse portfolio he has risen through the ranks from junior project engineer to senior leadership.

Mr. Horrell began his career in 1968 as a project engineer for air launched weapons at the Naval Ordnance Station in Indian Head, MD. Relocating to the Naval Weapons Support Center in Crane, IN, in 1970 he served for 10 years in various design and in-service engineering positions, completing multiple overseas TDY tours in Southeast Asia and South America, and working independently with both deployed U.S. naval forces and foreign navies.

In 1980, he was selected for a position in the Naval Sea Systems Command responsible for the program and life cycle management of conventional naval ammunition. In 1986, he was selected as director of program management in the Mine Warfare Ships Program Office where he oversaw program, logistics and business/financial management operations.

In 1994, he was selected as the director of logistics in the Aircraft Carrier Program Office. He later served in various leadership positions in the Aircraft Carrier Program including deputy program manager and director for in-service carriers. Most recently he was elevated to the position of assistant PEO in the Aircraft Carrier Program Executive Office where he served as the director for strategic planning and alignment and director for human capital planning and management.

Beyond undergraduate studies in physics, his academic pursuits include graduate work in public administration, program management, executive leadership, and business management. He has studied at American University, Virginia Tech, the University of Virginia, Darden, and Duke University, Fuqua School of Business. He is widely recognized for his expertise in program management; he has achieved membership in the DoD Acquisition Corps and is certified in multiple acquisition career fields.

Throughout his career Mr. Horrell has distinguished himself and earned the respect of his subordinates, peers, and superiors. His contributions have been recognized through the award of both the Navy Meritorious Civilian Service Medal, two awards, and the Navy Superior Civilian Service Medal, two awards. He has been a loyal and dedicated civil servant who has contributed unselfishly and with pride to the defense of our Nation. It is my pleasure to acknowledge his distinguished career.

HAPPY BIRTHDAY, DR. JOHN WITHERS

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. VAN HOLLEN. Mr. Speaker, I rise today in recognition of a venerable public servant and retired veteran, Dr. John L. Withers, born on September 18, 1916, in Greensboro, North Carolina and now living in my congressional district.

Dr. Withers served as a first lieutenant during World War II, commanding a segregated African-American quartermaster company, and received an honorable discharge in 1947. Despite strict Army regulations and the difficulties imposed by segregation, Dr. Withers always performed bravely and with the highest moral and ethical standards. Indeed, during the war, Dr. Withers courageously rescued two Polish Jewish orphan boys from the Dachau concentration camp. Thanks to his heroic efforts, one of those boys became a successful businessman in Connecticut. Dr. Withers stayed in touch with that young man all of his life.

After serving as a professor at Wayne State University in Detroit, Dr. Withers devoted his life to international development efforts. He was stationed in Laos, Thailand and Burma before serving with the United States Agency for International Development (USAID) in Seoul, Korea in 1960. Later, he worked as a USAID representative in India before becoming Director of USAID's regional services office in Nairobi, Kenya. His primary responsibility included supporting the operations of various USAID missions in nine African countries, including Sudan, Ethiopia and Somalia. His last duty before retiring was to serve as USAID Mission Director for Ethiopia.

Dr. Withers recently celebrated his 90th birthday with his devoted wife Daisy and his sons John Jr. and Gregory. I urge my colleagues in the U.S. House of Representatives to join with me in honoring Dr. Withers on this wonderful occasion and to recognize him as a man of good deeds, a sharp wit, gentle sense of humor and outstanding accomplishments. I am delighted to wish Dr. Withers a year of good health and happiness and to thank him for his extraordinary contributions to our country.

TRIBUTE TO MAYOR SHEILA YOUNG

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. STARK. Mr. Speaker, I rise today to pay tribute to the Honorable Sheila Young upon her retirement as Mayor of the City of San Leandro, California. Mayor Young has served from 1998 to 2006 and is the only female mayor in the city's 135-year history to serve two complete terms of office.

Mayor Young's distinguished public service is noteworthy. She served two terms as Chair of the Women Mayors of America within the U.S. Conference of Mayors Caucus, has represented all of the cities in Alameda County as a Director/Commissioner with the Metropolitan Transportation Commission and the Bay Area Air Quality Management District, and has served as President of the Alameda County Mayors Conference. In June 2006, she received the Distinguished Service Award from the U.S. Conference of Mayors.

As the first elected Co-Chair of the Oakland Airport Noise Forum, Mayor Young served for 8 years and is currently Ambassador to the Forum working nationwide on issues of importance in aviation and community involvement.

Mayor Young is actively involved as a speaker and expert in disaster preparedness for Alameda County. She is a charter member of Sundance Summit, a Mayor's Gathering on Climate Protection, and was a participant in the 2003 Jerusalem Conference of Mayors in Israel.

Her other accomplishments during her exemplary tenure as mayor included the creation of the Mayor's Community Fund in San Leandro to assist nonprofit organizations as well as her oversight over the largest building period in the history of the city of San Leandro, including the development of the new Marina Auto Mall, the rebirth and rebuilding of Bayfair Center, the creation of the new U.S. Postal Service Distribution Center, as well as an increase in new quality housing.

Mayor Young has received numerous awards and certificates for her outstanding contributions locally, statewide and nationally. She is engaged in a host of community and civic activities and is active on the speaker circuit sharing her knowledge about city government, environmental and transportation issues and public policy.

A retirement event will be held in the Mayor's honor on January 19, 2007. I join the city, her friends, colleagues and admirers in thanking Sheila Young for her dedication and commitment. She leaves an indelible mark of positive change.

A TRIBUTE TO ALTON A. BURTON, PE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Alton A. Burton, PE, a distinguished member of the New York City community. It behooves us to pay tribute to this outstanding leader and I hope my colleagues will join me in recognizing his impressive accomplishments.

During the course of history there have been a select few people known as visionaries. Mr. Burton is one these visionaries that view our world not as it necessarily is, but as it can be.

Alton A. Burton was a U.S. Air Force lieutenant, serving as bombardier, navigator, and pilot during World War II. After distinguished service in our Armed Forces as a Tuskegee Airman, Mr. Burton pursued the power of ideas through higher education by obtaining a Bachelor of Science and Masters Degrees in

Civil Engineering. He also obtained a license as a Professional Engineer, PE, in the State of New York. Soon after receiving his degrees and license, Alton A. Burton, PE, joined the staff of the Port Authority of New York and New Jersey in design engineering. Mr. Burton's assignments included contract plans for various facilities, including marine terminals. Little did Mr. Burton know that he was being positioned by the hand of destiny for something more. During the 1950s and 60s, Mr. Burton toiled in the eye of the storm of civil and political unrest, a time of cultural, human and civil rights crisis. Against all odds, Alton A. Burton was able to understand the situation and conditions of a racially charged environment and era that would have been deemed impossible. In 1962, the late Governor Nelson A. Rockefeller of New York, appointed Mr. Burton the Chief Civil Engineer in charge of the planning phase of the multi-billion dollar project known as the World Trade Center.

In the minds of most Americans, the deeply disturbing images of the inferno that engulfed the Twin Towers and then the crumbling to the ground after being hit by two hijacked commercial airliners 5 years ago on 9–11–01, will never be forgotten. Most of us are unaware that over 40 years ago, Chief Civil Engineer Alton A. Burton designed and fortified the infrastructure, which accounted for the reliability of the Twin Tower structures to withstand tremendous force, including that of an earthquake. Chief Civil Engineer Alton A. Burton and his team of civil engineers had no idea that some 40 or so years later, terrorists would fly jets into the towers. Because of the fortification of the infrastructure, due to Mr. Burton's vision and preparation for the unexpected, the towers as damaged as they were, managed to hold—giving our first responders, EMS, NYPD, FDNY and other emergency units a grace period to do what they do best, save lives. If not for Chief Civil Engineer Alton A. Burton's vision of a fortified infrastructure, the World Trade Center's Twin Towers would have immediately toppled to the streets below. With steel beams heating to over 3000 degrees F, the infrastructure still managed to endure. The North Tower held for 1 hour 42 minutes and the South Tower for 56 minutes before the total collapse. We note with regret that approximately 3,000 lives were lost that infamous day and we offer our sincere condolences to their families. However, keeping in mind Mr. Burton's efforts to fortify the infrastructure with the best materials known to architectural and civil engineering at that time, between 10,000 and 20,000 individuals were safely evacuated from the towers and surrounding areas, so many more lives were saved.

Chief Alton A. Burton's prolific civil engineering work carries with it profound moral and philosophical insight, possessing power without arrogance, bringing redemptive clarity whose truths have never been more necessary, as we honor the lives of those that were lost and their legacy by how we live. Alton A. Burton, PE, has risen at the age of 82 years-old to become a Great American Hero, and we claim him as one of our own, both in title and in spirit. As our Nation moves forward with a unified purpose, we realize that purpose is perhaps more significant than outcome. It is what we all become in the process to embrace all of the opportunities this country has to offer is the real purpose. Alton A. Burton continues to live his life with purpose. The people of the City of New York, the United States of America and the world became a better place because Mr. Burton has given us all his best; and he has created a mark in American history and the world that cannot be erased.

Mr. Speaker, I believe that there are no words too magnanimous to fully describe our gratitude; we thank former Chief Civil Engineer Alton A. Burton for inspiring modesty, selfless devotion of the advancement of humanity, through his devoted service to the United States of America.

Mr. Speaker, I believe that it is incumbent on this body to recognize that in Alton A. Burton, PE, we have an outstanding citizen worthy of the highest respect and esteem, from his community, the City of New York and our Nation.

TRIBUTE TO JERRIS LEONARD, A GREAT AMERICAN

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. HALL. Mr. Speaker, I am honored today to pay tribute to a great American, outstanding public servant, and an esteemed colleague and good friend, the Honorable Jerris Leonard, whose sudden passing on July 27, 2006, was mourned by his family and countless friends whose lives he touched. Jerris's life was devoted to God, family, country, and his fellow man, and he leaves a legacy of integrity and service that will long be remembered and appreciated.

Jerris received his undergraduate and law degrees from Marquette University, where he was president of the Marquette student body and was elected to Alpha Sigma Nu, the National Jesuit Honor Society. Following graduation from Marquette University Law School in 1955, Jerris began his career in Wisconsin. He was elected to the Wisconsin Assembly in 1956, representing the North Shore suburbs of Milwaukee. In 1960 he was elected to the state Senate and became Senate majority leader in 1967. In 1968 he was the Republican nominee for the U.S. Senate, but lost to incumbent Senator Gaylord Nelson.

In 1969 Jerris moved his family to Washington, D.C., when he was appointed by President Nixon and confirmed by the U.S. Senate as Assistant Attorney General for Civil Rights. He served in that capacity until 1971, when President Nixon appointed him the first Administrator of the Law Enforcement Assistance Administration, a position he held for the next two years. Jerris remained in Washington, where he has been actively engaged in the practice of law and advocacy. Most recently, in 2005, he launched The Leonard Group to focus on legislative and lobbying activities. He also served on the Bush-Cheney Transition Department of Justice Advisory Committee, which helped the Administration find key candidates for the agency.

In recognition of his considerable accomplishments, Jerris was the recipient of the Lifetime Achievement Award from Marquette University Law School in 2000. In 1969 he received the Belle Case LaFollette Outstanding Professional Award from the Wisconsin Law Foundation. He is the author of numerous articles and was frequently invited to speak to groups throughout the United States.

Jerris was one of the original true conservatives, who championed core conservative values throughout his career and through his service in various organizations, such as Free Congress. His intellect and experience were invaluable to advancing the conservative agenda, and his engaging personality and enthusiasm for policy and politics were contagious. Jerris was a true statesman who made friends on both sides of the political aisle.

His friendships extended well beyond the realm of politics and career, however. He made friends in all walks of life. "He treated everyone the same, and that is what I think made him special," said his daughter Kate Leonard. On the day he was to be sworn in by President Nixon as an assistant attorney general, Jerris gathered his children and instructed them that they were going to meet the President, but they were to remember that the man who parks the car is just as important and just as deserving of respect.

Jerris was devoted to his wife, Mariellen, to whom he was married for 52 years, and to his family. He took an active interest in the lives of his six children and attended countless sports events and other activities in which they were involved. In addition to Mariellen, he is survived by his children, Mary Leonard Ralston and husband David, Gib Leonard and wife Joni, John Leonard and wife Jeannine, Kathleen (Kate) Leonard, Francis Leonard and wife Kelly, and Daniel Leonard and wife Kelly, 16 grandchildren, and four great-grandchildren. He was greatly loved.

Mr. Speaker, many of our colleagues in the House of Representatives knew and admired Jerris Leonard. I valued his friendship and advice, as did so many others, and we will greatly miss him. It is impossible to fully grasp the breadth and depth of a life of someone like Jerris, who gave every project or responsibility his very best effort and who lived his life with boundless enthusiasm and compassion. He was a role model and mentor to so many, and he leaves a powerful legacy that will last for generations to come. As we adjourn today, let us do so in tribute to this great American, dedicated public servant, and truly great man—Jerris Leonard.

PAYING TRIBUTE TO PHIL WELLAND

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Mr. Phil Welland for his endless kindness to those members of our community who are less fortunate.

Phil spent hours dedicating his life to providing various items to charity organizations to help those in need. He sewed blankets, handbags, smocks for kindergarten students for finger painting, and even some graduation gowns for grade school students.

Phil was born on March 27, 1913 and worked for 40 years as a lithographer for National Can in Maspeth, NY, where he worked as supervisor. Under his direction, the company honored a contract to make bomb shells and other can items during World War II. In 1988, he and his family moved to Las Vegas, Nevada.

When he was a young man, Phil learned to sew and, from that, his passion grew, reaching the lives of hundreds of less fortunate people through various charity organizations. After he retired and his wife passed away, Phil moved in with his daughter and her family where he purchased two separate sewing machines to accomplish his work. He began making bags and smocks for young people for Paragon Pools, his son-in-law, Joe Vassallo's company, which was doing charity work for Street Teens at the time. Over the years, he donated at least 500 bags to Street Teens. Other charity organizations that he donated his handiwork included Child Focus, the Red Cross, the Salvation Army, St. Jude's Ranch for Children, CCSD Title 1 HOPE education resource organization for homeless students, NECHN Partial Care—a New Jersey hospital servicing the mentally challenged—and New Jersey's St. Thomas preschool/kindergarten.

What made Phil's work unique, though, was the tag he placed inside each finished product. Each little tag read, "Made Especially for You by Phil Welland." He always thought ahead and, even though he recently passed away, his final donation of bags and blankets will be this Christmas to Child Focus.

Mr. Speaker, I gladly rise today to honor a selfless citizen who dedicated his life to helping others. His warmhearted acts of kindness will truly be missed by those he touched.

PAYING TRIBUTE TO LT. COL. (RET.) JAMES M. GRECO

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. SALAZAR. Mr. Speaker, I rise today to pay tribute to the life of retired Lieutenant Colonel James M. Greco of Canon City, Colorado—a beloved husband of 37 years, father of two, corrections official and veteran, who passed away on November 27th.

It was a privilege to know Jim and I offer my deepest condolences to his family and friends.

Jim was born in Pittsburgh and graduated from Immaculate Conception High School in Washington, PA. After graduation, Jim enlisted as a United States Marine and served in Vietnam in 1965.

Jim earned his B.A. from Northwestern Oklahoma State University, an M.A. from Oklahoma City University, and an M.A. from the Army Command and General Staff College. He received an Army Reserve Commission in 1974 and retired in 2004, after having served a decorated and distinguished military career.

Jim worked as a corrections official with the Federal Bureau of Prisons for 25 years, holding various assignments throughout eight states.

Prior to his death, he worked as a defense contractor and was scheduled to deploy to Africa later this month in support of ongoing military operations worldwide.

But Jim will be remembered most as a kind and gentle soul, whose charisma and caring nature endeared him to his many friends and family members.

Although Jim left us at far too young an age, he made the most of every day that he spent on this earth. We can all learn from his example.

For his dedication, courage and service to our nation, he will be greatly missed. But he will live on in the memories of the many people whose lives he touched.

May he rest in peace.

TRIBUTE TO DR. AND MRS. DAVID AND NANCY GROSS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. VISCLOSKY. Mr. Speaker, it is with great pride and sincerity that I take this time to honor Dr. and Mrs. David and Nancy Gross of Schererville, Indiana. On Sunday, December 3, 2006, David and Nancy were honored for their years of service and many contributions to the Jewish Federation of Northwest Indiana and the community it serves. The Jewish Federation of Northwest Indiana honored David and Nancy at the 2006 Northwest Indiana Israel Dinner of State, which was held at the Jewish Federation Community Building in Munster, Indiana.

David Gross, originally from Canton, Ohio, has always proved himself to be a dedicated member of the Jewish community. From a very young age, David realized the need for community participation in causes aimed at supporting the State of Israel. As a fourth grade student, David's abilities in this regard began to emerge, as he organized an event that would raise over one thousand dollars for the Jewish United Fund (JUF). Throughout his youth, David was committed to the goals of the JUF, to help provide for the survival and welfare of the Jewish people and to benefit all mankind. Since relocating from Chicago to Northwest Indiana, following completion of his residency in Ophthalmology, David has continued to spend much of his spare time working with the Jewish community. He has served on numerous committees with the Congregation Beth Israel (CBI), and he has also contributed a great deal of time working on the Jewish Federation's annual fundraising campaign.

Nancy Gross, a native of Highland Park, Illinois, has always shared the same compassion and willingness as her husband to serve. Nancy has made her commitment to the Jewish community known through her contributions to several organizations, including ORT, which strives to educate communities with the skills and knowledge necessary to succeed in an ever-changing environment and to foster self-sufficiency. Nancy has also served on and chaired several committees, including programs of the Jewish Center Youth Camp and K'ton Ton, where her children attended, not to mention her many contributions to the CBI, where she currently serves on the school board. Like David, Nancy has seen the importance of the Jewish Federation's annual fundraising campaign, even serving as co-chair for the campaign. Nancy's commitment to youth and her willingness to share her time and talents with her community is truly remarkable, and for this, she is most deserving of the honors bestowed upon her.

While they remain truly committed to the Jewish community, David and Nancy's greatest enjoyment is the time spent with their three beautiful daughters: Samantha, Rachel, and Elly. David and Nancy's commitment to improving the future for the youth and the entire Jewish community is surely an extension of their commitment to their daughters.

Mr. Speaker, at this time, I ask that you and my other distinguished colleagues join me in congratulating Dr. and Mrs. David and Nancy Gross as they are honored for their service and dedication to the Jewish community. Their years of service have touched and improved the lives of all whom they have served. Their unselfish and lifelong dedication is worthy of the highest commendation, and I am proud to represent them in Congress.

RECOGNIZING THE DEDICATION OF THE NEW FAIRFIELD CORDELIA LIBRARY

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mrs. TAUSCHER. Mr. Speaker, I rise to recognize the Grand Opening of the new Fairfield Cordelia Library in the City of Fairfield, California.

On December 14, 2006, at 10:00 a.m., the new Fairfield Cordelia Library, located on 5050 Business Center Drive, in Fairfield, will open its doors to the public.

Constructing a library in the Cordelia and Lower Green Valley area of Fairfield was identified as a top priority in the Solano County Library's 20-year Facilities Master Plan that was developed in 2000 and was also listed as a top priority of the citizens in the area.

The new library will provide access to the residents of the Cordelia and Green Valley areas of Fairfield, which due to their location and traffic conditions are far removed from convenient library access.

The two-story, building will provide a civic presence that includes a library and city offices for residents in the area.

The City of Fairfield partnered with the County of Solano and the State, to build the $14.5 million, two-story 29,000 square foot facility.

As the lead agency, the City of Fairfield will be the owner of the facility and the County of Solano through the Solano County Library will provide library services.

The Solano County Library's mission statement reads: The Solano County Library offers professional, innovative, cost-effective service by providing library materials, resources, information, entertainment and life long learning opportunities to enrich the lives of the people of Solano County.

The City of Fairfield will continue to partner with the Fairfield-Suisun Unified School District, Solano County Office of Education, and Friends of the Fairfield and Suisun Community Libraries to provide educational services the library and meet the goals as envisioned by the Solano County Library.

As the citizens of Fairfield open their new library, I would like to recognize the City of Fairfield and their partners for this achievement and extend my congratulations.

IN RECOGNITION OF JIM ROKAKIS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. KUCINICH. Mr. Speaker, I rise today to celebrate the efforts of Mr. Jim Rokakis, who has dedicated his life to public service in Ohio. Mr. Rokakis has improved life for all residents of Cuyahoga County as he initiates sweeping reform from the treasurer's office. He has been dedicated to both economic development and job creation and retention.

Mr. Rokakis has served diligently both Cuyahoga County and Ohio. Mr. Rokakis represented Cleveland's Ward 15 as councilman for 19 years, the final seven of which he served as Chairman of the Finance Committee. As councilman, Mr. Rokakis aided in upgrading Cleveland's bond rating, improving the city's investment returns, was a leader in developing the Gateway Sports Complex, responsible for Cleveland's gun buy-back program, the Indoor Clean Air Act, the creation of Cleveland's Housing Court, and a law aimed at fighting car thefts. Since 1997, Mr. Rokakis has excelled as Cuyahoga County Treasurer where his innovative ideas have revolutionized the county's investment and collection procedures.

Mr. Rokakis has significantly improved Cuyahoga County's investment function, increasing the county's return and the diversification of the portfolio, while significantly reducing the fees spent on advisory services. He worked successfully to pass several Ohio House bills to better serve the state. In addition, Mr. Rokakis' work has earned him the recognition of The Cleveland Plain Dealer who in 1999–2001 awarded the county's portfolio as having the best performance among those evaluated for the period; as well as being honored by the State of Israel Bonds for his values and ideals rooted in democracy and the inalienable rights of working men and women. Specifically, Mr. Rokakis developed the Home Enhancement Loan Program, the first of its kind in the country, which has received the Community Impact Award from Dominion East Ohio/Inside Business Magazine, an award from the National Association of the Remodeling Industry, and won the 2003 EPA Smart Growth Award. As treasurer, Mr. Rokakis has aided in developing numerous programs to better all residents from students to seniors.

Mr. Rokakis is a proud graduate of Oberlin College and Cleveland-Marshall School of Law. He serves the important role of husband and father to his wife Laurie and their three children.

Mr. Speaker and my fellow colleagues, I ask you to rise with me in recognition of Mr. Jim Rokakis' contributions within Ohio. I anticipate seeing what great accomplishments Mr. Rokakis holds in his future.

RECOGNIZING HUTTON HOUSE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Hutton House, a State-licensed youth shelter, for providing 30 years of steadfast commitment to troubled teens and their families in Central California.

Hutton House began in 1976 with the goal of providing a safe, temporary shelter for runaway, homeless, and youth in crisis. In addition to providing the shelter, it is also a goal of Hutton House to provide resources aimed at keeping these youth off the streets, out of the criminal justice system and to aid in mending relationships with their families.

For the past 30 years, Hutton House has made great strides to meet and expand its original goals. The center has been remodeled to accommodate up to eight youth, and some of the services they now offer are: individual, group and family counseling; meals and snacks for both residential and non-residential clients; bus passes and transportation to medical appointments; coordination of medical, dental and counseling services; youth development activities; reunification planning so that youth can return home or to another permanent housing situation; substance abuse intervention; and parent education. Hutton House is currently the only facility helping youth from Stockton to Fresno and from the foothills to the Bay area.

Mr. Speaker, I rise to recognize Hutton House for 30 years of dedication and philanthropy to troubled youth and their families. I urge my colleagues to join me in wishing Hutton House years of continued beneficence and success.

IN HONOR OF TED BURKE AND BOB MUNCEY

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. FARR. Mr. Speaker, I rise today to recognize the generosity of the co-owners of the Shadowbrook Restaurant in the city of Capitola, Ted Burke and Bob Muncey, The Shadowbrook is known as one of the best restaurants in Santa Cruz County. But I am not here to commend them on their wonderful cuisine. I stand here today to thank them for their humanity and kindness to those in need.

Since 1982, Big Brothers Big Sisters of Santa Cruz County has created one-on-one mentoring relationships between children and responsible, caring, and dependable adult volunteers. These volunteers provide guidance and friendship to children in need. Many times these adults act as role models to children who lack this type of support system in their homes. The vast majority of the children live in very low-income, single-parent households. The mentoring services of Big Brothers Big Sisters have proven effective in preventing juvenile delinquency and decreasing school drop out rates. It also improves self-esteem, as well as peer-family relationships. By exposing children to new opportunities, the volunteer mentors show that options do exist; no matter how difficult the child's situation or life experience.

In 1986, Ted Burke and Bob Muncey began a tradition of closing down the Shadowbrook Restaurant to host a luncheon for the little brothers and sisters and their mentors. Ted Burke has carried on this tradition. During the past 20 years, over 1,000 children and volunteer mentors have shared the warmth of the holiday season at a restaurant many of the children may never have had the pleasure to dine at. Not only do the co-owners provide an amazing festive meal to the children, but the staff of the establishment volunteer their time to serve the children and volunteers.

Ted is no stranger to the challenges of raising a family. He has been a single parent and knows the value of mentoring in a child's life. He values those who take their time to spend with children, and he is aware that many of these children neither expect nor ask for anything in return. For many of the children, the holidays serve as an additional reminder of the hardship they face, as there may be very few if any gifts beneath the tree. Ted and his staff kindly share the holiday spirit with these children. This annual luncheon is a way to not only thank the mentors for their dedication and service, but to bring joy to the children during the holiday season.

Mr. Speaker, for all of these reasons it is with gratitude that I acknowledge the Shadowbrook Restaurant during this holiday season for 20 years of unselfish giving.

RECOGNIZING THE NEW ERA CAP COMPANY ON THE OPENING OF THEIR NEW CORPORATE HEADQUARTERS

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. HIGGINS. Mr. Speaker, I rise today to pay tribute to one of western New York's premier local corporate citizens, New Era Cap Company.

New Era began producing hats in Buffalo in 1920 and has been one of the local communities most stable companies ever since.

While the production and corporate facilities moved to the rural region surrounding the city of Buffalo, New Era has always remained loyal to western New York.

New Era is and will always be a western New York company, and they proved that point once again when their new corporate headquarters opened in the heart of downtown Buffalo, Saturday, November 25.

For their investments made into the community and their commitment to excellence, I pay tribute to the New Era Cap Company as they embark on another chapter in their marvelous history.

TRIBUTE TO CLYDE A. THOMAS, SR.

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. ROGERS of Kentucky. Mr. Speaker, I rise today to pay to pay tribute to an exceptional Kentuckian, Judge Clyde Thomas. After serving 16 years as Rowan County Judge Executive, Judge Thomas is retiring and embarking on a new stage of life. I want to express my deepest gratitude for his many contributions and years of public service.

Clyde Thomas' service in Kentucky began almost 50 years ago as a dispatcher for the Kentucky State Police. In 1964 he graduated from the Kentucky State Police Academy and 6 years later was promoted to Detective Sergeant after earning the highest test score in the history of the Kentucky State Police. Clyde Thomas was later promoted to Lieutenant and graduated from the FBI National Academy. Before his retirement in 1984, Clyde Thomas made many positive changes and contributions to the Kentucky State Police, including serving as the first president of the Kentucky State Police Professional Association.

With this keen law enforcement background and a commitment to our community, Clyde Thomas was elected Rowan County Judge Executive in 1989. During his tenure, Judge Thomas has been a strong leader for various job creation and community development projects transforming this rural county into a formidable, regional economic engine. Judge Thomas has championed countywide sewer and infrastructure improvements including the recent expansion of the Morehead Wastewater Treatment Facility. Through his efforts, more than 1,500 homes and businesses have adequate sewer. Another 100 sub-standard road bridges have been upgraded, and over 250 miles of roadway paved all under his careful watch.

Judge Executive Thomas has kick-started several long-term growth initiatives including securing a new Army National Guard Readiness Center, expanding regional healthcare and educational facilities, and working with county neighbors to construct industrial development zones. I particularly want to acknowledge the Judge's strong backing of the new airport in Rowan County which will be a general aviation hub and important gateway to eastern Kentucky. By bringing local leaders together and working with the State and federally elected leadership, including myself, Judge Thomas has brought a first-rate, 5,500 foot, safe and secure airport to our region. This project will bring economic benefits and a robust aviation industry well into the future.

Mr. Speaker, I want to thank Judge Clyde Thomas for his sacrifice and service on behalf of the people of Rowan County, KY, and the entire Commonwealth. Although his days as Rowan County Judge Executive are drawing to a close, I know his contributions will live on for many years to come. I want to wish him and his family all the best for this new chapter in life.

HARRY P. MIRABILE, SR.

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. GERLACH. Mr. Speaker, I rise today to honor Harry P. Mirabile, Sr., who was named the Man of the Year Award at the Sicilian Businessmen of Norristown Luncheon on Monday, December 4th.

Harry was born in Norristown, Pennsylvania in 1935 to an Italian immigrant mother and a local Norristown businessman. The youngest of six children, Harry grew up with a strong sense of family, faith, philanthropy. Harry left school at the age of 16 to join the family beverage business. However, before leaving school, Harry met Seda Scoma, his wife, in the 7th grade at Rittenhouse Junior High School. The couple was married on November 4, 1956 and have three children, Joseph, Susan, and Harry Jr., as well as a growing number of grandchildren.

Harry's strong Catholic faith has been a guiding light throughout his life. Harry has dedicated his life to serving his church and community. He was the chairman of the Holy Saviour Church Building Committee fundraiser, chairman of the Columbus Monument Elmwood Park fundraiser, and participated in the Bishop Kenrich, Centennial Capital Committee of Holy Saviour Church, Sacred Heart Hospital and Montgomery Hospital fundraising efforts. Harry is also the chairman of the Norristown Police Athletic League fundraiser, chairman of the Invest in a Cop initiation, and a trustee for the Plymouth Township Police Department fundraiser. Additionally, Harry served for 6 years on the East Norriton Township Board of Supervisors and was chairman for 2 of those years.

When not serving others, Harry enjoys golfing at area golf clubs and he continues to honor his family's Italian heritage by co-founding and participating in the Italian American Heritage Club and Camelot Club in Norristown.

Mr. Speaker, I ask that my colleagues join me today in honoring Harry P. Mirabile, Sr. on being selected the Man of the Year by the Sicilian Businessmen of Norristown and for his years of exemplary service and commitment to the Norristown Community.

MEDICAL CENTER OF LEWISVILLE CELEBRATES 30 YEARS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. BURGESS. Mr. Speaker, I rise today to celebrate the 30th anniversary of the Medical Center of Lewisville, located in the heart of the 26th district of Texas.

The Medical Center of Lewisville provides state-of-the-art medical services in its beautiful new facility, and is administered by a truly supportive and caring staff. Beyond saving lives, the Center has been very active in promoting comprehensive health initiatives and participating in a wide variety of local programs to benefit the community for the past three decades.

After working and serving at the Medical Center of Lewisville, it is particularly heartwarming to know that it is celebrating its 30th year. The staff, physicians, and nursing personnel truly make the Medical Center of Lewisville a unique institution. It provides exemplary, cutting-edge medical care without losing its sense of humanity and compassion.

Mr. Speaker, I congratulate the Medical Center of Lewisville on its 30th anniversary. I am proud to have this facility in my district and look forward to many more years of quality health care and service to our community.

TRIBUTE TO RICHARD GROVOM

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. KILDEE. Mr. Speaker, I ask the House of Representatives to join me in paying tribute to Richard Grovom as he prepares to donate his 307th pint of blood to the American Red Cross.

Richard began donating blood in 1945 when he was in the U.S. Army. One of his fellow soldiers needed emergency surgery and Richard stepped forward and donated blood. He continued donating on and off over the next 10 years until 1955. At that time his oldest daughter was born with a peptic ulcer. She was 2 days old, bleeding, and was given donated blood. The kindness of that anonymous person inspired Richard and he decided to make donating blood an ongoing part of his life. His motto is "It is better to give than receive."

When Richard had donated his 36th gallon of blood the Red Cross presented him with a case to hold the gallon pins he had earned over the years. He has now earned both his 37th and 38th gallon pins and the blood he donated when stationed at Camp Roberts in California is not included in this amount. A resident of Grand Blanc, Michigan, Richard is a retired tool and die foreman with Chevrolet. He is part of the elite group of Americans that donate blood. The American Red Cross estimates that 5 percent of our population donates blood, but 95 percent of Americans will need blood at least once in their lifetime.

Mr. Speaker please join me in congratulating Richard Grovom for his immense achievement and may God bless him for his generosity to his fellow citizens.

HONORING SPENCER COUNTY STUDENTS FOR THEIR PARTICIPATION IN NATIONAL HISTORY DAY

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to recognize six remarkable students from the Spencer County School System for their participation and high achievement in the National History Day Competition held last month at the University of Maryland.

National History Day is an innovative history education program for students in grades 6–12 who are interested in improving their historical knowledge in a fun and challenging environment. Each year, students choose a topic congruent with an annual theme, conduct research, then synthesize and analyze their findings into a paper, exhibit, documentary or performance. These projects are then evaluated at the local, state, and national levels. Finalists from each level advance to the next round of competition.

This year's theme was "Rights and Responsibilities in History." Ten Shelby County students, who placed first or second at the state contest held at the Kentucky History Center in Frankfort last April, traveled to Washington, DC. to compete in the national contest at the University of Maryland, June 15–19. Together, they demonstrated great academic prowess, teamwork and sportsmanship before a regional audience, representing competitive values that make Kentucky proud.

I would like to commend Maureen McCoy, Paige Walls, Joel Fickel, Ashleigh Steever, Chase Thomas and Breisa Baker for their accomplishment. I would also like to recognize the effort and support of their coaches. I am very proud to represent these students, educators and their families.

I ask my colleagues in the U.S. House of Representatives to join me in congratulating these students for their achievement and wish them continued success in their promising future years.

IN RECOGNITION OF POLICE CHIEF RANDAL MICHAEL ULIBARRI

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. STARK. Mr. Speaker, I rise today to pay tribute to Randal Michael Ulibarri, Chief of Police of the Union City, California Police Department. Chief Ulibarri is retiring after 30 years of exemplary service on the force.

Chief Ulibarri grew up in Fremont and first worked at the Pacific States Steel Mill in Union City and joined the police department in 1976. As an officer, he served as a member of the Department's Specialized Enforcement Response Team (SERT) and held the positions of Detective and Field Training Officer.

He rose through the ranks and was promoted to Sergeant on October 16, 1986. As a sergeant, Chief Ulibarri served as the SERT team leader. His other assignments included Personnel and Training Manager, Crime Prevention and Research Analysis Supervisor, and patrol watch commander. He is a graduate of the Herman Block Supervisory Leadership Institute.

On October 25, 1995, Chief Ulibarri was promoted to lieutenant and was assigned as the SERT team commander and in addition was assigned to the Administrative Division and Field Operations Division. He is credited with developing and implementing the Community Policing Program for the Department.

Chief Ulibarri was promoted to captain on December 15, 1997 and was responsible for administrative oversight over both the Support Services Division and the Field Operations Division. He attended the FBI National Academy in Quantico, Virginia and graduated with the 192nd class. He is a member of the California Police Chief's Association and the International Association of Chiefs of Police.

On July 20, 2000, Chief Ulibarri was promoted to the position of Chief of the Union City Police Department. During his long and distinguished career, two of his most noteworthy accomplishments are the development of the Volunteer Program and the Police Chaplain's Program.

Chief Ulibarri's colleagues, friends, family and admirers will come together on January 13, 2007 to honor his illustrious career as he retires after years of dedicated law enforcement service. I join in thanking him for a job well done.

A POSTHUMOUS TRIBUTE TO ERNESTINE THOMAS MORRISON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Mrs. Ernestine Thomas Morrison. Mrs. Morrison was a distinguished member of the Brooklyn, New York community. It behooves us to pay tribute posthumously to this outstanding leader and I hope my colleagues will join me in recognizing her impressive accomplishments.

Ernestine Thomas Morrison was born on June 8, 1935 in Birmingham, Alabama to Virginia Kirkland Allen Thomas and Ernest Thomas. During her early childhood years, she lived in Birmingham and Pittsburgh, Pennsylvania after the death of her father, who passed away when she was just 2 years-old. At age 12, her mother passed on and Ernestine went to live in Brooklyn, NY with her sister and brother-in-law, Cleopatra Allen Riley and Clifford Riley. Although her sister was just 22 years-old, Ernestine recognized her not only as her sister, but as a mother. Ernestine attended P.S. 41 and graduated from the old Girls High School in Brooklyn. She married the late Roscoe Morrison, a Korean War veteran and later they had three children, Ruth, Lavinia and Charles.

Mrs. Morrison more than loved her children; she doted over them, as they were her life. While they were in elementary school, she worked part-time in the schools that they attended to be certain that her children had the best teachers and received the best services that the schools had to offer. All who knew her, knew that her love for children went beyond her own children, as she adopted her friends' children, her children's friends, her clients, her clients' kids etc., and she had the pictures to prove it.

She was elected president of the Parent Teachers Association at P.S. 243 and JHS 210; and in those roles she served as a member of the local school board for Districts 16 and 17. Additionally, she managed a summer recreation program for the youth of Albany Houses, which included several athletic teams that competed against other teams from the housing developments around New York City. Mrs. Morrison coached the Albany Houses Girls' Volleyball Team and as a first-time coach, her beloved team brought home the city championship trophy.

Mrs. Morrison was a strong voice for African-American studies in schools and open enrollment. She compelled the principal of her children's elementary school to not only order more black history books, but to allow the children to borrow those books that were already in the library. She worked with Reverend Milton A. Galamison on open enrollment for New York City public schools, a tumultuous issue of that time. Mrs. Morrison's activism in the NYC school system presented her with the opportunity to meet on several occasions with the late Governor Nelson A. Rockefeller. Open enrollment in New Yark City went from a concept to a reality and children all over the city were now able to attend schools outside of their neighborhoods. It was no surprise that Mrs. Morrison's activism led her to politics. She was a very active member of Unity Democratic Club: She worked on the campaigns of the then Assemblywoman Shirley Chisholm, who later became the first African-American woman elected to the U.S. Congress. Other elected officials she worked with included the late Assemblyman Thomas R. Fortune; District Leader Narcissus Frett; Judges Thomas R. Jones, James Shaw and James Hutchinson; Assemblyman Edward Griffith and Congressman EDOLPHUS "ED" TOWNS.

She was also a member of Community Planning Board 5, which covers East New York, Spring Creek and Cypress Hills.

As her children grew older, she started a career in social work with the New York City Human Resources Administration. After her retirement in 1992, she went back to live in her birth home of Birmingham, Alabama, the place that she loved so dearly and longed to go back to. After being away for 50 years, Mrs. Morrison was in for a rude awakening. She was a New Yorker, no longer a Southerner and she didn't quite fit into the Southern lifestyle. Consequently, in 1999, she returned home to Brooklyn.

On Friday, August 22, 2003, God called home one of his best soldiers.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Mrs. Ernestine Thomas Morrison as she spent many years offering her love, talents and services for the betterment of our local and national communities.

Mr. Speaker, Mrs. Ernestine Thomas Morrison's selfless service continuously demonstrated a level of altruistic dedication that makes her most worthy of our recognition today.

PAYING TRIBUTE TO LARRY WILLIAMS

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor the accomplishments and service contributions of Larry Williams, Veterans Services Coordinator for U.S. VETS–Las Vegas.

Mr. Williams has risen above the challenges of life and has triumphed over adversity to become a leader in the ranks of the U.S. VETS and as a 2005 AmeriCorps alum. AmeriCorps is the only national service collaboration serving homeless veterans. Before his service with AmeriCorps, Larry was a recipient of their charity. On July 29, 2003, an AmeriCorps member reached out to him, providing guidance and service. Larry attributes this simple act of compassion from Ron Bass as his turning point from hopelessness to a renewed life and future.

Just 3 months later, in October 2003, Larry was able to begin his journey of recovery upon entering the U.S. VETS–Los Angeles program. It was here over a 10-month period that he started to regain his independence and embark upon his own service within the Compensated Work Therapy Program. During this time he began to dream of helping other people in the way he had been helped by becoming an AmeriCorps member himself. Within a year, after being reunited with his wife and children in Las Vegas, Nevada, that dream of helping others came true.

Larry's service in AmeriCorps Outreach allowed him to meet with homeless veterans and non-veterans alike on the streets of Las Vegas, in shelters and in desert camps. It is estimated by the Veterans Administration that there are 4,300 homeless veterans in Las Vegas alone. With one in every three adult homeless males being classified as a military veteran, Larry's personal journey has made the time and attention he renders a priceless contribution in helping to alleviate these unfortunate statistics. As Veterans Service Coordinator for U.S. VETS in Las Vegas, he provides clinical support services to approximately 450 veterans in a given year while also providing the support needed to help them plan for successful and stable living. Larry also provides residential and moral support for formerly homeless Veterans living at U.S. VETS.

Mr. Speaker, it is my privilege to honor Larry Williams for his shining example of hope and service. He truly is a success story that deserves to be told. I applaud his service and dedication and wish him the best in his future endeavors.

RECOGNIZING RETIRING SUISUN CITY MAYOR JIM SPERING

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mrs. TAUSCHER. Mr. Speaker, I rise to recognize Suisun City mayor, Jim Spering, who after serving 20 years as the mayor of Suisun City will be stepping down to assume his newly elected position as the Solano County supervisor for District Three in January.

Under the leadership of Jim Spering, the city of Suisun constructed a new city hall on the waterfront, symbolizing Suisun City's transformation from what the San Francisco Chronicle rated as "the worst city to live in" to what is now considered a jewel on the water. City hall, which for many years was located in a trailer, was "the only city hall in California that was registered with the Department of Motor Vehicles." The city now contains some of the best public spaces in the county, has a vibrant downtown, the quality of housing has improved tremendously, and the city's crime rate has dropped dramatically.

Similar to Billy Beane, the general manager of his favorite team, the Oakland Athletics, Jim has been creative in finding innovative solutions during times of fiscal stress.

In addition to his leadership position on the Suisun City council, Jim Spering has assumed a leadership role on regional transportation issues. This has earned him the reputation as Solano County's "go to guy" on transportation matters. Jim Spering has been past chairman of the Metropolitan Transportation Commission for the 9-county San Francisco Bay area region and is currently on the board. At the MTC, Jim helped found the Transportation for Livable Communities Program which provides incentives for pedestrian and transit-oriented developments that strengthen the link between transportation, land use and community goals.

Jim Spering has also represented Suisun City or Solano County on several boards and commissions including the City Housing Authority, the Solano Transportation Authority, and District, and Capitol Corridor Joint Powers Board. Jim has been a tremendous asset to the city of Suisun and Solano County as one of their most experienced and valued mayors. His efforts earned for him the high esteem of his associates and the appreciation of the public.

As Jim Spering steps down as mayor of Suisun City, I would like to thank him and his wife Pam for their commitment and service to the community of Suisun City. I wish Jim the best of luck in his new leadership role on the Solano County board of supervisors.

IN HONOR AND RECOGNITION OF MR. RICHARD W. DURST

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Richard W. Durst, as he assumes the role of president of Baldwin-Wallace College, an extraordinary institution of higher learning in Berea, OH.

Mr. Durst comes to the Cleveland area after 6 years as dean of the College of Arts and Architecture and executive director of University Arts Services at the Pennsylvania State University. He will undoubtedly succeed in continuing to build Baldwin-Wallace's academic recognition, especially in the areas of arts, music, and theater as an international expert in theater set design and the role of the arts in academic training.

His creative work has been featured in group exhibitions in Beijing and Seoul, and he was invited to design the world premiere of The Belltower for the Paris Opera. He also was the codesigner of the United States' exhibit for the 1999 Prague Quadrennial, the world's largest and most prestigious exhibition of theater design and theater architecture.

He brings to B–W demonstrated strengths in curriculum development and review, administration, recruitment and retention planning, fund raising and facilities construction and management. He has already received distinction for receptiveness, presence, and academic stature which has connected with all of the portions of the college community.

Mr. Speaker and colleagues, please join me in recognition and welcome to Mr. Richard W. Durst, an individual with both significant academic accomplishments and a record of community involvement which will positively add to the campus community of Baldwin-Wallace and the Cleveland area in general, and I look forward to working with him to further enrich the College and all elements of higher education.

HONORING BETTY ORTEN

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. UDALL of Colorado. Mr. Speaker, I rise today to recognize and honor the life of Mrs. Betty Orten, a great Coloradan who passed away on November 24, 2006, the day after a spirited Thanksgiving celebration with her family. She demonstrated great leadership and social conscience in civic affairs and will be missed by friends and loved ones.

Betty Orten grew up on military posts as her father's career as an Army officer took his family across the country, overseas, and finally to Colorado. Betty graduated from high school in Colorado Springs and then went on to receive a degree in history and sociology from the University of Colorado. While at the University of Colorado, she met her future husband, Russell Sage Orten. In 1951, they married and made their home in Westminster, Colorado.

After graduation, Betty began a career as a social worker and also became involved in the Democratic Party. She served as a precinct committeewoman, Democratic State vice chairperson, Adams County Democratic chairperson, and Democratic National Committee member. In 1974, after all of her hard-earned experience in social work and politics, she was elected to the Colorado House of Representatives.

Betty served as a representative for four terms, as well as one term as the House caucus chairwoman. Throughout her career, she concentrated on issues concerning the disadvantaged. She focused on dental care for the elderly, help for battered women and displaced homemakers, housing for single-parent families, and child care for single moms.

Those who knew Betty have fond memories and undoubtedly recognize her remarkable impact on them and fellow Coloradans along with Colorado politics. Betty was a role model and an example for women as she took leadership roles and worked tirelessly for the disadvantaged. Betty was always thoughtful, honest, and persuasive in work and politics.

In 1997, I had the privilege to be a representative in the Colorado House of Representatives where inspiring stories of Betty's labors and personality still resound. She was a true pioneer who broke new ground throughout her political career and in her numerous leadership positions.

If the measure of a life well-led is the impact that a person has on others, then Betty's impact is broad and deep. We all owe her a debt of gratitude and respect, and I ask my colleagues to join me in celebrating and remembering a life of service while expressing our deepest sympathies for her family's loss.

IN HONOR OF ALFIE TEWFICK KHALIL

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. FARR. Mr. Speaker, I rise today to honor the memory of a good friend and great American who passed away tragically on November 18, 2006. Alfie Tewfick Khalil was a native of Egypt who came to this country in the late 1960s. In 1979, Alfie joined the faculty of the Monterey-based Defense Language Institute (DLI) where he taught Arabic to U.S. military personnel. He soon stood out as a leader among the DLI faculty. In 1980, he became a shop steward with AFGE Local 1263, the union representing the DLI faculty. By 1987, he was elected president of Local 1263.

In the post 9–11 world, foreign language is a national security tool. In 2005, General John Abizaid, Commander of U.S. Central Command, testified before the House Appropriations Subcommittee on Military Quality of Life and Veterans Affairs, that the "ability to cross the cultural divide is not an Army issue. It is a national issue. We have to be able to deal with the people in the rest of the world as the globe shrinks in terms of communication and problem solving and sharing." DLI plays an indispensable role in moving this defense strategy forward. But DLI can't do it without its faculty. They are native speakers of their mother languages who, like Alfie, come from the distant places all over the globe to help our Nation better defend itself.

Alfie understood this and made the advocacy for DLI faculty and staff his life's work. After my first election to Congress, I learned quickly that there were two people I needed to know at DLI: the commandant, a Colonel so and so who would retire or move on in a year or two, and Alfie, who would always be there. Alfie made his presence felt in so many ways.

One of the best examples of this was his hard work on behalf of "locality pay"—the small salary boost for Federal workers based in particularly high cost areas. Alfie pointed out that Monterey County was, indeed, one of those areas, but that the Federal Government still considered it rural so DLI faculty were paid at much lower rates. Alfie and I worked together for more than 3 years to secure a decision by the Office of Personnel Management that Monterey County-based civil service workers deserved locality pay. This hard work on Alfie's part has helped DLI attract and retain the best language teachers in the world.

Alfie was about more than pay at DLI, however. He was about professionalism. That became clear in the recent fight to keep DLI off the base closure list. Alfie was a never-ending resource to my office and the BRAC Commission. He provided information and statistics on the level of expertise and depth of training of the DLI faculty. With this information it was easy to make the case that DLI could not be recreated anywhere else—that it was dependent on and unique to the talent of the Monterey area. Alfie was a key player in keeping DLI open and in Monterey.

Mr. Speaker, I know that I speak for the entire House in sharing our most sincere condolences to Alfie's family both here in the United States and in Egypt and to his extended family of students and colleagues throughout the DLI community.

HONORING NYS ASSEMBLY MAJORITY LEADER PAUL A. TOKASZ

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. HIGGINS. Mr. Speaker, today I rise to commemorate the career in public service of an outstanding representative of the residents of Western New York—retiring New York State Assembly Majority Leader Paul A. Tokasz.

Paul Tokasz served honorably as Member of Assembly in the 143rd District from the time of his initial election in a special election in 1988 to this very day. Paul will end his service in the State Assembly at the end of this year.

A graduate of Hobart and Buffalo State Colleges, Paul began his career in public service as a Buffalo Public School teacher. After teaching elementary school for several years, Paul was elected Clerk of the Erie County Legislature, and later accepted appointment as a Deputy County Clerk in the administrations of the late Genevieve Starociak and current County Clerk David J. Swarts.

In early 1988, following the November 1987 election of then-Assemblyman Dennis T. Gorski as Erie County Executive, Paul became a candidate for the open seat in the 143rd Assembly District. Paul handily won election in 1988, was re-elected later that year, and never again faced a serious challenge for re-election.

We know why he never faced a serious challenge—because Paul was and is an outstanding public servant, a capable and effective Member of "the people's house," who steadfastly defended Western New York while in service in Albany.

Over the years, Paul earned several important committee posts, including the chairmanship of the Assembly's committees on Election Law, where under Paul's leadership a state constitutional amendment was adopted to implement the 1993 federal "Motor Voter" law. Paul also chaired the Assembly's committee on Tourism, Arts and Sports Development, where he emerged as a statewide leader and an advocate for cultural tourism, particularly as it impacted Western New York, and his advocacy in increasing opportunities for cultural institutions to gain access to State capital funds as a means of expanding economic development in local communities.

The apex of Paul's Assembly career coincided with his ascension into the Assembly's formal leadership structure, culminating in his January 2001 appointment by Assembly Speaker Sheldon Silver as Majority Leader. As Majority Leader, Paul assumed responsibility for directing the day-to-day operations of the legislative session in the Assembly chamber, serving as floor leader, setting the daily agenda, and overseeing debate and voting on all legislation coming before the house. As someone who served under Paul as a rank-and-file member for 4 of my 6 years, I was witness to the tremendous skill and dignity he displayed in that role. Simply put, Paul performed remarkably in that role.

Speaking on a personal level, when I came to the State Assembly as a freshman member in 1999, Paul was someone I sought out immediately as a person with a tremendous amount of institutional knowledge—as someone with 10 years of seniority, Paul clearly had knowledge of the institution of the State Legislature that I did not myself possess. Paul was a tremendous help to me as I gained an understanding of the inner workings of Albany, and I have always credited his help and guidance as of critical importance.

In 2004, when New York's 27th District seat in Congress suddenly came open, Paul and I were both potential candidates. As days wore on, Paul and I met, and he soon offered me his unconditional support. Paul co-chaired my successful election campaign in 2004, and has been an ally and a friend as I have sought to effectively represent Western New York in Congress.

Paul has a great many accomplishments about which to be proud, but knowing him as I do, Paul takes no greater pride in any of his personal accomplishments than that which concerns his family. Paul and his Sylvia are parents of three outstanding adult children, Kristie, Jennifer, and Andrew. Paul and Sylvia also rightly take tremendous pride in their three grandchildren, Jacob and Bradley Kantor and Sydney Tokasz. To his immense credit, Paul's decision to retire from public service at such a relatively young age was undertaken out of his sincere desire to spend more time with his family.

Paul Tokasz is a tremendous example of a dedicated, effective public servant, and I was and remain proud to call him a governmental colleague. More to the point, I am prouder still to call Paul Tokasz my friend. In closing, Mr. Speaker, I ask you to join me in wishing Paul, Sylvia and their entire family good luck and Godspeed in all of their future endeavors.

IN RECOGNITION OF THE SERVICE OF JANET FITZGERALD

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. BURGESS. Mr. Speaker, I rise today to recognize the service of Janet Fitzgerald as the Denton Parks and Recreation Director. Ms. Fitzgerald will be retiring from 15 years of service to the city of Denton in the 26th District of Texas.

Ms. Fitzgerald joined the city of Denton as a park planner in 1991. After demonstrating years of leadership and dedication to the city of Denton, Ms. Fitzgerald became the parks and recreation director in 2003. Under her visionary direction, Denton's parks have received national recognitions and awards, including Excellence in Aquatics, the Gold Medal for Excellence in Parks and Recreation Management, and the Texas Gold Medal, the highest award from the Texas Recreation and Parks Society.

Ms. Fitzgerald has the enriched lives of Denton community citizens through comprehensive recreation initiatives and a wide variety of local programs. Denton Mayor Perry McNeill noted that the city will miss her presence in the city of Denton.

Mr. Speaker, I am proud to recognize Janet Fitzgerald for her service and leadership in the Denton community. Retiring to spend more time with her daughter and volunteer at her church, I wish Ms. Fitzgerald the best of luck in her future endeavors. Her contributions and commitment to the city of Denton should inspire us all.

TRIBUTE TO THE 100TH ANNIVERSARY OF MOUNT OLIVE MISSIONARY BAPTIST CHURCH

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. KILDEE. Mr. Speaker, I rise today and ask the House of Representatives to join me in honoring Mount Olive Missionary Baptist Church as they celebrate 100 years of worship. The church is holding a banquet on December 9 to kickoff a yearlong celebration of the centennial anniversary.

In 1902 several members of Flint, Michigan's African-American community gathered with the Reverend William Lyons at the home of Mrs. Sarah Howard and held worship services. They aspired to organize an official church and in 1907 their dream was realized. A church home was established on Ward Street, now Twelfth Street, and Mount Olive Missionary Baptist Church was born.

Over the years the church moved twice until it found a permanent home at 424 Kennelworth Street in 1950. Under the guidance of Reverend Robert T. Turpin the church grew. Reverend Turpin led the congregation for 33 years and made many improvements to the property including the construction of Turpin Fellowship Hall.

Reverend Roy I. Greer became the pastor in 1972. Reverend Greer has directed the sanctuary renovations, installed a new baptistery, refurbished the offices and classrooms. In 1999 the Family Life Center was constructed. The basketball court, kitchen, and classrooms are the cornerstone of the community outreach spearheaded by Reverend Greer. The recreation center has provided a place for young people to gather in a safe, loving environment.

As the first African-American Baptist Church in the Flint area, Mount Olive Missionary Baptist Church has fostered many persons that went on to become ordained ministers of the Word of God. It has stood as a beacon of light for every social justice movement over the past 100 years and continues to provide solace and help for the most vulnerable in our community.

Mr. Speaker, please join me in congratulating Mount Olive Missionary Baptist Church as they celebrate 100 years of consecrated service to Our Lord, Jesus Christ. May they continue to act in the Name of the Lord for another 100 years.

IN HONOR OF THE 100TH ANNIVERSARY OF THE SAN LEANDRO PUBLIC LIBRARY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. STARK. Mr. Speaker, I rise today to pay tribute to the 100th anniversary of the San Leandro, CA, Public Library. San Leandro's first free public library was established in January 1906 and was located at the old City Hall on Davis Street.

On January 31, 1906, the Library Board of Trustees appointed Mary Brown as San Leandro's first official librarian. Her starting salary was $12.50 a month and she served as librarian from 1906 to 1938.

In 1907, plans were made to construct a library building. Library Trustee Talcott P. Cary donated the 35-acre plot and wealthy steel magnate Andrew Carnegie donated $10,000 towards its construction. William H. Weeks, an architect famous for designing Carnegie libraries, was selected. The library's dedication ceremony was held on May 14, 1909.

The old Carnegie library was demolished to make way for a new 1½-story library building. The architect was Francis Joseph McCarthy. The new library, dedicated on January 15, 1961, was over 44,660 square feet and had a capacity for 120,000 books. Its features included two garden courts, a lecture hall, several meeting rooms and an art studio.

Retrofitting and renovation of the 1961 main library began in 1997. The library was expanded to a two-story building and 75,000 square feet. Its grand opening was on December 16, 2000 and showcased its impressive features, which include 75 public computers, an electronic learning center, lecture hall, art gallery, 6 meeting rooms as well as a gift shop, café and book store. There are currently over 219,000 books in the San Leandro Library's collection and the library serves an average of 50,000 patrons a month.

I applaud the city of San Leandro and the administrators and staff of the San Leandro Public Library for their exemplary efforts to keep the library functioning with enhanced technology and outstanding patron services.

Happy 100th birthday and best wishes for continued success.

PAYING TRIBUTE TO MASTER SERGEANT KEVIN M. DAVIS

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor MSG Kevin M. Davis for his courageous valor in Operation Enduring Freedom, OEF, and Operation Iraqi Freedom, OIF, and his continued voluntary service in support of the mission.

Master Sergeant Davis is the first sergeant assigned to the Joint Air Ground Operations Group at Nellis Air Force Base, NV. He is a qualified joint terminal attack controller and a tactical air controller/instructor as well as a qualified military freefall jumpmaster, static line jumpmaster, Army pathfinder, and Army air assault. He has been deployed four times in support of OEF and OIF, where he has always been the first to volunteer to serve his country. For his combat heroism, Master Sergeant Davis received the Bronze Star with Valor.

In addition to the Bronze Star, Master Sergeant Davis has received numerous awards and decorations, including the Meritorious Service Medal, Joint Service Commendation Medal, Afghanistan Campaign Medal, Iraq Campaign Medal, and the Global War on Terrorism Expeditionary and Service Medals.

Mr. Speaker, it is with great honor that I recognize MSG Kevin M. Davis for his admirable service in defense of democracy and freedom. He is truly an American hero. I wish him luck with all his future deeds.

IN RECOGNITION OF LETHA ADAMS CANNON'S 100TH BIRTHDAY

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mrs. TAUSCHER. Mr. Speaker, I rise to recognize the 100th birthday of a woman who is not only an example of strength to her family, but to all of us as well.

Born in Hartville, OH, December 11, 1906, Letha was the second-born of 10 children to Alvin and Jesse Adams. The family of 12 resided in Ohio until 1915, when they moved west, on what she describes as "a very long train ride." The family settled on a farm in French Camp, just outside of Stockton, CA.

Letha married Wilfred Cannon in 1928. They raised two children, Ruth and Wilfred, Jr., in the Stockton area.

After Wilfred passed away, Letha persevered, and even began a new career as a nurse. She spent 11 years at St. Joseph's Hospital.

In addition to her roles as a nurturing mother and nurse, Letha has made time for her community. She has been active in the PTA, Grange, Escalon Presbyterian Church, French Camp Vaqueros, and Dixon Community Church.

As if her plate was not full enough, Letha is a prize-winning gardener. Her African Violets took first place at the Dixon May Fair.

Letha also takes pleasure in travel. Even at her age, in the past year, she has flown across the country to New Jersey and Wisconsin.

Letha is blessed with 5 surviving siblings, 2 children, 8 grandchildren, 17 great grandchildren, and 29 nieces and nephews.

Her family and friends have gathered together to celebrate her remarkable age of 100 and to thank her for being their "foster mom," as many fondly call her.

Letha Adams Cannon has spent her life enjoying travel, gardening, and most of all, her family. I wish Letha and her family the best on this momentous occasion.

IN REMEMBRANCE OF TIMOTHY M. SATOLA AND RECOGNITION OF THE SATOLA FAMILY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in memory of Tim Satola. A model citizen throughout his life, Tim's enthusiasm, motivation, and personal drive to help people is echoed in his accomplishments.

A leader all his life, Tim was high school linebacker for the Garfield Bulldogs. His energy and spirit was an inspiration to his teammates and anyone who knew him. On the football team, his passion and energy earned him a reputation as "the light of the team." Tim went on to graduate from nursing school and began his career as a registered nurse shortly before his untimely passing.

Tim's commitment to helping people continues even after his death with the establishment of the Tim Satola Scholarship Fund. His parents, Donna and Dennis Satola, set up the scholarship fund to help students of Garfield Heights High School with the financial burdens of attending college. Already, the fund has awarded two $500 scholarships.

The Tim Satola Memorial Scholarship Fund honors students who share Tim's zest for life and his commitment to helping others. The fund continues the tremendous compassionate spirit that Tim would have wanted to inspire in the students of his high school alma mater.

Mr. Speaker and Colleagues, please join me in honoring the memory of Tim Satola and the continuing inspiration he brings through the Tim Satola Scholarship Fund to the students of Garfield Heights High School.

HONORING THE LIFE OF DR. GILBERT F. WHITE

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. UDALL of Colorado. Mr. Speaker, I rise today to recognize and honor the life of Dr. Gilbert F. White, the "Father of Floodplain Management," who died October 5, 2006 in his home in Boulder Colorado. He will be missed by friends and loved ones, yet the legacy of his social and environmental vision will long continue in communities throughout the world.

Gilbert F. White was born on November 26, 1911 in Hyde Park, Illinois and received his undergraduate and graduate degrees from the University of Chicago. As a graduate student in the late 1930s, he studied the Mississippi River Basin for the federal government when many planners followed a flood control policy based on the construction of dams. White questioned the impact of such projects and suggested alternatives that protected people, as well as floodplain ecosystems. He served as president of Haverford College in Pennsylvania from 1946 until 1955 and taught at the University of Chicago from 1956 to 1969. He was a visiting professor at the University of Oxford in 1962–63, and he chaired the American Friends Service Committee from 1963 to 1969.

In 1970, White joined the faculty of the University of Colorado at Boulder as a Professor of Geography and Director of the Institute of Behavioral Science, remaining active in academic work well into his 90s. He founded the University of Colorado's Natural Hazard Research and Applications Information Center in 1974 which has become the nation's leading repository of knowledge on human behavior in disasters. White's work in natural hazard mitigation changed the way people addressed their surroundings and made the world safer for its inhabitants in the process. In his doctoral dissertation of 1942, White wrote, "Floods are acts of God, but flood losses are largely acts of man." So significant was this work that it has since been called the most influential book ever written by an American geographer.

In an era characterized by the construction of bigger and stronger flood control devices, Dr. White pioneered effective models of flood management that promoted public safety while preserving rivers and waterways. He was a true humanitarian, making extraordinary contributions toward educating governments on the most effective actions available in managing floodplains and alleviating flood losses. Dr. White's persistence convinced the nation to take a broader view in reducing flood risks, culminating with the implementation of the National Flood Insurance Program. This program encouraged responsible floodplain management at the local level and created stronger, safer communities for generations of Americans.

Among White's numerous honors are the National Geographic Society's highest honor, the Hubbard Medal; the United Nation's Sasakawa International Environmental Prize; and the Association of American Geographer's Lifetime Achievement Award. He was also presented with an honorary doctorate from CU-Boulder in May of 2006.

Dr. White's legacy derives from the programs he helped implement. His contributions will continue to keep communities safer and protect the environment while making smart investments in mitigation activities at all levels of government. We all owe this great man a debt of gratitude and respect. I ask my colleagues to join with me in celebrating and remembering this life of service.

IN HONOR OF GENE ARDEN VANCE, JR.

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. FARR. Mr. Speaker, I rise today to honor an American hero, Army SSG Gene Arden Vance, Jr. Staff Sergeant Vance was tragically killed in action while serving in Afghanistan in 2002. Though I never had the honor of meeting Staff Sergeant Vance, I am saddened by his loss and want to share my own condolences and those of this House with his family, friends, and comrades.

Staff Sergeant Vance, Jr. was born on 30 November, 1963, in Frankfurt, Germany, the son of an Army Special Forces officer. He enlisted in the Army in 1981, after graduating from Oceana High School in Oceana, West Virginia. He served in a variety of posts from Germany to Monterey, finally leaving active duty in 1990. In 1992, he enlisted in the West Virginia National Guard, and graduated from the Defense Language Institute's (DLI) Persian-Farsi Basic Course in 1998. He reentered active duty immediately following September 11th, 2001, and he deployed to eastern Afghanistan with the 2nd Battalion, 19th Special Forces Group (Airborne) in February 2002.

On 19 May, 2002, Staff Sergeant Vance's patrol was ambushed by Taliban fighters in the province of Paktika, Afghanistan. Although critically wounded in the initial attack, Staff Sergeant Vance continued to translate battlefield intelligence for Afghan forces in the area, directing them out of danger. His calm actions and command of the situation saved the lives of two fellow Americans and as many as 18 Afghani soldiers, and helped to defeat the enemy ambush. For his actions, Staff Sergeant Vance was awarded the Bronze Star Medal with a "V" for valor in combat, the Purple Heart Medal, and the West Virginia Distinguished Service Medal.

His actions in combat represented the highest level of bravery and professionalism of the American soldier. His actions also represent the unique heroism of the military linguist. In the conflicts that our nation now finds itself in, languages and their key role in understanding and influencing the cultures that they speak for, are essential to our national security. That is why I feel it is so fitting that the Army has dedicated a new barracks building at the DLI in honor of Staff Sergeant Vance, where his service can stand as an example to the current generation of linguists who are the key to prevailing against the terrorism and instability that threaten America.

On a personal note, I am doubly touched because as the Member of Congress who represents California's Central Coast, I worked hard to secure the funding to construct the barracks building that will bear Staff Sergeant Vance's name. At the time, I was simply working with the DLI leadership to help improve the living conditions for their students. I can't overstate now how proud I am that this building will now bear witness to the heroism Staff Sergeant Vance and in his name, all military linguists who will serve in the global war on terrorism.

HONORING BARB MILES

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. HIGGINS. Mr. Speaker, I rise today to honor Ms. Barb Miles for her years of service as the Carroll Town Clerk. Ms. Miles served her community well during her tenure in office.

Public Service is a difficult path to take. Any person with a dream may enter but only a few are able to reach the end. Ms. Miles traveled that path with her head held high and a smile on her face throughout her tenure. I have no doubt that her kind demeanor left a lasting impression on the constituents of Carroll.

Chautauqua County is blessed to have such strong and dedicated public servants with a desire to make this county the wonderful place that we all know it can be. Ms. Miles is one of those people and that is why, Mr. Speaker, I rise to honor her today.

STAFF TRIBUTE

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. SIMMONS. Mr. Speaker, in the closing days of the 109th Congress, Members will rise to acknowledge the departure of their colleagues. Some are retiring of their own volition while others, such as me, are leaving as a consequence of the November elections.

While my colleagues deserve all of the accolades they will receive, I would like to devote just a few minutes to the loyal and capable men and women who have made my six years here in Congress so productive and rewarding. I would like to thank my wonderful staff.

My staff has shared in every success and victory we have had over the past six years. They have also shared in the personal disruption and professional disappointment of leaving this place before our important work is done.

They are as follows:

Todd Mitchell, Chief of Staff, and my alter ego on all issues and decisions, whose steady hand and wise counsel allowed us to assemble and manage a dynamic and productive staff over the past five years;

Erik Heilman and Lise Lynam, Legislative Directors, who energetically and faithfully pursued an aggressive legislative agenda in three committees, eight subcommittees and twenty caucuses, as well as for the District Office;

Justin Bernier, Senior Legislative Assistant, whose acute insights and dynamic energy were largely responsible for saving Naval Submarine Base New London, which in turn saved Connecticut over 31,500 jobs and $3.5 billion in annual revenues;

John Goodwin, Press Secretary and Jonathan Martin, Legislative Assistant, whose hard work and respect for America's working families won me accolades as a "pro-labor Republican" from The Wall Street Journal;

Leigh Hightower, Senior Legislative Assistant of Mansfield, Connecticut, and Amy Pellegrino, Legislative Assistant from Westerly, Rhode Island, whose diligence and sympathy helped us to "keep the promise" to our veterans and improve health care for all Americans;

Meghan Curran, Legislative Assistant from Bolton, Connecticut, whose commitment to the education of our Nation's children resulted in important legislative initiatives, and whose respect for Teachers resulted in her eventually leaving our staff to teach;

Shauna Hewes, Legislative Assistant of Ledyard, Connecticut, whose persistent efforts and negotiating skills were instrumental in passing the Long Island Sound Stewardship Act;

Dan Hartnett, Legislative Assistant, who received, processed and helped answer over 100,000 pieces of mail and countless e-mails so that our constituents were never out of touch with their Congressman;

Emily Cantin, Scheduler of Marlborough, Connecticut, who ran a tight but happy front office, and kept me on time and on message through many busy weeks in Washington, DC;

Will Cox, Staff Assistant of Mystic, Connecticut, whose cheerful demeanor and helpful habits made every visitor to the Washington Office feel welcome and important;

Mr. E.J. Chubbs, my personal Transportation Advisor, who loyally and faithfully ensured that I arrived, departed and moved about the Nation's Capitol in a safe and congenial fashion for six wonderful years;

John Bradley, former Staff Director, Veterans Affairs Health Subcommittee, whose dynamic leadership and concern for the health of our Nation's veterans resulted in a 40 percent increase in funding and numerous legislative improvements in veterans' health care;

Deron McElroy, Staff Director, Homeland Security Intelligence Subcommittee, whose insights and legislative skill were responsible for establishing a productive agenda for this important new subcommittee;

Jane Dauphinais, District Director of Groton, Connecticut, whose management skills and knowledge of municipal government made the Norwich and Enfield offices vital resources to "help the people" of the Second Congressional District's sixty five towns;

Jeff Nelson, Deputy District Director of Groton, Connecticut, who managed and implemented a hectic and sometimes hysterical schedule with calm aplomb, and shared many hours and 120,000 miles on the road in the district;

Joe Bell, Communications Director of Mystic, Connecticut, our office intellectual, who read much and wrote more than was considered humanly possible, all in an effort to educate me and to enlighten the people of the region and the Nation;

Betty Wagner, Constituent Services Director of Colchester, Connecticut, whose organizational skills and caring attitude brought aid and comfort to the many constituents of the district, and provided tenacious advocacy for our farmers and union members;

Linda Camelio, Event Coordinator and Constituent Services Representative for Immigration of Pawcatuck, Connecticut, who helped those in need around the district and around the world, and provided an extra measure of organization and excitement to all our public events;

K. Robert Lewis, Military and Veterans Constituent Services Representative of New London, Connecticut, whose diligent and dedicated work brought medals, benefits, aid and comfort to those who had or were serving our Nation in uniform, as well as to their families, widows and orphans;

Paula Ferrara, Constituent Services Representative and "Grant Goddess" of Westbrook, Connecticut, who coordinated a highly successful effort to bring millions of our tax dollars back from Washington, DC, for the benefit of Fire, Police, Emergency Workers, Schools and all 65 towns in the district as well as helping thousands of Medicare eligible constituents with their Prescription Drug coverage and Social Security issues; and

Al Powell, Executive Office Assistant of Waterford, Connecticut, who was the smiling face and cheerful voice of the Norwich Office, who welcomed visitors and protesters alike; answered tens of thousands of calls, and processed all mail, in and out, without fail for six wonderful years.

I also thank those loyal and devoted professionals who labored long and hard in the Mystic Office: Eric Janney, Esq., of Stonington; Susan Bessette of Pawcatuck; Chris Healy of Wethersfield; Diane Generous of Sprague; Aaron McGarry of Thompson and Heath Fahle of Pawcatuck, Connecticut.

Mr. Speaker, I owe a debt of gratitude to these loyal workers for helping me to help others. They gave life to my vision of a congressional office that truly "helps people" with case work, grants and positive legislation to benefit the Second District, Connecticut and the Nation.

I thank them for a record of accomplishment, and I say thanks for the memories. Working together in a bipartisan fashion with a "gung ho" attitude, we did our best and we did well.

HONORING DR. JUDITH RODIN

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. FATTAH. Mr. Speaker, I rise today to recognize Judith Rodin, a native Philadelphian and former President of the University of Pennsylvania, and to congratulate her on receiving the 2006 Gold Medal Award from the Pennsylvania Society. In her decade long tenure leading the University, Dr. Rodin demonstrated a strong commitment to the Greater Philadelphia region and the West Philadelphia neighborhood in which the University is located. She has proven herself not only an asset to the academic community but more broadly to the City of Philadelphia.

As an established social psychologist, Dr. Rodin has contributed much to our knowledge of pressing social issues and has been instrumental in bringing women's health concerns and behavioral health issues more generally to the forefront. The first female president of an Ivy League institution, she has opened doors for young women across the country and it is with Dr. Rodin's leadership that Penn saw a period of remarkable growth and development strengthening and transforming the University's academic core.

In keeping with her commitment to the common good, she currently serves as President of the Rockefeller Foundation and works to advance that organization's mission of alleviating global poverty. It is a privilege for me to recognize Dr. Rodin and her work. I congratulate her on the receipt of this prestigious honor.

TEMPORARY DUTY SUSPENSION FOR UMBRELLAS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mrs. MALONEY. Mr. Speaker, today I am introducing a temporary duty suspension for certain umbrellas. These include golf umbrellas and fashion umbrellas with non-collapsible shafts for use by men, women and children. The current duty rate on these umbrellas is 8.2 percent, while the duty rate on similar umbrellas with collapsible shafts is 0 percent. There appears to be no purpose for this disparity; and yet it drives up the cost of the noncollapsible umbrellas for U.S. consumers.

This measure is supported by Essex Manufacturing, Inc. whose headquarters are in my district. It also is supported by other leading umbrella producers, including Peerless Umbrella Co. in Harrison, New Jersey; Shedrain Corporation in Portland, Oregon; and Totes in Cincinnati, Ohio. I look forward to working with my colleagues on this measure next year.

IN RECOGNITION OF ERIC VOIGHT

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. GREEN of Wisconsin. Mr. Speaker, it is my honor and pleasure to recognize before this House Eric Voight who was recently awarded Hometown Radio's Employee of the Year honors for his extraordinary service.

Hired straight out of college, Eric Voight had a dream of being in radio programming one day. In just four short years, Voight worked his way up the ladder of success at Hometown Radio, first as a member of the sales team, to sales manager, and now as operations manager. In fact, because of his hard work, Voight is now responsible for the sound of the entire four station cluster operated by Hometown Radio.

Those who know Eric Voight appreciate the little things that make him so deserving of the Employee of the Year award. His motivation, proud Wisconsin work ethic and dedication got him where he is today and I'm sure this is just the beginning.

Mr. Speaker, I congratulate Mr. Voight on receiving this outstanding honor, and wish him continued success in the years to come.

HONORING DR. TED VICK FOR 55 YEARS OF LEADERSHIP THROUGH EDUCATION

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. LEWIS of California. Mr. Speaker, I rise today in recognition of Dr. Ted Vick, a longtime public servant who is retiring after a 55-year career in leadership through education.

Dr. Vick has proven his dedication to educational pursuits by earning his bachelor's degree in elementary education at the University of California at Santa Barbara and a Ph.D. in Education from the University of California at Riverside. His desire to serve in public education led to his service as a principal and vice principal in various school districts throughout his career, including 12 years spent as the superintendent of Adelanto School District. His proven leadership led to 20 years of service on the San Bernardino County Board of Education, and his enthusiasm was quickly noticed by other local organizations. While Dr. Vick dedicated his time to the county board of education, the Needles Unified School District asked for his service when they required another member to join their local district board.

Aside from teaching, Dr. Vick strove to influence others by holding several leadership positions in educational and community organizations. His list of distinguished posts includes the California School Boards Association Delegate Assembly, and the board of directors on the California County Boards of Education. His interest in the needs of the local community is prevalent through his time with the Adolescent and Family Service Center, and while serving on the board of directors for Desert Communities United Way. Dr. Vick's remaining time has been spent devoted to the First Christian Church in San Bernardino, serving as chairman of the board, elder, and deacon.

This relentless involvement in the lives of his fellow citizens has made Dr. Vick an important influence in the community, earning him the well-deserved San Bernardino County School Board Association's 2005 Distinguished Service Award. Although the appreciation of the community is shown on the faces of those whom he has instructed, it was most notably visible in 2005 when Adelanto School District named a local school in his honor; the Theodore Vick Elementary School.

Mr. Speaker, after 55 years of public service, Dr. Vick will retire from his teaching and leadership posts. Although Dr. Vick's presence in the community will be greatly missed, his zeal for leadership and education will continue to inspire the students and adults who have crossed his path. On behalf of the people of San Bernardino County, I ask you and my colleagues to join me in thanking Dr. Vick for his work and in wishing him well in his future pursuits.

A TRIBUTE TO OFFICER SCOTT WERTZ

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. PITTS. Mr. Speaker, today I seek to pay tribute to a true hero of Pennsylvania's 16th Congressional District, Reading Police Officer Scott Wertz.

On Sunday, August 6, 2006, Officer Wertz made the ultimate sacrifice carrying out his duties to serve and protect the people of Reading, Pa.

Officer Wertz's exemplary service is a stark reminder of the valor and honor that our public safety personnel display every single day. When danger arises, these brave men and women run to answer the call. Officer Wertz was no exception, and I honor his great courage and sacrifice.

His 9 years of dedicated service to the Reading Police Department have made the Reading community a safer place to live and work for thousands of families, and we all owe him a tremendous debt of gratitude.

On behalf of a grateful community, I offer my heartfelt condolences to his wife and two sons. They will continue to be in our thoughts and prayers.

ON THE 100TH ANNIVERSARY OF IVY BAPTIST CHURCH

HON. ROBERT C. SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. SCOTT of Virginia. Mr. Speaker, I rise today to congratulate an institution in my hometown of Newport News. On December 1, 2006, the members of Ivy Baptist Church celebrated their 100th anniversary, and I would like to take a moment to highlight the rich history of this church and its contribution to our community.

In 1906, Rev. James Carr, along with Shaddy Clark and J.B. Peyton founded the first ancestor of the Ivy Baptist Church of today. It was called the First Baptist Church Dawson City. First Baptist Dawson was a blessing in a community plagued by crime in a city nicknamed "Blood Field." In 1915, under the leadership of Reverend Carr, the First Baptist Church Dawson City building was purchased for $350 in cash.

Rev. Samuel Brown, the second pastor, moved the church to the 500 block of 18th Street in Newport News and renamed it the 18th Street Baptist Church.

In 1923, the church elected its third pastor, Rev. James M. Bray. After 27 years of growth, witnessing and fellowship under Reverend Bray, the church sold its building at 18th Street, and a new church was built at 1612 Ivy Avenue at the cost of $60,000. Based on this change of location, the church was renamed Ivy Avenue Baptist Church in 1952.

In 1958, the Reverend D.L. Charity became the fourth pastor of Ivy Avenue Baptist Church. The church continued to experience substantial growth with new programs implemented by Reverend Charity, who served for 8 years.

On February 4, 1968, Rev. Dr. W. Henry Maxwell was selected as the fifth pastor of Ivy Avenue Baptist Church. Three years later, a new house of worship located at 50 Maple Avenue was purchased, and the first worship service was conducted there in February 1972. In order to maintain the heritage of the church, but to reflect the church's location change, the name was shortened from Ivy Avenue Baptist, to the Ivy Baptist we know today.

Under Reverend Maxwell, Ivy Baptist continued to flourish. A church day care center was established in 1974, and a multipurpose annex named the W. Henry Maxwell Family Life Center was opened in 1999. After 36 years of faithful service to Ivy Baptist Church, Reverend Maxwell retired.

After a year-long search, Rev. Kevin G. Swann was elected the sixth pastor of Ivy Baptist Church. The church has already experienced significant growth in membership under Reverend Swann, and I believe he will live up to the legacy left to him. Over these 100 years, pastors at Ivy have licensed nine other pastors, and ordained nine pastors to the ministry. The day care program is popular throughout the community, and the Family Life Center is a community asset under constant demand as a venue for various church, civic and social programs.

I would like to once again congratulate Reverend Swann and the members of Ivy Baptist on their centennial and I wish them another century of continued service to their community.

MOUNT SINAI MISSIONARY BAPTIST CHURCH CELEBRATES 50 YEARS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. BURGESS. Mr. Speaker, I rise today to congratulate the Mount Sinai Missionary Baptist Church for 50 years of service and involvement in the Fort Worth Community. Mount Sinai is located in the 26th District of Texas.

Since opening its doors in 1956, Mount Sinai has encouraged the ministry, fellowship, and outreach of its members. Under the faithful guidance of Bishop B.C. McPherson II, Mount Sinai has flourished as a cornerstone of worship in our community.

The event will be celebrated with a Mass Choir Musical, and a service the following day by guest Pastor Carl Woodard. Current and former Mount Sinai members and prominent members of the community will be on hand to celebrate the anniversary.

Mr. Speaker, I am honored to represent this congregation. I congratulate the Mount Sinai Missionary Baptist Church as they celebrate 50 proud years of commitment to ministry, and look forward to many years to come.

TRIBUTE TO PASTOR ARTHUR LEE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to Pastor Arthur Lee of the Rock of Asia Missionary Baptist Church. Pastor Lee and his pastoral staff will be honored by the congregation at a celebration on December 10th in my hometown of Flint, Michigan.

After serving in the United States Army from 1963 to 1975, Pastor Lee was honorably discharged and worked as an offshore oil rigger in Singapore. He moved to Michigan in 1986 and served as a deacon at 1st Corinthian Missionary Baptist Church. He became an assistant pastor acting together with his brother, Pastor Henderson Lee. Arthur Lee was called to the ministry in 1990 and was ordained at 1st Corinthian Missionary Baptist Church in 1993.

He became the pastor of Rock of Asia Missionary Baptist Church and has faithfully served the congregation for the past 12 years. In addition to Sunday morning worship services, Pastor Lee also holds Sunday School and a Wednesday Bible Class. In keeping with the church's motto, 2nd Corinthians 5:7 "We walk by faith, not by sight," the congregation goes out once a month and witnesses to the community. They distribute food to the needy at the holidays. During the past 12 years the congregation has grown from 8 members to 80 members. Pastor Lee organized the drive to extend the sanctuary and install new pews to accommodate the growing number of faithful. During this time Pastor Lee also worked at MTA, and was a loving husband and father. He retired from MTA in 2001 to assume fulltime pastoral duties.

Taking his ministry beyond the church walls, Pastor Lee is active in several local and national groups. He has served with Concerned Pastors for Social Action since 1993 and is a member of Concerned Pastors of Genesee County. For 20 years he has served as a chaplain at Hurley Medical Center and he took on the role of chaplain at Genesys Hospice 18 months ago. He is the spiritual coach for Hamady High School Athletic Department. As a veteran, Pastor Lee understands the problems of veterans in our community and has worked for the past 7 years tending to the spiritual needs of the disabled veterans at the DVA Post 122. Pastor Lee has attended Mott Community College and continues to find new ways to improve his ministry. He recently completed a series of enrichment classes sponsored by Genesys Health Systems.

Mr. Speaker, please join me in congratulating Pastor Arthur Lee, his pastoral staff and his congregation for 12 years of consecrated service to Our Lord, Jesus Christ. I wish them the best as they continue to spread the Gospel through the Flint area.

TRIBUTE TO FIRE CHIEF WILLIAM J. (BILL) McCAMMON

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. STARK. Mr. Speaker, I rise today to pay tribute to the First Chief of the Alameda County Fire Department, Bill McCammon. Chief McCammon is retiring after 28 years of exemplary service to the County of Alameda, California.

The district and contract service areas that Chief McCammon serves are approximately 460 square miles with a population of over 250,000. He was born and raised in Oakland, California and received a B.S. degree in Agricultural Science and Management from the University of California at Davis.

After completing his education, he sought a career in the fire service working first for the Dublin San Ramon Services District Fire Department where he spent two years before moving to the San Leandro, California Fire Department. During his fourteen years in San Leandro, he held the ranks of Firefighter, Engineer, Captain, Battalion Chief, and Deputy Chief/Fire Marshal prior to becoming the Fire Chief.

When Alameda County consolidated its unincorporated fire protection responsibilities into the Alameda County Fire Department, McCammon became the first Fire Chief of the newly formed department in 1993. The Department has doubled in size since 1993 with the addition of contracts for service with several local cities and the Lawrence Berkeley National Laboratory.

Chief McCammon has introduced and implemented programs that include retrofitting and expansion of the public buildings and fire stations as well as new construction of several fire stations. He also implemented a water rescue, heavy rescue and HazMat Response Team that provides mutual aid to the entire County of Alameda and served as a key negotiator representing Alameda County for an ambulance contract for citywide services.

An advocate of regionalization, Chief McCammon fostered and promoted the idea of creating a regional fire dispatch center within the County. Since its creation in 1999, six jurisdictions receive dispatch services from the center at the Lawrence Livermore National Laboratory, with countywide fire and emergency medical services mutual aid coordinated through the center.

Chief McCammon's list of involvement addressing fire and emergency medical services issues at the local, state and national levels is impressive. He has served on numerous boards, commissions and associations, and has been appointed by several governors for leadership positions to address incident management, homeland security, fire service and other issues relevant to his expertise.

On January 5, 2007, Fire Chief Bill McCammon's friends and family will gather at the Castlewood Country Club in Pleasanton, California to honor his achievements in his profession, to thank him for his years of dedicated service and to wish him well on his retirement. I am honored to recognize him on his special occasion.

PAYING TRIBUTE TO ED GUTHRIE

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Ed Guthrie for his exemplary work with Opportunity Village, a laudable organization that provides vocational training and advocacy for the disabled.

Under Ed's leadership, Opportunity Village has improved the lives of hundreds of people with severe disabilities and their families. Opportunity Village has grown to become one of the top 5 custodial firms in southern Nevada. Opportunity Village serves 500,000 meals each year to the servicemen at Nellis AFB and owns the 2nd largest document destruction firm in Las Vegas. Ed has also developed a number of leading edge rehabilitation programs during the last 10 years, including the Job Discovery program, the P.R.I.D.E. program and a down payment assistance program to assist people with disabilities to purchase their own homes.

In addition to his work with Opportunity Village, Ed also serves as the Chairman of the Board of Directors for the National Industries for the Severely Handicapped (NISH). Prior to joining NISH, Ed was the Western Region representative of the National Council of Work Centers and represented the 100+ community rehabilitation programs in Nevada, California, Hawaii, Arizona, and Utah for 6 years. Ed has also served the State of Nevada on the Nevada Governor's Council for Rehabilitation and Employment of People with Disabilities and served as Chair of the Nevada Rates Task Force.

Mr. Speaker, I am proud to honor Ed Guthrie. His hard work on behalf of Nevada's disabled population and their families is commendable. I applaud his efforts and wish him the best in his future endeavors.

IN RECOGNITION OF LOREE SOGGS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of the contributions of Mr. Loree Soggs to both Cleveland and Ohio. Mr. Soggs has been a member of and advocate for unions since he entered the workforce over 40 years ago. He has also serves the community diligently through his extensive civic participation.

Mr. Soggs entered his union as an operating engineer, and he has served his IUOE Local 18 as a business agent, apprenticeship coordinator, steward director, officer and fringe benefit fund trustee. In 1994, Mr. Soggs was elected to the office of executive secretary for Cleveland's Building and Construction Trades Council, being the first operating engineer to hold this office in the council's history. He has successfully negotiated numerous contracts fighting for the betterment of working men and women within the community. He further supports the realm of labor by serving as president of the North Shore Federation of Labor, vice president of the Ohio State Building and Construction Trades Council, executive director of the Northern Ohio Building Trades Real Estate Investment Program, trustee of the Union Construction Industry Partnership, and serves as a board member on four other labor related organizations.

The civic realm has benefited equally from Mr. Soggs' years of dedicated work. As an advocate for senior citizens, he strives to improve the quality of life of the elderly, specifically focusing on housing efforts. He is very politically involved, serving on the executive committee of the Cuyahoga Democratic Party and as a board member of the Cuyahoga County Board of Elections. Due to his civic dedication, Mr. Soggs is being honored by the State of Israel Bonds for his values and ideals rooted in democracy, and the inalienable rights of working men and women.

Mr. Soggs' work is rooted in his bachelor of arts degree from Defiance College, as well as the support from his wife, Barbara, and their five children.

Mr. Speaker and my fellow colleagues, please join me in celebration of the efforts of Mr. Loree Soggs to the labor and civic communities in Ohio. His contributions have not gone unnoticed, and will surely multiply and reach new levels of excellence in the upcoming years.

HONORING MR. TIMOTHY NECKERS

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. HIGGINS. Mr. Speaker, I rise today to honor Mr. Timothy Neckers for his years of service as the French Creek Town Supervisor. Mr. Neckers served his community well during his tenure in office.

Public service is a difficult path to take. Any person with a dream may enter but only a few are able to reach the end. Mr. Neckers traveled that path with his head held high and a smile on his face throughout his tenure. I have no doubt that his kind demeanor left a lasting impression on the constituents of French Creek.

Chautauqua County is blessed to have such strong and dedicated public servants with a desire to make this county the wonderful place that we all know it can be. Mr. Neckers is one of those people and that is why, Mr. Speaker, I rise to honor him today.

MINERAL WELLS VETERANS DAY PROGRAM

HON. MAC THORNBERRY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. THORNBERRY. Mr. Speaker, I rise today to acknowledge and commend an innovative partnership between the Mineral Wells, Texas Independent School District and several veterans' organizations in that community. For each of the past 24 years, citizens of Mineral Wells have come together on Veterans Day to honor those who have served our Nation in the military with a special "Day of Remembrance" program.

Every year, the program draws over 3,700 youth, community leaders, and area residents to pay tribute to those who embody the American spirit. Working together as a community has helped promote pride and patriotism among students while honoring veterans. Members of the American Legion Post 75, the Sons of the Legion Squadron 75, and Farris Anderson Unit 75 of American Legion Auxiliary, Mineral Wells, along with school leaders and students help plan and participate in an event that features a parade, music, displays of military power, and much camaraderie among generations.

Throughout our history, men and women have answered the call of a Nation in need, and on Veterans Day, we are especially mindful of their service, sacrifice, and that of their families. I appreciate what the city of Mineral Wells does to honor those most responsible for our freedom, and I am hopeful they will continue to serve as an example for years to come.

HONORING JOHN CASE, CHAIRMAN OF THE PACE BOARD OF DIRECTORS

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mrs. BIGGERT. Mr. Speaker, I rise today to thank John Case for his 8 years of service as Chairman of the Pace Board of Directors. Under John's leadership, numerous improvements were instituted to North America's 6th largest bus system, resulting in better service for millions of Americans living in the Chicagoland area.

It is no surprise that John was chosen to serve as Chairman of the Board—he has a long history of serving his community and nation. As a retired United States Air Force Major with 20 years of service, including the third bomber wing during the Korean War, he brought many valuable skills to his role as Chairman. His experience is evident in the many improvements he instituted. These include developing Board Committees to handle specific decision areas, implementing use of biodiesel in the Pace bus fleet, doubling the size of Pace's vanpool program, ensuring that retirement funds are being adequately funded, and implementation of the Intelligent Bus System, which provides real-time information on bus locations, ridership and on-time performance.

John is a dedicated public servant. For more than 40 years, he has served his community in many public roles. He began his public career in Lisle Township—located in the 13th District of Illinois, which I represent—and, since then, has held the position of Township Trustee and Supervisor for Lisle Township. In DuPage County, in which Lisle Township resides, he has served as a DuPage County Board Member, County Board Chairman, and Forest Preserve President.

Once again, I would like to congratulate and thank John Case on his eight successful years as Chairman of the Pace Board of Directors and for all he has done for his community.

RECOGNIZING THE GENEROUS ACTIONS OF THE NATIONAL AERONAUTICAL AND SPACE ADMINISTRATION

HON. CHARLES W. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. DENT. Mr. Speaker, I rise today to recognize the generous actions of National Aeronautics and Space Administration, NASA, following the damaging affects of Hurricane Katrina on our nation's liquid hydrogen infrastructure.

On August 29, 2005, Hurricane Katrina made landfall on the Gulf Coast Region of the United States. In addition to the devastating impact that Hurricane Katrina levied on the residents and municipalities of the Gulf Coast Region, the storm also severely damaged numerous business and manufacturing establishments, including the world's largest liquid hydrogen manufacturing facility located in New Orleans, LA.

For 40 years, NASA has been a major user of liquid hydrogen for many of its programs, including its Space Shuttle program. Today, NASA remains a significant and preferential customer of the New Orleans liquid hydrogen facility and, as such, is entitled to preferential supply due to its Defense Priority rating.

Liquid hydrogen is essential in many commercial manufacturing applications including the production of metals, float glass and electronics products that are, in turn, critical resources for other major American manufactures.

In anticipation of the Space Shuttle launch scheduled for March 2006, NASA had accumulated a considerable amount of liquid hydrogen in its spheres at the Kennedy Space Center, and had also planned significant testing of the Space Shuttle engines at Stennis Space Center prior to the March launch.

Upon learning of the severe shortage of liquid hydrogen supply in North America due to the effects of Hurricane Katrina on the facility located in New Orleans, NASA voluntarily agreed to transfer back to the facility a total of 391,220 pounds of liquid hydrogen and agreed to "stand down" its engine testing requirements at Stennis Space Center until liquid hydrogen production was resumed in November 2005.

NASA's generous actions allowed for the continued, albeit reduced, supply of liquid hydrogen to most commercial customers across the United States and prevented the shutdown of numerous manufacturing facilities and commensurate job losses throughout the Nation.

Mr. Speaker, I ask that my colleagues join me today in recognizing NASA for its exceptional response and efforts in support of the U.S. manufacturing base by unselfishly committing its liquid hydrogen resources immediately following Hurricane Katrina's devastation ofthe Gulf Coast liquid hydrogen production capacity on August 29, 2005

CAPITOL HILL MOURNS THE PASSING OF THE COSTUME LADY

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Ms. NORTON. Mr. Speaker, I rise to pay tribute to Lola Beaver, a longtime Capitol Hill resident who owned and operated The Costume Shop for 34 years after an equally long and successful career as a dancer, choreographer and dance instructor. She died at home in her sleep on Tuesday, November 28. When she died at 96, Lola's sharp wit, sparkling intelligence and high-spirited spunk had not deserted the woman whose loyalty and love were treasured by countless friends, customers and neighbors.

Born Luola (Lola) Murchison Hurkamp in Fredricksburg, Virginia, on July 5, 1910, she moved to the Washington area after her mother committed suicide when Lola was four years old. After five long years as a boarding student at the National Cathedral School, she graduated in 1929, came into her inheritance and promptly hopped on a Holland American liner headed for Europe. At summer's end, she returned to the States and arrived in New York City in a Chevrolet roadster that boasted a rumble seat and an item she had picked up in a Paris flea market and screwed onto the outside of her car: a French horn.

The 1929 stock market crash forced Lola, a student at NYC's Grand Central Art School, to earn a living as a dime-a-dance girl. She met and married a struggling actor, Andy Beaver, who was sharing an apartment with Henry Fonda and Burgess Meredith. When her husband joined the Marine Corps, the couple moved to Washington, DC. After twin boys died within two months of their birth, Lola opened the Lola Beaver Dance School in downtown Washington.

While her husband was fighting overseas, she performed for the troops at Washington's Stage Door Canteen and with the USO, traveling from the Caribbean to the Arctic with dancers from her school. A White House request that Lola create handmade bow ties to match President Lyndon Johnson's navy blue tuxedo marked her career move into costume design and rental. She moved to Capitol Hill in 1972 and converted a dry cleaning shop at the corner of 8th and A streets NE into The Costume Shop. "I liked Capitol Hill," she told an oral historian. "It had a nice small-town atmosphere. The people on the Hill are people you wouldn't mind knowing." Donna Brazile, my former chief of staff, moved across the street from Lola about 10 years ago. They became fast friends, and Lola knew that Donna was a friend to have. Donna virtually adopted Lola, cooking for her and nurturing Lola with friendship until the end.

Along with the city's most prestigious live theaters and Halloween revelers of all ages, members of Congress and burlesque queens, Lola's customers included every president from Johnson to Bill Clinton. During the height of the Watergate scandal, the lifelong Democrat took particular glee in outfitting then Indiana Sen. Birch Bayh as a burglar and his wife as a bug for Halloween. The ever-slim beauty with a thick mane of white hair never hesitated to render her opinion on a customer's choice of costume or actual weight. "You're too fat for that dress" or "You should be a pirate/princess/clown—you look like one" were the price of rental at The Costume Shop. Regarding the elegant turn-of-the century cutaway Bill Clinton rented, Lola recalled, "He was bigger than I thought he was. He must've worn a corset when he had his picture taken."

It was considered a high honor to be invited to join Lola, a grandmother figure for countless Hill residents, children and adults alike, for a bourbon-soaked "teatime" that lasted until the wee hours of the morning. Many a glass of Jim Beam will be raised in her honor at a luncheon that will immediately follow a memorial service to be held December 9 at Christ Church, noon, 620 G St., SE.

In lieu of flowers, Lola, a lifelong animal lover, asked that contributions be made in her name to the Washington Humane Society (washhumane.org) and The Elephant Sanctuary (elephants.com).

STATEMENT HONORING SALLY LILIENTHAL

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Ms. PELOSI. Mr. Speaker, with deep admiration and affection I pay my respects to a great San Franciscan and global citizen, Sally Lilienthal, who died on Oct. 24 at the age of 87. I join my constituents in honoring her vision, her courage, her leadership and her immense contributions to building a safer and more peaceful world. A magnificent role model, she lived her conscience and practiced her ideals each and every day.

In 1981, at the height of the Cold War—as superpowers stockpiled nuclear weapons, the international arms trade boomed and intercontinental ballistic missiles grew more lethal—Sally Lilienthal founded the Ploughshares Fund. Based in her living room and driven by her determination to inform the public about the issues and the danger, it became an enormously influential foundation dedicated to the prevention of nuclear, biological and chemical weapons of war.

She supported researchers, policy activists, and scientists in the United States and overseas who were trying to change government policies and was a vital figure in shaping the anti-proliferation agenda during the Cold War. As of now, the fund has given away more than $50 million, mostly for startup research and is the largest grant-making foundation in the United States focused exclusively on peace and security issues.

Sally Ann Lowengart was 12 when her family moved to San Francisco. She graduated from Sarah Lawrence College and returned to San Francisco in 1940. During the 1950s, she studied sculpture at the San Francisco Art Institute. Elegant and artistic, she could have spent her life comfortably moving in San Francisco's art and social circles. Instead, she turned her attention and her might to the issues of war, peace, and social justice.

Together with her husband Philip Lilienthal she founded the Northern California Committee of the NAACP Legal Defense and Education Fund in 1970. She served on the regional ACLU board. She co-founded Amnesty International Western Region and was an early supporter of the International Campaign to Ban Landmines that, while she was vice chair, resulted in a global treaty and a Nobel Peace Prize in 1977. In 1990, the United Nations Association bestowed to her its Eleanor Roosevelt Humanitarian Award.

In addition to her work for peace, for social justice, and the arts, Sally Lilienthal was an active member of our community supporting progressive policies and politicians. For 30 years I was blessed with her support, her advice, and her friendship.

I extend my deepest sympathy to her family; Laurie Cohen, Liza Pike, Thomas Cohen, Matthew Royce, Steven Cohen, Sukey Lilienthal, Andrea Lilienthal, and her 11 grandchildren. I hope it is a comfort to them that so many people mourn her passing and will hold Sally in their hearts forever.

INTRODUCTION OF LEGISLATION TO STUDY THE FEASIBILITY OF CREATING A UNIT OF THE NATIONAL PARK SYSTEM AT TULE LAKE SEGREGATION CENTER

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Ms. MATSUI. Mr. Speaker, I am pleased to join with my colleague, Representative JOHN DOOLITTLE of California, to introduce legislation which is important to California, to Japanese-American communities all across the country, and to our collective understanding of history as Americans. This legislation will initiate a resource study of Tule Lake to determine whether or not it should be included as a unit of the National Park System. However, it represents so much more than just another government study.

Indeed, the information which will be produced from the examination of Tule Lake's potential for inclusion in the National Park System will begin to ease the wrongs of the past and point the way toward a future devoid of prejudice and fear. Passing this bill will help ensure that current and future generations of Americans learn from and avoid repeating the wrongs that were committed during the internment of Japanese and Americans of Japanese descent during World War II.

It has been nearly sixty-five years since President Franklin Delano Roosevelt issued Executive Order 9066. From Poston, Arizona—where I was born—to Minidoka, Idaho, productive and loyal Japanese Americans were interned under this executive order in camps which robbed them of their dignity, denied them the opportunity to build their lives, and undercut the very freedom which had attracted these individuals and their ancestors to America in the first place. Few can imagine such an episode occurring in a nation such as ours, which was in the midst of fighting to defeat the forces of tyranny and evil abroad.

Over the more than six decades which have passed since that fateful decision was made to imprison so many innocent people, much progress has been made to analyze, redress, and commemorate the crimes perpetrated against Japanese Americans during this dark period.

My late husband, Representative Robert T. Matsui, for example, was integral in passing the Civil Liberties Act of 1988, which represented a first step toward healing the wounds suffered by those who were interned. But righting the wrongs of our forebears does not absolve us of our duty to guard against their recurrence, no matter how much we may have increased our tolerance and respect for the many diverse cultures which comprise this great tapestry of a country.

Indeed, as the time of the internment becomes more and more remote, our responsibility to learn its lessons falls ever more squarely upon our shoulders. We can accomplish this solemn task by preserving the locations and structures which stood at places like Manzanar, Heart Mountain, and Tule Lake, so that our children and grandchildren can learn these lessons of tolerance, understanding, and loyalty.

Including Tule Lake Segregation Center as a part of the National Park System will add a critical element to the federal government's inventory of Japanese internment sites. Tule Lake was a camp like any other until the fall of 1943, when it was converted into a maximum-security detainment center for those Japanese Americans who were deemed to be exceptionally disloyal and dangerous. The vast majority of the 18,000 internees at Tule Lake Segregation Center were there because of their answers to one of two questions on a government loyalty questionnaire, which caused them to be categorized as "disloyal." Having been uprooted from their homes in 1941, their lives were upended for a second time when they were transferred from one internment camp to the even more remote installation at Tule Lake, near the California-Oregon border.

For this reason, Mr. Speaker, it is crucial that Tule Lake join sites like Manzanar and Minidoka as units of the National Park System. As a segregation center, Tule Lake embodies some of the most wrenching aspects of the internment. It was there that the unfair choices between heritage and current loyalties were most harshly forced on Japanese Americans. As such, Tule Lake represents an additional perspective to be added to the historical record of the internment. Including it as a unit of the National Park System will ensure that the historical narrative which is unique to Tule Lake is never lost, but instead learned and understood by current and future generations.

I urge my colleagues to support this bill, which will help marshal the resources of the federal government to ensure that the experiences of World War II and of the internment do not simply contribute to further resentment and anger. With this legislation, we will continue to convert the pain and regret of the internment into a positive force for change in the future.

HONORING THE SERVICE OF MRS. JOSEFA CRUZ CERTEZA TO THE GUAM COMMUNITY

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Ms. BORDALLO. Mr. Speaker, I rise today to honor Mrs. Josefa Cruz Certeza, known affectionately to her family and friends as Tan Pai, on the occasion of her 90th birthday, which she celebrates today, Monday, November 27, 2006.

Tan Pai was born and raised in the village of Piti, Guam, and currently resides in the village of Agat. Her parents are Enrique Santos and Josefa Perez Cruz. She was married to the late Delfin Quenga Certeza and has six children, 21 grandchildren and 40 great grandchildren.

On this special occasion we recognize Tan Pai's many contributions and her selfless service to our community over the past 60 years. Tan Pai is a strong Chamorro woman, and she is respected by our community as one of the eldest and few surviving Suruhanas (Traditional Healer) on our island today.

Tan Pai's life and vocation as a Suruhana began when her youngest son fell ill, and when she went to seek help for him from a Suruhana in a nearby village. That Suruhana was too busy and told Tan Pai to come back the next day. Tan Pai felt that it would be too late for her son to wait, so she decided to find a cure herself.

Tan Pai learned the techniques of massage and herbal (the Chamorro) medicine from her mother, Josefa Perez Cruz, and from her husband's grandmother, Vicenta Quidachay Quenga.

Mrs. Vicenta Quidachay Quenga had learned the practices of a Suruhana herself firsthand from her mother. Mrs. Quenga was a gifted teacher who divulged the recipes to Tan Pai. There were many known Suruhanas at that time of Tan Pai's youth, but Tan Pai did not pay close attention to their practices and gifts until the incident befell her son and her strong interest in the tradition took root.

Raised in the Chamorro and Catholic traditions, Tan Pai is strong in her faith and believes that God has granted her a special gift, the power to cure, and that she should use this gift to help others in need. Since the age of 30, Tan Pai's specialty as Suruhana was in treatment of those illnesses which were considered ailments of children (chetnot famagu'on) and she has cured (Guiya uma amte) children of many illnesses which were traditionally treated by a Suruhana, and those of which modern medicine has no remedy. She uses massage, making medicines (using "lommock"), massage with applications of medicine, and massage with consumption of medicine.

Tan Pai was one of the Suruhanas mentioned in a manuscript, entitled, "I CheE'Cho Suruhana Yan Suruhanu (The Use of Traditional Medicine and Healers on Guam)." It was written, for review only, by three students working on a documentary at the University of Guam. The manuscript represents work over 10 years of research which began in 1981 as a student project. This project has evolved to include indigenous participation in cultural preservation and education, and has become a scholarly and scientific endeavor for the benefit of our island community.

Tan Pai has been featured as one of "The Last of the Suruhanas" in the Guahan Magazine and has received, on various occasions, local exposure from KUAM news and Guam Cable Television for her traditional Suruhana methods.

On behalf of a grateful island community, I join her children, Abeline, Bertha, Adelbert, Galo, Joseph, and Franklin, her family and friends, and all of the people of Guam, in extending a heartfelt "Dangkulo na Si Yu'os Ma'ase" to Mrs. Josefa Cruz Certeza for all of the good work she has done for our people, and for her continued selfless service to our community.

TRIBUTE TO HAROLD STONES

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. MOORE of Kansas. Mr. Speaker, I take this opportunity today to bring to the attention of the Members of the House a recent tribute to Harold Stones, of Topeka, KS, that was published in the Topeka Capital-Journal.

The longtime former executive director of the Kansas Bankers Association, since retiring from that position in 1997, Harold Stones has served as special projects director for Kansas Senator PAT ROBERTS. As the Capital-Journal article details, at the age of 75, Harold continues to work diligently in the service of his fellow Kansans, working on economic development issues and serving as a liaison with Kansas military families.

I commend Harold Stones to my colleagues and encourage all to take his example to heart!

[From the Capital-Journal, Nov. 28, 2006]

STILL A "POLITICAL JUNKIE"

(By Jan Biles)

Harold Stones retired as executive vice president of the Kansas Bankers Association in 1997 after 30 years of service. But instead of taking it easy, he embarked on a second career—Kansas special projects director for Sen. Pat Roberts.

Stones, 75, of Topeka, said he had known Roberts for several years before the senator asked him to join his staff to work in the areas of economic development and military affairs.

"I will do this job as long as he wants me to," he said.

Stones grew up in a Smith County farming family who taught him the importance of voting and never shied away from politics.

"My great-grandfather was a probate judge. My grandfather was a county treasurer, and my dad was a township committeeman," he said.

After attending Fort Hays State University for a year, Stones taught in a county school for a year before joining the U.S. Air Force. When his four-year stint was over, he returned to Fort Hays State University, where he earned bachelor's and master's degrees. He was hired by the university to teach speech and coach the debate team and then became director of alumni affairs and student placement.

About a decade later, in 1967, he joined the Kansas Bankers Association. When he celebrated his 25th year there, the association set up a scholarship fund in his name at Fort Hays State University. Each year, four students are awarded scholarships.

"It's a general scholarship for a child of someone who works at a Kansas bank," he said.

Stones' experience at the bankers association gave him the opportunity to learn more about the ups and downs of the Kansas economy. The 1980s were particularly hard on the state's farming, energy and banking businesses.

"Every time a farmer went (under), an ag bank went with it," he said.

Stones tapped into that experience when Roberts tapped him for a staff position. He traveled throughout Kansas to meet with local chambers of commerce and economic development groups. He now is advising Roberts on how to build a high-tech job base in the state.

When the Iraq war started, Roberts asked Stones to act as the senator's liaison with Fort Riley, Fort Leavenworth and McConnell Air Force Base. He has attended dozens of deployment and welcome-home ceremonies at the military bases, as well as memorial and funeral services.

"Senator Roberts writes a letter to each family (who has lost a loved one in the war) and I hand deliver the letter and talk to them," he said.

One of the highlights of his years with the senator was traveling to Bosnia in October 1997 as a volunteer to assist in organizing a multi-ethnic, democratic Bosnia Bankers Association.

"It was a slow process, but 18 to 24 months later Bosnia established a Bosnia bankers group," he said.

Stones said he exercises on a regular basis at a local fitness center and continues to be a "political junkie"—something that would please his office-holding ancestors.

Above all, he is optimistic about where the country and state are going.

"The past is gone," he said. "Our best days are yet to come."

TRIBUTE TO WILLIAM B. GOULD IV

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Ms. ESHOO. Mr. Speaker, I rise to place into the CONGRESSIONAL RECORD the words of William B. Gould IV, former Chairman of the National Labor Relations Board and professor emeritus at Stanford University Law School. He recently wrote an article advocating changes to the National Labor Relations Act which merits inclusion in our Nation's RECORD. The following article was published in the San Francisco Chronicle on November 21, 2006, and was titled Why Labor Law Is Not Working.

America's labor law system and much of the workplace environment surrounding it are dysfunctional. But proposals about reforming the National Labor Relations Act, initially enacted as a "Bill of Rights" for workers to join unions and bargain collectively, have been bandied about without action for at least four decades. Most Americans who care about good labor-management relations have seen this movie before. Yet the Sept. 30 decision by the National Labor Relations Board that excludes many hospital charge nurses from labor law coverage as supervisors and its potential for doing the same to other professionals as well as skilled workers, is part of a new dimension to the story's plot.

For more than a half century, each new president's appointees have made the pendulum shift. But the changes, as most recently illustrated by the charge nurse decisions, take it up more than a notch; prominent management labor law firms are quickly providing Web postings about how to change the duties of employees so that they qualify for statutory exclusion. Well before this decision, the appointees of President Bush busily reinterpreted the law so as to deny many workers the opportunity for representation at the workplace.

For example, graduate teaching assistants at private universities, who function as both students and employees, were written out of the law two years ago. Prohibitions against fraternization amongst employees during non-working hours, a major avenue for self-organization, were viewed as lawful. The same applied to employer and NLRB denial of union protests in shopping malls. The collective-bargaining process was impaired by virtue of NLRB rulings that employers did not have an obligation to open their books to unions, contrary to Supreme Court mandate when the employer claims an inability to pay.

True, the law is a secondary factor in the precipitous decline in union membership to less than 13 percent of the workforce and to 7.8 percent in the private sector. Other factors—globalization, deregulation in transportation, vulnerable contingent and part-time employees, including illegal immigrants—are more significant as an explanation for labor's near-demise than the law's many weaknesses.

However, for the past 35 years, the inability of the law to provide an expeditious resolution to worker and employer complaints—and thus assurance that justice will not be denied through its delay as well as inadequate remedies, have made reform necessary long before the Bush-appointed NLRB began to work its mischief. The newly elected Democratic-led Congress should address labor-law reform.

Notwithstanding the subordinate role the law plays in the workplace malaise, respect for the law and its function are an important element in the democratic process.

This time around, however, the discussion must take into account a need for more sweeping changes which affect the agency itself. More formidable than one-sided statutory interpretations is a lack of production of cases. Ironically, as the number of cases filed with the NLRB has dropped, in part because unions lost confidence in its rulings, the resolution of those cases remaining declined. The reason for NLRB lethargy is not only Bush's hostility to collective bargaining, but also the appointment process: the past decade and a half has witnessed the emergence of partisan appointees and a greater reliance on Washington insiders from Capitol Hill, who, having no place to return, cling to office while they fail to decide cases which, they fear, will interfere with their reappointment process.

The consequence of this is a politicization of decision-making, an ever-deeper NLRB ideological divide and the unwillingness of Congress to approve any presidential nominees without "batching" the appointments, i.e. providing for at least two appointments at a time, one with the blessing of labor, the other with the blessing of business. This means no more appointments like those made in labor law's early-and halcyon days of the 1940s and '50s, when genuine impartial neutrals were appointed by Presidents Roosevelt and Truman.

One answer to the production problem and its denial of the prompt relief to which both workers and employers are entitled is longer terms and a prohibition against reappointment. The number of board members should be reduced to three members rather than five. This year, the board is at full strength, and its production is worse than ever. It is obvious that politically anxious prevarication is exacerbated when there are a greater number of cooks standing around the cold soup. The denial of collective bargaining to the overwhelming majority of the American workforce is one of our democracy's great failings. While changing our labor law and those who administer it will not remedy all that ails us, it would be a step forward.

IN CELEBRATION OF THE 125TH ANNIVERSARY OF SPOKANE. WASHINGTON

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mrs. McMORRIS RODGERS. Mr. Speaker, I rise today to recognize the 125th birthday of the city of Spokane, Washington. Known as a "tough" town when Spokane was first developed, it quickly became known as the City of Wonder as tourists and sightseers flocked to the Inland Northwest to enjoy the beauty of its natural resources.

In their publication about Spokane, E.P. Charlton and Company wrote in 1909 that "Nature seems to have ordained that Spokane, the City Beautiful and Prosperous, should endure without a rival, and it may well be called the keystone in the arch of states which span the western country between the Rockies and the Puget Sound."

Today, Spokane continues to be a beautiful and prosperous city. And when we look at the current and future state of Spokane, we see a city of innovation, success, and growth. Not only is Spokane surrounded by wonderful natural resources, but it is home to innovative small businesses that are changing the world of technology, educational institutions that are ensuring a strong future for our students, and a thriving health care industry that is revolutionizing the way we receive and deliver health care.

I commend the city for its efforts to grow the economy while still maintaining its historical roots. Through the revitalization of downtown and the restoration of key historical landmarks, Spokane has grown into a wonderful community that has an incredible amount to offer both residents and visitors. The restoration of historic landmarks such as the Davenport Hotel, Steam Plant Grill, Old City Hall and Fox Theater help keep the spirit of Spokane alive while serving as new centers for high quality accommodations, restaurants, and entertainment.

Mr. Speaker, I rise today to celebrate with the citizens of Spokane, Washington as we mark 125 years of success as a city. Eastern Washington has become a wonderful place to live, work and raise a family because of the incredible people that reside here. I invite my colleagues to join me in recognizing the hard work of the citizens of Spokane, Washington as we commemorate our 125th birthday

TRIBUTE TO MR. NICHOLAS MORABITO

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. REYNOLDS. Mr. Speaker, with great pride and delight I rise today to honor a dedicated and respected community member, family man and veteran upon his 50th anniversary of exceptional service in the East Rochester School District.

Mr. Nicholas Morabito has led a life deeply connected and committed to his hometown of East Rochester, New York. Through his distinguished professional career and his spirit to make his community a better place, Mr. Morabito has left a lasting mark since graduating from East Rochester High School in 1943. Ten years later, Mr. Morabito would become the first graduate of East Rochester to be admitted to the New York bar, and in 1956 he would start his tenure as school attorney to the East Rochester School District, the position he still holds today. In this role for more than a half-century now, Mr. Morabito's priority and personal charge has been to serve educators and students, providing incomparable expertise and counsel to his Alma Mater.

That sense of dedication and service has defined Mr. Morabito his whole life, in East Rochester and beyond. In 1943, in the midst of World War II, Mr. Morabito joined the Navy after graduating from high school. Serving at Pearl Harbor and the Midway Islands through 1946, Mr. Morabito would return home a proud yet humble veteran who fulfilled his duty with honor and defended his country in the neediest of times.

After the war, Mr. Morabito began his distinguished legal career, which would be marked by his service in the New York State Assembly and Senate. From 1955 to 1960, Mr. Morabito served as counsel to the Military Affairs Committee in the state assembly, and from 1960 to 1963 served as counsel to the Labor and Industry Committee in the state senate. His civil service continued as Village Justice in East Rochester from 1960 to 1967, all the while fulfilling the position he so dutifully serves to this day as school attorney in East Rochester.

Mr. Morabito, through it all, has first and foremost been a devoted family man: husband to wife Patricia Ann for well over 50 years, father to 7 sons, and grandfather to 23 grandchildren. Born to parents Antonio and Angeline who emigrated from Italy, Mr. Morabito was instilled with the belief that family comes first. For Mr. Morabito, it does, and it always will.

Thus, Mr. Speaker, in recognition of his 50 years of tremendous service to the East Rochester School District and his courageous service to his country, and for his sense of community and his sense of family, I ask that this honorable body join me in honoring Mr. Nicholas Morabito.

RESOLUTION HONORING RUTH BROWN

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. CONYERS. Mr. Speaker, I am proud to introduce this resolution today honoring the life of Ruth Brown. I join my colleagues Chairman JIM SENSENBRENNER and Ranking Member CHARLES RANGEL in recognizing the accomplishments of rhythm and blues singer Ruth Brown and her efforts to reform copyright royalty payments for recording artists.

On a sad day for the music community and myself, Ruth Brown passed away on November 17, 2006. She was a rhythm and blues singer known as Miss Rhythm and her talent rocketed her to become one of Atlantic Records' first recording stars. Her voice made her a hit from the 1940s and onward with such songs as "So Long," "Teardrops from My Eyes," and "He Treats Your Daughter Mean." Richard Harrington of the Washington Post said "there was a world of hurt in those songs and an insistence on some justice, a boldness of voice that Miss Rhythm reached for as Miss Righteous."

Ruth Brown's peers recognized her talent, as well. She won a 1989 Tony Award for Best Actress in a Musical in Black and Blue; a 1989 Grammy Award for her album "Blues on Broadway;" and 1993 induction into the Rock and Roll Hall of Fame, and a 1999 Lifetime Achievement Award from The Blues Foundation. Her autobiography, Miss Rhythm, received the Ralph Gleason Award for Music.

Aside from her own singing career, Ruth Brown became a tireless advocate for the rights of other rhythm and blues singers. She worked with Congress to advance the cause of copyright royalty reform so that rhythm and blues artists could receive the royalties they deserved from their music. She also helped found the Rhythm and Blues Foundation in 1988 to recognize, promote, and preserve rhythm and blues music. The important work of the Foundation continues to this day.

The resolution we introduce today acknowledges these important contributions to American culture, recognizes Ruth Brown for her efforts to reform the royalty system, and expresses the House's deepest condolences to Ruth Brown's family and friends.

IN RECOGNITION OF THE COMMITMENT AND COMPASSION OF FAITH ELLIS FOR THE PEOPLE OF THE 26TH CONGRESSIONAL DISTRICT OF TEXAS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. BURGESS. Mr. Speaker, I rise today to recognize the outstanding achievements and commitment of Faith Ellis to the people of the 26th Congressional District of Texas. Faith has been a trusted employee and friend of mine for several years, and her expertise, humor and true love for north Texas and her local Fort Worth community will be sorely missed.

Faith was invaluable in her outreach role within Fort Worth. Her experiences growing up and assisting her father, Reby Cary, in the Texas State House provided her a unique training ground to understand the intersection and balance of community representation and the legislative process. It also provided her with a very early exposure to elected officials at all levels within the State that afforded her a professional comfort to associate with them in her outreach and representative capacity.

This experience, followed by her role as a loving mother, and her community efforts, make her an inspiring role model. She always brought the best out in people and gently guided us all to a better understanding of the world around us. Her compassion was evident to all, and she searched for practical solutions to any stumbling blocks that ever arose.

Combined, these life experiences allowed Faith Ellis the unique skill set needed to carry with credibility the commitment I have offered to southeast Fort Worth to actively represent their needs, and put forth the effort and leadership needed to identify and address their economic challenges at the federal level.

In a community harboring partisan wounds resulting from Texas, this was no small challenge. Faith faced the challenges with determination, professionalism, and hard work and there is no question that she will be impossible to replace. The community will likely never fully appreciate her impact, but she has clearly laid the foundation for the efforts of me and my staff. Her work, both personal and professional for her fellow man, will bring outstanding long-term benefits.

I only hope that Faith knows how much she is loved and how much she meant to all of us. The outreach model she set forth in southeast Fort Worth and indeed, throughout the 26th District, will certainly stand the test of time. Thank you Faith, for all you are and all you have done.

PAYING TRIBUTE TO LINDA SMITH

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Linda Smith for her tireless efforts as a fundraising specialist for Opportunity Village, a laudable organization that provides vocational training and advocacy for the disabled.

Linda has been a major force at Opportunity Village in planning and developing fundraising strategies, most notably the privately-funded, multi-million dollar capital campaigns to build the Opportunity Village campuses and training centers that have served thousands of disabled people. Linda oversees the Opportunity Village Resource Development Department, which generates millions of dollars annually for programs for people with profound disabilities through special events and annual giving programs she has largely pioneered.

Her tenacity and dedication have resulted in the involvement of vocalist Celine Dion in the Opportunity Village mission, culminating a performance at a benefit concert on the Las Vegas Strip in honor of Opportunity Village's 50th birthday. Linda has also initiated capital campaigns totaling more than $48 million including the Leid Opportunity Campus on West Oakey Blvd., the Walters Family Campus in Henderson, the Culinary Training Center on the Opportunity Village main campus and the Southwest campus at Buffalo and Patrick.

For her efforts, Linda has received numerous accolades, including: being named the "Fundraising Executive of the Year" by the National Society of Fundraising Executives, receiving the Woman of Achievement Award from the Las Vegas Chamber of Commerce, being named an honorary member of the Rotary and Kiwanis Clubs, and being named "Nevada Woman of the Year" in 1994.

Mr. Speaker, I am proud to honor Linda Smith. Her hard work has allowed Opportunity Village to grow exponentially and enrich countless lives. I applaud her efforts and wish her the best in her future endeavors.

HONORING DALE ROBBINS

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. HIGGINS. Mr. Speaker, I rise today to honor Mr. Dale Robbins for his years of service as the Busti Town supervisor. Mr. Robbins served his community well during his tenure in office.

Public service is a difficult path to take. Any person with a dream may enter but only a few are able to reach the end. Mr. Robbins traveled that path with his head held high and a smile on his face throughout his tenure. I have no doubt that his kind demeanor left a lasting impression on the constituents of Busti.

Chautauqua County is blessed to have such strong and dedicated public servants with a desire to make this county the wonderful place that we all know it can be. Mr. Robbins is one of those people and that is why, Mr. Speaker, I rise to honor him today.

MARINE PVT HEATH D. WARNER

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. REGULA. Mr. Speaker, it is with both sorrow and pride that I rise today to pay tribute to a dedicated Marine and citizen from my district in Ohio who gave his life defending our country while serving in Iraq.

Marine PVT Heath D. Warner was killed on Wednesday, November 22, 2006, while conducting combat operations against anti-Iraqi forces in Haqlaniyah, in Al Anbar province. He was 19 years old. With his entire life before him, Heath risked everything to fight for the values Americans hold close to our hearts, in a land halfway round the world.

Heath was a gunner on a Humvee when he, LCpl James Davenport, 20, of Danville, Indiana, and LCpl Joshua Alonzo, 21, of Dumas, Texas, were killed while conducting combat operations. The three were part of the 2nd Battalion, 3rd Marine Regiment, 3rd Marine Division, and were based in Kaneohe Bay, Hawaii.

He was born on Friday, January 2, 1987, in Massillon, and was a lifetime resident of Canton. He was a 2005 graduate of McKinley High School. He had been a Boy Scout, taught break dancing at Living Fountain Dance Company, and was a member of the McKinley Young Republican Club. He enjoyed reading, martial arts, and was teaching himself Japanese and Arabic.

Even at the young age of 5, Heath dreamed of someday serving in the military. Following his high school graduation, Heath's dream of joining the Marines became a reality. His father, Scott, shared memories of Heath with the Canton Repository, recounting that his son was committed to the Marines, and had been intent on joining since childhood, even more so since September 11, 2001.

"He always had a desire to serve," he said. "I was from a family with the core values of 'God, family and country.' I instilled that in Heath. It was natural that he would join the service."

Heath was known for his deep faith, his dedication to his family, and his love of country. Today and always, Heath will be remembered by family members, friends, and fellow Ohioans as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

It is my honor to enter the name of Heath D. Warner in the CONGRESSIONAL RECORD of the U.S. House of Representatives for his service to this country and for his profound commitment to freedom, democracy, and peace. As I search for words to do justice in honoring Heath's sacrifice, I am reminded of the words of Jesus when He was comforting his disciples:

> Do not let your hearts be troubled. Trust in God; trust also in Me. In My Father's house are many rooms; if it were not so, I would have told you. I am going there to prepare a place for you. And if I go and prepare

a place for you, I will come back and take you to be with Me that you also may be where I am.

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Heath. Our Nation extends its heartfelt condolences to his family. To his father, Scott, his mother, Melissa, and his brothers, Chandler and Ashton, we extend our profound gratitude for sharing this outstanding Marine with us, and we offer our prayers and support.

IN THE MINUTES OF OUR LIVES

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. WILSON of South Carolina. Mr. Speaker, upon learning of the tragic death of United States Marine Corps Major Trane McCloud, the following poem was penned by Albert Carey Caswell, United States Capitol Tour Guide.

"In the minutes of our lives,
In these our short times, what of our true worth in the moments we're alive. . .
In what we've all so done!

"For it's how we've so lived and died,
All within these our short lives, are all of those magnificents who've so strived!
As did you Trane, as for America's fine son we now so cry!

"For Trane, your splendid life. . . will always be one of great meaning and sacrifice!
Yes, you America's True Son. . . of Liberty the one. . . shall so ever shine into that night!
Yes, Trane you were such the one!

"For a Gallant Hero who goes off to war,
Who so leaves their most precious loved ones behind, all for our freedom to ensure!
Is but The Brightest of All Sons!

"Trane, To Make A Difference with it all. . .
As You would not fail, as you would not fall. As what you so fought for, as what you saw!
Until, your fine life was done!

"In life, we all must make choices!
But it's only from the heart, so comes uncommon valor. . . from deep down these inner voices!
To do what must be done!

"To Heaven now rise my son!
You are but a Hero in our Lord's eyes. . . yes you are the one!
For only those brave of heart, who so play their part. . . souls up to Heaven shall so run!

"In these the moments of our lives,
Only in these, all of what we've so fought for. . . lived and died!
Shall take us To Heaven's Sun!

"And when there comes a gentle rain,
Trane's tears from up in Heaven shall wash down upon you to ease your pain. . .
Until, up in Heaven you so meet again. . . once again!"

TRIBUTE TO MAX H. DODSON

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. UDALL of Colorado. Mr. Speaker, I rise today to acknowledge the exemplary service of Mr. Max Dodson. Mr. Dodson will be retiring from the Environmental Protection Agency's (EPA) Region 8 office in Denver, Colorado, this coming January.

For over 35 years, Mr. Dodson has been at the forefront of EPA's initiatives and programs. His career at EPA is marked with many firsts and a tireless dedication to the Agency and its mission. Since joining EPA in August 1971, Max held numerous positions in the Denver, Colorado, and Helena, Montana, offices. These include: Director, Montana Operations Office, Helena, Montana; Director, Water Quality Management Division, Denver, Colorado; and Assistant Regional Administrator, Office of Ecosystems Protection and Remediation, Denver, Colorado. He holds a B.A. in Geography and two masters' degrees, one in Geography and one in Public Administration.

In addition, Max served 4 years as an intelligence officer with the U.S. Department of Navy and spent more than 20 years in the Naval Reserve where he was the Regional Commander of a District Office for several years. On top of his service to our country, Max has been a past member of the South Platte River Commission, and the Red River, Poplar River and Souris River Boards of the International Joint Commission (a binational United States-Canada organization established under the Boundary Waters Treaty of 1909) and the Steering Committee for the American Water Resources Association.

In the early 1970s, Max was a major contributor to EPA's very first wastewater facility plan and the first ever basin-wide water quality management plan. Both of these plans guided the development and management of wastewater treatment systems within Summit County, Colorado, and Weber County, Utah. As the first of their kind, these plans were used as models for the rest of EPA and to this day, provide a guide to development and citing of wastewater treatment facilities in these two counties. Likewise, Max worked with the State of Montana to develop the first State/EPA agreement which provided the basis for environmental work within the State and enabled EPA to award millions of dollars in grants to the State in support of that work.

While a member of the Poplar and Red River International Boards, Max was instrumental in the development of some of the earliest agreements between Canada and the United States detailing how each country would manage activities in the river basin to minimize water quality impacts that each country's activities had on the other country. Another first for EPA, which Max initiated and cultivated from the 1980s through now, was bringing together the Superfund and Clean Water Programs to address serious water quality problems in the Western United States due to historical mining activities. As a consequence of Max's leadership, EPA Region 8 was the first region in the country to list mining sites on the Superfund National Priorities List. Today, several mine cleanups have been completed and many others are underway using Superfund resources to pay for the cleanup. Through his efforts the very first "Good Samaritan" agreement was developed for an abandoned mining site located in the American Fork Canyon in Utah. This agreement is serving as a model for others and has informed the Congressional deliberations related to new "Good Sam" legislation.

Another example of Max's leadership is the development of a Response Support Corps and Regional Response Center for EPA Region 8 during the early 2000s. Due to his foresight, Region 8 was able to contribute more than its proportional share of the EPA staff who worked on the Katrina recovery efforts. Max also served as a ranking officer during the initial response to the aftermath of Hurricane Katrina. Max was an important asset in the early days of the Katrina recovery efforts to get all of the disparate parties to work together and to ensure that the work done in the field was responsive to the needs identified.

For the last 11 years of Max's career he has been the Senior Manager overseeing the Region's Superfund, Brownfields, Emergency Response/Preparedness and National Environmental Policy Act programs, as well as several parts of the Agency's Clean Water Program. In all, his office of over 200 personnel has responsibility for implementation of six environmental statutes: Comprehensive Environmental Response, Compensation and Liability Act (a.k.a., Superfund); Oil Pollution Act; Brownfields Revitalization Act; National Environmental Policy Act; Clean Water Act; and Safe Drinking Water Act. Additionally, his office oversees cleanup of the Department of Defense sites under its Base Realignment and Closure, and Defense Environmental Restoration programs.

Region 8 has the distinction of being the home to some of the country's largest and most complicated Superfund sites and projects: Rocky Mountain Arsenal, Rocky Flats, Clark Fork Watershed, Clear Creek Watershed, and Libby Asbestos cleanups to name a few. The capstone of his many Superfund accomplishments was the work Max performed related to the final cleanup of Rocky Flats in 2006, enabling most of it to be converted to a wildlife refuge. Max served on the governing board that directed and oversaw the cleanup of Rocky Flats. Through his leadership and guidance, the $6.7 billion project was completed 14 months ahead of schedule and over $550 million under budget. Since 1980, 61 sites in the region have been listed on Superfund's National Priorities List—a list of sites representing the greatest risk to human health, welfare and the environment. By the end of 2006, 44 of the 61 sites will have been cleaned up, all but 4 under Max's tenure. Of the 44 cleaned sites, 11 have been deleted from the NPL.

Region 8 is a leader for the country in terms of the number of acres and cleanup projects restored to beneficial uses. For example, since April, 2004, over 13,000 out of a possible 17,000 acres of Rocky Mountain Arsenal have been converted from weapons and pesticides manufacturing to a National Wildlife Refuge, the largest urban refuge in the Nation. Revitalization projects which have received national recognition or awards under Max's watch have been:

1. Prairie Gateway—an over 900 acre project involving recreational and commercial uses Northeast of Denver, Colorado, including a world class soccer stadium and practice fields and a new U.S. Fish and Wildlife Service visitor center for the Rocky Mountain Arsenal Wildlife Refuge.
2. SLC Gateway—former 650 acre railyard that was converted to mixed retail, hotel, and residential use in Salt Lake City, Utah. The redevelopment was integral part of the 2002 Winter Olympics and was selected as a Brownfields Showcase Project.
3. Murray Lead Smelter—142 acre former lead smelter that was converted to a public transit station, hospital, and commercial/retail space located in Murray, Utah.
4. Colorado Bioscience Park and Health Sciences Center—the former property that housed the Fitzsimons Army Hospital has been redeveloped into a $4.3 billion "square mile of life science projects" and is the focus for the biotechnology industry in the Rocky Mountain Region. The Colorado Bioscience Park located in Aurora, Colorado is the first university-affiliated "biopark" to be developed west of the Mississippi. It is adjacent to the University of Colorado Health Sciences Center and Hospital Complex, the Children's Hospital, and the Fitzsimons Commons town center, all of which make up the new development at the former Fitzsimons Army Hospital.
5. Lowry Redevelopment—the former 1866 acre Lowry Air Force Base has been converted to 4500 residential properties, 4 college campuses, a town center with shopping and commercial space, and 800 acres of open/recreational space. Lowry has been so successful that it received the Governor's Award for Smart Growth and is a model community for urban-infill projects across the country.

Throughout his career, Max has been the recipient of many honors and awards, including two bronze medals, a U.S. Forest Service award, the prestigious 4Cs award from the Bureau of Land Management, a Department of Defense Award for work on Rocky Mountain Arsenal, and several special SES service awards. In 2004 Max received the coveted Presidential Rank Award for Meritorious Executive. The Presidential Rank Award recognized, among several other things, his leadership in setting up the first "one stop" funding process for Clean Water Act programs which was subsequently adopted by the Agency; reinvigorating and streamlining the Regional National Priorities Listing efforts which resulted in the addition of 12 new sites located in Region 8 to the National Priorities List; and evaluating the impacts of wastewater point and non-point sources of contamination on a watershed basis instead of the traditional discharge by discharge basis. Through Max's leadership, the EPA changed several of its approaches for addressing environmental problems and managing different aspects of the Clean Water and Superfund programs.

Max has contributed 40 years of service to the people of this nation and especially the communities encompassed within EPA's Region 8 area. His "can do" approach and personal style of working with people make him a role model for public servants in all aspects of government. I want to personally thank him for his work on the clean up of Rocky Flats and mine waste issues—especially "Good Samaritan" concepts—two issues that are especially important to my Congressional District. He has laid the foundation for all of us to continue his great work for the benefit of the environment, our quality of life and effective public service. I ask my colleagues to join me in thanking Max for his contributions and wishing him the very best in his future endeavors.

TRIBUTE TO CHARLES HIGGINS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. DINGELL. Mr. Speaker, I rise today to pay tribute to Mr. Charles Higgins, in honor of his work and accomplishments for the Lincoln Park Board of Education.

Mr. Higgins has lived in Lincoln Park since the age of 5, and throughout his life he has been committed to making it a better place to live. Charles was first elected to the Board of Education in 1967 and he made it his goal to improve subjects that, from his time in high school in Lincoln Park, he felt were lacking. Such areas included vocational education and the math curriculum. Mr. Higgins' dedication to parent-teacher associations while on the Board granted him the Distinguished Service Award for his efforts with the students. His time on the Board earned him the recognition of the longest-serving board member in the district of Lincoln Park and in the state of Michigan, and the honorable position of Board President.

Mr. Higgins served as a liaison to the Michigan Association of School Boards, the City Council of Lincoln Park, to the City Recreation Commission. He has been deservingly honored with tributes such as the Book of Golden Deeds Award from the Lincoln Park Exchange Club and Award Merit and Award of Distinction from the Michigan Association of School Boards. He also served with dedication as one of 28 board members from the state as a Michigan Ambassador for Public Education.

Before his time on the Board, Mr. Higgins worked for General Motors and was a deacon at the Lincoln Park Presbyterian Church. He is deeply involved in his community, and some of his current commitments include the Lincoln Park Athletic Club, Little League Baseball, Girl Scouts, and the Lincoln Park Democratic Club. He is also active with the senior community, delivering baked goods to the Lincoln Park Senior Center Towers.

I wish Mr. Higgins, his wife Marilyn, and their three children many good years filled with family, friends, and good health. The Southeast Michigan Community deeply appreciates his fantastic devotion and loyal service. I ask that all of my colleagues join me in wishing Charles Higgins a happy and relaxing retirement.

PAYING TRIBUTE TO BRANDON BYERS

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Airman First Class Brandon Byers for his courage and dedication to his comrades and his country by serving in Iraq.

On November 6th, 2006, Brandon returned home from serving at Camp Bucca, Iraq, as a Combat Convoy .50 Cal Gunner for ASO Missions and Commonly Remote Operated Weapons System (CROWS). He was greeted at Nellis Air Force Base, Nevada by his unit, the 99th Security Forces Squadron with his wife and 5-year-old daughter by his side and his wounds healing.

On October 16th, 2006 Brandon experienced a terrifying ordeal that nearly cost him his life. While on active duty, Brandon's Humvee was hit with a bomb detonated by Iraqi insurgents. The improvised explosive device wounded him and two of his comrades while they were returning to camp in Southern Iraq from a mounted patrol mission. Brandon was manning a .50-caliber machine gun in the Humvee's turret when the bomb went off. Shrapnel peppered his body and two large pieces struck him—one in the right wrist and another in the upper left thigh.

Following the attack, Brandon was airlifted to a military trauma center in Kuwait to undergo extensive emergency surgery to remove the shrapnel and stabilize his injuries. Colonel Paul Curlett, commander of the 386th Air Expeditionary Wing, presented Brandon with a Purple Heart medal before his return to the U.S. to receive additional treatment at Wilford Hall Medical Center at Lackland Air Force Base in San Antonio.

In addition to his Purple Heart, Brandon has received a number of other awards and decorations, which include the National Defense Medal, Global War on Terrorism Expeditionary Medal, Global War on Terrorism Service Medal, and the Air Force Small Arms Expert Ribbon with cluster award.

After his wounds heal and his rehabilitation complete, Brandon will have to go before a medical review board to determine his eligibility to return to duty. Otherwise, he plans to return to his previous post as an Installation Patrolman and Security Response Team Leader for the 99th Security Force Squadron. Brandon feels as if he has let down his "brothers and sisters down range" because he cannot be with them, fighting in the fields.

Mr. Speaker, it is with great honor that I recognize Airman First Class Brandon Byers for his undaunted demeanor and courageous conduct in defense of democracy. He is a true patriot who serves the United States with valor and courage; I commend him for his service and I wish him luck with all his future endeavors.

IN RECOGNITION OF THE DEMOCRATIC PACIFIC UNION'S INTERNATIONAL SYMPOSIUM ON DEMOCRACY AND CONGRESS

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. PAYNE. Mr. Speaker, I rise to recognize the Democratic Pacific Union's (DPU) upcoming international symposium on democracy and congress this December 8 through 10 in Taipei, Taiwan. DPU, a non-governmental organization was founded in 2005 in Taipei to enhance dialogue and exchanges among members of parliaments from countries around the Pacific Rim.

This year's symposium will feature a number of panels on democracy, parliamentary procedures, presidential and congressional elections with participants from Mexico, Canada, the United States, Honduras, Australia, New Zealand, and the Republic of China. I encourage my colleagues to attend this important symposium.

Taiwan has a special relationship with us. Our commitment to Taiwan's security, as stated in the Taiwan Relations Act, has enabled Taiwan to serve as a beacon of democracy in the Pacific region and beyond.

I also offer my congratulations to Taiwan Vice President Annette Lu for putting this symposium together.

COMMENDING THE ABBOT SHI YONGXIN OF THE SHAO LIN MONASTERY IN CHINA

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. BURTON of Indiana. Mr. Speaker, on November 15th Abbot Shi Yongxin of the Shao Lin Temple in China visited Washington, DC to meet with Members of Congress and other U.S. Government officials. I had the privilege to meet this remarkable man and his traveling companions all of whom are expert practitioners of a specialized form of the martial arts commonly known as Kung Fu.

The Abbot leads one of the most ancient and most respected monasteries of its type in China, where he and his colleagues teach a synergistic philosophy based on the Buddhist, Confucian, and Taoist traditions. Thousands of Americans have traveled to the Shao Lin Temple over the years in order to advance their spiritual lives; and upon their return to the United States shared what they learned with their friends, family, and neighbors. I firmly believe that these types of person-to-person exchanges are and rightly ought to be a critical component of our foreign policy strategy. These types of exchanges inevitably break down old stereotypes and foster deeper understanding between the United States and other countries. Although my conversation with Abbot Shi Yongxin was all too brief, I was impressed with the Abbot's unique insight into China and Chinese culture. As our nation struggles to cope with the rising power and influence of China, these are the kinds of insights and perspectives we will need in order to understand what motivates China's leaders.

The Abbot's visit to the United States, specifically, Alabama, New York, and Washington, DC, was facilitated by Dr. Thomas J. Rosandich, the president of the United States Sports Academy. The Academy is a unique degree-granting institution of higher education, focused primarily on sports management, sports medicine, and sports education. In fact, Abbot Shi Yongxin recently received an honorary degree from the United States Sports Academy to coincide with the launch of a cooperative agreement between the Temple and the Academy to teach Shao Lin Kung Fu in various locations around the globe.

Mr. Speaker, the efforts of the Abbot and the other monks of the Shao Lin Temple—as well as the parallel efforts of the United States Sports Academy—to use their teachings to help foster international peace and understanding deserve our deepest appreciation and respect. I ask all of my colleagues to join me in commending Abbot Shi Yongxin and his colleagues for their outstanding work, and wishing them a safe and pleasant journey back home to China.

TRIBUTE TO SCOTT WEST

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. BLUNT. Mr. Speaker, Albert Caswell wrote the following tribute to my constituent, Scott West, who was injured while serving the United States in Iraq.

GO WEST YOUNG MAN

Go West Young Man!
Scott You are but The Very Best Young Man, as you are nothing less Young Man!
As oh how our Nation You So Bless Young Man!

A Brave Heart who went off to War . . .
Who so walked through The Valley of Death, all so our Freedom could be insured!
A Patriot who gave his most precious of all gifts, his legs! But came back home with far much more!

A Heroes Hero . . . This Army Man . . .
Such Strength In Honor . . . As such a Magnificent Hero, before us now so stands!
Who can defeat terror and death, who with but only his courage left . . . to new heights so ran!

For his new battle has just begun,
From Sun-up to Sunset, as This Magnificent Heroes quest shall never be done!
For there is no quit, for This Champion Is! Is the stuff of which movies are made of my son!

Just look at His Heart, Just look into His Eyes!

For in This Splendid Man of Courage and Faith, you'll find No Missouri Compromise!
He's not giving up! He's not giving in! As before us, The True Fine Definition of Where Courage so Lies!

And our time here upon this Earth, is but such a short time's worth!
Most people lead such useless lives, for only those of such splendid faith . . . shall so to Heaven rise!
As they teach us, as they so reach us . . . the ones in our Lord's Heart who so come first!

For We All must Walk This Road of Life,
Could we, in such dark moments in time . . . to somehow the courage find, as Scott to not think twice?
With head up high, with no pity to find . . . how we love you Scott! As to our World You bring Your Light!

Our Country Tis Thee, this our Sweet Land of Liberty . . .
Where our fine Nation, was so built upon such Heroic Heroes all throughout her history!
Go West Young Man, You Are America's Best Young Man . . . if I have a son, I pray like you he'd be!

Dedicated to Scott West and his family, and all those like them. Who teach us so much!

May our Lord Bless you, and he will!

HONORING NEW YORK STATE SENATOR MARC COPPOLA

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. HIGGINS. Mr. Speaker, today I rise to inform the House of the effective and faithful service in the New York State Senate of a great son of North Buffalo, New York State Senator Marc A. Coppola.

Marc Coppola's career in elective public service began with his appointment and subsequent election to the Buffalo Common Council's Delaware District seat in 2000. In that capacity, Marc and his office staff developed a reputation as one of the most effective and efficient constituent service operations in city hall. Constituents from throughout the city came to know that their problems and concerns could be addressed in Councilman Coppola's office.

In 2004, following an election cycle that saw the Common Council successfully downsized from 13 to 9 members, Marc was chosen by his council colleagues to serve as Majority Leader of the Common Council. Marc's leadership resulted in a number of important reforms in city hall and opened up city government to the people in greater numbers than ever before. I recall watching sessions of the Common Council in those days—I began my career as a Buffalo Councilman back in the 1980s—and I remember being struck by the professionalism that Marc displayed in serving as floor leader for the council at that time. Gone was the infighting and the grandstanding that marked floor debates years ago; Marc's steady hand and patient leadership brought dignity and honor to that legislative body.

Early in the year, after the election of then-Senator Byron Brown to the office of Mayor of the City of Buffalo, Marc Coppola won a special election as State Senator. In only several months in office, Marc developed a formidable record in the State. As a veteran of the New York State Legislature myself, I know well how partisan that institution can be, and as a

Democratic senator in a Republican-dominated Senate, Marc demonstrated time and again his ability to reach across the aisle and work with the party in power. In so doing, Marc was able to see important legislation pass and become enacted into law, and he was able to best represent his constituents in Buffalo, Tonawanda, Grand Island and Niagara Falls.

Although Marc won't be returning to Albany in January 2007, the impact of his brief service in Albany will be felt long after his senatorial career concludes. The people of Buffalo and Western New York were well served by Marc Coppola, and as a young leader in our area, his service to our community is not complete. My personal best wishes go out to Marc, his wife Denise and their three sons, and I hope that you, Mr. Speaker, will join with me in extending to the Coppola family our best wishes of good luck and Godspeed in all of their future endeavors.

CONGRATULATIONS TO MR. FRANK LUCAS ON BECOMING THE CHANCELLOR OF FELLOWS OF THE AMERICAN INSTITUTE OF ARCHITECTS

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. BROWN of South Carolina. Mr. Speaker, I would like to congratulate my good friend Mr. Frank Lucas on becoming the Chancellor of Fellows of the American Institute of Architects.

Frank founded LS3P Associates Ltd. in 1963 and built the firm to its present level of success where it employs over 160 people in Charleston and Columbia, South Carolina and Charlotte, Raleigh, and Wilmington, North Carolina. LS3P Associates Ltd. provides architecture, interior architecture, and land planning services for clients throughout the Southeast. During its history LS3P Associates Ltd. has designed over $7 billion worth of construction projects.

LS3P was the recipient of the Outstanding Firm Award and for Distinction in Design by the Tau Sigma Delta Architectural Fraternity of Clemson University. In 1990 LS3P received the South Carolina Arts Commission's Elizabeth O'Neill Verner Award for community service in the arts. In 1995 the firm was honored with the 25 Year Distinguished Service Award for firms by the American Institute of Architects South Carolina. Mr. Lucas has also received Clemson University's Distinguished Alumni Award in 1992 and the American Institute of Architects South Carolina's highest honor, the Medal of Distinction, in 1997. He was recognized as Architect of the Year by the Charleston Contractors' Association. He is a past president of the Hibernian Society and is involved with numerous civic, professional, and business organizations.

Mr. Lucas and his wife, Edith, both native Charlestonians, have three daughters and five grandchildren. LS3P and Frank Lucas proudly and strongly believe in giving back to the community, working for the betterment of the architecture profession, and serving his fellow man.

Frank Lucas has been a great success story, but he has not let that success change him. Frank has continued to give back to the community that he grew up in and I am very proud to congratulate him on achieving such a prestigious achievement as becoming the Chancellor of Fellows of the American Institute of Architects.

PAYING TRIBUTE TO THE MGM MIRAGE

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor the MGM Mirage for its laudable treatment of its Reserve and National Guard employees.

Under the leadership of Terri Lanni, Chairman and Chief Executive of the MGM Mirage, employees who are also serving in the armed forces as either Reservists or in the National Guard receive their full pay and benefits when they are deployed. This program has been in effect since 2003, and has so far covered 113 employees. Recently, the MGM Mirage, Nevada's largest casino operator, was honored by the Department of Defense with its Employee Support Freedom Award, the highest award that the military can bestow on employers.

In a time when many Reservists and National Guard troops are getting deployed and having to leave their primary sources of income, this program shows an acute awareness of the needs of those individuals and their families. When asked how much this program costs the company, Mr. Lanni responded, "I literally don't care . . . it was the right thing to do, its just that simple."

Mr. Speaker, I am proud to honor the MGM Mirage and its Chairman, Terri Lanni. The program they instituted truly shows a dedication to the well-being of employees of the MGM Mirage and their families. I applaud them for their dedication and congratulate them on their recent honors by the Department of Defense.

TRIBUTE TO DR. MAX MAYFIELD

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I rise today in appreciation of the works and accomplishments of Dr. Max Mayfield, Director of the National Hurricane Center in Miami, FL. Mr. Mayfield has played a key role in hurricane forecasting and has helped protect the lives and property of millions of people in the United States.

Since taking the helm of the National Hurricane Center in 2000, Director Mayfield has overseen a team of hurricane forecasters, specialists, and technical personnel at the center's headquarters in Miami. Mr. Mayfield strives to improve the warning lead times and increase the center's understanding of the tracks and intensity of hurricanes. As dangerous storms approached our Nation's coastal shores, Director Mayfield personally contacted governors and state officials stressing the importance of preparation and timely evacuation. He has spent countless hours providing warnings and valuable information to all those Americans located in the potential path of a hurricane.

Mr. Mayfield and his wife, Linda, celebrated their 28th wedding anniversary over the weekend of October 21, 2005. What was initially supposed to be a weekend get-away in Duck Key, just south of Miami, turned into another working weekend for Mr. Mayfield. Once again, a Category 3 hurricane, Wilma, was headed towards South Florida and Mr. Mayfield provided calm and clear hurricane forecasting.

Just a few days after the landfall of Hurricane Wilma, on October 27th, President Bush received a tour of the important hurricane facility and thanked Mr. Mayfield for his notable service to our Nation.

After more than 30 years of distinguished service to weather and hurricane forecasting, Mr. Mayfield will be retiring in January 2007. I know that the residents of South Florida will miss his calm and clear voice as approaching hurricanes threaten our coast. His pending retirement will mark the end of an exceptional career, and finding a worthy successor will undoubtedly be a difficult endeavor.

South Florida and our country are grateful for Mr. Mayfield's dedication in preparing and assisting the people of our community. Through his guidance and skilled predictions, Director Mayfield and his staff closely watched the path of countless hurricanes.

Mr. Speaker, I ask my colleagues to join me in honoring Director Max Mayfield's numerous accomplishments and his dedication to weather forecasting. The citizens of South Florida and the United States as a whole have benefited from this man's service, and we owe him our gratitude. As Mr. Mayfield and his wife prepare to spend more time with their families and enjoy retirement, I know that my colleagues will join me in wishing them well.

COMMENDING MR. MAX MAYFIELD, DIRECTOR OF THE NATIONAL HURRICANE CENTER FOR HIS SERVICE TO THE NATION

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. GORDON. Mr. Speaker, earlier this year the National Oceanic and Atmospheric Administration announced that Mr. Max Mayfield, Director of the National Hurricane Center in Miami, Florida would be retiring in January 2007.

I want to take this opportunity on behalf of myself and all the Democratic Members of the Committee on Science to thank Mr. Mayfield for his service to our nation and to wish him well in his future endeavors.

Mr. Mayfield will be missed. He has served our nation with distinction for over 30 years. Mr. Mayfield is well known to all of our citizens, especially those in hurricane-prone areas. Mr. Mayfield's leadership of his forecasting team at the National Hurricane Center, his clear presentation of hurricane forecasts, and his abilities to coordinate and communicate with local emergency management personnel resulted in countless saved lives and better informed communities.

Prior to the tragic events resulting from Hurricane Katrina, the National Weather Service and the National Hurricane Center—under the Directorship of Mr. Mayfield—did an excellent job of predicting the track of the storm and issuing watches and warnings that permitted state and local officials to evacuate many of the people who were in the path of this devastating storm.

The active hurricane seasons of 2004 and 2005 demonstrated the tireless dedication of Mr. Mayfield and his team, each of whom worked tirelessly to refine and deliver forecasts of the tracks and intensities of the storms that threatened our coasts.

Max Mayfield has set a high standard for future Directors of the Hurricane Center. I suspect he will continue to be involved in meteorology through his membership in the American Meteorological Society, and I can think of no better mentor and teacher for current and future meteorological professionals.

Thank you again, Mr. Mayfield, for your work at the National Weather Service. Your knowledge, experience and sound direction have been assets to the safety of our nation and the security of our citizens.

TRIBUTE ON THE OCCASION OF MR. BRITT "MAX" MAYFIELD'S RETIREMENT FROM THE NATIONAL WEATHER SERVICE

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. EHLERS. Mr. Speaker, I rise today to congratulate Mr. Britt "Max" Mayfield on an exemplary career of service to his fellow citizens, and to wish him well in his much-deserved retirement. In his 34 years of service to the nation, Max Mayfield has personified the dedication and excellence that make the National Oceanic and Atmospheric Administration's National Weather Service one of the crown jewels of the federal government. Since he began forecasting weather for the Air Force in 1970, and over more than three decades with the National Weather Service, Max has helped push forward the science of forecasting to help make our nation a safer place. But just making better forecasts has never been enough for Max, because a forecast does no good if nobody hears it. Mr. Mayfield has also dedicated his career to making sure that his always-improving forecasts get out as quickly as possible to the people who need them. For example, he has worked tirelessly to make more educational opportunities available to emergency managers so that they have the tools they need to interpret and respond to hurricane and severe weather forecasts quickly and intelligently.

There is no doubt in my mind that Max Mayfield's exemplary efforts, and those of his hard-working staff at the National Hurricane Center's Tropical Prediction Center, have helped communities prepare for impending disasters and have saved lives in communities across the country and around the world.

I am not alone in my esteem for Mr. Mayfield. The American Meteorology Society, the National Association of Government Communicators, ABC Television, the National Academy of Television Arts and Sciences, the National Hurricane Conference, the Department of Commerce, the National Oceanic and Atmospheric Administration, and President George W. Bush have all presented Max with formal awards for his outstanding achievements and service to his craft and to society. And those are just the formal awards—they do not include the many personal "thank-you's" that he has received from the very people he has spent his life serving, and from the people whose lives he has helped save.

So I am pleased to express my deepest gratitude to Max Mayfield, and to his endlessly supportive family for sharing him with us for this time. God bless you and the work you have done; I wish you calm weather and smooth sailing in your retirement.

MAX MAYFIELD RETIREMENT

HON. SHERWOOD BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. BOEHLERT. Mr. Speaker, I rise today to recognize an outstanding public servant, Mr. Britt "Max" Mayfield, Director of the National Weather Service's National Hurricane Center. Since 2000, Mr. Mayfield has been the face and voice Americans trust for information about hurricane forecasts and warnings. He led the National Hurricane Center tirelessly during a time of many intense hurricanes hitting our highly populated coasts, including the record-breaking 2005 hurricane season that saw 28 named tropical storms.

For each tropical storm or hurricane, Mr. Mayfield and the staff of the National Hurricane Center work around the clock gathering information about the storms and constantly improving the projection of the storm's track. As a storm nears the U.S. coast, they often spend days at a time at the National Hurricane Center making sure that the public continues to receive vital forecast and warning information, even as their own families and properties may be in the storm's path.

Mr. Mayfield has served our Nation for 34 years, beginning in 1970 as a meteorologist for the Air Force before joining the National Weather Service in 1972. He is internationally recognized for his expertise in forecasting hurricanes. But, Mr. Mayfield also goes above and beyond his responsibility as a hurricane scientist. He dedicates much of his time to educating communities about the risks of hurricanes and making sure that the public understands the information in hurricane forecasts and what they need to do to protect themselves from these dangerous storms. Both his forecasting efforts and community service have been recognized with awards from many prestigious organizations.

I thank Mr. Mayfield for his more than three decades of service to this country and for the countless lives his hurricanes forecasts and warnings have saved. I also thank his family for the sacrifices they made to support him in this demanding job and wish him a long and relaxing retirement.

One final note. My wife, Marianne, contends that Max Mayfield is her favorite federal employee—and that, alas, probably includes me.

HONORING DR. EDWARD S. BENTLEY

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mrs. CAPPS. Mr. Speaker, today I rise to honor a celebrated colleague of mine in the health profession. Dr. Edward S. Bentley has been selected as the 2006 Physician of the Year by the Santa Barbara County Medical Society. His countless accomplishments truly warrant him the prestige associated with this award.

Dr. Bentley began his medical career at the University of Nevada and the University of Oklahoma Medical School. He then moved to California, where he worked for the University of Southern California Medical Center, serving as Clinical Associate Professor of Medicine, Assistant Professor of Clinical Medicine and Chief Resident.

In 1986, Dr. Bentley established a private practice in Santa Barbara, specializing in gastroenterology. Over the past 20 years, he has proven to be a tremendous asset to our community. He served as a member of the Board of Trustees of the Santa Barbara County Medical Society from 1999–2005 and was president of the organization in 2004. Additionally, Dr. Bentley served as Vice President of the Santa Barbara Select I.P.A., member of the Santa Barbara Consortium on Continuing Medical Education, and delegate for the California Medical Association. He is also a member of the Santa Barbara County Medical Society, the California Medical Association, the American Medical Association and the American Association for the Study of Liver Disease, among numerous other organizations. In addition, Dr. Bentley holds numerous affiliations with many hospitals across Southern California.

Mr. Speaker, clearly I could stand up here all day and list Dr. Bentley's impressive achievements. He is a truly extraordinary doctor, citizen and esteemed member of the medical community. I am proud to serve as both his representative and colleague in health care. I would like to extend to him my most heartfelt congratulations and sincere wishes for continued success in both his personal and professional endeavors.

A TRIBUTE TO DARA MARCOZZI AND MARYELLEN "MIMI" YURKOW

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. ANDREWS. Mr. Speaker, I rise today to honor two courageous New Jersey residents and cancer survivors, who have transformed their personal pain into an opportunity to bring hope to others. Dara Marcozzi and Maryellen Yurkow are inspirations to their communities, and it is my privilege to honor them today.

Dara Marcozzi and Maryellen "Mimi" Yurkow, both ovarian cancer survivors, have worked tirelessly to promote ovarian cancer awareness. They co-founded Teal Magnolias, the south Jersey chapter of the National Ovarian Cancer Coalition, to raise funds for ovarian cancer research and to bring together others suffering from the terrible disease—the fifth leading cause of cancer death among women in the United States.

Dara and Mimi are inspirations to us all, and their stories remind us that while we might face difficulties in our own lives, we have the power to overcome. These two remarkable survivors not only overcame their own challenges but now support others in their times of need. Their tireless efforts make our community, and our Nation, a better place.

TRIBUTE TO SOUTHEAST POLK HIGH SCHOOL'S FOOTBALL TEAM

HON. LEONARD L. BOSWELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. BOSWELL. Mr. Speaker, I rise today to congratulate Southeast Polk High School's football team, which made a run for the Class 4-A Iowa State Football Championship. With an 11–2 record for the season, this football team placed second in the State championship. This was the first time the Rams had ever advanced to the State championship. All of central Iowa is very proud of the team's achievement.

In addition to this achievement, four young men on the team received the First Team All State Honors while the head coach, Denny Muller, was named Coach of the Year in the Central Conference.

As Vince Lombardi once said about teamwork: "The achievements of an organization are the results of the combined effort of each individual." This great season was undoubtedly the result of tireless dedication by the coaches and the players.

Congratulations go to each member of the team, the coaches, the managers and the cheerleaders for an outstanding football season:

Players: Zach Ballard, Ethan Bass, Drew Behrens, Josh Bell, Jacob Bergeson, Kenny Berry, Jon Bianchi, Travis Bos, Jake Boston, Drew Bower, Taylor Bowie, Sam Bricker, Tony Burrows, Ben Burzacott, Seth Churchill, Adam Davis, Tanner Farley, Andy Fisher, Chris Foster, Avery Gaston, Dustin Hickman, Mike Hoburg, Andrew Host, Brett Hughes, Kody Ingle, Brian Johnson, Kyle Johnson, Tyler Johnson, Andrew Khounchanh, Ty Knowler, Brad Lamberti.

Brian Lathrop, Kevin Leffler, Scott Lusk, Jordan Mallicoat, C.J. Massey, Kyle McClain, Nick McGinn, Ryan Medina, Mike Medina, Chris Medina, Seth Negrete, Andrew Rojas, Stephen Saunders, Cody Shepherd, Jacob Slings, Stephen Smith, Nate Snead, Jeremy Snead, Billy Sowder, Jake Stewart, Tyler Underwood, Jared Vandewall, Jake Viggers, Tyler Walsh, Jordan Wells, Brett Wilkin, Harrison Williams, Tyler Wilson, Shane Wong, Jeff Woody, and Zoran Zailac.

Managers: Lexi Armantrout, Amanda Backous, Beth Denning, Amanda Johnson, Jen Larson, and Tommi Music.

Coaches: Nate Ballagh, Jake Bartels, Adam Booth, Eric Hendricksen, Bob Knipp, Kelly Knowler, Mark Martin, Randy Mehrl, Lou Mooney, Denny Muller, Troy Schwemm, Don Starcevich, Craig Wilkin, Pat Wilson, and Brad Zelenovich.

Cheerleaders: Caitlin Bair, Marissa Brehm, Callie Buck, Cassey Guldner, Kris Kaufman, Macie Kingery, Chelsea Kisner, Samantha Lynn, Mindy Roney, Marissa Rouse, Chelsea Sigmund, Ashley Sowder, Kim Sparks, Whitney Stewart, and Abby Vance.

PAYING TRIBUTE TO OPPORTUNITY VILLAGE

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Opportunity Village for over 50 years of service to Nevada's disabled population.

Since its founding in 1954, Opportunity Village has greatly improved the lives of countless disabled persons and their families. Through vocational training, community job placement, advocacy, and social recreation programs, Opportunity Village serves more than 3,000 people with intellectual disabilities annually.

Opportunity Village does far more than serve those with disabilities; this organization has a profound impact on the entire Southern Nevada community. Opportunity Village operates two work center campuses and one thrift store. It also operates a vehicle donation program, trains and places hundreds of disabled adults in jobs throughout the community, and hosts some of the most popular special events in all of Las Vegas, including the annual Magical Forest.

Mr. Speaker, I am proud to honor Opportunity Village. Their tireless advocacy on behalf of those with intellectual disabilities has enriched countless lives. I applaud Opportunity Village for their mission of encouraging its clients to follow their dreams, and I wish them the best in their future endeavors.

HONORING DON HILLMAN

HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. NUNES. Mr. Speaker, I would like to pay tribute to the late Don Hillman of Tulare, California, who died Oct. 19, 2006 at the age of 86.

Don was known as Mr. Tulare. His life exemplified the character traits of integrity, humility, public service and love of family and community. He represented the community he loved on the Tulare County Board of Supervisors for 20 years, twice serving as its chairman. From that position of trust, he helped shape a county that has become one of the most productive agricultural regions in the world.

He was recently remembered by friends as the man every community needs and so few communities have. As a personal friend of Don's, I wholeheartedly agree with that statement.

Don was part of the Greatest Generation, serving in the U.S. Navy during World War II, rising to the rank of lieutenant commander.

Born May 17, 1920, in Glendale, Hillman's family moved to Tulare a few a months later. He graduated from Tulare Union High School in 1938. He was the student body president and, years later, he was on the organizing class reunion committee and the Tulare Community Auditorium Restoration Foundation.

He is also credited with helping revitalize downtown Tulare, which remains a vibrant and welcoming business district to this day.

He is survived by his wife, Laverne, his son, Dave, and two grandchildren. I ask my colleagues to join me in paying tribute to this great American.

HONORING THE DETROIT TIGERS, 2006 AMERICAN LEAGUE CHAMPIONS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. CONYERS. Mr. Speaker, I rise today to honor the Detroit Tigers, winners of Major League Baseball's American League Championship. This October, for the first time in 22 years, my city of Detroit, Michigan was represented in the World Series. After years of setbacks, 2006 marked a turning point in the fortunes of my beloved home team.

Just three years after the club suffered through a 119 loss season, the Tigers surged to the top of the major league standings in May, a position they did not relinquish until late September. Thanks to the play of veterans like left-hander Kenny Rogers and closer Todd Jones, the emergence of previously unestablished players Curtis Granderson, Brandon Inge, Craig Monroe and Marcus Thames, and the significant production from erstwhile All-Stars Ivan Rodriguez, Magglio Ordóñez and Carlos Guillén, the Tigers completed an extraordinary season by facing the

St. Louis Cardinals in the Fall Classic. While our Detroit boys fell short in the series, finally losing to St. Louis in 5 games, they made all of Michigan proud with their sportsmanship and hard work.

Every great team needs a great leader and the Tigers are no exception. Last October, after a disappointing late season fade the Tigers hired Jim Layland to right the club's ship and under his brilliant leadership the Tigers roared to life. Layland, who spent the first 18 years of his professional baseball career in Detroit, guided the Tigers to a 95–67 record, the Tigers' best season since 1987. In doing so, he also became the seventh manager in history to win pennants in both the National and American Leagues. Due to his achievement this year he was recognized with the 2006 Manager of the Year award for the third time in his career. Leyland also became the third person to win the award in both leagues.

Even though the Tigers did not ultimately win the World Series, in winning the American League Championship Series they demonstrated a spirit and determination that rekindled memories of the great Tiger teams of the past. I join both the citizens of Detroit and the great state of Michigan in congratulating the Detroit Tigers for their remarkable 2006 season.

HONORING CONGRESSMAN MAJOR OWENS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. DINGELL. Mr. Speaker, I rise today to congratulate and pay tribute to Congressman MAJOR OWENS on the occasion of his retirement after 12 terms of service in the United States Congress.

Born in Collierville, Tennessee in 1936, Congressman OWENS' commitment to education began at an early age with his own scholastic achievements. He received a bachelor's degree from Morehouse College, a Master of Science degree from Atlanta University, and later went on to serve as a librarian before entering the political arena. Congressman OWENS also served as a Community Activist and Ivy League Professor.

As Ranking Democrat on the Subcommittee for Workforce Protections, OWENS defended workers' rights by supporting minimum wage increases and strong protections of overtime payment. OWENS promoted the benefits of integrating technology and education, and fought to expand access to classroom technology for disadvantaged students.

The ethnic and socioeconomic diversity of Congressman OWENS' district—including constituents of Hasidic, Caribbean, and Eastern European backgrounds—is largely reflected in the multiplicity of his success within Congress. Congressman OWENS' influence has extended beyond our nation's borders: As a member of the Congressional Black Caucus, he fought vehemently to restore the democratically-elected President of Haiti. His dedication to Africa and the Caribbean has shaped American foreign policy, including HIV/AIDS legislation and the African Growth and Opportunities Act.

The hard work and enduring legacy of MAJOR OWENS should be applauded. Mr. Speaker, I invite all of our colleagues to join me in congratulating Congressman OWENS on his retirement, and sending him our best wishes for the next chapter of his life.

IN MEMORY OF DR. GEORGE MEETZE

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. WILSON of South Carolina. Mr. Speaker, I rise today in loving memory of Rev. Dr. George Elias Meetze. Dr. Meetze died Thanksgiving Day, November 23, 2006, after a brief illness. He was born June 24, 1909, in Columbia South Carolina. He was the son of the late Narvie Elias and Fannie Belle Leitzsey Meetze. On June 30, 1936, he married Margaret Allen who predeceased him.

Dr. Meetze was Columbia High School Valedictorian class of 1927. He was a graduate of the University of South Carolina, A.B., cum laude, 1930; the N.Y. Theological Seminary, N.Y., S.T.M., 1933; the Lutheran Southern Seminary, Columbia, 1934; and received his Honorary D.D. Degree conferred at Newberry College Centennial Convocation, Nov. 28, 1956.

Dr. Meetze served as Pastor to St. Barnabas Lutheran Church, Charleston (was ordained there July 8, 1934), 1934–37 and Grace Lutheran Church, Prosperity, 1937–42; Retired Pastor Emeritus, Lutheran Church of the Incarnation, June 1942–1974. He was elected Chaplain of the S.C. Senate January 10, 1950, serving until his death. His 57 years of service established him as the longest serving Chaplain of a legislative body in the history of the world.

Dr. Meetze's 97 years consisted of numerous activities, honors and services, included were serving on the boards of Social Missions Lutheran Synod of S.C., S.C. Synod Lutheran Church of America, Junior League Speech and Hearing, Salvation Army and S.C. Chapter of the American Cancer Society, where he was a past president. He enjoyed his memberships in Saint Paul's Lutheran Church, the Columbia Rotary Club, Heptagon Club, the Palmetto Forum, The Friday The Thirteenth Club, and the S.C. State Guard, where he was a Colonel and Chief Chaplain. He received the Service to Mankind Award by the Columbia Sertoma Clubs, the Paul Harris Fellow Rotary International award, the Order of the Palmetto, the Algernon Sidney Sullivan Award, and the 2000 U.S.C. Alumni Award. Dr. Meetze was the author of The Development of Dr. Martin Luther's Doctrine of the Lord's Supper. He was listed in Who's Who in the South & Southwest, S.C. Lives, Dictionary of Intl. Biography & Royal Blue Book.

Surviving are his sons and daughters-in-law; George Allen and Suzanne Meetze of Marion and William Dagnall and Toby Meetze of Columbia; grandsons, Michael Allen Meetze and wife, Tracy, William Vickery Meetze, all of Marion, George Seabrook Meetze and wife, Alston, William Dagnall Meetze Jr. and wife, Sheri, all of Columbia. Also surviving are his beloved infant great-grandsons, Elias Shaw Meetze and twins, William Seabrook Meetze and Joseph Alston Meetze; and nephews, nieces, great-nephews and great-nieces. He was predeceased by sister, Thelma Meetze Frick.

Dr. Meetze loved his God, his family, the South Carolina Senate, his state and his country. He enjoyed helping people and was always ready "to send up a prayer" as he said "for those who needed one." He will be greatly missed by his thousands of friends.

PERSONAL EXPLANATION

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. BOOZMAN. Mr. Speaker, as a member of the NATO—Parliamentary Assembly, I traveled to Quebec, Canada, from Sunday, November 12 to November 15, 2006 to participate in the assembly meetings. Due to the timing of the meetings and return travel, I was unable to participate in votes on Monday and Tuesday, November 13–14. I am requesting my absence for this date. I would also like you to note that, should I have been present, I would have voted in the following manner:

"Aye." H.R. 3085—Amending the National Trails System Act (Roll no. 517).

"Aye." S. 819—Reallocation of funds for the Pactola Dam (Roll no. 518).

"Aye." H.R. 5602—Authorizing the Extension of Nondiscriminatory Treatment to the Products of Vietnam (Roll no. 519).

"Aye." H.R. 6314—Extending provisions within the Survivors' and Dependents' Education Assistance Program (Roll no. 520).

"Aye." H.R. 864—Sober Truth in Preventing Underage Drinking Act (Roll no. 521).

"Aye." H.R. 5585—Financial Netting Improvements Act (Roll no. 522).

"Aye." H. Res. 1078—Congratulations to 2006 World Series Champions (Roll no. 523).

CONGRATULATIONS TO LUCRETIA JACKSON

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. MORAN of Virginia. Mr. Speaker, I rise today to congratulate Lucretia Jackson of Alexandria, Virginia, on being awarded the Washington Post's Distinguished Education Leader Award for 2006.

As principal of Maury Elementary School in Alexandria, Ms. Jackson has led the school's dramatic turnaround. In the four years since Maury was "accredited with warning" in four content areas, Ms. Jackson has worked tirelessly to improve all aspects of school life. Since joining the school in 2004, she has spent endless hours recruiting a "dream team" of teachers for the school, revamping the entire licensed and support staff with dedicated and inspiring new staff who were ready to work hard and turn the school around.

Standards of Learning test scores at Maury have improved drastically due to Ms. Jackson's work. Every student at Maury passed the science SOL in 2006, compared to only fifteen percent in 2003. Similar improvements have been seen in math and reading SOL scores: Ninety-three percent of students passed their reading SOLs compared to only forty-five percent in 2003, and eighty-three percent passed the math portion compared to only thirty-eight in 2003. Ms. Jackson encouraged teachers to work closely with students to improve these scores, even instituting a "Secret SOL Supporters" program to help encourage students through difficult study periods with notes and gifts hidden at students' desks.

Maury Elementary is now a model example for underperforming schools thanks to the hard work of Ms. Jackson and her staff. Despite an early drop in enrollment after the poor test scores of 2003, enrollment has risen right along side test scores at Maury. I am sure that under Lucretia Jackson's leadership, the school will continue to see immense improvements in the years to come. I ask my colleagues to join me in congratulating Ms. Jackson on this award and her tremendous success.

TRIBUTE TO M. ATHALIE RANGE

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. MEEK of Florida. Mr. Speaker, today I rise with great sadness to memorialize the late M. Athalie Range, who, at age 91, died on Tuesday, November 14, 2006. I join our community, now saddened by the passing of this great civil rights icon, who represented all that is decent and honorable about our common humanity.

A genuine legend, this eloquent and courageous lady held our disenfranchised community together when access to equal justice was denied to us. She led the struggle of reason and conscience in righting this wrong.

She was barely 5 feet tall, but she stood indomitable against the forces of segregation and racism. She was a pioneer in forcing equal opportunity and justice for all. M. Athalie Range was a beacon who showed the way for us in fighting for the rights of others. The magnitude of her courage and the strength of her heart defined her will to end inequality and discrimination everywhere she found their evil vestiges.

A native Floridian, Ms. Range was born in Key West, was educated in Miami, and graduated from the Booker T. Washington High School. Her achievements were numerous, but a prominent accomplishment was her election as the first African-American to the Miami City Commission. She was the first Black woman ever to head a State agency, appointed by then-Florida Governor Reuben Askew as Secretary of Community Affairs, and she was appointed by President Jimmy Carter to the National Board of AMTRAK. Her humanitarianism was duly recognized when she was given the Silver Medallion Award by the Florida chapter of the National Conference of Christians and Jews, followed by the Spirit of Excellence Award by The Miami Herald.

"She knew more about politics than anyone I knew," said former U.S. Rep. Carrie P. Meek. "She taught me humility, first and foremost. She taught me to go out and talk with the little people in the community, who no one else thought about."

Mr. Speaker, I find it difficult to write these statements on behalf of this "Grande Dame of Public Service" without thinking of my many wonderful memories of her. The most appropriate way I can describe her was that her life was as gentle as her words were gracious, purposeful and elegant. Her descriptions of our challenges as a people were insightful—so simple and yet so impeccable that no one doubted that we were in the presence of an awesome leader whose promise of liberation was inspiring.

This is the legacy left by M. Athalie Range. With humble faith, we will now consign her back to the God she loved and served. I am glad that leaders like M. Athalie Range never have to say goodbye, because she will truly live on with us.

TRIBUTE TO H.B. PLANT HIGH SCHOOL GIRLS' VOLLEYBALL TEAM

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. DAVIS of Florida. Mr. Speaker, I rise in honor of the H.B. Plant High School girls' volleyball players, a powerhouse team who just this weekend won its first Class 5A state volleyball title since 2003.

With a 28–2 record, the number one ranked Panthers defeated Fort Meyers 25–16, 25–23, 25–19 in the championship match at The Lakeland Center. The team was led by senior Christine Williamson's 14 kills, five blocks and 12 digs.

Last season, the Panthers' march to victory was cut short by a heartbreaking loss to Venice during the state regional semifinals. At the beginning of this season, the Panthers made their intentions clear by wearing warm-up t-shirts that read "Unfinished Business." "Unfinished," however, was printed on a strip of Velcro, and on Saturday, the team proudly tore off "Unfinished" to announce their completed mission—"Finished Business."

The Panthers' victory could not have been possible without the tireless efforts of coach Leanna Taylor. The team's final win gave Taylor her first state championship medallion as head coach.

Saturday's victory marked the culmination of countless hours of practice, the team members' unwavering dedication and unmatched skill. On behalf of the entire Tampa Bay community, I commend all the Panthers for their championship win. We are all looking forward to your next season.

GEORGETOWN HONORS FATHER ROBERT DRINAN

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. FRANK of Massachusetts. Mr. Speaker, on October 23 one of the most accomplished and distinguished people to serve in this House was the recipient of a wholly deserved high honor from one of the leading law schools in this country—Georgetown Law School. On that day, Georgetown Law School, where Father Drinan has taught since leaving the House twenty-six years ago, established the Robert F. Drinan, S.J., Chair in Human Rights. The establishment of this Chair—a very significant honor in academia—recognizes the pioneering work that Father Drinan did as a Member of this House for ten years, and his continued commitment to that great work. Few people in our history have had as great a dedication to the cause of human rights and have been so consistently effective in advocating for this cause. Unlike many who have tried to make this a partisan issue, Father Drinan was equally fierce in his objection to human rights violators of the left, right and center, and accepted no excuses from those who would deny the basic rights of others.

Mr. Speaker, Father Drinan served here in this body for ten years as one of its intellectual leaders, having been elected in 1970 as one of the most effective opponents at that time of the war in Viet Nam. He also played a very significant role in the impeachment of President Nixon, insisting that appropriate legal standards be applied in that matter. He was also a leader in matters that did not divide the House on either partisan or ideological lines, for example in the field of copyright, where he made contributions during that period that remain important foundations of our law today.

Mr. Speaker, when Father Drinan declined to run for reelection in 1980 at the direction of Pope John Paul II, I was elected to succeed him. While I had been aware previously of the great respect and affection in which he was held by his colleagues, I came to appreciate that even more fully when I took the seat he had so ably filled in 1981.

In the years since leaving this body, Father Drinan has continued to be a leader in the application of religious teachings to important moral issues; in lecturing and teaching about the law; and of course in continuing his great work in the field of human rights. Georgetown Law School deserves recognition, Mr. Speaker, for establishing this Chair in Father Drinan's name. I congratulate Professor T. Alexander Aleinikoff, who will be the first holder of the Chair, and I ask that the discussion of Father Drinan's work included in the program announcing the event be printed here so that people will understand how important his impact has been on the best traditions of our country.

ROBERT F. DRINAN, S.J., CHAIR IN HUMAN RIGHTS LAW

Today, Georgetown Law proudly announces the creation of the Robert F. Drinan, S.J., Chair in Human Rights. Priest, scholar, lawyer, politician, activist, ethicist, and one of the nation's leading advocates for international human rights, Father Drinan has dedicated his life to humanitarian causes and to improving the legal profession.

A member of the Law Center's faculty since 1981, Father Drinan teaches courses in international human rights, constitutional law, civil liberties, legislation, legal ethics, and professional responsibility. During his tenure at Georgetown, he has taught over 6,000 students.

Father Drinan earned his B.A. degree in 1942 and his M.A. degree in 1947 from Boston College and his LL.B. in 1949 and LL.M. in 1951 from Georgetown University Law Center. He entered the Society of Jesus while at Boston College, and in 1953, he was ordained a Jesuit priest. From 1956 to 1970, he served as Dean and Professor of Law at Boston College Law School. During the ten years between his deanship and joining the Georgetown Law faculty, he served in the United States Congress as a Representative from Massachusetts, where he was a member of various committees and chair of the Subcommittee on Criminal Justice of the House Judiciary Committee.

Throughout his career, Father Drinan has stood as a leading voice in the human rights movement. He serves on the boards of numerous organizations devoted to the furtherance of human rights, including the International League for Human Rights, Human Rights First, the Council for a Livable World Education Fund, Americans for Democratic Action, and the NAACP Legal Defense and Education Fund. He was a founder of the Lawyers' Alliance for Arms Control and the National Interreligious Task Force on Soviet Jewry. Father Drinan has traveled the globe, both as a member of Congress and as a private citizen, on human rights missions to Chile, the Philippines, El Salvador, Guatemala, Nicaragua, Argentina, France, and Vietnam to document human rights abuses and to work for their eradication. He is the author of several notable works on human rights, including The Mobilization of Shame, of which Elie Wiesel said, "Anyone interested in human rights will read Robert Drinan's informative, passionate and challenging book with deep concern and hope."

In 2004, Father Drinan joined such American legal luminaries as Oliver Wendell Holmes, Thurgood Marshall, and Sandra Day O'Connor when the American Bar Association awarded him its ABA Medal—the organization's highest honor—which recognizes exceptionally distinguished service to the cause of American jurisprudence. The award citation notes, "For more than half a century, Father Robert F. Drinan has been an esteemed and beloved leader of the bar and a fearless advocate for the powerless and oppressed around the world. . . . Throughout his career, Father Drinan has heeded the call for human rights and social justice. With unparalleled passion and dedication, he has strived to improve the plight of the disadvantage and oppressed, and to advance the rule of law throughout the world."

Through the generosity of alumni and friends, Georgetown now recognizes and honors one of its greatest sons, Robert F. Drinan, S.J., L'49, L'51, with the creation of the Robert F. Drinan, S.J., Chair in Human Rights. This meaningful and lasting tribute will enable the Law Center to attract teachers, advocates, and scholars who share Father Drinan's passion and concern for liberty, equality of opportunity, and human dignity and who will inspire the next generation of Georgetown Law students to become leaders, protectors, and defenders of human rights.

PAYING TRIBUTE TO DR. MIRIAM AND SHELDON G. ADELSON

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor longtime philanthropists and community supporters, Dr. Miriam and Sheldon G. Adelson for their generous contributions to the Las Vegas community with the endowment of the Adelson School.

The Adelson School is the first and only Jewish High School in the Las Vegas area. The Adelson School will provide these students the opportunity to further their educational ambitions by combining rigorous academic standards with a strong foundation in morality and ethics. Opening during the 2007–08 school year, the Adelson School will provide students with state-of-the-art classrooms with integrated technology, a performing arts center, full-service dining facilities, and a full physical education facility. The physical education facility will include the only indoor, competitive-size swimming pool in Las Vegas. Dr. Miriam and Sheldon G. Adelson donated a charitable $25 million gift to establish this institution.

Sheldon is the Chairman of the Board and principal owner of Las Vegas Sands Corporation which is the parent company of The Venetian Resort-Hotel-Casino in Las Vegas, Nevada, and the Venetian Macao Limited in Macao, China. Throughout his career as a financial consultant, Sheldon has created and developed over 50 different companies, including COMDEX, a tradeshow he developed for the computer industry. In 1989, Sheldon purchased the Sands Hotel & Casino in Las Vegas and then imploded it in 1991 to develop and build the Venetian Resort-Hotel-Casino, which has become known as one of the finest hotels in the world. Throughout the years, Sheldon has received numerous honorary degrees and other illustrious awards in recognition of his business and philanthropy achievements and success.

Born in Tel Aviv, Israel, Dr. Miriam Adelson has devoted her life to the medical profession and helping others in need. Miriam specializes in internal and emergency medicine, specifically chemical dependency and drug addiction. She heads both the Dr. Miriam and Sheldon G. Adelson Clinics in Tel Aviv, Israel and Las Vegas, Nevada, which have successfully treated thousands of individuals suffering from heroin and cocaine drug addictions. She has authored several scientific papers about the effects of drug addiction on the human immune system and she continues to serve on the faculty of Rockefeller University as a guest researcher. I applaud her commitment to providing access to quality healthcare and education to the residents of Southern Nevada.

In addition to education and healthcare, Dr. and Mr. Adelson are dedicated supporters of Yad Vashem and other causes in Israel and Jewish communities abroad. As a result of their generous support, the Museum of Holocaust Art at Yad Vashem was established in memory of members of the Zamelson and Farbstein families as well as Dr. Adelson's parents, all of whom perished in the Holocaust.

Mr. Speaker, it is with great honor that I recognize Dr. Miriam and Sheldon G. Adelson for their unwavering kindness and generous donations to the communities they strive to improve. They are dedicated to improving the quality and the availability of education. The Adelson's enthusiastic commitment to education will help students reach new heights of achievement with the opening of the Adelson School. Dr. Miriam and Sheldon G. Adelson have made a profound difference in our community and we are most fortunate to have such wonderful and caring supporters of education and health care. Their heartfelt dedication is commendable and I wish them luck in all their future endeavors.

HONORING PATRICIA THOMPSON OF NAPA, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. THOMPSON of California. Mr. Speaker, I rise today to thank Patricia Thompson for many years of visionary leadership as the city manager of Napa, CA. Pat has been an outstanding leader for all of us over the 17 years she has been with the city, and her hard work and dedication will be felt in the many projects and improvement she nurtured and brought to fruition during that time.

Mrs. Thompson was born in San Diego and attended San Diego State University, where she received first a bachelor's degree and then her Masters of Public Administration with highest honors. She held a number of jobs with cities in Nevada, culminating in 7 years as the city manager of Sparks from 1981–1988. In 1988, Mrs. Thompson was honored by the American Society of Public Administration as the organizations National Administrator of the Year.

The city and people of Napa have benefited immensely from Mrs. Thompson's arrival in 1989. Among the numerous projects that she has spearheaded are infrastructure improvements like the new Highway 29-Trancas interchange, new parks, walking paths, and a fire station. She has been a leader in attracting businesses to the Napa area through a series of development projects that have restored and expanded commercial spaces in the city. On numerous occasions when a decisive leader was needed, she has stepped in as a temporary Director of Emergency Services to meet the city's needs during floods, drought and the earthquake. She was the main force behind the city of Napa's effort to pass the Measure A Flood Control Sales Tax, and this facilitated ongoing developments and improvements to Napa County's flood control project.

In addition to her busy roll as city manager, Mrs. Thompson has found time to serve on numerous local governance and non-profit boards. Her participation in these forums has allowed the various governments of Napa County to better coordinate their efforts. She has also served as an Advisory Member to the board of the Salvation Army.

Mr. Speaker, it is appropriate at this time that we thank Patricia Thompson for her invaluable service to the city of Napa, and for the numerous projects she has overseen and led to completion. Her exemplary leadership has left a legacy for our community that will extend far into the future.

HONORING BARRY BUCEY AS THCA'S NASHVILLE DISTRICT CAREGIVER OF THE YEAR

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. GORDON. Mr. Speaker, I rise today to honor Certified Nursing Assistant Barry Bucey as Tennessee Health Care Association's Caregiver of the Year, representing the Nashville District.

Barry began working at Woodbury Nursing Center 24 years ago as a janitor. After holding additional positions in housekeeping and as a dietary aide, he wanted to be more involved with the patients, so he became a certified nursing assistant. In a job that can be physically and emotionally demanding, Barry helps people with the basic tasks of living while giving them respect and dignity.

Barry's inclination toward helping people is not limited to the patients he assists. He is always more than willing to help other departments as needed, and his previous positions in the facility give Barry valuable understanding of these departments.

I thank Barry for his commitment to helping others, and I commend him on this award.

THE USS "INTREPID"

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mrs. MALONEY. Mr. Speaker, I rise to express my deep admiration for the work done by the Intrepid Foundation and the great Intrepid Sea-Air-Space Museum.

The Museum, the world's largest naval museum, is housed on the historic and battle-scarred USS *Intrepid.*

The Museum pays homage to the valiant efforts of the U.S. Armed Forces in defense of our liberties.

Commissioned in 1943, the USS *Intrepid* is a unique educational resource that promotes public awareness of the history and future development of the sea, air and space sciences.

The *Intrepid* fought valiantly in World War II, was a primary recovery vessel for NASA and then was sent to Southeast Asia where it launched the jets that supported our ground forces in Vietnam.

During World War II, the carrier was hit by five Japanese Kamikaze suicide planes in separate incidents that killed dozens of crewmen and injured many others.

Nonetheless, the ship exacted its toll on the Japanese air force, downing 43 planes and 4 kamikaze planes in one day.

During the post-World War II period the *Intrepid* exemplified the United States' leadership and devotion to freedom.

Unfortunately, despite its glorious past, there came a time when the ship was due to be scrapped.

Zachary Fisher, founder of the Intrepid Foundation, rescued the ship in 1978 and arranged for it to be brought to Manhattan where it opened as a Museum in 1982.

Visitors can explore some of the innovative aircraft that made America's air force the strongest in the world, from vintage World War II planes to the latest supersonic jets.

The *Intrepid's* unique educational programs reach 40,000 school children each year, while the Foundation's Vocational-Technical program has helped hundreds of at-risk youth develop work and life skills.

The Nation's men and women still serving in uniform are always at the forefront of the Foundation's activities.

Its Intrepid Fallen Heroes Fund provides financial support for the families of United States military personnel who have been lost in the line of duty, while Fleet Week is a celebration honoring those who are currently serving in our nation's military.

Other Fisher Foundations serve the military in numerous ways.

Zachary Fisher established the Zachary and Elizabeth M. Fisher Armed Services Foundation, which has provided funding to numerous military families who have lost loved ones under tragic circumstances.

His Armed Services Foundation provides scholarship funds to active and former service members and their families.

In 1990, Mr. and Mrs. Fisher began the Fisher House program, dedicating more than $20 million to the construction of 26 comfort homes for families of hospitalized military personnel.

Since the program's inception, more than 35,000 families have stayed in Fisher Houses while their loved ones are receiving treatment.

Thus, the Intrepid Museum is merely the most visible symbol of a enterprise entirely dedicated to serving our nation's men and women in uniform.

Unfortunately, this great symbol of support for our armed forces is aging.

During the past 24 years, the *Intrepid* has resided at Pier 86 in Manhattan, where she has been subjected to the storms, the vicissitudes of the Hudson River and a vast buildup of silt. All of that has taken a toll, and the Foundation has arranged for the ship to receive some loving care.

The ship will spend 18–24 months in Bayonne, New Jersey being refurbished, while the pier is completely rebuilt. At the end of that period, the ship will return, better able to pursue its mission of honoring our Nation's heroes, educating the public and inspiring youth.

As Robert Burns famously wrote, "The best-laid schemes of mice and men gang aft agley."

Like many visitors to New York, the *Intrepid* simply did not want to go.

Despite spending $1.6 million to dredge 15,000 cubic yards of mud and silt that had built up over the past 24 years, the ship could not be budged in the first try.

With the support of my office and others, and under the leadership of Chairman YOUNG, we have reached out to the Honorable Donald C. Winter, Secretary of the Navy, who has agreed to spending $3 million to free the ship from New York harbor. We are deeply grateful to him and to the Navy for their help with this effort.

I would also like to thank and recognize, Gordon England, Deputy Secretary of Defense who has responded quickly and professionally to our requests and continues to keep us updated.

Given the enormous support the Intrepid Foundation gives to our armed forces, and the extraordinary education visitors to the *Intrepid* receive, this is money well spent.

Mr. Speaker, I ask my colleagues to join me in honoring the Fisher family, the Intrepid Museum, the Intrepid Foundation and the remarkable men and women who have made the *Intrepid* an extraordinary public resource.

HONORING ROBERT PAUL LOSEY, MD, OF NAPA, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. THOMPSON of California. Mr. Speaker, I rise today in recognition of the tremendous contributions Dr. Robert Paul Losey has made to the lives of infants and families in Napa County. As the founder of Healthy Moms and Babies, Dr. Losey has created a successful, non-profit community health initiative that has yielded tangible results in children's health.

Dr. Losey was born in Pasadena, California, where he attended high school before serving in the Marine Corps from 1957 to 1959. After leaving the Marine Corps, he attended college in southern California where he earned degrees from Pasadena City College and the University of California, Riverside. He earned his medical degree from Creighton University in Nebraska in 1966 before returning to California to complete his internship and residency in Los Angeles.

Dr. Losey moved to the Napa Valley in 1986 when he was hired as the medical director of the Neonatal Intensive Care Unit at Queen of the Valley Hospital. His work has further developed Napa County's only facility for the care of premature or critically ill infants. Through his successful private practice at Harvest Pediatrics, Dr. Losey has continued to serve the families of the Napa Valley.

Mr. Speaker, Healthy Moms and Babies was founded in 1988 with the vision to provide comprehensive healthcare for low-income and uninsured women in order to guarantee that every baby is born healthy. By educating expectant women about their own health during pregnancy, Healthy Moms and Babies has brought a dramatic increase in infant health to the Napa Valley. Healthy Moms and Babies has also made special efforts to develop bilingual resources and do outreach into communities that have traditionally been medically underserved. Napa County has the healthiest babies in the State of California, and Dr. Losey and Healthy Moms and Babies have greatly contributed to this achievement.

Mr. Speaker, I rise at this time to thank Dr. Robert Paul Losey for his many contributions to the community and families of Napa County. He has been active in a variety of health care- and youth-related causes, and his work as the founder of Healthy Moms and Babies has brought a new standard of care to all who live in our community.

RECOGNIZING THE NOAA WEATHER FORECAST OFFICE IN LAKE CHARLES, LOUISIANA

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. BOUSTANY. Mr. Speaker, I rise today to recognize the outstanding accomplishments of the NOAA Weather Forecast Office (WFO) in Lake Charles, Louisiana. In September 2005, as Hurricane Rita was approaching the coast of Southwest Louisiana, the WFO Lake Charles developed a life saving partnership with elected officials and emergency managers that was instrumental in minimizing deaths from the storm. While Rita destroyed critical infrastructure and forever changed the landscape of Southwest Louisiana, WFO Lake Charles lived up to the motto of the National Weather Service by "Working Together to Save Lives."

With up-to-date storm-tracking information, elected officials, law enforcement and emergency response personnel were able to lead a safe and thorough evacuation. In recognition of their heroic efforts, the staff of the WFO Lake Charles was recently awarded the Bronze Medal from the U.S. Department of Commerce, as well as a special award from the American Meteorological Society.

Although Hurricane Rita has changed the coast of Southwest Louisiana, it has also reinforced the belief in all of us that preparation is the key to ensuring our families, and our homes, are safe from future disaster. To that end, I commend the WFO Lake Charles for their outstanding job and dedication to the people of Southwest Louisiana.

HONORING THE SMYRNA BULLDOGS ON THEIR STATE CHAMPIONSHIP WIN

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. GORDON. Mr. Speaker, today I rise to recognize the championship season of the Smyrna Bulldogs. On Saturday night, the Bulldogs capped their football season with a convincing win in the 2006 TSSAA Class 5A BlueCross Bowl.

My father taught science and coached girls basketball at Smyrna High. As a result, I feel a special connection to the purple and gold.

With their victory over the Ravenwood Raptors, the Bulldogs secured their first ever football title and finished the season with a school record 13 wins. While it was their first appearance in the BlueCross Bowl, Coach Philip Shadowens and the Bulldogs left no doubt that they belonged on the field. They overcame a 14–6 deficit against the defending champs, scoring 29 unanswered points on their way to victory.

During their playoff run, the Bulldogs avenged their two regular season losses to Riverdale and Ravenwood. In the quarterfinal round, they defeated the Riverdale Warriors for the first time in school history.

I commend the Bulldogs and their head coach, Philip Shadowens, for a fine season and an outstanding championship win. Steve Carson, Jason Pitts, Shawn Middleton, Kent Pippenger, Will Hawkins, Will Forkum, Scott Keasler, Travis Schrimsher, Alex Robbins, Luke Shepherd and Justin Morton serve as the team's assistant coaches. Robert "Bud" Raikes is Smyrna High School's principal.

I congratulate all the talented members of the 2006 5A State Champion Bulldogs: Sonny Gray, Antoine Hendricks, Rod Wilks, Orlando Martin, Will Martin, Tyler Slater, Kyle Frazier, Andrew Wiggins, Eddie Lalap, Joseph Butler, Sam Youree, Josh Crouch, Cleave Shaw, David Sanders, Jonah Hendricks, Maceo Harris, Cody Williams, Tony Windrow, Lonnie Turner, Tony Alexander, Quentin Burford, Cotie Dickson, Chris Yoder, Cordarious Johnson, Donovan Craig, Reuben Shadrake, Jarvis Hicks, Justin Martin, Sean Mckay, Michael Hosford, Michael Bolton, Singleton Garrett, Johnathan Vaughn, Laith Al Tamimi, Kelly Thomason, Brandon Hendricks, Josh Day, Karrar Al Hassan, Dawson Wooten, Reese Haywood, Tony Carr, Cody Sutherland, Cody Gower, Johnathan Wilcox, James Hudson, Matt Rofrano, Quentin Allen, Kyle Carter, Josh Prewitt, Bradly Folds, Alex Hill, Keith Martin, Westley Cadena, Darrell Goad, Tyler Eady, Anthony Khamphenphet, Pham Trungtin, Nathan Cantrell, Keiton Hendry, Kassidy Spence, Brandon Jaradat, D.J. Johns, James Williams, Davion Baxter, Tyler Montgomery, Jordan Bell, Cody Hagar, Daivid Pierre-Paul, Mickey West, Jeremy King, Jesse Torres, Blair Willis, Tre Tunstill, Richard Maynard, Nick Richardson, Harrison Gill and Nathan Torres.

INTRODUCTION OF THE "STUDY OF WAYS TO IMPROVE THE ACCURACY OF THE COLLECTION OF FEDERAL OIL, CONDENSATE, AND NATURAL GAS ROYALTIES ACT OF 2006"

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mrs. MALONEY. Mr. Speaker, today I am introducing the "Study of Ways To Improve the Accuracy of the Collection of Federal Oil, Condensate, and Natural Gas Royalties Act of 2006." I am pleased to be joined by Representatives HINCHEY (D–NY), GRIJALVA (D–AZ), and CONYERS (D–MI) in introducing this legislation. On May 7, 2006, the Washington Post reported allegations that American taxpayers are being shortchanged by oil and gas companies in the royalties that they are paying to the Federal Government ("Firms Harvesting Energy from Public Lands May Owe U.S."). Jack Grynberg, a plaintiff in a false claims action against seventy-three energy and pipeline companies, was featured in the article. Based on his expertise, the legislation I am introducing asks the National Academy of Engineering to conduct a study regarding improving the accuracy of collection of royalties on production of oil, condensate, and natural gas under leases of both onshore and offshore Federal lands and onshore Indian lands.

These valuable resources are owned by the American people, who should be fairly and accurately compensated. I believe that this study would prove invaluable in accomplishing this important goal and will tell us if there is a problem, including the extent of the problem, with the collection of royalties from Federal lands and Indian lands.

IN RECOGNITION OF THE 100TH ANNIVERSARY OF ST. PAUL'S COMMUNITY UNITED METHODIST CHURCH OF POINT ARENA, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize the 100th anniversary of St. Paul's Community United Methodist Church in Point Arena.

St. Paul's was the first Protestant church on the rural and relatively isolated south Mendocino coast. It started out with 24 parishioners and was led by Rev. David H. Haskin as its first pastor. In 1906 it was consecrated as a Methodist church.

Tragically, on April 18th, 1906, a fire occurred in the aftermath of the San Andreas earthquake and destroyed the original St. Paul's Church and elementary school. With the support of its community, the church and elementary school were quickly rebuilt.

Three items were rescued from the fire: the organ, two rectory chairs and the pulpit, all of which still grace the sanctuary. The most interesting item rescued was a unique, hand-carved pulpit made of three simulated Bibles. Mr. Ole Jensen, a church member and immigrant from Denmark, who was trained to make figureheads for ships, created it.

St. Paul's Church has enriched the lives of its parishioners and fellow community members through weekly religious services and an elementary school. The church is a pillar of the community on the coast.

Mr. Speaker, we honor this church for its contributions to the community and the continued resilience of its parishioners. It has been a welcoming haven and example of community strength since its original founding. It is appropriate at this time that we recognize St. Paul's Community United Methodist Church on its 100th anniversary.

FREEDOM FOR EFRÉN FERNÁNDEZ FERNÁNDEZ

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Efrén Fernández Fernández, a political prisoner in totalitarian Cuba.

Mr. Fernández is a member of the Christian Liberation Movement and an opponent of the tyranny in Havana. In March of 2003, Mr. Fernández was arrested as part of an abhorrent island-wide crackdown on peaceful pro-democracy activists who were calling for the most basic of human rights for Cuba. His participation in a collection of signatures in support of a call for some elemental rights for Cubans was all that the communist regime needed to incarcerate him.

In a sham trial, Mr. Fernández was sentenced to 12 years in the totalitarian gulag. He has endured numerous prison transfers and solitary confinements based only on his captors' whims and arbitrary reasons. Since his "sentencing", he has managed to survive against all odds in the most deplorable of human conditions. Mr. Fernández' bravery and commitment to freedom has not wavered even though since his unjust incarceration he has lost more than thirty pounds and suffers from frequent fits of vomiting and chronic intestinal problems.

According to Carta de Cuba, on September 7, 2006, Mr. Fernández was administered antibiotics intravenously for an unidentified bacterial infection affecting his kidneys. Immediately following that treatment, Mr. Fernández fainted and complained of experiencing severe heart palpitations and arterial tension.

Let me be very clear, Mr. Fernández is languishing in the totalitarian gulag simply for believing that every Cuban citizen has the fundamental right to live in freedom with the most basic of human rights and protections of their individual liberties. He suffers the consequences, no matter how brutal or at what risk to his health, and continues his dignified struggle for freedom on that oppressed island.

It is unconscionable that a mere ninety miles from our shores, men and women are suffering in the darkness of totalitarian repression. Mr. Speaker, this constitutes a crime against humanity. Mr. Fernández's only crime is to demand that basic human rights be restored to the people of Cuba.

It is incumbent on all of us who serve in this great democratic body to recognize and remember the terrible plight of those brave men and women like Mr. Fernández who suffer the living nightmare of despotic totalitarianism. Let us all join in demanding the immediate release of Efrén Fernández Fernández and all political prisoners in Cuba.

TRIBUTE TO MRS. EEVE LEWIS

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Ms. WOOLSEY. Mr. Speaker, together with my colleague Congressman MIKE THOMPSON, I rise today to recognize the outstanding career of Mrs. Eeve Lewis, the County Clerk-Recorder-Assessor-Public Administrator for Sonoma County. Mrs. Lewis has worked for Sonoma County for over 35 years, rising from her starting position of Clerk Typist to win 6 elections and serve a total of 7 terms as the County Clerk, during which time she has overseen and led numerous structural adjustments to the division of responsibilities in the county offices.

Mrs. Lewis was born in West Germany, the daughter of an Estonian woman living in a displaced person's camp. Her family immigrated to the United States in 1950, and she cites the welcome and opportunity they found here as one of her primary motivations to enter a life of public service. She graduated with Bachelor's and Master's degrees from Chico State and Sonoma State University, respectively.

Mrs. Lewis was hired by Sonoma County in 1971, and transferred to the Clerk's Office in 1974. A swift series of promotions followed. She was appointed the Acting County Clerk 1977 when her predecessor died in office. She won her first election in a runoff and has since won 6 more terms in office. During almost 30 years as the elected Clerk of Sonoma County, Mrs. Lewis has presided over expansion and refinement of the responsibilities and jurisdiction of the office of the Clerk. By always approaching jurisdictional matters with an open attitude and a concern for the relevant statutes, Mrs. Lewis has guided a series of changes that have greatly benefited the government and people of Sonoma. By working closely with court staff, Mrs. Lewis straightforwardly organized the reapportionment of duties and streamlined costs when it became necessary to create a separate office to administer the county's court system. Similar structural adjustments in 2001 saw the Clerk's Office absorb the County Recorder's responsibilities and then the County Assessor's role. Through all of these changes Mrs. Lewis has carefully studied the new responsibilities assigned to her, and maintained the high standard of performance for which the Clerk's Office is known.

In addition to her work in Sonoma County, Mrs. Lewis has been active in professional organizations around the state helping other counties emulate the success of Sonoma in developing and maintaining an effective Clerk staff. She is responsible for the development of a series of workshops to help train staff around the state, with the first of these meetings scheduled to take place this coming March. Additionally, she participated in a legal taskforce mandated to update confusing or outdated portions of California Code related to the duties of County and Court Clerks. All of these activities greatly contribute to a higher quality of governance throughout the State of California and represent a service to the people every bit as important as her work in Sonoma County.

Mr. Speaker, we rise today to congratulate Mrs. Eeve Lewis on the occasion of her retirement after 35 years of service to Sonoma County, including a remarkable 28 years of capably guiding that office as the elected County Clerk. She will leave behind the finest organization in the state and a legion of admirers who valued the insight and care with which she approached her work.

HONORING EEVE LEWIS OF SONOMA COUNTY

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. THOMPSON of California. Mr. Speaker, together with my colleague Ms. WOOLSEY, I rise today to recognize the outstanding career of Ms. Eeve Lewis, the County Clerk-Recorder-Assessor-Public Administrator for Sonoma County. Ms. Lewis has worked for Sonoma County for over 35 years, rising from her starting position of Clerk Typist to win 6 elections and serve a total of 7 terms as the County Clerk, during which time she has overseen and led numerous structural adjustments to the division of responsibilities in the county offices.

Ms. Lewis was born in West Germany, the daughter of an Estonian woman living in a displaced person's camp. Her family immigrated to the United States in 1950, and she cites the warm welcome and opportunity they found here as one of her primary motivations to enter a life of public service. She graduated with Bachelor's and Master's degrees from Chico State and Sonoma State University, respectively.

Ms. Lewis was hired by Sonoma County in 1971, and transferred to the Clerk's Office in 1974. A swift series of promotions followed. She was appointed the Acting County Clerk in 1977 when her predecessor died in office. She won her first election in a runoff and has since won six more terms in office. During almost 30 years as the elected Clerk of Sonoma County, Ms. Lewis has presided over expansion and refinement of the responsibilities and jurisdiction of the office of the Clerk. By always approaching jurisdictional matters with an open mind and a concern for the relevant statutes, Ms. Lewis has guided a series of changes that have greatly benefited the government and people of Sonoma County. By working closely with court staff, Ms. Lewis successfully organized the reapportionment of duties and streamlined costs when it became necessary to create a separate office to administer the county's court system. Similar structural adjustments in 2001 saw the Clerk's Office absorb the County Recorder's responsibilities and then the County Assessor's role. Through all of these changes Ms. Lewis has carefully studied the new responsibilities assigned to her, and maintained the high standard of performance for which the Clerk's Office is known.

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Mr. Speaker, I rise today with my colleague Ms. WOOLSEY to congratulate Ms. Eeve Lewis on the occasion of her retirement after 35 years of service to Sonoma County, including a remarkable 28 years of capably guiding her office as, the elected County Clerk. She will leave behind the finest organization in the State and a legion of admirers who valued the insight and care with which she approached her work.

TRIBUTE TO THE DEMOCRATIC PACIFIC UNION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Ms. CARSON. Mr. Speaker, I salute the Democratic Pacific Union which was formally inaugurated in Taipei, Taiwan on May 14, 2005, the 60th anniversary of the end of World War II. Notable guests at the inaugural ceremony included presidents of Taiwan, Costa Rica and Guatemala as well as vice presidents of Taiwan, Nicaragua and Palau. The goals of the Union are to integrate resources in the pan-Pacific region for joint development and regional cooperation and to promote democracy, peace and prosperity among DPU member democracies.

Since May of 2005, the Union has established a Secretariat, published its first quarterly, planned West Pacific regional meetings, formed a Pacific economic advisory group, and initiated the Pacific Congressional Caucus project. The project seeks to bring congressional and parliamentary members of DPU together to promote exchange and cooperation among lawmakers throughout DPU member countries. The Taiwan Chapter of the Pacific Congressional Caucus was inaugurated on May 20, 2006 and convened by the Speaker of Taiwan's Legislature Yuan.

My commendations also to the Taiwan Chapter of the Pacific Congressional Caucus. The Chapter will sponsor a symposium on congressional reforms December 8–10, 2006, in Taipei, Taiwan. Legislative members of the DPU, member states and U.S. Members of Congress have been graciously invited to attend this symposium either as participants or observers. I hope that my colleagues will find time to attend this very important event in Taipei and lend our encouragement and support to The Pacific Congressional Caucus.

Mr. Speaker, I also commend the Union for its goals, achievements, and initiations which include a training program on hazard mitigation on typhoon-related disasters held May 8–12, 2006 in Taiwan. The DPU has also established a 2006 fellowship and scholarship program providing funds for students from DPU member states to attend universities in Taiwan. Another significant achievement for this young organization is an invitation to distinguished women from member states to attend meetings in Taiwan to identify and address gender issues and problems women face in the Pacific region. The DPU has also invited political experts to observe elections in Taiwan; and established the Pacific Center for Disaster Reduction in Taipei.

HONORING MICHAEL REX DICK OF CALISTOGA, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. THOMPSON of California. Mr. Speaker, I rise today in honor of Mr. Michael R. Dick who is retiring as Police Chief of Calistoga. Mr. Dick has been a member of the Calistoga Police Department for 31 years, during which time he has served Calistoga honorably and conscientiously in many roles.

As a graduate of Calistoga High School, Mr. Dick grew up familiar with the area he eventually served. He studied at Napa Valley College, where he worked for his Associate of Science Degree in Law Enforcement. His constant residence in and around Calistoga has made Mike especially well attuned to the needs of his community. Throughout his career he has made an extra effort to encourage young people from Calistoga to follow his path by becoming cadets with the police force.

Mr. Dick became an Officer on the force in 1975. He has earned a reputation as a thorough officer whose tenacity and initiative helped him obtain convictions in tough investigations. Beyond his conventional duties as an officer, he served for many years as the Juvenile Officer and liaison to the schools of Calistoga. His connections to the community served him well in this regard, and he developed numerous local programs targeting drug-use prevention and children's safety. For all of his hard work, Mr. Dick has 3 times been recognized as Police Officer of the Year, and in 1996 he was the City of Calistoga's Citizen of the Year.

Beyond his work as a police officer, Mr. Dick has been a model citizen for the City of Calistoga, serving in numerous local volunteer capacities. He has been the Chairman of the St. Jude's Children's Hospital Bike-a-thon and served several terms as President of the Calistoga Police Officer's Association. Demonstrating once again his commitment to the children of our community, he has for many years been the Cub Scout Master for the Silverado Chapter of the Boy Scouts of America.

Mr. Speaker and colleagues, it is appropriate at this time that we recognize the long and active career of Mr. Michael R. Dick, who served his hometown of Calistoga as an officer of the greatest distinction. I join the many members of his community in extending my appreciation for all of his hard work, and I wish him all the best in the future.

SOUTHEAST ARIZONA LAND EXCHANGE AND CONSERVATION ACT OF 2006

HON. RICK RENZI

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2006

Mr. RENZI. Mr. Speaker, in regard to the three site visits that I have made to the mining location and the recreation area, in regard to the over 20 meetings that I have with former president of Resolution Copper, their current president, their lobbyists and employees, and in regard to the over one dozen meetings with the San Carlos Apaches, I re-introduce this refined legislation today.

I recognize that a portion of the land being conveyed to Resolution Copper in the vicinity of the Oak Flat Campground is used by the Apache people for traditional acorn gathering and other cultural purposes. My staff and I have discussed this matter with Resolution Copper on several occasions, and Resolution has assured us that upon conveyance of the land to them, the company will make every effort to allow such traditional uses to continue. As much of the land in question lies immediately adjacent to Arizona Highway 60, Resolution Copper believes that it is unlikely the bulk of the area in question will be significantly disturbed by exploration or mining activities in the foreseeable future.

In addition, Resolution has assured me that they will establish job training and employment opportunities for potential Apache employees. As such, it is with great hope that I introduce this legislation for the future prosperity of the region.

HOUSE OF REPRESENTATIVES—*Wednesday, December 6, 2006*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

"To You, O Lord, we lift our minds and hearts in prayer. In You, our God, we place all our trust; for anyone who hopes in You will never be disappointed."

Those who do not have hope have no future. Lord, sustain those who feel helpless. Cast Your light of promise upon those who live in fear.

May the imagination of peace take root in our soul. This Congress and this Nation look to You, O Lord, to nurture fruitful seeds buried in the winter of our vision.

May the warmth of Your presence draw near, that in our coldness we may be touched by Your word and rise to new life.

Our land and its children believe in the approaching spiritual solstice; and readies itself for the surprises of goodness and generosity which You alone can bring; both in this life and forever.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 3678. An act to amend the Public Health Service Act with respect to public health security and all-hazards preparedness and response, and for other purposes.

The message also announced that pursuant to Public Law 107–12, the Chair, on behalf of the Majority Leader, announces the appointment of William Pickle of Virginia to serve as a member of the Medal of Valor Review Board.

OCCUPIED TERRITORY

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, several nations are involved. These nations, with their thousands of peoples, have occupied someone else's sovereign country. They moved in silently over a long period of time. Some of the infiltrators were organized, some were not. They crossed national boundaries without regard for the rule of law. The migrant peoples began to colonize the new land because it was flowing with milk and honey. And the inhabitants did not resist the infiltration. The inhabitants of the occupied land paid little attention to the invasion. The inhabitants and their leaders were too busy. After all, they were protecting the borders of other nations. The colonists from the foreign nations began to take from the new land. They demanded and received benefits from the inhabitants. The locals suddenly became alarmed and asked, how can this be happening? These foreign nations were uninvited. They cared little about the sovereignty of the occupied nation. They came and brought another culture, another language. They moved in and lived on the land because they could.

Mr. Speaker, this ought not to be. But it is. It is the occupied territory of the United States of America. And that's just the way it is.

DEMOCRATS SIX FOR 2006 WILL BE IMPLEMENTED EARLY NEXT YEAR

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Madam Speaker, last month the American people demanded change from Washington, and in January they are going to get it.

Over the last couple of years, the American people have grown increasingly disillusioned with a government that was not working for them. It is time that Washington stop listening exclusively to the elite special interests and start listening to the people who send us here.

That is why Democrats want to repeal billions of dollars in tax breaks for big oil companies to instead invest in new energy technologies. Rather than handouts to Big Oil, we should be working to make America energy independent. The inclusive Democratic agenda starts us down that path..

Our agenda also looks out for American seniors over the interests of drug companies. There is simply no reason why our government shouldn't negotiate for lower prices. The government already negotiates on behalf of our veterans, and they are now enjoying a 42 percent savings on their drugs. Democrats and Republicans have heard the loud voices of Americans. Their voices should be echoed in this people's House by every Member of this new Congress.

CONFIRMATION OF DR. ROBERT GATES

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Madam Speaker, with the recent resignation of Secretary of Defense Donald Rumsfeld, I urge my Senate colleagues to work swiftly in a bipartisan manner to confirm President Bush's nominee, Dr. Robert Gates, as soon as possible. I was pleased to learn that the Senate Armed Services Committee unanimously agreed to forward Mr. Gates' confirmation to the Senate floor for final approval.

We are currently fighting a global war on terror and it is essential to have a Secretary of Defense at the helm in the Pentagon to oversee and effectively utilize the vast resources of the Department of Defense. A Nation at war needs Dr. Gates' leadership at this time.

He is a superb choice and is highly qualified. He recently left his position as president of Texas A&M University, the seventh largest university in the Nation, after serving 27 years in the intelligence community. He has a distinguished record of public service, having served six Presidents of both parties, and most recently as the director of the Central Intelligence Agency from 1991 to 1993. He is the only career officer in the CIA's history to rise from an entry-level employee to the director. He is highly regarded and extremely qualified.

I urge my Senate colleagues to act swiftly to confirm Dr. Gates.

A NEW CONGRESS AND A NEW DIRECTION IN IRAQ

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. KUCINICH. Madam Speaker, the American public did not vote for the Iraq Study Group. They voted for a new Congress and a new direction in Iraq: Out.

Now, many who voted for change will be surprised to learn that there are some who say they oppose the war and will continue to fund it in the name of supporting the troops. We will not abandon our troops in the field, some solemnly pronounce, while continuing to fund a war that even generals say cannot be won militarily.

Well, then, we have already abandoned our troops in the field. We have abandoned them to lies about why the war was being fought. We have abandoned them to getting shot at from all sides. We have left them in a type of hell where we profess a strange love for them by keeping them there.

The money is in the pipeline right now to bring the troops home now; $70 billion was appropriated for Iraq on October 1. The administration will ask for another $160 billion in the spring. That is a total of $230 billion for the Iraq war. In less than 2 years the war on the so-called defense budgets will cost more than $1 trillion.

Stop wasting money. Stop wasting lives. Bring the troops home now and cut off funds for more war.

GODSPEED TO ERIC DELL

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, today I rise with mixed feelings. As the 109th Congress draws to a close, my longtime chief of staff, Eric Dell, will complete his tenure on Capitol Hill.

Eric and I have worked together for the past 14 years. More than a trusted, competent staff member, Eric is a good friend. While I know he will go on to great things, his counsel and leadership in the office will be missed. I am happy about his new opportunities.

Raised in Ridgeland, South Carolina, by his loving parents, Wayne and Ouida Dell, Eric has a distinguished career in South Carolina public service. He served as an intern to Senator Strom Thurmond and Governor Carroll Campbell. He managed the final campaign of my predecessor, the late Congressman Floyd Spence. He was the first-ever Republican chief of staff of the State Senate Transportation Committee.

I appreciate Eric's success and his training of his successor, Dino Teppara, who has served capably as legislative director for the Second District.

In conclusion, God bless our troops, and we will never forget September 11.

CUTS TO MEDICARE PHYSICIAN REIMBURSEMENT

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Madam Speaker, we have a problem. Without immediate congressional action, there are seniors in our country who will not receive medical care from their doctor next year. Payments to physicians who provide health care services to Medicare patients will be cut by over 5 percent as of January 1, 2007. If Congress fails to act before we adjourn this year, this cut will automatically go into effect. The result will be reduced access to care for Medicare patients across our Nation. Older Americans should not have to worry that their doctors will be forced to stop treating them because Congress did not act.

At a time when physician costs are skyrocketing, we cannot expect our doctors to lose money when they treat Medicare patients. There is still time to act, but the clock is ticking, and seniors are looking to Congress for leadership on this important issue.

The 109th Congress will soon end. It would be an outrage and a dereliction of duty if the Republican Congress, in its final days, does not fix this serious problem to avert a potential health care crisis for millions of our fellow Americans.

I urge that we pass a Medicare reimbursement fix before we leave this week.

□ 1015

COMMEMORATING THE 175TH ANNIVERSARY OF THE RABBIT HASH GENERAL STORE

(Mr. DAVIS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Kentucky. Madam Speaker, I rise today to celebrate the 175th anniversary of the Rabbit Hash General Store. Rabbit Hash, located on the banks of the Ohio River, has a very special place in the heart of Kentuckians. I have a picture of the legendary general store hanging here in my office on Capitol Hill, and it seems that nearly every constituent that visits has a story to share about this very unique place.

After all, how many towns can say that they have elected a dog as their mayor twice. Rabbit Hash General Store traces its roots back to 1831 when it was first constructed to store goods awaiting the arrival of steamboats traveling on the Ohio River. The general store has remained in continuous operation since then, withstanding the test of time and of Mother Nature. The unique engineering of a blacksmith in the 1880s locks the structure of the general store in place when the waters of the Ohio begin to rise.

Rabbit Hash has been listed on the Register of National Historic Places, and in 2002 was sold to the Rabbit Hash Historical Society to ensure preservation for future generations of Kentuckians. I am extremely proud of those who kept this small community vibrant over the years and am excited to share in their celebration of the 175th anniversary of the Rabbit Hash General Store.

"FLAT STANLEY" PROJECT

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Madam Speaker, I rise today to talk about a project that a student in our district is participating in. Emily Leal is a first grade student and an excellent student at Roosevelt Elementary School and contacted me about the Flat Stanley project. Roosevelt is a recognized school for its quality and also happens to be the elementary school in our district that I went to.

This national project, originally designed by Arthur Brown in his book, Flat Stanley, encourages communication and education among children around the world. Students make a Flat Stanley and start a journal for him. Then he is sent around to schools, professionals, persons in different geographic locations where Flat Stanley is treated as a guest for a few days and this journal is completed.

Flat Stanley and his journal are then returned to the original student who can plot his travels and share the journal for educational purposes with his or her fellow students. Since Emily's first grade class is participating in this project, she is a constituent of mine, and she chose to send Flat Stanley to me so he can visit the floor of Congress in Washington, DC.

Before I return Flat Stanley to Emily this next week, I am going to bring him to the House floor where America's elected officials participate in democracy. I hope that Flat Stanley will have a safe trip back with me to our district, and that Emily's class enjoys reading about his visit to Congress.

CONGRATULATING LISA KAPLAN AND BRAD SHERMAN ON THEIR RECENT WEDDING

(Mrs. CAPPS asked and was given permission to address the House for 1 minute.)

Mrs. CAPPS. Madam Speaker, it is with great pleasure that I rise to congratulate our colleague, BRAD SHERMAN, and his wonderful new wife, Lisa Kaplan, on their recent wedding. On Sunday, I happily joined Lisa and BRAD at the beautiful Calamigos Ranch in Malibu, where they exchanged their vows surrounded by family and friends.

The groom, as we all know, is a fine and thoughtful gentleman who serves his constituents in southern California with great distinction, and is a dear friend to many of us. The bride is also a charming and wonderful individual. She does important work in the Office of Global Anti-Semitism at the State Department.

Now, I am sorry the newlyweds must spend their honeymoon here in the lame duck session, but I know they have a more romantic trip planned in the near future. I want to congratulate Lisa's father and stepmother, Robert and Peggy Kaplan, and honor the memory of her mother, Carol Weisberg.

I also want to honor the memory of BRAD's father, Maurice Sherman, and congratulate his mom, my dear friend Lane Sherman. To Lisa and BRAD, we wish you a life together of health and happiness. Mazel Tov.

THE ECONOMY AND THE DEFICIT

(Mr. CARDOZA asked and was given permission to address the House for 1 minute.)

Mr. CARDOZA. Madam Speaker, the past few years the Republican rule in Washington has left our Nation severely crippled with debt. Reckless fiscal policies have turned record surpluses into record deficits in 6 short years. Democrats believe that fiscal responsibility is a crucial ingredient in good government.

When we assume the majority in Congress next year, Democrats in this body will implement a pay-as-you-go plan for spending that will put our Nation back on the right financial path. Pay-as-you-go is the policy that helped us create those record surpluses in the late 1990s, surpluses that have been eliminated with tax breaks for the wealthiest few over the last 6 years. We must be accountable for every dollar that is allocated through this Congress, not constantly passing massive debt on to our children and grandchildren.

Madam Speaker, after Republicans refused to live up to their promises of fiscal restraint, the American people turned to Democrats to get our Nation's books out of the red. When the next Congress begins, we will start the process by using commonsense measures such as pay-as-you-go.

RAISING THE MINIMUM WAGE

(Ms. LEE asked and was given permission to address the House for 1 minute.)

Ms. LEE. Madam Speaker, with the holiday season in full swing, many American families are feeling the strain on their family finances. This is especially true for the millions of Americans who work full time for minimum wage and only earn about $10,700 a year. The minimum wage in this Nation is currently at its lowest level in 50 years when adjusted for inflation.

Yet Republicans have continually refused to raise the pay of these full-time workers who struggle to make ends meet while facing a rapidly rising cost of living. An hourly wage of $5.15 an hour is simply not a fair living wage for anyone. Democrats have fought for years to raise the minimum wage to $7.25 an hour, a move that would positively benefit 7.3 million Americans. Madam Speaker, last month the American people showed their overwhelming support for this much-needed increase by voting for a Democratic majority in Congress and passing the minimum wage increase ballot initiatives in several States. Within the first 100 hours of the next Congress, Democrats will pass this important and long overdue legislation. Let's raise the minimum wage now.

WELCOME CHANGE AT THE DEPARTMENT OF DEFENSE

(Mr. PAYNE asked and was given permission to address the House for 1 minute.)

Mr. PAYNE. Madam Speaker, as a strong opponent of the war in Iraq from the very beginning, I welcome the change in leadership at the Department of Defense. After years of hearing shifting rationales for the preemptive military strike launched by the Bush administration, the American public deserves a realistic evaluation of the conflict which has cost thousands of American and Iraqi lives.

It was sobering to hear Robert Gates, the nominee for Secretary of Defense, acknowledge yesterday that we are not winning the war in Iraq despite repeated reassurances to the contrary by the former Defense Secretary. Those of us who made the case in October of 2002 that we should not rush to war until the weapons inspectors had completed their work are deeply saddened that this unnecessary war has taken such a heavy toll and diminished the standing of the United States around the world.

I look forward to examining the recommendations of the bipartisan Iraq Study Group so that we can try to find our way out of this quagmire that was created by the rush to war based on faulty or, even worse, deliberately distorted intelligence.

DO-NOTHING CONGRESS

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Madam Speaker, this year's Republican Congress was dubbed the most do-nothing Congress of all time, because it refused to do its job. Every year, at the very least, Congress is supposed to pass a budget and the 10 appropriation bills that fund the Federal Government. The Republicans never agreed on a budget resolution, and to date only two of the 10 appropriations bills have been signed into law.

Congressional Republicans plan to adjourn this week without passing the eight other bills. It doesn't matter that we are already 2 months into the 2007 fiscal year. It doesn't matter to them apparently that important spending decisions need to be made for crucial health care, education, transportation and environmental programs. Congressional Republicans simply refuse to do the job they were sent here to do.

Instead, they want to punt all of these funding decisions to the next Democratic Congress, giving us only a month to address the 2007 budget before the President sends us his 2008 budget recommendations. This is not the way Congress is supposed to work. The American people rightfully rejected a do-nothing Congress that continues to live up to its name.

LAME DUCK CONGRESS WADDLES TO AN IRRESPONSIBLE CLOSE

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Madam Speaker, last month Americans went to the voting booth to voice their displeasure with the most do-nothing Congress in our Nation's history. It was bad enough the Republican Congress rejected our efforts to increase the minimum wage, to prevent Big Oil from price-gouging the American consumer, and to prevent seniors from falling into the prescription drug doughnut hole.

But now the most do-nothing Congress of all time prepares to leave Washington without passing a budget for the current fiscal year. Under the headline, "The lame duck Congress waddles to an irresponsible close," the Washington Post yesterday wrote, and I quote, "We understand the political temptation to do mischief by doing nothing, but this is a gross abdication of lawmakers' fundamental responsibilities. It creates enormous problems across the broad spectrum of Federal agencies which have no assurance about what their final spending allowances will be."

House Republicans refuse to do their job and have decided to throw their budget mess to the new Democratic Congress. Talk about being irresponsible.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

EXPORT-IMPORT BANK REAUTHORIZATION ACT OF 2006

Mrs. BIGGERT. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 3938) to reauthorize the Export-Import Bank of the United States, as amended.

The Clerk read as follows:

S. 3938

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Export-Import Bank Reauthorization Act of 2006".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Extension of authority.
Sec. 3. Sub-Saharan Africa Advisory Committee.
Sec. 4. Extension of authority to provide financing for the export of nonlethal defense articles or services the primary end use of which will be for civilian purposes.
Sec. 5. Designation of sensitive commercial sectors and products.
Sec. 6. Increasing exports by small business.
Sec. 7. Anti-circumvention.
Sec. 8. Transparency.
Sec. 9. Aggregate loan, guarantee, and insurance authority.
Sec. 10. Tied aid credit program.
Sec. 11. Prohibition on assistance to develop or promote certain railway connections and railway-related connections.
Sec. 12. Process for notifying applicants of application status; implementation of Ex-Im Online.
Sec. 13. Competitiveness initiatives.
Sec. 14. Office of financing for socially and economically disadvantaged small business concerns and small business concerns owned by women.
Sec. 15. Governance.
Sec. 16. Sense of Congress regarding multi-buyer insurance and capital guarantee programs.
Sec. 17. Sense of Congress regarding office of renewable energy promotion.
Sec. 18. Environmental matters.
Sec. 19. Government Accountability Office study of bank performance standards for assistance to small businesses, especially those owned by social and economically disadvantaged individuals and those owned by women.
Sec. 20. Reports.
Sec. 21. Study of how Export-Import Bank could assist United States exporters to meet import needs of new or impoverished democracies; report.

SEC. 2. EXTENSION OF AUTHORITY.

Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) is amended by striking "2006" and inserting "2011".

SEC. 3. SUB-SAHARAN AFRICA ADVISORY COMMITTEE.

(a) EXTENSION OF AUTHORITY.—Section 2(b)(9)(B)(iii) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(9)(B)(iii)) is amended by striking "2006" and inserting "2011".

(b) IMPROVED LIAISON WITH AFRICAN REGIONAL FINANCIAL INSTITUTIONS.—

(1) MASTER GUARANTEE AGREEMENTS.—Within 1 year after the date of the enactment of this Act, the Export-Import Bank of the United States shall seek to ensure that there is in effect a contract between each approved lender in Africa and the Bank, which sets forth the Bank's guarantee undertakings and related obligations between the Bank and each lender.

(2) REPORT ON WORKING RELATIONSHIPS WITH THE AFRICAN DEVELOPMENT BANK, THE AFRICAN EXPORT-IMPORT BANK, AND OTHER INSTITUTIONS.—Section 2(b)(9) of such Act (12 U.S.C. 635(b)(9)) is amended by adding at the end the following:

"(C) The Bank shall include in the annual report to the Congress submitted under section 8(a) a separate section that contains a report on the efforts of the Bank to—

"(i) improve its working relationships with the African Development Bank, the African Export-Import Bank, and other institutions in the region that are relevant to the purposes of subparagraph (A) of this paragraph; and

"(ii) coordinate closely with the United States Foreign Service and Foreign Commercial Service, and with the overall strategy of the United States Government for economic engagement with Africa pursuant to the African Growth and Opportunity Act.".

(c) INCREASING THE NUMBER OF QUALIFIED AFRICAN ENTITIES.—Section 2(b)(9) of such Act (12 U.S.C. 635(b)(9)), as amended by subsection (b), is amended by adding at the end the following:

"(D) Consistent with the requirement that the Bank obtain a reasonable assurance of repayment in connection with each transaction the Bank supports, the Bank shall, in consultation with the entities described in subparagraph (C), seek to qualify a greater number of appropriate African entities for participation in programs of the Bank.".

SEC. 4. EXTENSION OF AUTHORITY TO PROVIDE FINANCING FOR THE EXPORT OF NONLETHAL DEFENSE ARTICLES OR SERVICES THE PRIMARY END USE OF WHICH WILL BE FOR CIVILIAN PURPOSES.

Section 1(c) of Public Law 103–428 (12 U.S.C. 635 note; 108 Stat. 4376) is amended by striking "2001" and inserting "2011".

SEC. 5. DESIGNATION OF SENSITIVE COMMERCIAL SECTORS AND PRODUCTS.

Section 2(e) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(e)) is amended by adding at the end the following new paragraph:

"(5) DESIGNATION OF SENSITIVE COMMERCIAL SECTORS AND PRODUCTS.—Not later than 120 days after the date of the enactment of this Act, the Bank shall submit a list to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, which designates sensitive commercial sectors and products with respect to which the provision of financing support by the Bank is deemed unlikely by the President of the Bank due to the significant potential for a determination that such financing support would result in an adverse economic impact on the United States. The President of the Bank shall review on an annual basis thereafter the list of sensitive commercial sectors and products and the Bank shall submit an updated list to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives of such sectors and products.".

SEC. 6. INCREASING EXPORTS BY SMALL BUSINESS.

(a) IN GENERAL.—Section 3 of the Export-Import Bank Act of 1945 (12 U.S.C. 635a) is amended by adding at the end the following:

"(f) SMALL BUSINESS DIVISION.—

"(1) ESTABLISHMENT.—There is established a Small Business Division (in this subsection referred to as the 'Division') within the Bank in order to—

"(A) carry out the provisions of subparagraphs (E) and (I) of section 2(b)(1) relating to outreach, feedback, product improvement, and transaction advocacy for small business concerns (as defined in section 3(a) of the Small Business Act);

"(B) advise and seek feedback from small business concerns on the opportunities and benefits for small business concerns in the financing products offered by the Bank, with particular emphasis on conducting outreach, enhancing the tailoring of products to small business needs and increasing loans to small business concerns;

"(C) maintain liaison with the Small Business Administration and other departments and agencies in matters affecting small business concerns; and

"(D) provide oversight of the development, implementation, and operation of technology improvements to strengthen small business outreach, including the technology improvement required by section 2(b)(1)(E)(x).

"(2) MANAGEMENT.—The President of the Bank shall appoint an officer, who shall rank not lower than senior vice president and whose sole executive function shall be to manage the Division. The officer shall—

"(A) have substantial recent experience in financing exports by small business concerns; and

"(B) advise the Board, particularly the director appointed under section 3(c)(8)(B) to represent the interests of small business, on matters of interest to, and concern for, small business.

"(g) SMALL BUSINESS SPECIALISTS.—

"(1) DEDICATED PERSONNEL.—The President of the Bank shall ensure that each operating division within the Bank has staff that specializes in processing transactions that primarily benefit small business concerns (as defined in section 3(a) of the Small Business Act).

"(2) RESPONSIBILITIES.—The small business specialists shall be involved in all aspects of processing applications for loans, guarantees, and insurance to support exports by small business concerns, including the approval or disapproval, or staff recommendations of approval or disapproval, as applicable, of such applications. In carrying out these responsibilities, the small business specialists shall consider the unique business requirements of small businesses and shall develop exporter performance criteria tailored to small business exporters.

"(3) APPROVAL AUTHORITY.—In an effort to maximize the speed and efficiency with which the Bank processes transactions primarily benefitting small business concerns, the small business specialists shall be authorized to approve applications for working capital loans and guarantees, and insurance in accordance with policies and procedures established by the Board. It is the sense of Congress that the policies and procedures should not prohibit, where appropriate, small business specialists from approving applications for working capital loans and guarantees, and for insurance, in support of exports which have a value of less than $10,000,000.

"(4) IDENTIFICATION.—The Bank shall prominently identify the small business specialists on its website and in promotional material.

"(5) EMPLOYEE EVALUATIONS.—The evaluation of staff designated by the President of the Bank under paragraph (1), including annual reviews of performance of duties related to transactions in support of exports by small business concerns, and any resulting recommendations for salary adjustments, promotions, and other personnel actions, shall address the criteria established pursuant to subsection (h)(2)(B)(iii) and shall be conducted by the manager of the relevant operating division following consultation with the officer appointed to manage the Small Business Division pursuant to subsection (f)(2).

"(6) STAFF RECOMMENDATIONS.—Staff recommendations of denial or withdrawal for medium-term applications, exporter held multi-buyer policies, single buyer policies, and working capital applications processed by the Bank shall be transmitted to the officer appointed to manage the Small Business Division pursuant to subsection (f)(2) not later than 2 business days before a final decision.

"(7) RULE OF INTERPRETATION.—Nothing in this Act shall be construed to prevent the delegation to the Division of any authority necessary to carry out subparagraphs (E) and (I) of section 2(b)(1).

"(h) SMALL BUSINESS COMMITTEE.—

"(1) ESTABLISHMENT.—There is established a management committee to be known as the 'Small Business Committee'.

"(2) PURPOSE AND DUTIES.—

"(A) PURPOSE.—The purpose of the Small Business Committee shall be to coordinate the Bank's initiatives and policies with respect to small business concerns (as defined in section 3(a) of the Small Business Act), including the timely processing and underwriting of transactions involving direct exports by small business concerns, and the development and coordination of efforts to implement new or enhanced Bank products and services pertaining to small business concerns.

"(B) DUTIES.—The duties of the Small Business Committee shall be determined by the President of the Bank and shall include the following:

"(i) Assisting in the development of the Bank's small business strategic plans, including the Bank's plans for carrying out section 2(b)(1)(E) (v) and (x), and measuring and reporting in writing to the President of the Bank, at least once a year, on the Bank's progress in achieving the goals set forth in the plans.

"(ii) Evaluating and reporting in writing to the President of the Bank, at least once a year, with respect to—

"(I) the performance of each operating division of the Bank in serving small business concerns;

"(II) the impact of processing and underwriting standards on transactions involving direct exports by small business concerns; and

"(III) the adequacy of the staffing and resources of the Small Business Division.

"(iii) Establishing criteria for evaluating the performance of staff designated by the President of the Bank under subsection (g)(1).

"(iv) Coordinating the provision of services with other United States Government departments and agencies to small business concerns.

"(3) COMPOSITION.—

"(A) CHAIRPERSON.—The Chairperson of the Small Business Committee shall be the officer appointed to manage the Small Business Division pursuant to subsection (f)(2). The Chairperson shall have the authority to call meetings of the Small Business Committee, set the agenda for Committee meetings, and request policy recommendations from the Committee's members.

"(B) OTHER MEMBERS.—Except as otherwise provided in this subsection, the President of the Bank shall determine the composition of the Small Business Committee, and shall appoint or remove the members of the Small Business Committee. In making such appointments, the President of the Bank shall ensure that the Small Business Committee is comprised of—

"(i) the senior managing officers responsible for underwriting and processing transactions; and

"(ii) other officers and employees of the Bank with responsibility for outreach to small business concerns and underwriting and processing transactions that involve small business concerns.

"(4) REPORTING.—The Chairperson shall provide to the President of the Bank minutes of each meeting of the Small Business Committee, including any recommendations by the Committee or its individual members.".

(b) ENHANCE DELEGATED LOAN AUTHORITY FOR MEDIUM TERM TRANSACTIONS.—

(1) IN GENERAL.—The Export-Import Bank of the United States shall seek to expand the exercise of authority under section 2(b)(1)(E)(vii) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(E)(vii)) with respect to medium term transactions for small business concerns.

(2) CONFORMING AMENDMENT.—Section 2(b)(1)(E)(vii)(III) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(E)(vii)(III)) is amended by inserting "or other financing institutions or entities" after "consortia".

(3) DEADLINE.—Not later than 180 days after the date of the enactment of this Act, the Export-Import Bank of the United States shall make available lines of credit and guarantees to carry out section 2(b)(1)(E)(vii) of the Export-Import Bank Act of 1945 pursuant to policies and procedures established by the Board of Directors of the Export-Import Bank of the United States.

SEC. 7. ANTI-CIRCUMVENTION.

Section 2(e) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(e)), as amended by section 5 of this Act, is amended—

(1) by inserting after paragraph (1), the following flush paragraph:

"In making the determination under subparagraph (B), the Bank shall determine whether the facility that would benefit from the extension of a credit or guarantee is reasonably likely to produce a commodity in addition to, or other than, the commodity specified in the application and whether the production of the additional commodity may cause substantial injury to United States producers of the same, or a similar or competing, commodity.";

(2) in paragraph (2), by adding at the end the following:

"(E) ANTI-CIRCUMVENTION.—The Bank shall not provide a loan or guarantee if the Bank determines that providing the loan or guarantee will facilitate circumvention of an order or determination referred to in subparagraph (A)."; and

(3) by adding at the end the following:

"(6) FINANCIAL THRESHOLD DETERMINATIONS.—For purposes of determining whether a proposed transaction exceeds a financial threshold under this subsection or under the procedures or rules of the Bank, the Bank shall aggregate the dollar amount of the proposed transaction and the dollar amounts of all loans and guarantees, approved by the Bank in the preceding 24-month period, that involved the same foreign entity and substantially the same product to be produced.".

SEC. 8. TRANSPARENCY.

(a) IN GENERAL.—Section 2(e) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(e)), as amended by sections 5 and 7 of this Act, is amended by adding at the end the following:

"(7) PROCEDURES TO REDUCE ADVERSE EFFECTS OF LOANS AND GUARANTEES ON INDUSTRIES AND EMPLOYMENT IN UNITED STATES.—

"(A) CONSIDERATION OF ECONOMIC EFFECTS OF PROPOSED TRANSACTIONS.—If, in making a determination under this paragraph with respect to a loan or guarantee, the Bank conducts a detailed economic impact analysis or similar study, the analysis or study, as the case may be, shall include consideration of—

"(i) the factors set forth in subparagraphs (A) and (B) of paragraph (1); and

"(ii) the views of the public and interested parties.

"(B) NOTICE AND COMMENT REQUIREMENTS.—

"(i) IN GENERAL.—If, in making a determination under this subsection with respect to a loan or guarantee, the Bank intends to conduct a detailed economic impact analysis or similar study, the Bank shall publish in the Federal Register a notice of the intent, and provide a period of not less than 14 days (which, on request by any affected party, shall be extended to a period of not more than 30 days) for the submission to the Bank of comments on the economic effects of the provision of the loan or guarantee, including comments on the factors set forth in subparagraphs (A) and (B) of paragraph (1). In addition, the Bank shall seek comments on the economic effects from the Department of Commerce, the Office of Management and Budget, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives.

"(ii) CONTENT OF NOTICE.—The notice shall include appropriate, nonproprietary information about—

"(I) the country to which the goods involved in the transaction will be shipped;

"(II) the type of goods being exported;

"(III) the amount of the loan or guarantee involved;

"(IV) the goods that would be produced as a result of the provision of the loan or guarantee;

"(V) the amount of increased production that will result from the transaction;

"(VI) the potential sales market for the resulting goods; and

"(VII) the value of the transaction.

"(iii) PROCEDURE REGARDING MATERIALLY CHANGED APPLICATIONS.—

"(I) IN GENERAL.—If a material change is made to an application for a loan or guarantee from the Bank after a notice with respect to the intent described in clause (i) is published under this subparagraph, the Bank shall publish in the Federal Register a revised notice of the intent, and shall provide for a comment period, as provided in clauses (i) and (ii).

"(II) MATERIAL CHANGE DEFINED.—As used in subclause (I), the term 'material change', with respect to an application, includes—

“(aa) a change of at least 25 percent in the amount of a loan or guarantee requested in the application; and

“(bb) a change in the principal product to be produced as a result of any transaction that would be facilitated by the provision of the loan or guarantee.

“(C) Requirement to address views of adversely affected persons.—Before taking final action on an application for a loan or guarantee to which this section applies, the staff of the Bank shall provide in writing to the Board of Directors the views of any person who submitted comments pursuant to subparagraph (B).

“(D) Publication of conclusions.—Within 30 days after a party affected by a final decision of the Board of Directors with respect to a loan or guarantee makes a written request therefor, the Bank shall provide to the affected party a non-confidential summary of the facts found and conclusions reached in any detailed economic impact analysis or similar study conducted pursuant to subparagraph (B) with respect to the loan or guarantee, that were submitted to the Board of Directors.

“(E) Rule of interpretation.—This paragraph shall not be construed to make subchapter II of chapter 5 of title 5, United States Code, applicable to the Bank.

“(F) Regulations.—The Bank shall implement such regulations and procedures as may be appropriate to carry out this paragraph.”.

(b) Conforming Amendment.—Section 2(e)(2)(C) of such Act (12 U.S.C. 635(e)(2)(C)) is amended by inserting “of not less than 14 days (which, on request of any affected party, shall be extended to a period of not more than 30 days)” after “comment period”.

SEC. 9. AGGREGATE LOAN, GUARANTEE, AND INSURANCE AUTHORITY.

Subparagraph (E) of section 6(a)(2) of the Export-Import Bank Act of 1945 (12 U.S.C. 635e(a)(2)) is amended to read as follows:

“(E) during fiscal year 2006, and each fiscal year thereafter through fiscal year 2011,”.

SEC. 10. TIED AID CREDIT PROGRAM.

(a) In General.—Section 10(b)(5)(B)(ii) of the Export-Import Bank Act of 1945 (12 U.S.C. 635i–3(b)(5)(B)(ii)) is amended to read as follows:

“(ii) Process.—In handling individual applications involving the use or potential use of the Tied Aid Credit Fund the following process shall exclusively apply pursuant to subparagraph (A):

“(I) The Bank shall process an application for tied aid in accordance with the principles and standards developed pursuant to subparagraph (A) and clause (i) of this subparagraph.

“(II) Twenty days prior to the scheduled meeting of the Board of Directors at which an application will be considered (unless the Bank determines that an earlier discussion is appropriate based on the facts of a particular financing), the Bank shall brief the Secretary on the application and deliver to the Secretary such documents, information, or data as may reasonably be necessary to permit the Secretary to review the application to determine if the application complies with the principles and standards developed pursuant to subparagraph (A) and clause (i) of this subparagraph.

“(III) The Secretary may request a single postponement of the consideration by the Board of Directors of the application for up to 14 days to allow the Secretary to submit to the Board of Directors a memorandum objecting to the application.

“(IV) Case-by-case decisions on whether to approve the use of the Tied Aid Credit Fund shall be made by the Board of Directors, except that the approval of the Board of Directors (or a commitment letter based on that approval) shall not become final (except as provided in subclause (V)), if the Secretary indicates to the President of the Bank in writing the Secretary's intention to appeal the decision of the Board of Directors to the President of the United States and makes the appeal in writing not later than 20 days after the meeting at which the Board of Directors considered the application.

“(V) The Bank shall not grant final approval of an application for any tied aid credit (or a commitment letter based on that approval) if the President of the United States, after consulting with the President of the Bank and the Secretary, determines within 30 days of an appeal by the Secretary under subclause (IV) that the extension of the tied aid credit would materially impede achieving the purposes described in subsection (a)(6). If no such Presidential determination is made during the 30-day period, the approval by the Bank of the application (or related commitment letter) that was the subject of such appeal shall become final.”.

(b) Clarification of Use of Tied Aid Credit Fund to Match.—Section 10 of the Export-Import Bank Act of 1945 (12 U.S.C. 635i–3) is amended—

(1) in subsection (a), in paragraph (6)—

(A) in the matter preceding subparagraph (A), by inserting “, including those that are not a party to the Arrangement,” after “countries”;

(B) in subparagraph (B), by adding “and” at the end; and

(C) by inserting after subparagraph (B) the following:

“(C) promoting compliance with Arrangement rules among foreign export credit agencies that are not a party to the Arrangement;”; and

(2) in subsection (b), in paragraph (5)(B)—

(A) in clause (i)—

(i) in subclause (I), by striking “and” and by inserting “, and to seek compliance by those countries that are not a party to the Arrangement” before the period; and

(ii) in subclause (III), by adding at the end the following: “In cases where information about a specific offer of foreign tied aid (or untied aid used to promote exports as if it were tied aid) is not available in a timely manner, or is unavailable because the foreign export credit agency involved is not subject to the reporting requirements under the Arrangement, then the Bank may decide to use the Tied Aid Credit Fund based on credible evidence of a history of such offers under similar circumstances or other forms of credible evidence.”.

SEC. 11. PROHIBITION ON ASSISTANCE TO DEVELOP OR PROMOTE CERTAIN RAILWAY CONNECTIONS AND RAILWAY-RELATED CONNECTIONS.

Section 2(b) of the Export-Import Act of 1945 (12 U.S.C. 635(b)) is amended by adding at the end the following new paragraph:

“(13) Prohibition on Assistance To Develop or Promote Certain Railway Connections and Railway-Related Connections.—The Bank shall not guarantee, insure, or extend (or participate in the extension of) credit in connection with the export of any good or service relating to the development or promotion of any railway connection or railway-related connection that does not traverse or connect with Armenia and does traverse or connect Baku, Azerbaijan, Tbilisi, Georgia, and Kars, Turkey.”.

SEC. 12. PROCESS FOR NOTIFYING APPLICANTS OF APPLICATION STATUS; IMPLEMENTATION OF EX-IM ONLINE.

Section 2 of the Export-Import Bank Act of 1945 (12 U.S.C. 635) is amended by adding at the end the following:

“(g) Process for Notifying Applicants of Application Status.—The Bank shall establish and adhere to a clearly defined process for—

“(1) acknowledging receipt of applications;

“(2) informing applicants that their applications are complete or, if incomplete or containing a minor defect, of the additional material or changes that, if supplied or made, would make the application eligible for consideration; and

“(3) keeping applicants informed of the status of their applications, including a clear and timely notification of approval or disapproval, and, in the case of disapproval, the reason for disapproval, as appropriate.

“(h) Response to Application for Financing; Implementation of Online Loan Request and Tracking Process.—

“(1) Response to applications.—Within 5 days after the Bank receives an application for financing, the Bank shall notify the applicant that the application has been received, and shall include in the notice—

“(A) a request for such additional information as may be necessary to make the application complete;

“(B) the name of a Bank employee who may be contacted with questions relating to the application; and

“(C) a unique identification number which may be used to review the status of the application at a website established by the Bank.

“(2) Website.—Not later than September 1, 2007, the Bank shall exercise the authority granted by subparagraphs (E)(x) and (J) of subsection (b)(1) to establish, and thereafter to maintain, a website through which—

“(A) Bank products may be applied for; and

“(B) information may be obtained with respect to—

“(i) the status of any such application;

“(ii) the Small Business Division of the Bank; and

“(iii) incentives, preferences, targets, and goals relating to small business concerns (as defined in Section 3(a) of the Small Business Act), including small business concerns exporting to Africa.”.

SEC. 13. COMPETITIVENESS INITIATIVES.

(a) Expansion of Scope of Annual Competitiveness Report.—The Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.) is amended by inserting after section 8 the following:

“SEC. 8A. ANNUAL COMPETITIVENESS REPORT.

“(a) In General.—Not later than June 30 of each year, the Bank shall submit to the appropriate congressional committees a report that includes the following:

“(1) Actions of bank in providing financing on a competitive basis, and to minimize competition in government-supported export financing.—A description of the actions of the Bank in complying with the second and third sentences of section 2(b)(1)(A). In this part of the report, the Bank shall include a survey of all other major export-financing facilities available from other governments and government-related agencies through which foreign exporters compete with United States exporters (including through use of market windows (as defined pursuant to section 10(h)(7))) and, to the extent such information is available to the Bank, indicate in specific terms the ways in which the Bank's rates, terms, and other conditions compare with those offered from such other governments directly or indirectly. With respect to the preceding sentence, the Bank shall use all available information to estimate the annual amount of export financing available from each such government and government-related agency. In this part of the report, the Bank shall include a survey of a representative number of United States exporters and United States commercial lending institutions which provide export credit on the experience of the exporters and institutions in meeting financial competition from other countries whose exporters compete with United States exporters.

"(2) ROLE OF BANK IN IMPLEMENTING STRATEGIC PLAN PREPARED BY THE TRADE PROMOTION COORDINATING COMMITTEE.—A description of the role of the Bank in implementing the strategic plan prepared by the Trade Promotion Coordinating Committee in accordance with section 2312 of the Export Enhancement Act of 1988.

"(3) TIED AID CREDIT PROGRAM AND FUND.—The report required by section 10(g).

"(4) PURPOSE OF ALL BANK TRANSACTIONS.—A description of all Bank transactions which shall be classified according to their principal purpose, such as to correct a market failure or to provide matching support.

"(5) EFFORTS OF BANK TO PROMOTE EXPORT OF GOODS AND SERVICES RELATED TO RENEWABLE ENERGY SOURCES.—A description of the activities of the Bank with respect to financing renewable energy projects undertaken under section 2(b)(1)(K), and an analysis comparing the level of credit extended by the Bank for renewable energy projects with the level of credit so extended for the preceding fiscal year.

"(6) SIZE OF BANK PROGRAM ACCOUNT.—A separate section which—

"(A) compares, to the extent practicable, the size of the Bank program account with the size of the program accounts of the other major export-financing facilities referred to in paragraph (1); and

"(B) makes recommendations, if appropriate, with respect to the relative size of the Bank program account, based on factors including whether the size differences are in the best interests of the United States taxpayer.

"(7) CO-FINANCING PROGRAMS OF THE BANK AND OF OTHER EXPORT CREDIT AGENCIES.—A description of the co-financing programs of the Bank and of the other major export-financing facilities referred to in paragraph (1), which includes a list of countries with which the United States has in effect a memorandum of understanding relating to export credit agency co-financing and, if such a memorandum is not in effect with any country with a major export credit-financing facility, an explanation of why such a memorandum is not in effect.

"(8) SERVICES SUPPORTED BY THE BANK AND BY OTHER EXPORT CREDIT AGENCIES.—A separate section which describes the participation of the Bank in providing funding, guarantees, or insurance for services, which shall include appropriate information on the involvement of the other major export-financing facilities referred to in paragraph (1) in providing such support for services, and an explanation of any differences among the facilities in providing the support.

"(9) EXPORT FINANCE CASES NOT IN COMPLIANCE WITH THE ARRANGEMENT.—Detailed information on cases reported to the Bank of export financing that appear not to comply with the Arrangement (as defined in section 10(h)(3)) or that appear to exploit loopholes in the Arrangement for the purpose of obtaining a commercial competitive advantage. The President of the Bank, in consultation with the Secretary of the Treasury, may provide to the appropriate congressional committees the information required by this subsection in a separate and confidential report, instead of providing such information in the report required by this subsection.

"(10) FOREIGN EXPORT CREDIT AGENCY ACTIVITIES NOT CONSISTENT WITH THE WTO AGREEMENT ON SUBSIDIES AND COUNTERVAILING MEASURES.—A description of the extent to which the activities of foreign export credit agencies and other entities sponsored by a foreign government, particularly those that are not members of the Arrangement (as defined in section 10(h)(3)), appear not to comply with the Arrangement and appear to be inconsistent with the terms of the Agreement on Subsidies and Countervailing Measures referred to in section 101(d)(12) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(12)), and a description of the actions taken by the United States Government to address the activities. The President of the Bank, in consultation with the Secretary of the Treasury, may provide to the appropriate congressional committees, the information required by this subsection in a separate and confidential report, instead of providing such information in the report required by this subsection.

"(b) INCLUSION OF ADDITIONAL COMMENTS.—The report required by subsection (a) shall include such additional comments as any member of the Board of Directors may submit to the Board for inclusion in the report.

"(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.".

(b) CONFORMING AMENDMENT.—Section 2(b)(1)(A) of such Act (12 U.S.C. 635(b)(1)(A)) is amended by striking all that follows the third sentence.

(c) EXPANSION OF COUNTRIES IN COMPETITION WITH WHICH THE BANK IS TO PROVIDE EXPORT FINANCING.—Section 2(b)(1)(A) of such Act (12 U.S.C. 635(b)(1)(A)) is amended in the second sentence by inserting ", including countries the governments of which are not members of the Arrangement (as defined in section 10(h)(3))" before the period.

(d) SENSE OF CONGRESS REGARDING NEGOTIATION OF THE OECD ARRANGEMENT.—It is the sense of Congress that in the negotiation of the Arrangement (as defined in section 10(h)(3) of the Export-Import Bank Act of 1945) the goals of the United States include the following:

(1) Seeking compliance with the Arrangement among countries with significant export credit programs who are not members of the Arrangement.

(2) Seeking to identify within the World Trade Organization the extent to which countries that are not a party to the Arrangement are not in compliance with the terms of the Agreement on Subsidies and Countervailing Measures referred to in section 101(d)(12) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(12)) with respect to export finance, and seeking appropriate action within the World Trade Organization for each country that is not in such compliance.

(3) Implementing new disciplines on the use of untied aid, market windows, and other forms of export finance that seek to exploit loopholes in the Arrangement for purposes of obtaining a commercial competitive advantage.

SEC. 14. OFFICE OF FINANCING FOR SOCIALLY AND ECONOMICALLY DISADVANTAGED SMALL BUSINESS CONCERNS AND SMALL BUSINESS CONCERNS OWNED BY WOMEN.

(a) IN GENERAL.—Section 3 of the Export-Import Bank Act of 1945 (12 U.S.C. 635a), as added by section 6, is amended by adding at the end the following:

"(i) OFFICE OF FINANCING FOR SOCIALLY AND ECONOMICALLY DISADVANTAGED SMALL BUSINESS CONCERNS AND SMALL BUSINESS CONCERNS OWNED BY WOMEN.—

"(1) ESTABLISHMENT.—The President of the Bank shall establish in the Small Business Division an office whose sole functions shall be to continue and enhance the outreach activities of the Bank with respect to, and increase the total amount of loans, guarantees, and insurance provided by the Bank to support exports by, socially and economically disadvantaged small business concerns (as defined in section 8(a)(4) of the Small Business Act) and small business concerns owned by women.

"(2) MANAGEMENT.—The office shall be managed by a Bank officer of appropriate rank who shall report to the Bank officer designated under subsection (f)(2).

"(3) STAFFING.—To the maximum extent practicable, the President of the Bank shall ensure that qualified minority and women applicants are considered when filling any position in the office.".

(b) FINANCING DIRECTED TOWARD SMALL BUSINESSES OWNED BY MINORITIES OR WOMEN.—Section 2(b)(1)(E)(v) of such Act (12 U.S.C. 635(b)(1)(E)(v)) is amended by adding at the end the following: "From the amount made available under the preceding sentence, it shall be a goal of the Bank to increase the amount made available to finance exports directly by small business concerns referred to in section 3(i)(1).".

SEC. 15. GOVERNANCE.

Section 3(c) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(c)) is amended by adding at the end the following:

"(9) At the request of any 2 members of the Board of Directors, the Chairman of the Board shall place an item pertaining to the policies or procedures of the Bank on the agenda for discussion by the Board. Within 30 days after the date such a request is made, the Chairman shall hold a meeting of the Board at which the item shall be discussed.".

SEC. 16. SENSE OF CONGRESS REGARDING MULTI-BUYER INSURANCE AND WORKING CAPITAL GUARANTEE PROGRAMS.

It is the sense of Congress that the Export-Import Bank of the United States should seek to expand the number and size of the regional multi-buyer insurance programs and working capital guarantee programs operated by, through, or in conjunction with the Bank.

SEC. 17. SENSE OF CONGRESS REGARDING AN OFFICE OF RENEWABLE ENERGY PROMOTION.

It is the sense of Congress that—

(1) the Export-Import Bank of the United States should establish, within 2 years of the date of the enactment of this Act, an Office of Renewable Energy Promotion staffed by individuals with appropriate expertise in renewable energy technologies to proactively identify new opportunities for renewable energy financing and to carry out section 2(b)(1)(K) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(K));

(2) in carrying out the purposes of such an Office of Renewable Energy Promotion, the

head of such Office should consider the recommendations of the Renewable Energy Exports Advisory Committee of the Bank to promote renewable energy technologies; and

(3) the Bank should include in its annual report a description of the activities carried out by such an Office of Renewable Energy Promotion, including for each year a description of the amount of credit extended by the Bank for renewable energy technologies during that year and a comparison between that amount and the amount of such credit extended by the Bank in previous years.

SEC. 18. ENVIRONMENTAL MATTERS.

(a) ENVIRONMENTAL REPRESENTATIVES ON THE ADVISORY COMMITTEE.—Section 3(d) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(d)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "15" and inserting "17"; and

(B) in subparagraph (B), by inserting "environment," before "production,"; and

(2) in paragraph (2), by adding at the end the following:

"(C) Not less than 2 members appointed to the Advisory Committee shall be representative of the environmental nongovernmental organization community, except that no 2 of the members shall be from the same environmental organization.".

(b) PUBLIC DISCLOSURE OF CERTAIN DOCUMENTS.—Section 11(a)(1) of the Export-Import Bank of 1945 (12 U.S.C. 635i-5(a)(1)) is amended by inserting after the first sentence the following: "Such procedures shall provide for the public disclosure of environmental assessments and supplemental environmental reports required to be submitted to the Bank, including remediation or mitigation plans and procedures, and related monitoring reports. The preceding sentence shall not be interpreted to require the public disclosure of any information described in section 1905 of title 18, United States Code.".

SEC. 19. GOVERNMENT ACCOUNTABILITY OFFICE STUDY OF BANK PERFORMANCE STANDARDS FOR ASSISTANCE TO SMALL BUSINESSES, ESPECIALLY THOSE OWNED BY SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS AND THOSE OWNED BY WOMEN.

(a) PERFORMANCE STANDARDS.—The Bank shall develop a set of performance standards for determining the extent to which the Bank has carried out successfully subparagraphs (E) and (I) of section 2(b)(1) of the Export-Import Bank Act of 1945, and the functions described in subsections (f)(1), (g)(1), (h)(1), and (i)(1) of section 3 of such Act.

(b) ASSESSMENT OF STANDARDS.—Within 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall transmit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate—

(1) an assessment of the performance standards developed by the Bank pursuant to subsection (a); and

(2) using the performance standards developed pursuant to subsection (a), an assessment of the Bank's efforts to carry out subparagraphs (E) and (I) of section 2(b)(1) of the Export-Import Bank Act of 1945, and the functions described in subsections (f)(1), (g)(1), (h)(1), and (i)(1) of section 3 of such Act.

SEC. 20. REPORTS.

Section 8 of the Export-Import Bank Act of 1945 (12 U.S.C. 635g) is amended by adding at the end the following:

"(f) ADDITIONAL REPORTS.—Not later than March 31 of each year, the Bank shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate reports on—

"(1) the extent to which the Bank has been able to use the authority provided, and has complied with the mandates contained, in section 2(b)(1)(E), and to the extent the Bank has been unable to fully use such authority and comply with such mandates, a report on the reasons for the Bank's inability to do so and the steps the Bank is taking to remedy such inability;

"(2) the extent to which financing has been made available to small business concerns (described in subsection (e)) to enable them to participate in exports by major contractors, including through access to the supply chains of the contractors through direct or indirect funding;

"(3) the specific measures the Bank will take in the upcoming year to achieve the small business objectives of the Bank, including expanded outreach, product improvements, and related actions;

"(4) the progress made by the Bank in supporting exports by socially and economically disadvantaged small business concerns (defined in section 8(a)(4) of the Small Business Act) and small business concerns (as defined in section 3(a) of the Small Business Act) owned by women, including estimates of the amounts made available to finance exports directly by such small business concerns, a comparison of these amounts with the amounts made available to all small business concerns, and a comparison of such amounts with the amounts so made available during the 2 preceding years;

"(5) with respect to each type of transaction, the interest and fees charged by the Bank to exporters (including a description of fees and interest, if any, charged to small business concerns), buyers, and other applicants in connection with each financing program of the Bank, and the highest, lowest, and average fees charged by the Bank for short term insurance transactions;

"(6) the effects of the fees on the ability of the Bank to achieve the objectives of the Bank relating to small business;

"(7) the fee structure of the Bank as compared with those of foreign export credit agencies; and

"(8)(A) the efforts made by the Bank to carry out subparagraphs (E)(x) and (J) of section 2(b)(1) of the Export-Import Bank Act of 1945, including the total amount expended by the Bank to do so; and

"(B) if the Bank has been unable to comply with such subparagraphs—

"(i) an analysis of the reasons therefor; and

"(ii) what the Bank is doing to achieve, and the date by which the Bank expects to have achieved, such compliance.".

SEC. 21. STUDY OF HOW EXPORT-IMPORT BANK COULD ASSIST UNITED STATES EXPORTERS TO MEET IMPORT NEEDS OF NEW OR IMPOVERISHED DEMOCRACIES; REPORT.

(a) STUDY.—The Export-Import Bank of the United States shall conduct a study designed to assess the needs of new or impoverished democracies, such as Liberia and Haiti, for imports from the United States, and shall determine what role the Bank can play a role in helping United States exporters seize the opportunities presented by the need for such imports.

(b) REPORT TO CONGRESS.—Within 12 months after the date of the enactment of this Act, the Bank shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, in writing, a final report that contains the results of the study required by subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Illinois (Mrs. BIGGERT) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentlewoman from Illinois.

GENERAL LEAVE

Mrs. BIGGERT. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mrs. BIGGERT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today to urge the immediate passage of Senate 3938, the Export-Import Bank Reauthorization Act of 2006. A compromise between the Senate-passed product and the House version, H.R. 5068, introduced by my friend from Ohio (Ms. PRYCE), this is an excellent bill that deserves broad and deep support.

Madam Speaker, I am very pleased to see this bill on the floor today. The House and Senate versions both enjoyed broad bipartisan support in committee and in floor consideration, and it seems to me that this bill makes a number of important reforms to the way Ex-Im operates that we all can be very proud of.

First and foremost, Madam Speaker, this bill firmly establishes congressional intent that the bank should focus its attention on increasing exports by small businesses. The bank does a tremendous job of supporting exports by large corporations and will continue to do so. But small businesses often have had a difficult time navigating the intricate and unfamiliar waters of loan guarantees and insurance offered by the bank.

This bill establishes a small business division within the bank staffed by specialists on small business operations. More importantly, it authorizes the small business specialist to approve loans, guarantees and insurance on some projects quickly so that the U.S. small businesses will not be aced out of international competition by another country's export credit agency that moves faster to cement the deal.

The bill also establishes a special office to serve small businesses owned by women and the economically disadvantaged and expresses the congressional view that Ex-Im should have an office that focuses on exports of renewable energy technology, an area where the U.S. can excel as a world leader.

Finally, this bill establishes a number of new reporting regimes and reorganizes others so that Congress can better monitor and perform oversight on Ex-Im operations, a job some have felt to be difficult in the past.

In our increasingly competitive global environment, we must ensure that we can provide every advantage and eliminate every obstacle for U.S. businesses to win the sale over foreign competitors. This is a bill that all Members can be proud of and will increase U.S. exports, and thus U.S. employment in a responsible manner.

I want to thank Chairman OXLEY and Ranking Member FRANK for their strong support in guiding this bill. They, along with Mrs. MALONEY, Mr. MANZULLO and Ms. VELÁZQUEZ, joined me as original cosponsors with Chairman PRYCE, and all were helpful, as well as Chairman SHELBY and Ranking Member SARBANES and Senator CRAPO in the Senate.

I would also like to thank the staff who worked on this bill: Chairman PRYCE's former staff member, Jackie Moran; Scott Morris of Mr. FRANK's staff; and Eleni Constantine from Mrs. MALONEY's staff. Also Gregg Richard on the staff of the Senate bill's sponsor, Senator CRAPO, was instrumental in passage, and I will note we trained him well when he worked here in the House, as well as Andrew Olmen from Senator SHELBY's staff and Steve Kroll for Senator SARBANES.

With that, Madam Speaker, I urge immediate passage of this bill and reserve the balance of my time.

□ 1030

Mrs. MALONEY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, as the ranking member of the Financial Services Subcommittee with jurisdiction over the Export-Import Bank, I am delighted to speak once again in support of S. 3938, the Export-Import Bank Reauthorization Act of 2006.

This bipartisan legislation was overwhelmingly supported by this body when it came to the floor in April as H.R. 5068, and was also strongly supported in the Financial Services Committee and the Small Business Committee on a bipartisan basis. We have all worked together on this, and I would like to thank Chairman OXLEY, Ranking Member FRANK, Chairman MANZULLO, Ranking Member VELÁZQUEZ, Chairwoman PRYCE, Representative WATERS and our staffs, especially Scott Morris and Joe Pinder of the Financial Services staff, Eleni Constantine from my staff, and many others for their very hard work on this bill.

The bill that we consider today, though it bears a Senate designation, includes substantially all of the key initiatives that we included in our House bill. Chief among these are new provisions on small business competition and transparency. Our small business initiative starts with a new small business division within the bank run by a senior VP who will advise the board directly.

Within the bank, the bill creates small business specialists with authority to approve smaller working capital loans and guarantees to speed up the process. The bill also creates a Small Business Committee to assist the bank in advancing its small business agenda. Within this division, the bill creates an office charged with expanding outreach to socially and economically disadvantaged small businesses and small businesses owned by women, and it also increases the amount of loans, guarantees and insurance provided by the bank to support exports by these small businesses.

The bill also empowers and directs the bank to deal more forcefully and directly with the looming threat to the U.S. export economy posed by China, which is effectively subsidizing its exports through its currency and otherwise. Since China is not a member of the Organization For Economic Cooperation and Development, Ex-Im's export credit activities are a particularly important vehicle to level the playing field. This is also true for subsidized exports from other non-OECD nations such as Brazil, which are taking a greater share of the markets and unfairly challenging our exports.

In this regard, the bill gives the bank greater authority to use the Tied Aid Fund, a fund established several years ago by Congress specifically to combat unfair export activities by other countries' export credit agencies. U.S. companies should not have to compete with one hand tied behind their backs and unfair subsidies to their competitors.

I am also pleased that the pro-customer provisions that I was personally responsible for are part of this bill. They include notification requirements so that applicants know what is happening to their application and a mandate to improve Ex-Im Online to make it more user friendly and attract small business applicants. My constituents and many others have complained that the Ex-Im process is needlessly unhelpful and opaque, and these are simple steps to fix that problem. People should not have to wait for months, possibly even a year, to find out that one small item was missing from their application that caused them not to receive their support.

We have also dealt with some regional issues that are of significance to broad constituencies. First, the bill asks the bank to consult with the African Development Bank and similar entities to increase the number of qualified African entities.

Second, the bill prohibits the bank from funding railroad projects in the South Caucasus region that deliberately exclude Armenia, as Turkey has proposed. As a proud member of the Congressional Caucus on Armenian Issues and the representative of a large and vibrant Armenian community of Americans, I particularly want to thank my colleagues JOE CROWLEY and Representative ROYCE for their hard work on this issue.

Allowing the exclusion of Armenia from important transportation routes would stymie the emergence of this region as an important East-West trade corridor. It is in our economic and security interests to ensure that we do not support the historic aggression between Turkey and Armenia.

As the independent U.S. Government agency that assists in financing the export of U.S. goods and services to markets around the world through export credit insurance, loan guarantees and direct loans, the Ex-Im Bank has long played a key role in the economy of many of the districts that each of us represent. Today, more than ever, the future of the bank is of a great interest and concern because it has significant potential to affect the national economy, job growth and our trade imbalance.

Our country now faces a record trade imbalance of over $800 billion, the largest trade imbalance in our history. This is one agency which can work on the trade imbalance issue as part of its mission.

This reauthorization bill provides fresh guidance to the bank, as well as enabling it to carry on its very important work. I urge my colleagues to support it.

Madam Speaker, I reserve the balance of my time.

Mrs. BIGGERT. Madam Speaker, I reserve the balance of my time.

Mrs. MALONEY. Madam Speaker, I yield such time as he may consume to the ranking member of the Financial Services Committee, the gentleman from the great State of Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Madam Speaker, my congratulations to the two gentlewomen who are presiding over this bill. I think this is one more example, as this Congress draws to a close, of the way in which the Committee on Financial Services under the leadership of our retiring chairman, the gentleman from Ohio, Mr. OXLEY, was able to deal in a very bipartisan way on issues that deserve to be bipartisan.

I always want to point out that partisanship is a good thing in a democracy and there are issues where the parties legitimately ought to be presenting different viewpoints. The important thing is not to allow those legitimate differences to spill over and poison the ability to work together where there aren't differences of an ideological sort. This is an example.

Indeed, I want to thank the Members on the majority side for accommodating many of the concerns that we had here. The gentlewoman from New York who took the lead in forging this compromise from our side correctly mentioned some of them.

But in particular we have always felt that it is important to promote engines that help the economy grow but to recognize that growth does not automatically produce fairness. In our job, we have seen it as when we deal with these pro-growth engines, as I believe the Export-Import Bank can be when it is done right, that we put in some elements of fairness, and that is what has been done here with regard to smaller businesses, with regard to women and minorities.

Indeed, our colleague, the gentlewoman from New York, Ms. VELÁZQUEZ, who will chair the Small Business Committee in the next Congress, had some particular concerns, some of which have been accommodated, and I want to take this opportunity to say that if I become the chair of the committee, and the gentlewoman from New York will still be on the committee and will still be playing a major role, we intend to further work with the gentlewoman from New York, Ms. VELÁZQUEZ, to make sure that small business gets a piece of this.

Let me say, in an ideal world, we wouldn't have an Export-Import Bank. If there were no interventions in the market by other countries, there would be no need for this entity. But neither in economics nor in the military area do I think that unilateral disarmament makes sense; and I would hope, and we did this with regard to China, that this would be regarded as an instrument to be used in the legitimate self-defense of American industry. And to the extent that we can ever negotiate a disappearance of this kind of export subsidy everywhere, then I would be in favor of our dropping it. But until then, we need to be able to deal in this world, and I think this bill does this in the best possible way, and I thank the gentlewoman.

Mrs. BIGGERT. Madam Speaker, I reserve the balance of my time.

Mrs. MALONEY. Madam Speaker, I yield 2 minutes to the gentleman from the Empire State, my colleague and good friend, the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Madam Speaker, I thank my good friend CAROLYN MALONEY for yielding this time.

Madam Speaker, I rise in support of the Ex-Im Bank reauthorization legislation before us. This bill will strengthen the Ex-Im Bank's ability to allow American companies to compete in the global market as we try to increase our exports and increase our global competitiveness and create more and better paying jobs right here in the United States. This is a bill about exporting products, not a bill about exporting jobs.

Additionally, I am happy to say both the Senate and House versions of this bill include language that I coauthored pertaining to the nation of Armenia, a great ally of our country.

My language, done with Congressman ED ROYCE on the other side of the aisle and Congressman BRAD SHERMAN, prohibits the Ex-Im Bank from funding any railway projects from Azerbaijan through Jordan and Turkey which specifically and intentionally bypasses Armenia. I am very pleased that this language was included in the final version of this legislation.

This language will assist in promoting stability in the Caucasus region, help in ending longstanding conflicts and save U.S. taxpayers the responsibility of funding a project that goes against U.S. interests.

For over 10 years, Armenia has fought a blockade imposed on them by the countries of Turkey and Azerbaijan. These two countries continually exclude Armenia from regional development. Exclusion of one country in regional projects only fosters instability in that region.

Besides possibly creating a regional crisis, this project, if funded by the Ex-Im Bank, could cost U.S. taxpayers millions and millions of dollars. I do not believe that the U.S. taxpayers should be funding a project that goes against our United States interests. I am pleased this good language was added to an already good bill.

Therefore, I urge my colleagues to support this Ex-Im reauthorization legislation before us.

Mrs. BIGGERT. Madam Speaker, I reserve the balance of my time.

Mrs. MALONEY. Madam Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Madam Speaker, first of all I do want to thank my colleagues from New York, particularly JOE CROWLEY, for this provision in this bill relating to Armenia and the railroad in the Caucasus region.

I also want to thank the ranking member of the subcommittee, Mrs. MALONEY, she has always been outstanding on issues that impact Armenia and the Caucasus; as well as our full committee chairman and the ranking member, Mr. FRANK from Massachusetts.

I just want to stress how important this provision is with regard to Armenia and the Caucasus region. It has been the policy of this Congress, as Mr. CROWLEY said, for some time, to encourage interrogation of the Caucasus nations, that is, Armenia, Azerbaijan, Georgia, as well as Turkey. And the idea of building a railroad that would cut off Armenia, which has been suggested by Azerbaijan and Turkey, would be totally contrary to the policy that this Congress, both under Democrat and Republican leadership, has had for the last 20 years every time we have tried to encourage integration, even a customs union eventually between these Caucasus nations. And to cut off one of the countries in this significant way by building a railroad around Armenia that bypasses it is totally contrary to that policy.

We should also understand that an existing railroad is there. I actually was in Gumry in Armenia and there is a railroad now that goes between Turkey through Armenia and then to Azerbaijan. So there is absolutely no reason to build a new railroad. All you have to do is open the borders, which are now blockaded by Turkey and Azerbaijan, and allow this railroad to be upgraded somewhat, at very minimal cost.

You have to understand that in this region both the powers in Turkey, in the Karaz region of Turkey, as well as those within the Gumry region of Armenia, are in favor of opening the old railroad and ending the blockade. The mayors in these regions, the county officials, have worked together to try to bring these regions together. Unfortunately, in Ankara, the Turkish Government is opposed to it, and they have done everything they can to stop it, and now they propose this new railroad.

This unfortunately happened already with the oil pipeline. The Caspian oil pipeline was supposed to go through Armenia, it is the shortest route, and it was bypassed. So now we have a situation where, because of the oil situation, Armenia is bypassed and we find more and more this effort to isolate Armenia. It is a mistake.

As has been mentioned by my colleagues, if you don't bring countries together, and I use the European Union as an example, those countries in Europe fought each other for generations, but once you had a European Customs Union they worked together. Now they are a unified whole.

If this policy continues of isolating Armenia, it will only lead to another war, because as Armenia becomes isolated and those countries around it become more and more antagonistic, the end result could possibly be another war.

That is not in the interests of the United States. We have to fight this war against terrorism. We need all the Caucasus nations working together. Ultimately what I would like to see is a customs union similar to the European Union in these Caucasus nations.

So I just want to thank everyone, Mrs. MALONEY, Mr. FRANK, Mr. CROWLEY, for putting a stop to this policy of isolating Armenia, which is not good for Armenia, not good for the Caucasus nations, and ultimately not good for the United States. Let's continue the policy of cooperation in bringing these countries together for the common good.

□ 1045

Mrs. MALONEY. Madam Speaker, I yield myself such time as I may consume. I have no further requests for time, and I am about to yield back the balance of my time.

But before I do, I would like to once again congratulate two of my colleagues on the other side of the aisle who are retiring who served on this committee with great distinction, Chairman LEACH and Chairman OXLEY. I thank them for their service and for putting the safety and soundness and fairness of our financial institutions front and center on the concerns of this committee and for their attention and consideration to all points of view, including the minority. It was an honor to serve with them, and they served this country well. We will miss you.

Mr. OXLEY. Madam Speaker, I rise today in support of S. 3938, the Export-Import Bank Reauthorization Act of 2006, a strong compromise between the House and Senate versions of bills reauthorizing this country's vital export credit agency. This is the second time as Chairman of the Financial Services Committee that I have been involved with the Ex-Im Bank's reauthorization and I remain a strong supporter of the Bank primarily because it continues to create and sustain American jobs.

Since our last authorization in 2002, the Bank has provided guarantees on loans to buyers of U.S. exports and insurance products numbering close to 11,500 total transactions—of which $7 billion of authorizations supported over $63 billion in export value. Alongside these numbers is the very impressive fact that last year alone the Bank returned over $1.7 billion to the U.S. Treasury in the form of fees, far outstripping the $145 million appropriated.

Madam Speaker, I also am proud to note that like many of the bills we have passed throughout my chairmanship of the Financial Services Committee, this was an overwhelming bipartisan effort, led by Chairman DEBORAH PRYCE and Ranking Member CAROLYN MALONEY as well as Representatives BIGGERT, VELÁZQUEZ and MANZULLO and with the strong support of this committee's next chairman, BARNEY FRANK. This bill also represents important input from the Committee on Small Business, various export and banking experts, representatives of both small and large businesses, environmentalists and even a former president of the Bank.

Madam Speaker, the bill before us makes changes necessary to keep the Bank vital through the 5 years of this reauthorization. The greatest of these changes will be the creation of a permanent Small Business Division whose function will be conducting outreach programs and tailoring Bank products to be more user-friendly for small businesses. This division will better equip the Bank to meet its mandate of making 20 percent of its total loans and guarantees available to small businesses, with particular emphasis towards helping small businesses owned by women, minorities, and the socially and economically disadvantaged. Additionally the bill contains a number of reporting requirements that will allow Congress to better monitor the Bank's activities.

Madam Speaker, passage of S. 3938 will enable the Bank to be even more successful during the next 5 years. I urge its passage today.

Mr. MANZULLO. Madam Speaker, I want to commend the gentleman from Ohio (Mr. OXLEY), the gentlelady from Ohio (Ms. PRYCE), the gentleman from Massachusetts (Mr. FRANK), and the gentlelady from New York (Mrs. MALONEY) for finalizing action on this important bill to reauthorize the Export-Import Bank of the United States. I also want to commend the other body for working with us to get this bill over the finish line.

This bill should actually be renamed the Small Business Exporters Act of 2006. I am pleased that S. 3938 retains many of the key small business enhancements that I have advocated for many years. S. 3938 restores a viable Small Business Division and creates a Small Business Committee within Ex-Im to better serve the needs of small exporters. This legislation bill also enhances the Bank's delegated loan authority with respect to medium-term transactions by private lenders for small businesses. This is one key tool to help Ex-Im reach and exceed its 20 percent statutory mandate for small businesses.

S. 3938 retains the House provision designating adequate staff in each of the Bank's operating divisions to specialize in the needs of small business exporters. Furthermore, these small business specialists will have the authority under appropriate guidelines to approve loan, guarantee and insurance applications for small business exporters. While the final language contains a non-binding "sense of Congress" recommendation that these small business specialists have this authority up to $10 million, I strongly urge the Bank to make this a reality. Adequately implemented, this provision will help small business exporters overcome the obstacles of the historically slow internal approval process within the Ex-Im Bank.

These small business specialists will also serve as members of the Small Business Committee at the Bank. These small business specialists will be on the front line of assisting small business and will have first-hand knowledge of Ex-Im products that work and what needs to be changed.

Finally, I am pleased that the leaders of the House Financial Services Committee retained the Senate provision that allows the Senior Vice President for Small Business at the Bank to intervene in applications from small businesses that appear on their way towards denial. This gives small business exporters one last crack at the bat to see what can be done to get an application approved.

I was pleased to work with many of the industry groups who support Ex-Im Bank, particularly the Small Business Exporters Association, in the development of the small business provisions in S. 3938. They are supportive of these provisions.

Madam Speaker, passage of S. 3938 will send a powerful positive signal to small business exporters around the nation that there will be internal advocates for them within the Bank from the time they enter the door until the time they exit with a decision. With these new legislative enhancements to Ex-Im's charter, small business exporters will have strong shoulders to stand on to win trade deals overseas. I urge the adoption of S. 3938.

Ms. LEE. Madam Speaker, I want to begin by thanking the outgoing and incoming Chairmen of the Financial Services Committee, Mr. OXLEY and Mr. FRANK, the outgoing DIMP subcommittee Chairwoman, Ms. PRYCE, and my colleague from New York, Mrs. MALONEY for working together in such a bipartisan way to reauthorize the Export-Import Bank.

I believe the legislation we have before us today significantly improves the ability of the bank to respond to the needs of small business exporters and particularly minority and women-owned small business exporters.

By creating a new office for socially and disadvantaged small businesses and businesses owned by women, we are responding to a critical and glaring gap in Ex-Im's outreach programs.

The office builds directly from an amendment that I co-authored in 2001 during the last reauthorization which required Ex-Im to annually report on the number and type of transactions it conducts with minority and women-owned businesses.

The inadequate reporting from Ex-Im and their token support for minority outreach has made this new office a necessity. I want to thank my colleagues for making it a priority, and specifically Ms. VELÁZQUEZ for her work on this.

I also want to express my gratitude to Ms. PRYCE and Mr. FRANK for agreeing to add language to the manager's amendment which requires the Bank President to consider qualified minority and women applicants when filling positions within this new office.

My amendment will ensure that Ex-Im conducts culturally competent and sensitive outreach by hiring individuals who can relate to the particular challenges faced by minority and women-owned small businesses and who can speak their language.

I am also supportive of the provisions in the bill to increase small business exports, simplify Ex-Im's application process, reaffirm our commitment to expanding exports to Sub-Saharan Africa and expand transparency at the Bank.

I believe that improvements to Ex-Im could still have been made, in particular, to ensure compliance with environmental standards following the completion of a transaction, and to get a better understanding of what Ex-Im's real impact is in creating and retaining American jobs.

However, in the next Congress as we conduct oversight of Ex-Im and its implementation of this bill, I hope that we can continue to examine these remaining issues.

Mrs. MALONEY. Madam Speaker, I yield back the balance of my time.

Mrs. BIGGERT. Madam Speaker, I would urge passage of this very important bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Illinois (Mrs. BIGGERT) that the House suspend the rules and pass the Senate bill, S. 3938, as amended.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

CONGRESSIONAL TRIBUTE TO DR. NORMAN E. BORLAUG ACT OF 2006

Mrs. BIGGERT. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 2250) to award a congressional gold medal to Dr. Norman E. Borlaug.

The Clerk read as follows:

S. 2250

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Congressional Tribute to Dr. Norman E. Borlaug Act of 2006".

SEC. 2. FINDINGS.

Congress finds as follows:

(1) Dr. Norman E. Borlaug, was born in Iowa where he grew up on a family farm, and received his primary and secondary education.

(2) Dr. Borlaug attended the University of Minnesota where he received his B.A. and Ph.D. degrees and was also a star NCAA wrestler.

(3) For the past 20 years, Dr. Borlaug has lived in Texas where he is a member of the faculty of Texas A&M University.

(4) Dr. Borlaug also serves as President of the Sasakawa Africa Association.

(5) Dr. Borlaug's accomplishments in terms of bringing radical change to world agriculture and uplifting humanity are without parallel.

(6) In the immediate aftermath of World War II, Dr. Borlaug spent 20 years working in the poorest areas of rural Mexico. It was there that Dr. Borlaug made his breakthrough achievement in developing a strand of wheat that could exponentially increase yields while actively resisting disease.

(7) With the active support of the governments involved, Dr. Borlaug's "green revolution" uplifted hundreds of thousands of the rural poor in Mexico and saved hundreds of millions from famine and outright starvation in India and Pakistan.

(8) Dr. Borlaug's approach to wheat production next spread throughout the Middle East. Soon thereafter his approach was adapted to rice growing, increasing the number of lives Dr. Borlaug has saved to more than a billion people.

(9) In 1970, Dr. Borlaug received the Nobel Prize, the only person working in agriculture to ever be so honored. Since then he has received numerous honors and awards including the Presidential Medal of Freedom, the Public Service Medal, the National Academy of Sciences' highest honor, and the Rotary International Award for World Understanding and Peace.

(10) At age 91, Dr. Borlaug continues to work to alleviate poverty and malnutrition. He currently serves as president of Sasakawa Global 2000 Africa Project, which seeks to extend the benefits of agricultural development to the 800,000,000 people still mired in poverty and malnutrition in sub-Saharan Africa.

(11) Dr. Borlaug continues to serve as Chairman of the Council of Advisors of the World Food Prize, an organization he created in 1986 to be the "Nobel Prize for Food and Agriculture" and which presents a $250,000 prize each October at a Ceremony in Des Moines, Iowa, to the Laureate who has made an exceptional achievement similar to Dr. Borlaug's breakthrough 40 years ago. In the almost 20 years of its existence, the World Food Prize has honored Laureates from Bangladesh, India, China, Mexico, Denmark, Sierra Leone, Switzerland, the United Kingdom, and the United States.

(12) Dr. Borlaug has saved more lives than any other person who has ever lived, and likely has saved more lives in the Islamic world than any other human being in history.

(13) Due to a lifetime of work that has led to the saving and preservation of an untold amount of lives, Dr. Norman E. Borlaug is deserving of America's highest civilian award: the congressional gold medal.

SEC. 3. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President Pro Tempore of the Senate and the Speaker of the House of Representatives are authorized to make appropriate arrangements for the presentation, on behalf of Congress, of a gold medal of appropriate design, to Dr. Norman E. Borlaug, in recognition of his enduring contributions to the United States and the world.

(b) DESIGN AND STRIKING.—For the purpose of the presentation referred to in subsection (a), the Secretary of the Treasury (in this Act referred to as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 4. DUPLICATE MEDALS.

Under such regulations as the Secretary may prescribe, the Secretary may strike and sell duplicates in bronze of the gold medal struck under section 3 at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 5. STATUS AS NATIONAL MEDALS.

(a) NATIONAL MEDAL.—The medal struck under this Act is a national medal for purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all duplicate medals struck under this Act shall be considered to be numismatic items.

SEC. 6. AUTHORITY TO USE FUND AMOUNTS; PROCEEDS OF SALE.

(a) AUTHORITY TO USE FUND AMOUNTS.—There are authorized to be charged against the United States Mint Public Enterprise Fund, such sums as may be necessary to pay for the cost of the medals struck under this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 4 shall be deposited in the United States Mint Public Enterprise Fund.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Illinois (Mrs. BIGGERT) and the gentleman from Massachusetts (Mr. FRANK) each will control 20 minutes.

The Chair recognizes the gentlewoman from Illinois.

GENERAL LEAVE

Mrs. BIGGERT. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mrs. BIGGERT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today to urge Members to join in saluting an American hero who deserves to be recognized for his lifetime service to the world by passing S. 2250, the Congressional Tribute to Dr. Norman E. Borlaug Act of 2006.

Senate 2250 directs the Speaker of the House and the President of the Senate to make appropriate arrangements to award a gold medal on behalf of Congress to Dr. Norman Borlaug in recognition of his enduring contributions in fighting hunger around the world. This legislation is identical to H.R. 4924, introduced by the gentleman from Iowa (Mr. LATHAM).

Madam Speaker, Dr. Borlaug is a Nobel Peace Prize recipient of whom few have heard, a humanitarian responsible for mounting a global campaign against hunger that saved so many of the world's neediest people through agricultural science.

In 1944, he took on the task of researching high-yield and disease-resistant cereal grains. Through trial and error, Dr. Borlaug's efforts led to the development of varieties of wheat that completely altered production agriculture as it was then known in places like Pakistan, India and Mexico. The dwarf wheat variety allowed farmers to produce far more grain per acre than anyone could have predicted. This newfound bounty gave the world's poorest people access to food, ensuring children who otherwise would have been victims of malnutrition could thrive.

Dr. Borlaug's landmark discoveries in agriculture led to what is called the "Green Revolution." However, this modest man, born and raised in Cresco, Iowa, and educated in Minnesota, once said his accomplishments were only "a temporary success in man's war against hunger and deprivation."

Madam Speaker, I recognize that many in Congress and throughout the country do not know about the progress we have made in production agriculture and are unaware of the countless contributions made by agricultural scientists such as Dr. Borlaug. However, his leadership has inspired so many others of our best and brightest students to pursue careers in agriculture sciences, and his work will live on in the lives of those who have been spared the misery of starvation.

Madam Speaker, this is an honor long overdue, and I would urge immediate passage of this important legislation.

Madam Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Madam Speaker, I yield myself such time as I may consume.

I congratulate the delegation from Iowa on bringing forward this very important symbol honoring a very great man, a man who has performed enormous service for humanity. It was first called to my attention by the gentleman from Iowa who is I believe now the dean of the majority of the Iowa delegation, and I am delighted to be the first to recognize him in that context, my very good friend and a very good leader.

Madam Speaker, I yield as much time and as much corn as he may consume to the gentleman from Iowa (Mr. BOSWELL).

Mr. BOSWELL. Madam Speaker, thank you very much. I thank the gentlewoman from Illinois (Mrs. BIGGERT) and the gentleman from Massachusetts (Mr. FRANK) for yielding me this time.

I would also like to thank my colleague and friend Congressman LATHAM for working on this and leading out on this very, very worthwhile tribute to Dr. Borlaug. He is from Iowa. We have known him for some time. As you might reflect, some of you, some years ago he was awarded the Nobel Peace Prize. It was for his work in agriculture. He started the Green Revolution. It was he that led out with the education, the expertise, the research to feed the world. He is credited with a billion people, saved their lives, fed the world—it has been quite a thing.

I happened to be serving in the Iowa legislature at the time. I was appropriations chair, and it looked like the World Food Prize was going to disappear. We saw the opportunity to bring it to Iowa. A great benefactor, which Mr. LATHAM knows, too, Mr. John Ruan II, saw the need to keep this alive, and so put forth the effort in a hard time in our country, and we called it the agricultural crisis of those days, and was willing to put forth. We started out with a little public-private partnership working together with the understanding that the Ruan family, which they have done, would take it over and run with it. Well, they have.

Dr. Borlaug was the first awardee of the World Food Prize 20 years ago in Iowa, and wow, what an appropriate person to receive this honor. It has been ongoing. Ambassador Quinn, a former ambassador at the State Department for years, serves with distinction as the administrator and CEO of the World Food Prize. It is something we are very proud of in the United States of America. We are very proud of it in our State of Iowa. It is a worthy thing.

We think of our State of Iowa and the surrounding States as the food basket of our country, and so we have a World Food Prize. This is something that we ought to do to identify Dr. Borlaug. He is in his 90s. He is still very vital and vibrant and eloquent in his presentations, and the things he has done to reach out around the world with young people is most impressive. We have a great program and he is right in the middle of it and still providing a wonderful service, a wonderful example of what we would like to see coming from our country.

Of course, we are very proud, Tom and I and all of us in the delegation, of our State. I might add that our new Members, Mr. Braley and Mr. Lobsack, very much if they were able to would be signed on to this resolution as well, and I wanted to make note of that.

So I rise in support of Senate 2250, a tribute to Dr. Norman Borlaug. I would hope that every one of us would make this a unanimous thing, a great American, a great cause, and this is the highest recognition we can give, and we ought to do it.

I am very proud of my fellow Iowan Dr. Borlaug. He is a great humanitarian who has been credited with saving one billion lives. His research and work changed production agriculture, as we know it today. Dr. Borlaug's life has been marked with many accomplishments; one such accomplishment was founding the World Food Prize, which is located in Des Moines, Iowa. The World Food Prize recognizes contributions by individuals who have worked to improve the quality, quantity and availability of the world food supply. I am proud to say the Prize celebrated its 20th anniversary this year.

I would also like to recognize the Ruan family. When the World Food Prize was in trouble the Ruan family created a trust that would support the World Food Prize, patterned after the Nobel Peace Prize. This happened and I am pleased to report that the Ruan family, now under the leadership of John III, has fulfilled their pledge and the World Food Prize is a vital entity that we are very proud of.

Mrs. BIGGERT. Madam Speaker, I yield such time as he may consume to the gentleman from Iowa (Mr. LATHAM), the sponsor of the identical legislation, H.R. 4924.

Mr. LATHAM. Madam Speaker, I thank the gentlewoman for recognizing me and Mr. FRANK for his kind words about the great State of Iowa and I thank Mr. BOSWELL very much for the kind words, a great friend.

I really would like to, first of all, thank the Speaker and the majority leader for allowing this bill to come to the floor today. It is extraordinarily important that we do recognize this great humanitarian.

I would also like to thank my staff who has worked for weeks and weeks on this to get the support that is needed to bring a provision like this to the floor. It is very much appreciated.

Dr. Norman Borlaug truly is an American superhero and really not that many people have heard of him because he has worked very quietly behind the scenes. He has done great things but he is someone who does not seek recognition.

His campaign to save the lives of the world's neediest people through agricultural science deserves this very, very special recognition. How many lives has he saved? Dr. Borlaug's innovative leadership in plant breeding and agricultural production is credited with saving the lives of nearly one billion people. That is right, one billion people.

It was back in 1944 when he was given the task, like Mrs. BIGGERT mentioned, of researching high-yield, disease-resistant cereal grains to help feed the neediest people, and through all of his efforts he was successful in developing varieties of wheat that completely altered agriculture as we know it in places like Pakistan, India, Mexico, Central America.

The wheat variety he developed has allowed those farmers to produce far more grain than they ever thought possible in those regions. This bounty gave the poorest people of the world an opportunity to be fed and, most importantly, to ensure that their children were not suffering from malnutrition and starvation.

He was the person that is credited with developing the Green Revolution, which changed agriculture, changed food production worldwide. He truly is a legendary figure with the agricultural community, and his name is well-known all across the world.

I am very proud of the fact that Dr. Borlaug was born and raised in my district in Cresco, Iowa, and is known locally as a very modest man who once talked about his accomplishments, and again, as a quote, "a temporary success in man's war against hunger and deprivation."

It is almost 40 years since the Nobel Peace Prize was given to Dr. Borlaug. Today, at age 92, he continues to work for improvement in mankind, and for this reason, I introduced H.R. 4924, a companion bill to the underlying measure, Senate 2250, which is a bill to award this great humanitarian, Dr. Norman Borlaug, the Congressional Gold Medal for his lifetime of service to the world.

I know there are many in Congress who do not think about the progress we have made in production agriculture and are probably unaware of the countless contributions made by agricultural scientists like Dr. Norman Borlaug. Dr. Borlaug's leadership has inspired so many young people to enter agricultural sciences today, and his legacy will go on forever, with his forethought and his innovation.

It really is his work and the work of future innovators that will live on in the lives who have been spared so much misery from starvation, and I respectfully urge my colleagues to support the underlying bill so that we can officially recognize this great humanitarian, Dr. Norman Borlaug.

Mr. FRANK of Massachusetts. Madam Speaker, in this Congress I run out of Iowans before the other side does. So I will reserve the balance of my time.

Mrs. BIGGERT. Madam Speaker, I yield such time as he may consume to the gentleman also from Iowa (Mr. LEACH), and he has been a great leader and we will miss him in Congress.

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Mr. LEACH. I thank the gentlewoman for yielding, and I want to thank very much the chairman to-be of the Financial Services Committee for his cooperation in bringing this forth.

And I might say to the chairman to-be that I understand that you are thinking of a theme of being pro-business with an emphasis on fairness. I think that is a very appropriate theme, and I wish you every success. This Congress has a vested interest in seeing that the next Congress works well, so I wish you well.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. LEACH. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I just want to express my appreciation. Those words coming from someone I admire as much as I admire the gentleman from Iowa, they mean a great deal. I guess I would say I have never been less happy to see my side win.

Mr. LEACH. I appreciate that very much. Thank you.

I also want to thank TOM LATHAM. TOM is a wonderful friend, and he has pursued this particular measure for an American citizen that fits all of our definitions of a hero. That is particularly the perspective of all Iowans and I am sure all Americans when we think about Dr. Borlaug's career.

I would only like to make one philosophical contribution to this debate, and that is that Dr. Borlaug has been awarded the Nobel Prize for the green revolution, the notion of pure science being used to expand the production of food crops of various kinds to make it possible for people in the world to have nourishment. But it is the same science that goes into expanding biological crops that allows crops to be used for energy, and so the same science that has produced the green revolution is also producing a black evolution, the idea that food can also be used for petroleum substitutes.

We are today facing a challenge of judgment as well as a challenge of new biology, which Dr. Borlaug is also continuing to work in, that there may not be enough crops that go around for both food and fuel. But, fortunately, it is not exactly an either/or; that is, the same kernels of corn can be used for extracting ethanol as well as producing a food additive for cattle. But we are going to have to continue to develop new techniques to increase yields.

That is what is happening in many great institutions in this country, such as Iowa State University, the University of Missouri, Purdue, Minnesota, et cetera, and we are very proud of that effort.

Dr. Borlaug stands on the shoulders of prior scientists. One from Iowa who we are also very proud of Henry Wallace, actually is the father of the movement which Dr. Borlaug pursued. It was Henry Wallace's idea to establish a research facility in Mexico in the early 1940s. That idea was brought by the then Vice-President to the Rockefeller Brothers Foundation who then chose Dr. Borlaug to head this research effort.

We in Iowa are naturally proud of the role that Iowa scientists have played. That role has been played with the help, to some degree, of government and, to a greater degree, of private charity. So this is a very American initiative and a very American scientific product that this body is honoring today. And it is honoring the leader of it, a gentleman who began his young life as many noble gentlemen begin, as a wrestler. As a wrestler from Cresco, a great Iowa wrestling town, Dr. Borlaug competed in the scientific arena where he has achieved as great merit as any scientist in this country in the 20th century.

We in Iowa are immensely proud, and I would like to thank TOM LATHAM, the leadership for allowing this bill to come forth, and the bipartisan spirit in which it is brought before us today.

Mr. FRANK of Massachusetts. Mr. Speaker, I just want to say that the typically thoughtful intervention by the gentleman from Iowa who often brought to our deliberations more than was there before he did, it is just one reason why I will miss him. And as the gentleman knows, I have previously been an advocate for the country making great use of his services. I am torn now, Mr. Speaker, between expressing my hope that the administration will find a way to use his services for the country, and my fear that my saying so will make that less likely.

Given that dilemma, I guess that is as much as I will say.

Mr. Speaker, I yield back the balance of my time.

Mrs. BIGGERT. I would recognize the gentleman from Iowa (Mr. KING) for 2 minutes.

Mr. KING of Iowa. I thank the gentlewoman for recognizing me and yielding time to me. And I particularly want to take an opportunity here to thank Congressman JIM LEACH for his years of service to this country and this Congress, and to the thoughtful process that he has brought. There is a legacy left with my friend JIM LEACH here as well as a legacy from Norman Borlaug, and all of us are justifiably proud to be from a State that can produce these kind of people, both JIM LEACH and Norman Borlaug.

I wanted to point out that the work that Norman Borlaug has done to alleviate starvation in the world has put to rest many of the Malthusian arguments that we have heard over the 40 or so years that I have paid attention in the debate and the deliberation in this country: What is the limitation on what we can do to raise food and fiber and energy now for people, not just in America, but around the world. And I have had the privilege to travel into most of the continents and meet with the people that raise the food and the fiber, and, in our case, the energy in those places. And the fingerprints of Dr. Norman Borlaug are all over this planet, all over this globe, and on the dinner table of everyone with the 6-plus billion people that now inhabit this Earth. We don't know what that limitation might be for the population, but we know it is far greater because of Dr. Norman Borlaug.

Mr. HOBSON. Mr. Speaker, I rise today to ask my colleagues to join me in supporting S. 2250 to pay tribute to Dr. Norman E. Borlaug for his life's work to feed the world's poor.

It is because of Dr. Borlaug's success in developing high-yield and disease resistant cereal grains that billions of the world's poorest people have been fed.

In 1944, Dr. Borlaug's work began when he and his research team were tasked by the Rockefeller Foundation to increase wheat production in Mexico. Through years of cross-breading thousands of wheat varieties, they were able to develop high-yield dwarf wheat that was resistant to diseases known to cause significant crop damage such as "rust" fungi. As a result, Mexico became self-sufficient in wheat production.

Dr. Borlaug's findings came at a time when dire predictions were being made about the world's population growth and the possibility of mass starvation in poorer parts of the world. But, he continued to build on his findings from his work in Mexico and later worked with researchers in Pakistan and India to give farmers in those countries and regions high-yield dwarf wheat to increase their wheat production. The outreach was successful, and like Mexico, those countries also became self-sufficient in producing wheat.

It is for this work that Dr. Borlaug received the Nobel Peace Prize in 1970. When the board was presenting him with the honor, they made the following statement on his humanitarian contributions: "More than any other single person of this age, [he] has helped to provide bread for a hungry world. We have made this choice in the hope that providing bread will also give the world peace."

In today's world, it is easy to get caught up in our everyday lives and to overlook some of the landmark achievements that have made dramatic improvements in the lives of others. In this case, one individual improved the lives of billions of people by giving them access to life-sustaining nourishment.

Mr. Speaker, Dr. Borlaug's contributions to help relieve the world's poorest of hunger have saved billions of lives, and have inspired a new generation of researchers in agriculture to continue the fight against hunger. It is for these reasons that I ask my colleagues to support this bill to honor Dr. Borlaug with the Congressional Gold Medal..

Mrs. BIGGERT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is on the motion offered by the gentlewoman from Illinois (Mrs. BIGGERT) that the House suspend the rules and pass the Senate bill, S. 2250.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

DEXTROMETHORPHAN DISTRIBUTION ACT OF 2006

Mr. DEAL of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5280) to amend the Federal Food, Drug, and Cosmetic Act with respect to the distribution of the drug dextromethorphan, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5280

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Dextromethorphan Distribution Act of 2006".

SEC. 2. FOOD AND DRUG ADMINISTRATION; RESTRICTIONS ON DISTRIBUTION OF DEXTROMETHORPHAN.

(a) IN GENERAL.—Subchapter A of chapter. V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 503A the following:

"SEC. 503B. RESTRICTIONS ON DISTRIBUTION OF DEXTROMETHORPHAN.

"(a) IN GENERAL.—Not later than one year after the date of the enactment of the Dextromethorphan Distribution Act of 2006, the Secretary shall issue a final rule to prohibit the distribution of unfinished dextromethorphan to any person other than a person registered under section 510, subject to subsection (b).

"(b) FURTHER RESTRICTIONS.—Subsection (a) does not restrict the authority of the Secretary under section 201.122 of title 21, Code of Federal Regulations.

"(c) UNFINISHED DEXTROMETHORPHAN.—For purposes of this section, the term "unfinished dextromethorphan" means dextromethorphan that is not contained in a drug that is in finished dosage form.".

(b) ENFORCEMENT.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by adding at the end the following:

"(ii) The distribution of unfinished dextromethorphan in violation of regulations under section 503B.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. DEAL) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. DEAL of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise their remarks on this legislation and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. DEAL of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased today to rise in favor of H.R. 5280, and I would like to thank Mr. UPTON of Michigan and Mr. LARSEN of Washington for their work on this important legislation. Dextromethorphan, or DXM as it is sometimes called, is an ingredient found in cough medicine. This ingredient relieves the coughing associated with a cold or the flu. Cough medicines containing this drug are common and can be obtained without a prescription.

While this drug is safe and effective, it is also dangerous if too much is taken. Reports have shown that some segments of the population, particularly young people, will take large amounts of this medicine in an attempt to absorb large amounts of DXM in order to get high. The abuse of this drug can cause death as well as other serious adverse effects such as brain damage, seizures, loss of consciousness, and irregular heartbeat.

The Food and Drug Administration has warned of the rise in the abuse of DXM, and the bill before us here today is an attempt to stem this abuse.

H.R. 5280 would allow the Secretary of Health and Human Services to prohibit the distribution of DXM that is in bulk form to any person not registered with the FDA. It is hoped that these restrictions on the distribution of DXM will lower the potential for its abuse, while at the same time protecting the public health.

Mr. Speaker, I would urge the Members to support this legislation, and I would reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I rise in support of H.R. 5280, the Dextromethorphan Distribution Act of 2006, a bill that would authorize the FDA to restrict the distribution of dex to registered producers of drugs and devices in order to protect the public health.

We know it is cold and flu season, and throughout our Nation pharmacies and convenience store shelves are stocked with over-the-counter medicines containing dex. Dex is an active ingredient in many over-the-counter OTC cough and cold medications. When used as directed, dex has proven to be an effective cough suppressant. Unfortunately, an alarming number of Americans, particularly teenagers, are abusing a variety of prescription over-the-counter OTC medications to get high, including those containing dex. Efforts to keep dex out of the hands of minors have proved difficult. Over-the-counter medicines containing dex are easy to find, easy to afford, and perfectly legal to possess. H.R. 5280 attempts to curb dex's misuse and abuse by restricting its access to registered producers of drugs and devices and providing the FDA with statutory tools to keep dex out of the hands of young people. This legislation is aimed at preventing drug dealers from purchasing dex wholesale and selling over the Internet and on the streets to young people seeking a cheap high.

Mr. Speaker, this bill is merely one step. Parents and guardians must continue the often difficult task of talking with our young people about drug misuse and abuse. Even if your child does not abuse dex, odds suggest they know someone who does. And I am glad to know that H.R. 5280 has the support of key stakeholder groups, including the American Pharmacist Association, the Partnership for a Drug Free America, the Consumer Health Products Association, and the Association for Addiction Counselors. I want to acknowledge our colleagues, particularly Mr. UPTON and Mr. LARSEN, for their fine work on this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I am pleased to yield 5 minutes to the author of the legislation, Mr. UPTON.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 5 minutes.

Mr. UPTON. Thank you, Mr. Speaker, and I thank my chairman, Mr. DEAL, as well. Particularly, I want to thank Chairman BARTON and his staff; I want to thank the Republican leadership and their staff for getting this bill to the floor so quickly. I also want to thank my Democratic cosponsor, Mr. LARSEN, who I know is rushing to the floor to speak, and I know that in his district I am told that he has I think lost five individuals because of this.

Mr. Speaker, H.R. 5280 is a simple bill to ban the Internet sale of a drug called dextromethorphan, also known as DXM.

DXM is an excellent ingredient for a lot of cough syrups that are on the market and when used properly there is no danger. And I know that because I have a company in my district that makes this, and that same company came to me earlier this summer and said, we have a problem that we think you ought to be alerted to. And that is what this bill does.

There are some folks that are out there that are absolutely determined to sell this ingredient in its dry bulk form on the Internet. Sadly, kids are buying it. They are mixing it with alcohol to get high. In a massive dose, the drug can raise the blood pressure, lead to seizure or collapse into a coma and die, as we have seen in Mr. LARSEN's district and other places around the country. In fact, in the last 2 years we know that there have been at least five deaths directly attributed to this abuse.

The companies and the pharmacists that work with this ingredient on a regular basis don't want it to become the next meth. We have worked on that; we don't want another one. And they know that there is absolutely no reason to have this bulk ingredient outside of the regular channels for drug manufacturing. And that is why, as was said by Mr. PALLONE, it is endorsed by the American Pharmacist Association, the Consumer Health Care Products Association, which is the generic drug manufacturers, the Food Marketing Institute, the National Association of Chain Drug Stores, and obviously the Partnership for a Drug Free America.

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This bill allows the FDA to promulgate the rule on the sale of unfinished powder or bulk DXM. It limits the distribution of DXM to only those persons who are a valid part of the drug industry.

This bill, I think, will cut off the supply of pure DXM to those who sell it as a street drug or plan to use it to get high themselves. We need to pass this bill.

Sadly, kids are under the false impression that getting high off this is harmless because it is simply an ingredient in cough syrup. Nothing could be further from the truth. Our kids are playing Russian roulette each time they get high on DXM. Sooner or later somebody is going to die. We have seen it happen. Enough is enough. We need to end it.

I am pleased that we have had so many here in just the last 2 days coming into the office. Yesterday local CBS national radio talked about this as a terrible case that is plaguing many parts of America. Today I think it was on the Today show that they talked about this. We are acting quickly. We have recognized the problem and we are acting quickly. We need to pass this bill today and have the Senate adopt it as well.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. LARSEN).

Mr. LARSEN of Washington. Mr. Speaker, I rise in strong support of the Dextromethorphan Destruction Act.

DXM is a major ingredient in many over-the-counter cold medicines and is perfectly safe when used correctly. However, when taken in large amounts in its powdered form, it can cause hallucinations, brain damage, seizures and even death. DXM is not available to the public in its pure powder form but can be obtained.

Unfortunately, as our Nation's kids search for ways to get high, they have begun abusing both cough syrup and pure DXM purchased over the Internet. As the parent of two young boys, I am concerned about the growing number of teens consuming unfinished DXM. According for the Partnership for Drug-Free America, one out of 11 teenagers used cough medicines to get high last year. Substance abuse experts have noticed sporadic reports of teens intentionally obtaining unfinished DXM to get high by consuming large amounts of powder or mixing it with other drugs or alcohol.

In April 2005, two teenagers in my district overdosed on DXM they had purchased online and died. The investigation of their deaths showed that the teenagers had ordered the drug over the Internet from two men in Indiana who had set up shop in their garage. Three other kids from Florida and Virginia also died from overdosing on DXM they had ordered from the same two men.

This is a simple piece of legislation that requires anyone who purchases bulk DXM to be registered with the FDA. This legislation is commonsense legislation. The only people who should be buying DXM in bulk are those who manufacture cough and cold medicines. We must protect our kids from a new form of drug dealer, dealers, men like these folks in Indiana who decided they could make money by selling DXM to the two teens in my district.

This legislation send a strong message to individuals who are legally distributing DXM to our teenagers for recreational use. I urge my colleagues to vote "yes" for this simple, commonsense legislation that will keep our kids safer.

I also want to thank the gentleman from Michigan (Mr. UPTON) for his work in drafting this bill and making sure that it made it here to the floor today.

Mr. PALLONE. Mr. Speaker, I yield back the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I urge adoption, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and pass the bill, H.R. 5280, as amended.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

UNBORN CHILD PAIN AWARENESS ACT OF 2006

Mr. DEAL of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6099) to ensure that women seeking an abortion are fully informed regarding the pain experienced by their unborn child.

The Clerk read as follows:

H.R. 6099

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Unborn Child Pain Awareness Act of 2006".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) At least by 20 weeks after fertilization, an unborn child has the physical structures necessary to experience pain.

(2) There is substantial evidence that by 20 weeks after fertilization, unborn children draw away from certain stimuli in a manner which in an infant or an adult would be interpreted as a response to pain.

(3) Anesthesia is routinely administered to unborn children who have developed 20 weeks or more after fertilization who undergo prenatal surgery.

(4) There is substantial evidence that the abortion methods most commonly used 20 weeks or more after fertilization cause substantial pain to an unborn child, whether by dismemberment, poisoning, penetrating or crushing the skull, or other methods. Examples of abortion methods used 20 weeks or more after fertilization include, but are not limited to the following:

(A) The dilation and evacuation (D and E) method of abortion is commonly performed in the second trimester of pregnancy. In a dilation and evacuation abortion, the unborn child's body parts are grasped with a long-toothed clamp. The fetal body parts are then torn from the body and pulled out of the vaginal canal. The remaining body parts are grasped and pulled out until only the head remains. The head is then grasped and crushed in order to remove it from the vaginal canal.

(B) Partial-birth abortion is an abortion in which the abortion practitioner delivers an unborn child's body until only the head remains inside the womb, punctures the back of the child's skull with a sharp instrument, and sucks the child's brains out before completing the delivery of the dead infant, and as further defined in 18 U.S.C. 1531.

(5) Expert testimony confirms that by 20 weeks after fertilization an unborn child may experience substantial pain even if the woman herself has received local analgesic or general anesthesia.

(6) Medical science is capable of reducing such pain through the administration of anesthesia or other pain-reducing drugs directly to the unborn child.

(7) There is a valid Federal Government interest in preventing or reducing the infliction of pain on sentient creatures. Examples of this are laws governing the use of laboratory animals and requiring pain-free methods of slaughtering livestock, which include, but are not limited to the following:

(A) Section 2 of the Act commonly known as the Humane Slaughter Act of 1958 (Public Law 85–765; 7 U.S.C. 1902) states, "No method of slaughter or handling in connection with slaughtering shall be deemed to comply with the public policy of the United States unless it is humane. Either of the following two methods of slaughtering and handling are hereby found to be humane—

"(i) in the case of cattle, calves, horses, mules, sheep, swine, and other livestock, all animals are rendered insensible to pain by a single blow or gunshot or an electrical, chemical or other means that is rapid and effective, before being shackled, hoisted, thrown, cast, or cut; or

"(ii) by slaughtering in accordance with the ritual requirements of the Jewish faith or any other religious faith that prescribes a method of slaughter whereby the animal suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument and handling in connection with such slaughtering.".

(B) Section 13(a)(3) of the Animal Welfare Act (7 U.S.C. 2143(a)(3)) sets the standards and certification process for the humane handling, care, treatment, and transportation of animals. This includes having standards with respect to animals in research facilities that include requirements—

(i) for animal care, treatment, and practices in experimental procedures to ensure that animal pain and distress are minimized, including adequate veterinary care with the appropriate use of anesthetic, analgesic, tranquilizing drugs, or euthanasia;

(ii) that the principal investigator considers alternatives to any procedure likely to produce pain to or distress in an experimental animal; and

(iii) in any practice which could cause pain to animals—

(I) that a doctor of veterinary medicine is consulted in the planning of such procedures;

(II) for the use of tranquilizers, analgesics, and anesthetics;

(III) for pre-surgical and post-surgical care by laboratory workers, in accordance with established veterinary medical and nursing procedures;

(IV) against the use of paralytics without anesthesia; and

(V) that the withholding of tranquilizers, anesthesia, analgesia, or euthanasia when scientifically necessary shall continue for only the necessary period of time.

(C) Section 495 of the Public Health Service Act (42 U.S.C. 289d) directs the Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, to establish guidelines for research facilities as to the proper care and treatment of animals, including the appropriate use of tranquilizers, analgesics, and other drugs, except that such guidelines may not prescribe methods of research. Entities that conduct biomedical and behavioral research with National Institutes of Health funds must establish animal care committees which must conduct reviews at least semiannually and report to the Director of such Institutes at least annually. If the Director determines that an entity has not been following the guidelines, the Director must give the entity an opportunity to take corrective action, and, if the entity does not, the Director must suspend or revoke the grant or contract involved.

(8) There is a valid Federal Government interest in preventing harm to developing human life at all stages. Examples of this include regulations protecting fetal human subjects from risks of “harm or discomfort” in federally funded biomedical research, 45 C.F.R. 102(i) and 45 C.F.R. 46.201 et seq.

SEC. 3. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by adding at the end the following:

“TITLE XXIX—UNBORN CHILD PAIN AWARENESS

“SEC. 2901. DEFINITIONS.

“In this title:

“(1) ABORTION.—The term ‘abortion’ means the intentional use or prescription of any instrument, medicine, drug, or any other substance or device or method to terminate the life of an unborn child, or to terminate the pregnancy of a woman known to be pregnant with an intention other than—

“(A) to produce a live birth and preserve the life and health of the child after live birth; or

“(B) to remove an ectopic pregnancy, or to remove a dead unborn child who died as the result of a spontaneous abortion, accidental trauma or a criminal assault on the pregnant female or her unborn child.

“(2) ABORTION PROVIDER.—The term ‘abortion provider’ means any person legally qualified to perform an abortion under applicable Federal and State laws.

“(3) PAIN-CAPABLE UNBORN CHILD.—

“(A) IN GENERAL.—The term ‘pain-capable unborn child’ means an unborn child who has reached a probable stage of development of 20 weeks or more after fertilization.

“(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed as a determination or finding by Congress that pain may not in fact be experienced by an unborn child at stages of development prior to 20 weeks or more after fertilization.

“(4) PROBABLE AGE OF DEVELOPMENT.—The term ‘probable age of development’ means the duration of development after fertilization of the unborn child at the time an abortion is performed, as determined in the good faith judgment of the abortion provider using generally accepted medical criteria and information obtained by interviewing the pregnant woman.

“(5) UNBORN CHILD.—The term ‘unborn child’ means a member of the species homo sapiens, at any stage of development.

“(6) WOMAN.—The term ‘woman’ means a female human being whether or not she has reached the age of majority.

“(7) UNEMANCIPATED MINOR.—The term ‘unemancipated minor’ means an individual who is not older than 18 years and who is not emancipated under State law.

“SEC. 2902. REQUIREMENT OF INFORMED CONSENT.

“(a) REQUIREMENT OF COMPLIANCE BY PROVIDERS.—Any abortion provider in or affecting interstate or foreign commerce, who knowingly performs any abortion of a pain-capable unborn child, shall comply with the requirements of this title.

“(b) PROVISION OF CONSENT.—

“(1) IN GENERAL.—Before any part of an abortion involving a pain-capable unborn child begins, the abortion provider or his or her agent shall provide the pregnant woman involved, by telephone or in person, with the information described in paragraph (2). It may not be provided by a tape recording, but must be provided in a fashion that permits the woman to ask questions of and receive answers from the abortion provider or his agent. (In the case of the Unborn Child Pain Awareness Brochure, it may be provided pursuant to subsection (c)(2) or (c)(3)).

“(2) REQUIRED INFORMATION.—

“(A) IN GENERAL.—An abortion provider or the provider's agent to whom paragraph (1) applies shall provide the following information to the pregnant woman (or in the case of a deaf or non-English speaking woman, provide the statement in a manner that she can easily understand):

“(i) AGE OF UNBORN BABY.—The probable age of development of the unborn baby based on the number of weeks since fertilization.

“(ii) UNBORN CHILD PAIN AWARENESS BROCHURE.—An abortion provider to whom paragraph (1) applies must provide the pregnant woman with the Unborn Child Pain Awareness Brochure (referred to in this section as the ‘Brochure’) to be developed by the Department of Health and Human Services under subsection (c) or with the information described in subsection (c)(2) relating to accessing such Brochure.

“(iii) USE OF PAIN-PREVENTING DRUGS.—Drugs administered to the mother may not prevent the unborn child from feeling pain, but in some cases, anesthesia or other pain-reducing drug or drugs can be administered directly to the unborn child.

“(iv) DESCRIPTION OF RISKS.—After providing the information required under clauses (i), (ii), and (iii) the abortion provider shall provide the woman involved with his or her best medical judgment on the risks, if any, of administering such anesthesia or analgesic, and the costs associated therewith.

“(v) ADMINISTRATION OF ANESTHESIA.—If the abortion provider is not qualified or willing to administer the anesthesia or other pain-reducing drug to an unborn child in response to a request from a pregnant women, the provider shall—

“(I) arrange for a qualified specialist to administer such anesthesia or drug; or

“(II) advise the pregnant woman—

“(aa) where she may obtain such anesthesia or other pain reducing drugs for the unborn child in the course of an abortion; or

“(bb) that the abortion provider is unable to perform the abortion if the woman requires that she receive anesthesia or other pain-reducing drug for her unborn child.

“(vi) UNBORN CHILD PAIN AWARENESS DECISION FORM.—An abortion provider to which paragraph (1) applies shall provide the pregnant woman with the Unborn Child Pain Awareness Decision Form (provided for under subsection (d)) and obtain the appropriate signature of the woman on such form.

“(vii) RULE OF CONSTRUCTION.—Nothing in this section may be construed to impede an abortion provider or the abortion provider's agent from offering their own evaluation on the capacity of the unborn child to experience pain, the advisability of administering pain-reducing drugs to the unborn child, or any other matter, as long as such provider or agent provides the required information, obtains the woman's signature on the decision form, and otherwise complies with the affirmative requirements of the law.

“(B) UNBORN CHILD PAIN AWARENESS BROCHURE.—An abortion provider to whom paragraph (1) applies shall provide the pregnant woman with the Unborn Child Pain Awareness Brochure (referred to in this section as the ‘Brochure’) to be developed by the Department of Health and Human Services under subsection (c) or with the information described in subsection (c)(2) relating to accessing such Brochure.

“(C) UNBORN CHILD PAIN AWARENESS DECISION FORM.—An abortion provider to which paragraph (1) applies shall provide the pregnant woman with the Unborn Child Pain Awareness Decision Form (provided for under subsection (d)) and obtain the appropriate signature of the woman on such form.

“(c) UNBORN CHILD PAIN AWARENESS BROCHURE.—

“(1) DEVELOPMENT.—Not later than 90 days after the date of enactment of this title, the Secretary shall develop an Unborn Child Pain Awareness Brochure. Such Brochure shall:

“(A) Be written in English and Spanish.

“(B) Contain the following text: ‘Your doctor has determined that, in his or her best medial judgment, your unborn child is at least 20 weeks old. There is a significant body of evidence that unborn children at 20 weeks after fertilization have the physical structures necessary to experience pain. There is substantial evidence that at least by this point, unborn children draw away from surgical instruments in a manner which in an infant or an adult would be interpreted as a response to pain. There is substantial evidence that the process of being killed in an abortion will cause the unborn child pain, even though you receive a pain-reducing drug or drugs. Under the Federal Unborn Child Pain Awareness Act of 2006, you have a right to know that there is evidence that the process of being killed in an abortion will cause your unborn child pain. You may request that anesthesia or other pain-reducing drug or drugs are administered directly to the pain-capable unborn child if you so desire. The purpose of administering such drug or drugs would be to reduce or eliminate the capacity of the unborn child to experience pain during the abortion procedure. In some cases, there may be some additional risk to you associated with administering such a drug.'

"(C) Contain greater detail on her option of having a pain-reducing drug or drugs administered to the unborn child to reduce the experience of pain by the unborn child during the abortion.

"(D) Be written in an objective and nonjudgmental manner and be printed in a typeface large enough to be clearly legible.

"(E) Be made available by the Secretary at no cost to any abortion provider.

"(2) INTERNET INFORMATION.—The Brochure under this section shall be available on the Internet website of the Department of Health and Human Services at a minimum resolution of 70 DPI (dots per inch). All pictures appearing on the website shall be a minimum of 200x300 pixels. All letters on the website shall be a minimum of 12 point font. All such information and pictures shall be accessible with an industry standard browser, requiring no additional plug-ins.

"(3) PRESENTATION OF BROCHURE.—An abortion provider or his or her agent must provide a pregnant woman with the Brochure, developed under paragraph (1), before any part of an abortion of a pain-capable child begins. The brochure may be provided—

"(A) through an in-person visit by the pregnant woman;

"(B) through an e-mail attachment, from the abortion provider or his or her agent; or

"(C) by certified mail, mailed to the woman at least 72 hours before any part of the abortion begins.

"(4) WAIVER.—After the abortion provider or his or her agent offers to provide a pregnant woman the brochure, a pregnant woman may waive receipt of the brochure under this subsection by signing the waiver form contained in the Unborn Child Pain Awareness Decision Form.

"(d) UNBORN CHILD PAIN AWARENESS DECISION FORM.—Not later than 30 days after the date of enactment of this title, the Secretary shall develop an Unborn Child Pain Awareness Decision Form. To be valid, such form shall—

"(1) with respect to the pregnant woman—

"(A) contain a statement that affirms that the woman has received or been offered all of the information required in subsection (b);

"(B) affirm that the woman has read the following statement: 'You are considering having an abortion of an unborn child who will have developed, at the time of the abortion, approximately ____ weeks after fertilization. There is a significant body of evidence that unborn children at 20 weeks after fertilization have the physical structures necessary to experience pain. There is substantial evidence that at least by this point, unborn children draw away from surgical instruments in a manner which in an infant or an adult would be interpreted as a response to pain. There is substantial evidence that the process of being killed in an abortion will cause the unborn child pain, even though you receive a pain-reducing drug or drugs. Under the Federal Unborn Child Pain Awareness Act of 2006, you have a right to know that there is evidence that the process of being killed in an abortion will cause your unborn child pain. You may request that anesthesia or other pain-reducing drug or drugs are administered directly to the pain-capable unborn child if you so desire. The purpose of administering such drug or drugs would be to reduce or eliminate the capacity of the unborn child to experience pain during the abortion procedure. In some cases, there may be some additional risk to you associated with administering such a drug.';

"(C) require the woman to explicitly either request or refuse the administration of pain-reducing drugs to the unborn child; and

"(D) be signed by a pregnant woman prior to the performance of an abortion involving a pain-capable unborn child; and

"(2) with respect to the abortion provider—

"(A) contain a statement that the provider has provided the woman with all of the information required under subsection (b);

"(B) if applicable, contain a certification by the provider that an exception described in section 2903 applies and the detailed reasons for such certification; and

"(C) be signed by the provider prior to the performance of the abortion procedure.

"(e) MAINTENANCE OF RECORDS.—The Secretary shall promulgate regulations relating to the period of time during which copies of forms under subsection (d) shall be maintained by abortion providers.

"SEC. 2903. EXCEPTION FOR MEDICAL EMERGENCIES.

"(a) IN GENERAL.—The provisions of section 2902 shall not apply to an abortion provider in the case of a medical emergency.

"(b) MEDICAL EMERGENCY DEFINED.—

"(1) IN GENERAL.—In subsection (a), the term 'medical emergency' means a condition which, in the reasonable medical judgment of the abortion provider, so complicates the medical condition of the pregnant woman so as to necessitate the immediate termination of her pregnancy to avert her death, or for which a delay would create a serious risk of substantial and irreversible impairment of a major bodily function. The term 'medical emergency' shall not include emotional, psychological or mental disorders or conditions.

"(2) REASONABLE MEDICAL JUDGMENT.—In paragraph (1), the term 'reasonable medical judgment' means a medical judgment that would be made by a reasonably prudent physician, knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

"(c) CERTIFICATION.—

"(1) IN GENERAL.—Upon a determination by an abortion provider under subsection (a) that a medical emergency exists with respect to a pregnant woman, such provider shall certify the specific medical conditions that constitute the emergency.

"(2) FALSE STATEMENTS.—An abortion provider who willfully falsifies a certification under paragraph (1) shall be subject to all the penalties provided for under section 2904 for failure to comply with this title.

"SEC. 2904. PENALTIES FOR FAILURE TO COMPLY.

"(a) IN GENERAL.—An abortion provider who willfully fails to comply with the provisions of this title shall be subject to civil penalties in accordance with this section in an appropriate Federal court.

"(b) COMMENCEMENT OF ACTION.—The Attorney General may commence a civil action under this section.

"(c) FIRST OFFENSE.—Upon a finding by a court that a respondent in an action commenced under this section has knowingly violated a provision of this title, the court shall notify the appropriate State medical licensing authority and shall assess a civil penalty against the respondent in an amount not to exceed $100,000.

"(d) SECOND AND SUBSEQUENT OFFENSES.—Upon a finding by a court that the respondent in an action commenced under this section has knowingly violated a provision of this title and the respondent has been found to have knowingly violated a provision of this title on a prior occasion, the court shall notify the appropriate State medical licensing authority and shall assess a civil penalty against the respondent in an amount not to exceed $250,000.

"(e) PRIVATE RIGHT OF ACTION.—A pregnant woman upon whom an abortion has been performed in violation of this title, or the parent or legal guardian of such a woman if she is an unemancipated minor, may commence a civil action against the abortion provider for any knowing or reckless violation of this title for actual and punitive damages.".

SEC. 4. PREEMPTION.

Nothing in this Act or the amendments made by this Act shall be construed to preempt any provision of State law to the extent that such State law establishes, implements, or continues in effect greater protections for unborn children from pain than the protections provided under this Act and the amendments made by this Act.

SEC. 5. SEVERABILITY.

The provisions of this Act shall be severable. If any provision of this Act, or any application thereof, is found unconstitutional, that finding shall not affect any provision or application of the Act not so adjudicated.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. DEAL) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. DEAL of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to insert extraneous material on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. DEAL of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 6099, the Unborn Child Pain Awareness Act of 2006.

This legislation is intended to ensure that women seeking an abortion are fully informed regarding the pain experienced by their unborn child. It also ensures that women will have the chance to ask questions; and, if they so choose, request that pain-reducing medicines, anesthesia, or analgesia be administered to their unborn child before the abortion takes place.

At the outset, it is important to clarify that this legislation is not about the right to have an abortion. While citizens in other parts of the world, such as in Europe and in Canada, have the opportunity to vote and express their views on the issue of whether or not abortion should be legal, the United States is the only industrialized country in the world where its citizens do not have that right. The United States Supreme Court has effectively taken it away from the American people through its decisions.

As someone who believes in the sanctity of human life, I look forward to a day when the American citizens on both sides of the abortion debate can decide the issue democratically rather than having it decided for them through judicial activism. I trust the American people to make the right decision when that day comes.

But, Mr. Speaker, today rather than dealing with the legality of abortion itself, this legislation deals with the issue of informed consent for women choosing to have an abortion. The bill requires abortion providers to inform women about the pain experienced by their unborn child. It also requires women to be given a brochure and a consent form demonstrating that they have had an opportunity to make an inform decision on whether or not to administer pain mitigation to the unborn child before the abortion is performed.

A significant body of medical evidence now indicates that fetuses experience pain. Dr. Sunny Anand, a neurologist and the Nation's leading expert on fetal pain, testified that "the human fetus possesses the ability to experience pain from 20 weeks of gestation, if not earlier, and the pain perceived by a fetus is possibly more intense than that experienced by term newborns or other children."

Since Dr. Anand's groundbreaking research published in 1987 showed that by 20 weeks these fetuses can feel pain, other researchers have built on his work, further verifying the pain felt by the unborn. For example, just this year British researchers performed brain scans on premature babies as young as 23 weeks from fertilization and found new physiological evidence that these premature infants feel pain.

But perhaps more important than the scientific studies, we know that doctors who perform surgery on babies in the womb, as well as babies who are born prematurely, some as early as 23 weeks of gestation, routinely administer anesthesia to these children, just like an adult who is undergoing surgery.

As Dr. Jean Wright, a physician in Savannah, Georgia, who specializes in the care and anesthesia of critically ill children, testified before Congress last year, "If you came back with me to Savannah tonight and came to our neonatal intensive care unit, we would stand between the bed of a 23-week infant, a 26-week infant, and you would not need a congressional hearing to figure out whether that infant feels pain. We roll back the sheets or blanket, and you would look to the facial expression, their response to the heel stick, you would understand that."

As I have stated before, the problem that this legislation seeks to address is the issue of informed consent for women seeking abortions. Like most of us, women who arrive at clinics seeking abortions are usually not trained in the medical sciences. We rely on physicians to provide all of the information needed to make an informed decision.

In the case of abortion, we need to make sure that women know all the facts, including the evidence that unborn children feel pain. This is obviously for the benefit of the unborn child who may either be spared from abortion altogether or receive pain-reducing medicines.

Truly informed consent also benefits the woman who may decide against having an abortion, or may decide to use pain mitigation for the unborn child during the abortion procedure. Either way, she will be spared the severe psychological trauma that may result from making an uninformed decision.

This legislation is a commonsense measure that both pro-life and pro-choice Members should support. In fact, NARAL, a large pro-abortion organization, has publicly declared that they do not oppose the bill.

At this time, I would like to thank the lead sponsor of the bill, the gentleman from New Jersey (Mr. SMITH), for his work on this legislation and for being a stalwart in the pro-life cause in Congress. I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to H.R. 6099, the Unborn Child Pain Awareness Act of 2006. This bill mandates that a woman seeking an abortion after 20 weeks of pregnancy be given a written brochure stating that research indicates that a fetus at that stage of development will feel pain during an abortion.

This bill also requires a doctor to offer the woman anesthesia for the fetus which she may either accept or decline.

Mr. Speaker, the problem with this legislation is that the medical and scientific community has yet to reach a consensus with regard to the issue of when and if a fetus feels pain. In fact, the American College of Obstetricians and Gynecologists, along with physicians who are experts in fetal anesthesia and fetal surgery, know of no legitimate scientific data or information that supports these views. Despite this, Congress has decided to play politics with women's health.

This legislation may put women at risk. There is no evidence to show the effects on a woman by providing anesthesia directly to a fetus during an abortion. Without proper medical studies, we have no way of knowing how such procedures will affect a woman's health at the time of the abortion or in the future.

Mr. Speaker, supporters of this bill will argue that it includes an assurance that doctors who disagree with materials contained within these mandated brochures may offer their own views to patients. But what good comes from a doctor handing their patient a brochure and then conveying opposition to what is inside it? Instead of helping patients, Congress is interfering with a doctor's best medical judgment as well as the doctor-patient relationship.

Mr. Speaker, clearly written in this case by anti-choice advocates, these brochures are biased and define an abortion as "the process of being killed." Normally I would support legislation which aims to offer women as much information as possible with respect to their medical decisions. Ensuring that patients have access to all of the important and relevant medical information should always be a priority for Congress, but this bill plays politics with those goals. Instead, it provides mandated, misleading information to women without proper scientific knowledge.

I urge my colleagues to vote against this bill. I think it is ill-advised. I think it sets a bad precedent for the type of information that is provided to patients. There is absolutely no reason why this should be mandated.

Mr. Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I yield 3 minutes to the author of this legislation, the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, most, perhaps everybody in this House today, has had to deal at one time or another with the emotional agony of a loved one dying from severe illness, an accident, or perhaps even an act of violence.

One of the questions we often ask is, Did they suffer? How much pain did they endure? Did we do everything we can to alleviate their pain?

Today, we can no longer deny, trivialize or gloss over the significant and ever-expanding body of knowledge that shows that an unborn child suffers real pain, excruciating pain, when he or she is dismembered, as in a D&E abortion, or jabbed with scissors as in a partial-birth abortion, or poisoned by an abortionist.

Not only is abortion violence against children, but we now know that the abortion act itself is painful to the baby as well. As the gentleman from Georgia pointed out a moment ago, Dr. Sunny Anand, an expert on pain for the unborn and the neonates, has pointed out that human fetuses possess the ability to experience pain from 20 weeks of gestation, if not earlier, and there is a whole growing body of evidence that clearly demonstrates that. Meanwhile, approximately 18,000 unborn children at 20 weeks or beyond, are destroyed without even the basic decency of pain relief.

Let me describe to you what one of the abortionists who now has turned pro-life, says about the D&E abortion procedure. He did about 10 abortions per week, Dr. Anthony Levatino, from New York, here is how he described this D&E method of abortion. These are his words, he did them: "Once you have grasped something inside, squeeze on the clamp to set the jaws and pull hard, really hard. You feel something let go and out pops a fully formed leg about 4-5 inches long. Reach in again and grasp whatever you can. Set the jaw and pull really hard once again and out pops an arm about the same length.

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Reach in again and again with that clamp and tear out the spine, intestines, heart, and lungs. The toughest part of a D&E abortion is extracting the baby's head. "The head of the baby that age is about the size of a plum," he goes on to say, "and is now free floating inside the uterine cavity. You can be pretty sure you have hold of it when the Sopher clamp is spread about as far as your fingers will allow. You will know you have it right when you crush down on the clamp and see a pure white gelatinous material issued from the cervix. That was the baby's brains. You can then extract the skull pieces. If you have a really bad day," he goes on to say, "like I often did, a little face may come out and stare right back at you."

Mr. Speaker, this is a hideous, barbaric abuse of children. And, yes, sadly we are not stopping it with this legislation. I wish we had the ability to protect these children from this kind of child abuse. We need to affirm both patients, mother and baby. That is what prenatal care is all about. Our legislation is simply informed consent, requiring that a brochure, not unlike those booklets given to women in many States of the union that describe the growth of an unborn child and any problems she may experience, be given to her since she has the right to know this very important information.

Abortion methods kill, Mr. Speaker, and we need to at least allow that child pain medication information be conveyed to the mother.

Most—perhaps everyone in the House today—has had to deal at one time or another with the emotional agony of a loved one dying from severe illness, an accident or perhaps even an act of violence.

One of the questions we often ask is how much did they suffer? How much pain? Did we do everything possible to alleviate that pain?

Today, we can no longer deny, trivialize, or gloss over the significant and ever expanding body of knowledge that shows that an unborn child suffers real pain—excruciating pain—when he or she is dismembered as in a D & E abortion, or jabbed with scissors in a partial birth abortion, or poisoned by an abortionist.

Not only is abortion violence against children but we now know that abortion is painful to the baby as well.

In expert testimony provided to the Northern District of the U.S. District Court in California during the partial birth abortion trials, Dr. Sunny Anand, Director of the Pain Neurobiology Lab at Arkansas Children's Hospital Research Institute said, "the human fetus possesses the ability to experience pain from 20 weeks of gestation, if not earlier, and the pain perceived by a fetus is possibly more intense than that perceived by term newborn's or older children."

In testimony before the Virginia State Senate, Dr. Jean Wright of Emory University School of Medicine said "Aspects of pain architecture begin as early as six to seven weeks, mature and are identified by their anatomy, their physiology, and the coordination of responses so that by 20–22 weeks of gestation, the evidence reveals a developed system of pain perception and response. . . . The ability to modulate or blunt the pain response does not develop until the last weeks of pregnancy and the first few weeks of infancy, leading us to believe that the pain perceived in the fetus is greater than that in the full-term infant.

Dr. Anand further describes before the court that the" highest density of pain receptors per square inch of skin in human development occurs in utero," while still in the womb, "from 20 to 30 weeks gestation. During this period, the epidermis is still very thin, leaving nerve fibers closer to the surface of the skin than in older neonates and adults."

He went on to explain that the pain inhibitory mechanisms, in other words fibers which dampen and modulate the experience of pain, do not begin to develop until 32 to 34 weeks of gestation. Thus, Dr. Anand concludes, a fetus 20 to 32 weeks of gestation would experience a much more intense pain than older infants or children or adults when these groups are subjected to similar types of injury.

Dr. Anand points out on the question of fetal consciousness that more than 3 decades of research show that preterm infants are actively perceiving, learning and organizing information, and are constantly striving to regulate themselves, their environment and their experiences. All preterm infants actively approach and favor experiences that are developmentally supporting and actively avoiding experiences that are disruptive.

Additionally a recent British study measured blood flow and oxygen in the part of the brain that feels pain while blood was drawn during a heel lance. The results showed a surge of blood and oxygen in the sensory area of their brains, meaning the pain was processed in the higher levels of the brain. Indicating that these little boys and girls do feel pain.

Meanwhile approximately 18,000 unborn children at 20 weeks or beyond are destroyed without the basic decency of pain relief. That means that twice every hour a baby is destroyed without pain alleviation by methods that include the D&E abortion.

The Unborn Child Pain Awareness Act is a modest but necessary expansion of informed consent.

To date several states have enacted informed consent laws that convey in booklet form to the mother the facts concerning development of an unborn baby as well as risks associated with abortions.

Our bipartisan legislation simply ensures that new information concerning pain capable in unborn babies be conveyed as well.

Under H.R. 6099, a woman considering an abortion at or past 20 weeks fertilization must simply be given an HHS produced brochure describing the most accurate and up to date information on unborn child pain. After that, the mother is given a decision form on which she may either request or decline pain relieving drugs for her baby prior to the abortion.

Is it our hope that this additional information may dissuade a woman from allowing her child to be killed? Absolutely.

I—we—believe good medicine should affirm the value, and dignity of every human life. We need to affirm both patients—mother and child.

For the child dismembered by hideous and abusive abortion methods like the D & E abortion that happen every day—the little girl or boy at least shouldn't be made to suffer.

Here's how Dr. Anthony Levatino, a former abortionist describes the painful D & E abortion.

"Once you have grasped something inside, squeeze on the clamp to set the jaws and pull hard—really hard. You feel something let go and out pops a fully formed leg about 4–5 inches long. Reach in again and grasp whatever you can. Set the jaw and pull really hard once again and out pops an arm about the same length. Reach in again and again with that clamp and tear out the spine, intestines, heart and lungs. . . The toughest part of a D&E abortion is extracting the baby's head. The head of the baby that age is about the size of a plum and is now free floating inside the uterine cavity. You can be pretty sure you have hold of it if the [Sopher] clamp is spread about as far as your fingers will allow. You will know you have it right when you crush down on the clamp and see a puer white gelatinous material issued from the cervix. That was the baby's brains. You can then extract the skull pieces. If you have a really bad day like I often did, a little face may come out and stare back at you."

Mr. PALLONE. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I thank my colleague for yielding.

Mr. Speaker, I rise in opposition to H.R. 6099 for many reasons.

Most glaringly is the fact that this bill is even up on the floor to begin with. We have not passed our spending bills. We have not fixed the looming physician fee reimbursement crisis, physicians who treat pain every day. We have not increased the minimum wage. We are inflicting pain on so many hardworking Americans. We have not adequately provided for our veterans' health care. I am thinking of veterans coming back from Iraq with relentless pain and the many unmet needs. These are issues that affect millions and millions of Americans every day.

Yet instead we are considering H.R. 6099, which may affect about 1 percent of the abortions performed annually in the United States and which we know will not be considered in the Senate and therefore never signed into law. We are wasting time today on a bill that is laden with rhetoric but very little science. It is opposed by many of the most reputable advocates for women's health, those on the front line of service to women and babies who would best know. This includes, as my colleague has said, the American College of Obstetricians and Gynecologists, who represent medical doctors serving the health needs of American women.

The legislation before us today proposes to insert narrow personal views into the private conversations between women and their doctors. As a health provider myself, I would shudder at the thought of having to communicate something that is absent of scientific consensus to patients. This is especially true when the legislation targets pregnancies that are for the most part being terminated because of health risks to the mother or fetus. Isn't that conversation already excruciating enough for a woman and her family without the government's unwarranted intrusion?

I urge my colleagues to vote "no" today on this bill both because you believe in medical integrity and also because you believe that it is our job to put America's true priorities first and foremost.

Mr. DEAL of Georgia. Mr. Speaker, I am pleased to yield 1¼ minutes to my colleague from Georgia, a physician, Dr. GINGREY.

Mr. GINGREY. Mr. Speaker, I thank my colleague, Chairman DEAL from Georgia, for yielding.

This slow-talking Georgia physician can't say a whole lot in a minute, but I hope my words will strike a nerve.

Just as the author's poster showed the striking of many nerves in this procedure called late-term abortion on these infants, the youngest of our children, I want to just relay to my colleagues an experience, a life-changing experience, if you will. We have twin granddaughters, identical twin granddaughters, born at 26 weeks. They will be soon celebrating their 10th birthday. So we watched them for 80 days in the neonatal intensive care nursery, and the neonatalogist would come by every day and say we are not going to stick their heel again today because it is too painful and we are going to make sure that we only draw blood when it is absolutely necessary. And I, as a physician, having delivered many of these premature, immature male infants, offer anesthesia before a circumcision procedure. It is required as part of an informed consent. So this is what this bill is about. It is informed consent carried to its logical extent, and it is an act of compassion.

I commend the gentleman for the bill because this is simply trying to make sure that the informed consent is there. And even the National Abortion Rights League does not oppose this bill, and I commend them for that.

I support wholeheartedly the legislation, and I commend Representative SMITH for this bill.

Mr. PALLONE. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker and my colleagues, this bill represents the triumph of ideology and politics over science. The Congress of the United States is going to tell doctors to give a brochure with information that scientists do not believe is accurate. The American College of Obstetricians and Gynecologists opposes this bill, and this is the professional society of physicians who know the most about the care of pregnant women, and they have stated they know of no legitimate scientific information that supports the statement that a fetus experiences pain. Well, let me repeat that. This organization says they know of no legitimate scientific information that supports the statement that a fetus experiences pain. So the Congress in this bill would tell doctors that they have to inform a woman of something that most of these doctors do not believe to be scientifically accurate. It is bad enough to interfere with the doctor-patient relationship, but to tell doctors that they have to give their patients inaccurate medical information would not just be meddlesome. It is completely out of line. It would be a dangerous precedent where we ask doctors to tell patients something that is scientifically not valid in the most personal of decisions of people's lives.

If we really care about women's informed consent, we should not force doctors to misinform them.

I urge opposition to this bill. I regret that we have a scientific matter just as we did in other cases like the right to life case in Florida where the Congress wants to tell people what to do, not just the women but their doctors, and this is an example of ideology and politics, not good science informing our decisions. I urge strong opposition to the bill.

Mr. DEAL of Georgia. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, recent advances in ultrasound technology have shown that unborn babies have the ability to recognize and respond to positive and negative stimuli. In fact, researchers, scientists now know that unborn children smile and cry. For years doctors have thought that babies learn to smile from mimicking their parents. However, researchers now know that an unborn child can be seen smiling in the womb months before it was thought babies could make such expressions.

One of the London-based researchers, Dr. Stuart Campbell, said: "It is remarkable that a newborn baby does not smile for about 6 weeks after birth. Before birth most babies smile frequently. This may indicate a baby's calm, trouble-free existence in the womb, and the relatively traumatic first few weeks after the birth when the baby is reacting to a strange, new environment."

Another group of researchers in New Zealand were testing the effects of maternal smoking and drug use on unborn children. The co-author of the study, Dr. Edward Mitchell of the University in Auckland, stated that the research shows the baby has the necessary sensory and brain development to process the offending sound and recognize it as something negative.

Researchers observed deep inhalations and exhalations, open mouth, quivering chin, with the low decibel noise on the abdomen. There were many experiments that were done, but if unborn children can recognize positive and negative stimuli in utero, imagine the excruciating pain that must be felt during abortions.

I urge you to support the Unborn Child Pain Awareness Act.

Mr. PALLONE. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I just want to point out that this bill is on the Suspension Calendar, which is normally reserved for bills that are of an uncontroversial nature, and it is clear just from the statements that have already been made on our side of the aisle that this is a very controversial bill. There are a lot of feelings back and forth on the issue within the medical community, as has been explained by Mrs. CAPPS and Mr. WAXMAN. There is a huge controversy over whether there is a need for this information and whether or not the type of pain that is described actually exists. So I would contend that it really does not belong on the Suspension Calendar, and that is the main reason, I think, why I would urge Members to vote against the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I am pleased to yield 1 minute to another physician, Dr. WELDON of Florida.

Mr. WELDON of Florida. Mr. Speaker, I thank my colleague from Georgia for yielding.

I rise to speak in support of this legislation and just raise the point, based on my review of the medical literature as a physician and these are very well published reports, there is abundant evidence that the neuropathways that generate pain responses are present at 20 or 22 weeks, possibly well before that. Indeed, one of the most well respected researchers in this field who is trained in anesthesia and pediatrics, Dr. Kanwaljeet Anand, testified that human fetuses possess the ability to experience pain from 20 weeks of gestation.

I might also add that the new emerging field of fetal surgery, where we are actually repairing spina bifida, for example, in unborn babies as young as 16 weeks of age, there is actually a textbook about how you deliver anesthesia to these babies, and it is recommended and it is necessary to prevent movement because they experience pain.

Now, the other side may quote from a very bad study published in JAMA. It was basically published by the abortion industry. To me it was a disgrace to the Journal of JAMA that they would actually let something like that be published trying to make the contrary claim.

But I think the scientific evidence is overwhelming and this legislation is very, very badly needed. And I applaud the gentleman from New Jersey for introducing this bill and the gentleman from Georgia for bringing it forward, and I encourage all my colleagues to vote in favor of this important legislation.

Mr. PALLONE. Mr. Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I yield 1 minute to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Georgia for yielding.

As always, I consider it a privilege to address this body and address you, Mr. Speaker. Especially I consider it a privilege to address you, Mr. Speaker.

I come to the floor to stand in support of the Unborn Child Pain Awareness Act. It is a bit of bizarre debate from my perspective. I believe the debate should be on what instant life begins rather than how we might kill an unborn baby and especially on how we would avoid perhaps inflicting pain on an unborn baby that is about to be killed, and I am talking about 20 to 22 weeks and beyond.

We have a law in this country called the Humane Slaughter Act, which says that an animal cannot be slaughtered unless it is rendered unconscious in a rather painless way. We also have a law called the Animal Welfare Act, which gives the Secretary of Agriculture authority to regulate how laboratory animals might be euthanized in a compassionate, humane fashion. And we can't raise up an unborn baby to this level?

It is astonishing to me that we are here and that there are people that oppose this bill. It is high time it has been brought to the floor. It is a baby step, if you will, Mr. Speaker. And I applaud the gentleman from New Jersey for being the lead on the Unborn Child Pain Awareness Act.

Mr. PALLONE. Mr. Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding and I thank CHRIS SMITH for his leadership on many pro-life issues and this one specifically.

□ 1145

I would urge my colleagues to support this legislation. I would like to quote Ronald Reagan, who stated, "Medical science doctors confirm that when the lives of the unborn are snuffed out they often feel pain, pain that is long and agonizing."

The topic of pain in the unborn, including whether or how early and to what extent an unborn baby feels that pain, ignites heated debate. Yet 77 percent of individuals who were surveyed not too long ago by Zogby indicated that they favored this type of legislation, that mothers ought to be aware of the pain that their unborn infants can suffer through one of these terrible procedures. And as chairman of the Subcommittee on the Constitution, we held hearings on this. And I would state unequivocally that I believe that this legislation is constitutional, and I would urge my colleagues to support it.

As Mr. KING mentioned, we have laws about slaughtering cattle in this country. We are talking about unborn children. Let's protect them. Let's let the mothers know the pain that these unborn children could go through.

Mr. PALLONE. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, again, in response to the previous speaker, I think the point should be made that right now, under the current law, there's nothing to prevent a physician from advising a woman their opinion in the manner of pain that might be inflicted on the fetus. The problem is that legislation is imposing a mandate, a mandate that is based on evidence that simply is not scientifically proven. And that is why we have various medical organizations, most notably of course, the American College of Obstetricians and Gynecologists, and these are the people that are experts on anesthesia. And they say again, I quote, "that there is no legitimate scientific data or information that supports the view this legislation purports with regard to the pain of the fetus."

And that is the problem here. This is a mandate, Mr. Speaker, and I think it is a mistake to mandate that this be done when the science is not clear. And again, this is a bill on the Suspension Calendar. I would urge my colleagues to vote against it. We don't know what the true science is.

Mr. DEAL of Georgia. Mr. Speaker, I yield 1 minute to the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Speaker, my colleague, my Democrat colleague, on the other side of the aisle there is making reference, I believe, to a study that was done. The lead author of that was Susan Lee, who is a lawyer for NARAL. That is not exactly a credible witness.

And what we have on the other side of the argument, you have Dr. Myers and Dr. Bulich. They are authors of the textbook "Anesthesia for Fetal Intervention and Surgery." They are professors at Harvard Medical School. And what they are explaining is that as we do these different routine operations to little children, before they are born, what we are doing is we are administering anesthesia because we understand that they feel pain. This is common practice in the medical community. And I am really amazed that anybody would be opposed to the idea of simply giving a mother a choice, a choice as to whether to administer anesthesia to her child. I mean, I hear these people. They say they are pro-choice, and here is something that is choice, you can administer anesthesia; oh, no, we are against that. You might impose on giving them this opportunity to administer anesthesia. I can't understand why anybody could oppose it.

Mr. PALLONE. Mr. Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. Mr. Speaker, a great man once said that a society is measured by how it treats those in the dawn of life, those in the shadows of life, and those in the twilight of life.

Because they are hidden, both in the dawn and in the shadows of life, we kill 400 late-term unborn children every day in America using methods that cause such agonizing pain to the child that it would be illegal under Federal law if it was done to an animal.

This bill would call upon abortionists to offer an anesthetic to assuage this agony to these children. Mr. Speaker, if we, as a human family in America, cannot find that much humanity within ourselves, if this human rights atrocity of dismembering our own children alive is truly who we are, then the patriot's dream is lost, Mr. Speaker. Those lying out in Arlington National Cemetery have died in vain, and twilight has fallen upon all of us.

I urge my colleagues to pass this legislation.

Mr. PALLONE. Mr. Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I rise in strong support of H.R. 6099, The Unborn Child Pain Awareness Act introduced by my colleague, Congressman CHRIS SMITH.

This pro-information legislation ensures that women seeking an abortion are fully informed of the pain experienced by their unborn child at 20 weeks after fertilization.

In addition, the bill gives a woman the opportunity to request pain medication for her child during the abortion procedure.

Mr. Speaker, administering pain medication to an unborn child at 20 weeks of development is not a novel concept. Unborn children undergoing surgery in a mother's womb are given an anesthetic directly, and premature babies of the same age are given pain relieving drugs during medical operations.

At a minimum, a woman should be given the opportunity to request the same pain-easing medication for her unborn child.

It is time for us to do the right thing and arm women with all of the facts on abortion. I urge my colleagues to support this commonsense legislation.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, I just wanted to read the text of this brochure. As I have said before, the problem with this legislation is it is a mandate, a mandate that the woman receive this brochure. And then it mandates in the legislation what the brochure should consist of. And I won't read the whole text, but let me just read part of it. It says, "There is a significant body of evidence that unborn children at 20 weeks after fertilization have the physical structures necessary to experience pain. There is substantial evidence that at least by this point, unborn children draw away from surgical instruments in a manner which in an infant or an adult would be interpreted as a response to pain."

And then it goes on to say, "You may request that anesthesia or other pain-reducing drugs or drugs are administered directly to the pain-capable unborn child if you so desire."

And then, "In some cases, there may be some additional risk to you associated with administering such a drug."

Now, you know, it is clear here that even the authors of this are not saying that this is definitive, only that there is a significant body of evidence that there may be pain experienced. And, it is also clear that the authors of the legislation understand that there may be some additional risk associated to the woman in administering such a drug. So again, this is, to think that you are going to mandate this in a brochure, when the scientific evidence of the impact on the fetus is not clear, and when there is the possibility, a real one, it is mentioned in here, that there may be additional risk to the woman, I think is just really the wrong thing to do to have this as a mandate that something has to be done.

And again, we are putting it on the Suspension Calendar, which is supposedly for noncontroversial measures. And again, I would urge my colleagues, we should not be putting this on the Suspension Calendar. We should not be mandating something that is not clear and where there may actually be additional risk to the woman herself. I think it is simply a mistake.

I would urge my colleagues to vote against this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Speaker, it is imperative we take appropriate measures to inform every woman who is seeking an abortion of the development of the unborn child to feel pain in her womb at least 20 weeks after fertilization. We have taken action to ensure that the pain of livestock and laboratory animals is reduced and prevented, yet when it comes to the unborn child we hesitate.

Every day unborn children have pain inflicted upon them, such as poisoning and even dismemberment, when a woman chooses to abort. All of this is without pain medicine. Studies show that fetuses respond to touch by 8 weeks' gestation, and respond to sound by 20 weeks. If an unborn child can recognize the positive and negative stimuli in the womb, I can't imagine the excruciating pain that must be felt during an abortion.

Today women are not fully informed of the extremely painful death their child will endure during an abortion. At minimum, we must act to ensure that abortion providers are legally obligated to inform every woman about her right to request pain-reducing medicine for her baby.

Life is a gift from God and should be respected. I hope my colleagues will join me in recognizing the pain unborn children experience during abortion by supporting this bill.

Mr. PALLONE. Mr. Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from Texas (Ms. SEKULA GIBBS), who is the third physician to speak on this issue in favor of the legislation.

Ms. SEKULA GIBBS. Mr. Speaker, I rise today to support the Unborn Child Pain Awareness Act. This bill is designed to provide information to women who are seeking late-term abortions.

As a physician who believes in the sanctity of life, I would rather be voting to ban abortions that are late term, but this bill is a step in the right direction.

And also, as a physician who has practiced for over 20 years, I support informed consent, and this is really what the bill is about. It is about giving women the information that their unborn fetus can experience pain. And the growing body of evidence suggests strongly, and this body of evidence is growing and has grown from the time I have been in medical school till now, that supports that fetuses do feel pain. And it gives women the option, the same kind of option that we have whenever our tooth is going to be extracted. Do you want anesthesia for that? The same kind of option whenever you have a skin biopsy. Do you want anesthesia for that? So it is an informed opportunity for the woman to make this decision. And if anesthesia is now routinely given to women when their fetus is undergoing surgery, it is appropriate to allow them the same choices now.

Mr. PALLONE. Mr. Speaker, I yield myself 1 minute.

Again, in response to the previous speaker, and I respect her opinion, but there is nothing under the current law that doesn't allow a woman to have the option of anesthesia in the manner in which the gentlewoman describes. The problem here is that we are mandating that they be given a brochure that provides information that is not scientifically proven. We are not in any way, neither would I suggest, that any woman not be able to opt for that kind of anesthesia. But the issue here is whether we should be mandating that they be given a brochure that is not at all clear, from a scientific point of view, as to whether or not that pain is going to be felt and what the impact might be on the woman herself. I just think that what the proponents of this bill are suggesting is a mandate for something that is unclear. And that is the wrong thing to do in this circumstance. I think it creates a lot of confusion on the part of women who are in that position, and it should simply be left up to the doctor.

Mr. Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I would say to Mr. PALLONE that I am prepared to yield the remaining time to Mr. SMITH who will conclude the debate on our side, if he has no other speakers.

Mr. PALLONE. Mr. Speaker, if I could just ask to make a minute closing remark myself, and then I will yield back the time.

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Jersey.

Mr. PALLONE. Mr. Speaker, I just wanted to say again, and again I respect my colleagues, particularly my colleague from New Jersey, who I know truly believes in this issue and has spent a great deal of time on the issue throughout his career, but I really think that in this case, that we are making a huge mistake.

First of all, this is on the Suspension Calendar. It should not be. This is a very controversial issue. It is still a huge controversy in the scientific community, and for us to mandate that every woman in this situation has to get what may be, in fact, misinformation, I think is wrong. And so I would urge my colleagues to vote this bill down, that it not be on the Suspension Calendar.

Mr. Speaker, I yield back the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I yield the balance of the time to Mr. SMITH from New Jersey.

□ 1200

Mr. SMITH of New Jersey. The Unborn Pain Child Awareness Act is a modest but necessary expansion of informed consent. Let me remind my colleagues that in State after State throughout the country these booklets like the one in my hand that describe fetal development are given to the woman prior to an abortion. These kinds of informed consent booklets have been vigorously opposed by the abortion lobby, and we know for a fact from former as well as current-day abortionists do not discuss the baby's pain. They rarely will talk about anything that is even remotely connected with the humanity of the unborn child. It is just not part of what they convey to the woman.

Let me also point out to my colleagues that the 2005 JAMA article that is being pushed by members and the press has been part of a slick disinformation campaign and is true junk science. The authors of that study failed to point out that their conflict of interest. Susan Lee is a medical student who was previously employed as a lawyer for NARAL, and Eleanor Drey, runs the largest abortion clinic in San Francisco, where they do 600 D&E or late-term abortions every year, those hideous abortions where the baby is dismembered and she has been a very strong advocate of partial birth abortion. Eleanor Drey too did not disclose as one of the authors of that study her affiliation. Talk about conflict of interest, and the study is riddled with holes.

Finally, what the legislation does, and let us be clear, it just requires the informed consent brochure from the Department of Health and Human Service and that the mother be given an informed consent form to sign.

Ms. SLAUGHTER. Mr. Speaker, today I rise in opposition to H.R. 6099, the so-called Unborn Child Pain Awareness Act. While this bill purports to represent the findings of the scientific community, it is merely sensationalistic junk science.

This bill would force doctors to violate their Hippocratic oath by mandating that they provide women with incorrect, unsupported information. It misleads women into believing that they need general anesthesia for an abortion. By glossing over the established risks of general anesthesia, this bill puts women's health at risk.

But don't take my word for it—look to the science. An August 2005, Journal of the American Medical Association study states "for pregnant women, general anesthesia is associated with increased morbidity and mortality, particularly because of airway-related complications and increased risk of hemorrhage from uterine atony."

The American College of Obstetricians and Gynecologists said it best in their statement against this bill. "Requiring a physician to provide a patient with information that is not supported by scientific fact violates the established doctrine of medical informed consent."

As a scientist myself, I am embarrassed that this body would even consider something so egregiously devoid of fact and scientific proof—something that blatantly puts women's health at risk. But I'm not the only scientist opposed to this bill.

The American Academy of Physician Assistants, the American College of Obstetricians and Gynecologists, the American Public Health Association, the American Society for Reproductive Medicine, the Association of Reproductive Health Professionals, the National Association of Nurse Practitioners in Women's Health—to name a few. All these groups oppose H.R. 6099. In total there are over 30 scientific, medical and advocacy organizations that are against this bill.

This bill is nothing but pure political pandering at the expense of science and women's health. Let's stop letting politics trump science. I urge a "no" vote on this bill.

Mrs. MALONEY. Mr. Speaker, last month, I attended the Supreme Court oral arguments on the so-called Partial Birth Abortion bill. You may recall that like the bill we have before us today, that bill included Congressional findings that found no basis in medical fact or science. The bill we are debating today is pseudoscience. The American College of Obstetricians and Gynecologists, in consultation with physicians who are experts in fetal anesthesia and fetal surgery, knows of no legitimate scientific data or information that supports the statement that a fetus experiences pain. Requiring a physician to provide a patient with information that is not supported by scientific fact violates the established doctrine of medical informed consent. This bill is a clear attempt by the current antichoice majority to once again chip away at a woman's right to choose.

H.R. 6099 does not inform women who are seeking abortions, it misinforms them. It forces doctors and nurses to distribute a brochure filled with biased language written by antichoice politicians, most of whom have no medical experience. This bill has nothing to do with improving women's healthcare or increasing access to medical information. It is just one more attempt for politicians to impose themselves on the unique and important doctor-patient relationship, which should remain private.

Mr. Speaker, in these last days of the 109th Congress, the anti-choice majority is lobbing a parting shot at American women. We shouldn't be wasting our time on bills that impede access to healthcare and impose further burdens on women seeking abortions.

I urge my colleagues to vote against H.R. 6099, a bill where the science is unproven and the result is harmful.

Mr. SHAYS. Mr. Speaker, I rise in opposition to H.R. 6099 because I believe it is a woman's choice whether to terminate a pregnancy, and oppose legislation requiring health care practitioners to tell a patient information that may or may not be true.

I am concerned about the precedent we are setting by having the Federal Government mandate by law the medical advice doctors offer their patients. It seems to me the last thing physicians want or need is more federal intrusion into their practices.

I support a woman's right to choose whether to terminate a pregnancy subject to the restrictions of Roe v. Wade. Abortion is a very personal decision. While a woman's doctor, clergy, friends, family and public officials may have an opinion, the ultimate decision rests solely with her. I would like to see abortion remain safe and legal, yet rare.

Mr. FORTENBERRY. Mr. Speaker, thank you for this opportunity to champion the principle of informed consent, which should concern each and every one of us here today. I also want to thank Mr. Smith yet again for his courageous and tireless dedication to the most vulnerable persons among us, the unborn. His leadership on human rights is a constant inspiration.

For over 30 years, our society has been torn apart by the issue of abortion. There may be very few of us who have not been affected by the emotional and physical pain of abortion, as experienced by millions of women, children, and families throughout the country.

Modern therapeutic and diagnostic technologies make it increasingly more difficult to deny the essential humanness of unborn children. These technologies and sound, scientific research have enabled us to conclude beyond a reasonable doubt that unborn children are able to experience excruciating pain from 20 weeks of gestation.

It is my hope that one day we will all choose to open our hearts and minds to the unborn and face the reality of abortion for what it is. Until that day, let us at the very least work to ensure that women are given the medical facts about fetal pain. Women deserve this respect.

Mr. STARK. Mr. Speaker, Republicans are apparently so concerned about the pain of unborn children that they are willing to promote junk science and have Congress dictate the contents of a brochure given to all women seeking to have an abortion. Where is the sense of urgency for children once they are actually born? What has this Congress done to address increasing rates of child poverty and hunger, decreasing access to health care, and the abysmal state of education and child care in this country?

Inevitably, my Republican colleagues say it's a "state issue" or that there's not enough evidence that federal action would work. I guess this bill proves that if the issue is important enough to the Christian Right, federalism and evidence get tossed aside. If only the needs of children or the demands of voters had similar power to break through right wing ideology. This is a fitting end to the Congress that found the time to meddle with Terri Schiavo and vote against the fabricated war on Christmas but couldn't make time to finish nine appropriations bills.

Mr. Speaker, the jig is up on this pathetic excuse for governing. Let's begin a new direction for America by voting against this divisive bill.

Mr. MORAN of Virginia. Mr. Speaker, I rise in strong opposition to the Unborn Child Pain Awareness Act, which purports to provide women important information related to their health, but instead will substitute ideology for scientific evidence.

The House of Representatives is again legislating morals and is poking its nose where it doesn't belong.

This bill will require that family planning providers inform a patient seeking a legal abortion after 20 weeks that there is "substantial evidence" that a fetus may feel pain during an abortion procedure.

These women would be required to read and sign a form drafted by Congress, which states that "there is substantial evidence" that the abortion will cause pain to the fetus and they will be offered medications intended to reduce pain administered directly to the fetus.

There is an ongoing debate in the scientific community on this issue. Many scientists believe that there is too little information on the effectiveness of medications administered directly to a fetus.

In fact, a federal court found in 2004, "the issue of a fetus feeling pain is unsettled in the scientific community . . . there is no consensus of medical opinion on this issue," and "much of the debate is based upon speculation and inference."

Proponents of this bill are claiming compassion for the unborn and using biased "scientific" information to prove their misguided ideology.

What would be compassionate is for this body to consider legislation such as the Prevention First Act, which would help to reduce the number of unintended pregnancies.

This is what we should be considering.

In reality, the goal of the Unborn Child Pain Awareness Act is not one based on compassion.

The goal is to undermine a woman's right to choose and to make what is a difficult decision for many women, increasingly more difficult.

I urge all my colleagues to vote against this measure.

Mr. ETHERIDGE. Mr. Speaker, I rise today in opposition to H.R. 6099, the Unborn Child Pain Awareness Act. H.R. 6099 is another heavy-handed attempt by the majority to intrude into the doctor-patient relationship. This legislation would proscribe a consent form that states as medical fact unsubstantiated studies which have no consensus in the medical community.

This legislation is meant to further undermine the U.S. Supreme Court's Roe vs. Wade decision regarding a woman's right to privacy and her ability to make personal medical decisions. Once again, instead of allowing a controversial bill such as this one full and clear debate, the House leadership is trying to sneak one by the American people on one of the last days of a lame-duck session in a desperate attempt to score political points with those factions who wish to deprive women of their rights. And by putting it on the Suspension Calendar, they have denied Members the opportunity to offer substantive amendments on these important issues.

I urge my colleagues to vote against this legislation so that we may consider it, as well as substantive amendments that could improve it, in the 110th Congress.

Mr. DINGELL. Mr. Speaker, I rise in opposition to H.R. 6099, the Unborn Child Pain Awareness Act. I would point out that, despite the best efforts of some in this Chamber and from various interest groups to masquerade this as a pro-choice or pro-life issue, this is not about choice. This is quite simply an issue of who is qualified to provide medical information to patients: Congress or doctors? Frankly, patients are better served with medical information coming from a qualified medical professional than from a simple Polish lawyer from Southeast Michigan like myself.

Let me be clear: this bill requires that doctors provide women seeking an abortion past the twentieth week of gestation a brochure produced by the Department of Health and Human Services. The bill very clearly requires that the brochure include text written word for word by Congress. The patient would then have to sign a document saying she received the information. That document, again, would contain specific text written by Congress. The very idea that Congress would require that specific text imparting a medical opinion be handed out to patients is ludicrous. We are in the business of writing laws, not of keeping up on the most recent articles published in medical journals. I would ask, Mr. Speaker, where does this game of Congress playing doctor end? Will we next be writing scripts or brochures advocating for one chemotherapy treatment over another for cancer patients? I think not. I believe that most of us recognize that this is well beyond our capability as lawmakers.

Mr. Speaker, let's leave the decisions about medical science to the scholars and professionals who are qualified to make them and focus on our responsibilities as Members of Congress.

I've always wondered why we don't focus more of our attention on preventing unwanted pregnancies. Reducing the number of abortions performed in this country is certainly a goal we can all agree on and strive for. Instead of imposing ourselves on private relationships between doctors and patients, I hope that my colleagues on both sides of the aisle will come to the table to discuss how we can further this mutual goal.

Mr. HOLT. Mr. Speaker, I rise in opposition to the Unborn Child Pain Awareness Act. This legislation is based on the scientifically unsubstantiated assertion that a fetus feels pain at 20 weeks of pregnancy.

This is not the first time this Congress that Members have been asked to substitute our judgment for that of scientists or physicians. It is bad policy for Congress to substitute its opinion for the considered medical judgment of doctors and I have consistently opposed legislation that does this.

By passing this legislation, Congress will force doctors to provide information to patients that is not scientifically proven to be true. These doctors will be subject to fines if they do not provide women with a brochure published by the Department of Health and Human Services explaining that a fetus feels pain at 20-weeks and that administrating anesthesia for the fetus will reduce pain. The bill goes so far as to outline for the Department of Health and Human Services what must be included in the brochure. The language that this bill requires HHS to include in the brochure asserts that there is conclusive scientific evidence that a fetus feels pain. According to the legislation, the brochure must read: "There is a significant body of evidence that unborn children at 20 weeks after fertilization have the physical structures necessary to experience pain. There is substantial evidence that at least by this point, unborn children draw away from surgical instruments in a manner which in an infant or an adult would be interpreted as a response to pain. There is substantial evidence that the process of being killed in an abortion will cause the unborn child pain, even though you receive a pain-reducing drug or drugs." This is, at best, misleading. We should not use legislative language to interpret scientific data that we do not understand and to direct physicians in their considered professional practice.

In August 2005 a literature review in the Journal of the American Medical Association concluded that "evidence regarding the capacity for fetal pain is limited but indicates that fetal perception of pain is unlikely before the third trimester." The review also concludes that administering "fetal anesthesia or analgesia should not be recommended or routinely offered for abortion because current experimental techniques provide unknown fetal benefit and may increase risks for the woman."

As policymakers, we should consider very seriously our actions that may overstep what is scientifically proven. In formulating public policy on scientific issues like global warming, stem cell research, alternative energy, and others, it is essential that we use science as a basis for legislation and not use legislation to attempt to make science.

I oppose this legislation because I believe that the decision of whether to have a baby should be left to individuals, their doctors, and their families without interference from the Government. I also oppose this legislation because of its circumvention of scientific evidence.

I urge my colleagues to oppose H.R. 6099.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise in strong opposition to H.R. 6099.

H.R. 6099 is an extreme intrusion into the relationship between a woman and her doctor. Rather than improving informed consent as the authors claim, this legislation would put into federal law inflammatory rhetoric that has not been proven to be fact.

In 2004 a federal district court found that there is "no consensus of medical opinion" on the issue of fetal pain. According to the Journal of the American Medical Association, it is highly improbable that a fetus could feel pain before the third trimester. In addition, studies conducted by JAMA on this issue showed that additional anesthesia, as is proposed in this bill, poses increased risk to a woman's health.

Yet this bill would force health care providers to tell patients seeking an abortion that there is "substantial evidence" regarding fetal pain and force them to offer anesthesia for the fetus. It would also force the patient to sign a statement to prove she understood that information.

H.R. 6099, if passed, would actually require a medical professional, under federal law, to give women inaccurate and potentially harmful information. This law makes no exceptions for individual patient circumstances or a doctor's judgment of medical necessity. And if a doctor does not provide this information, he or she will face civil sanctions.

Our health care system—the best in the world by many measures—depends on the quality of our health care providers and their ability to communicate with and care for their patients. It is outrageous for Congress to remove the discretion of doctors and instead, rely on politics to make medical decisions. This legislation is based on inaccurate information and political motivation and should be rejected.

I urge my colleagues to join me in opposing H.R. 6099 today and in working to improve health care for all Americans in the 110th Congress.

Mrs. LOWEY. Mr. Speaker, I rise in opposition to this inflammatory and misleading piece of legislation.

The bill before us requires that women seeking abortions be given a brochure written by Congress regarding the capability of a developing fetus to feel pain. It requires physicians to provide this script to their patients even if the doctor does not believe it to be accurate or in the patient's best interest.

The text of this brochure was not written by or in consultation with the nation's leading physicians. In fact, the sponsor's attempt to impose his values on every woman seeking an abortion in this country is opposed by many physician organizations, including the American College of Obstetricians and Gynecologists, the American Academy of Physician Assistants, the American Public Health Association, and the National Association of Nurse Practitioners.

This bill is one last attempt in this Congress to use the emotional, complicated subject of abortion as a cloak for what the sponsors of this bill consistently do: manipulate medical practice and scientific research to conform to their own beliefs and moral agenda.

And when science doesn't support their rhetoric, instead of opening their minds and acting from a place of compassion, they attack physicians who disagree with them, demonize women and families who make the decision about abortion, and deny evidence-based medicine.

It is just this kind of extreme interference in Americans' lives and their medical care that voters around the nation rejected—decisively—on Election Day.

Americans look to us to examine issues thoroughly and with great care, befitting the high honor it is to serve in this body. Passing this bill won't do a single thing to advance the cause we should all share: to create a country, a society and a culture where every pregnancy is intended and every child is wanted, prepared for and cherished.

Congress has no right to legislate how doctors care for their patients, to substitute ideology for scientific evidence, or to penalize physicians for legal and responsible patient care.

I urge my colleagues to reject this bill and this approach to an issue that's difficult for many of us. There is another way and, I would suggest, a better way to help the families of this country have healthy pregnancies and strong families.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and pass the bill, H.R. 6099.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those voting have responded in the affirmative.

Mr. DEAL of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

LIFESPAN RESPITE CARE ACT OF 2006

Mr. DEAL of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3248) to amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3248

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lifespan Respite Care Act of 2006".

SEC. 2. LIFESPAN RESPITE CARE.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by adding at the end the following:

"TITLE XXIX—LIFESPAN RESPITE CARE

"SEC. 2901. DEFINITIONS.

"In this title:

"(1) ADULT WITH A SPECIAL NEED.—The term 'adult with a special need' means a person 18 years of age or older who requires care or supervision to—

"(A) meet the person's basic needs;

"(B) prevent physical self-injury or injury to others; or

"(C) avoid placement in an institutional facility.

"(2) AGING AND DISABILITY RESOURCE CENTER.—The term 'aging and disability resource center' means an entity administering a program established by the State, as part of the State's system of long-term care, to provide a coordinated system for providing—

"(A) comprehensive information on available public and private long-term care programs, options, and resources;

"(B) personal counseling to assist individuals in assessing their existing or anticipated long-term care needs, and developing and implementing a plan for long-term care designed to meet their specific needs and circumstances; and

"(C) consumer access to the range of publicly supported long-term care programs for which consumers may be eligible, by serving as a convenient point of entry for such programs.

"(3) CHILD WITH A SPECIAL NEED.—The term 'child with a special need' means an individual less than 18 years of age who requires care or supervision beyond that required of children generally to—

"(A) meet the child's basic needs; or

"(B) prevent physical injury, self-injury, or injury to others.

"(4) ELIGIBLE STATE AGENCY.—The term 'eligible State agency' means a State agency that—

"(A) administers the State's program under the Older Americans Act of 1965, administers the State's program under title XIX of the Social Security Act, or is designated by the Governor of such State to administer the State's programs under this title;

"(B) is an aging and disability resource center;

"(C) works in collaboration with a public or private nonprofit statewide respite care coalition or organization; and

"(D) demonstrates—

"(i) an ability to work with other State and community-based agencies;

"(ii) an understanding of respite care and family caregiver issues across all age groups, disabilities, and chronic conditions; and

"(iii) the capacity to ensure meaningful involvement of family members, family caregivers, and care recipients.

"(5) FAMILY CAREGIVER.—The term 'family caregiver' means an unpaid family member, a foster parent, or another unpaid adult, who provides in-home monitoring, management, supervision, or treatment of a child or adult with a special need.

"(6) LIFESPAN RESPITE CARE.—The term 'lifespan respite care' means a coordinated system of accessible, community-based respite care services for family caregivers of children or adults with special needs.

"(7) RESPITE CARE.—The term 'respite care' means planned or emergency care provided to a child or adult with a special need in order to provide temporary relief to the family caregiver of that child or adult.

"(8) STATE.—The term 'State' means any of the several States, the District of Columbia, the Virgin Islands of the United States, the Commonwealth of Puerto Rico, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"SEC. 2902. LIFESPAN RESPITE CARE GRANTS AND COOPERATIVE AGREEMENTS.

"(a) PURPOSES.—The purposes of this section are—

"(1) to expand and enhance respite care services to family caregivers;

"(2) to improve the statewide dissemination and coordination of respite care; and

"(3) to provide, supplement, or improve access and quality of respite care services to family caregivers, thereby reducing family caregiver strain.

"(b) AUTHORIZATION.—Subject to subsection (e), the Secretary is authorized to award grants or cooperative agreements for the purposes described in subsection (a) to eligible State agencies for which an application is submitted pursuant to subsection (d).

"(c) FEDERAL LIFESPAN APPROACH.—In carrying out this section, the Secretary shall work in cooperation with the National Family Caregiver Support Program of the Administration on Aging and other respite care programs within the Department of Health and Human Services to ensure coordination of respite care services for family caregivers of children and adults with special needs.

"(d) APPLICATION.—

"(1) SUBMISSION.—Each Governor desiring the eligible State agency of his or her State to receive a grant or cooperative agreement under this section shall submit an application on behalf of such agency to the Secretary at such time, in such manner, and containing such information as the Secretary shall require.

"(2) CONTENTS.—Each application submitted under this section shall include—

"(A) a description of the eligible State agency's—

"(i) ability to work with other State and community-based agencies;

"(ii) understanding of respite care and family caregiver issues across all age groups, disabilities, and chronic conditions; and

"(iii) capacity to ensure meaningful involvement of family members, family caregivers, and care recipients;

"(B) with respect to the population of family caregivers to whom respite care information or services will be provided or for whom respite care workers and volunteers will be recruited and trained, a description of—

"(i) the population of family caregivers;

"(ii) the extent and nature of the respite care needs of that population;

"(iii) existing respite care services for that population, including numbers of family caregivers being served and extent of unmet need;

"(iv) existing methods or systems to coordinate respite care information and services to the population at the State and local level and extent of unmet need;

"(v) how respite care information dissemination and coordination, respite care services, respite care worker and volunteer recruitment and training programs, or training programs for family caregivers that assist such family caregivers in making informed decisions about respite care services will be provided using grant or cooperative agreement funds;

"(vi) a plan for administration, collaboration, and coordination of the proposed respite care activities with other related services or programs offered by public or private, nonprofit entities, including area agencies on aging;

"(vii) how the population, including family caregivers, care recipients, and relevant public or private agencies, will participate in the planning and implementation of the proposed respite care activities;

"(viii) how the proposed respite care activities will make use, to the maximum extent feasible, of other Federal, State, and local funds, programs, contributions, other forms of reimbursements, personnel, and facilities;

"(ix) respite care services available to family caregivers in the eligible State agency's State or locality, including unmet needs and how the eligible State agency's plan for use of funds will improve the coordination and distribution of respite care services for family caregivers of children and adults with special needs;

"(x) the criteria used to identify family caregivers eligible for respite care services;

"(xi) how the quality and safety of any respite care services provided will be monitored, including methods to ensure that respite care workers and volunteers are appropriately screened and possess the necessary skills to care for the needs of the care recipient in the absence of the family caregiver; and

"(xii) the results expected from proposed respite care activities and the procedures to be used for evaluating those results;

"(C) assurances that, where appropriate, the eligible State agency will have a system for maintaining the confidentiality of care recipient and family caregiver records; and

"(D) a memorandum of agreement regarding the joint responsibility for the eligible State agency's lifespan respite program between—

"(i) the eligible State agency; and

"(ii) a public or private nonprofit statewide respite coalition or organization.

"(e) PRIORITY; CONSIDERATIONS.—When awarding grants or cooperative agreements under this section, the Secretary shall—

"(1) give priority to eligible State agencies that the Secretary determines show the greatest likelihood of implementing or enhancing lifespan respite care statewide; and

"(2) give consideration to eligible State agencies that are building or enhancing the capacity of their long-term care systems to respond to the comprehensive needs, including respite care needs, of their residents.

"(f) USE OF GRANT OR COOPERATIVE AGREEMENT FUNDS.—

"(1) IN GENERAL.—

"(A) REQUIRED USES OF FUNDS.—Each eligible State agency awarded a grant or cooperative agreement under this section shall use all or part of the funds—

"(i) to develop or enhance lifespan respite care at the State and local levels;

"(ii) to provide respite care services for family caregivers caring for children or adults;

"(iii) to train and recruit respite care workers and volunteers;

"(iv) to provide information to caregivers about available respite and support services; and

"(v) to assist caregivers in gaining access to such services.

"(B) OPTIONAL USES OF FUNDS.—Each eligible State agency awarded a grant or cooperative agreement under this section may use part of the funds for—

"(i) training programs for family caregivers to assist such family caregivers in making informed decisions about respite care services;

"(ii) other services essential to the provision of respite care as the Secretary may specify; or

"(iii) training and education for new caregivers.

"(2) SUBCONTRACTS.—Each eligible State agency awarded a grant or cooperative agreement under this section may carry out the activities described in paragraph (1) directly or by grant to, or contract with, public or private entities.

"(3) MATCHING FUNDS.—

"(A) IN GENERAL.—With respect to the costs of the activities to be carried out under paragraph (1), a condition for the receipt of a grant or cooperative agreement under this section is that the eligible State agency agrees to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is not less than 25 percent of such costs.

"(B) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required by subparagraph (A) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

"(g) TERM OF GRANTS OR COOPERATIVE AGREEMENTS.—

"(1) IN GENERAL.—The Secretary shall award grants or cooperative agreements under this section for terms that do not exceed 5 years.

"(2) RENEWAL.—The Secretary may renew a grant or cooperative agreement under this section at the end of the term of the grant or cooperative agreement determined under paragraph (1).

"(h) MAINTENANCE OF EFFORT.—Funds made available under this section shall be used to supplement and not supplant other Federal, State, and local funds available for respite care services.

"SEC. 2903. NATIONAL LIFESPAN RESPITE RESOURCE CENTER.

"(a) ESTABLISHMENT.—The Secretary may award a grant or cooperative agreement to a public or private nonprofit entity to establish a National Resource Center on Lifespan Respite Care (referred to in this section as the 'center').

"(b) PURPOSES OF THE CENTER.—The center shall—

"(1) maintain a national database on lifespan respite care;

"(2) provide training and technical assistance to State, community, and nonprofit respite care programs; and

"(3) provide information, referral, and educational programs to the public on lifespan respite care.

"SEC. 2904. REPORT.

"Not later than January 1, 2009, the Secretary shall report to the Congress on the activities undertaken under this title. Such report shall evaluate—

"(1) the number of States that have lifespan respite care programs;

"(2) the demographics of the caregivers receiving respite care services through grants or cooperative agreements under this title; and

"(3) the effectiveness of entities receiving grants or cooperative agreements under this title.

"SEC. 2905. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title—

"(1) $30,000,000 for fiscal year 2007;

"(2) $40,000,000 for fiscal year 2008;

"(3) $53,330,000 for fiscal year 2009;

"(4) $71,110,000 for fiscal year 2010; and

"(5) $94,810,000 for fiscal year 2011.".

SEC. 3. GAO REPORT ON LIFESPAN RESPITE CARE PROGRAMS.

Not later than January 1, 2011, the Comptroller General of the United States shall conduct an evaluation and submit a report to the Congress on the effectiveness of lifespan respite programs, including an analysis of cost benefits and improved efficiency in service delivery.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. DEAL) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. DEAL of Georgia. Mr. Speaker, I would ask that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. DEAL of Georgia. I yield myself as much time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 3248, the Lifespan Respite Care Act of 2006. This legislation is an important first step in offering help to the estimated 25 million Americans currently caring for a sick, aged or disabled loved one at home. Whether it is an aged father or mother, a spouse who has suffered a work-related injury, or a child with a special need, almost all of us have either taken care of or know someone who is taking care of a loved one at home.

As an experienced caregiver for my mother and both of my wife's parents, I am personally aware of the benefits of at-home care. But I am also acutely aware that there are financial, emotional and physical burdens for the family caregiver that can sometimes be overwhelming. Respite is a caregiver focused service that allows family members to take a much-needed break from the daily emotional and physical stresses associated with caring for a loved one at home. It also allows family caregivers to attend to financial and practical matters that occur outside their roles as caregivers, such as taking time to pay bills, go grocery shopping or go to a doctor's appointment for themselves.

There are many forms of respite care, including at-home visits by a trained professional, adult day care services or even volunteer respite services provided by local religious or civic organizations. While the demand for respite care services continues to grow at an almost exponential rate, many Americans today are confused by or unaware of the daunting array of public and private respite care options, but may also have difficulty understanding and navigating the complicated regulations and eligibility requirements for various public programs offering access to respite care.

The Lifespan Respite Care Act is an important first step that will set up clearinghouses of information to educate consumers about respite care options available in their areas. It will also allow States to offer consumer information on the broad array of programs offering long-and short-term care support services. The legislation also provides funding to build the needed infrastructure and coordinating capacity at the State and local levels so that more people will have access to respite care, especially those in rural and underserved parts of the country.

For example, this is especially important for people living in many areas of my congressional district in northern Georgia, where people must often drive long distances to access the nearest doctor, hospital or long-term care facility. The bill will also support family caregivers in their noble and compassionate efforts to keep their loved ones at home. Numerous studies have shown that at-home care by a loved one can delay or prevent placement in expensive long-term care facilities, such as a nursing home.

Because the Federal Medicaid program is the primary purchaser of nursing home care in the United States, this informal at-home care saves the Federal taxpayers millions of dollars a year. Other studies have verified what most of us already know. People are healthier and happier when they can live at home. The availability of respite care plays an important role in enabling family caregivers to keep their loved ones at home and delays or avoids other much more expensive options.

This legislation is only a first step in addressing the emerging needs of family caregivers in the United States. To solve this problem, we will need government, health insurance companies, long-term care and other health care providers and consumers all working together to find innovative solutions.

At this time, I would like to acknowledge the efforts of my colleague and vice-chairman of the Subcommittee on Health, the gentleman from New Jersey (Mr. FERGUSON). His passion on this issue is truly commendable, as are his tireless efforts to address so many health care concerns of importance to the American people. I would also like to thank Randy Pate of the Subcommittee on Health staff, and Mr. David Rosenfeld, formerly of our staff, for their hard work on this important legislation.

Mr. Speaker, I would strongly urge my colleagues to support my bill.

Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 3248, the Lifespan Respite Care Act of 2006, and I am glad to be a cosponsor of this legislation. Respite care programs are an integral part of the long-term delivery systems for long-term care. All too often family caregivers provide arduous and ongoing care for aging and disabled loved ones. The programs contained within this legislation seek to provide interim relief in these situations and for those overextended families.

Despite the numerous Federal programs that have the potential to fund respite services, there is no single coordinated caregiver friendly program to support the development or implementation of lifespan respite care services. Even where resources are available many families cannot find providers who are adequately trained to care for people with disabilities who can provide them the temporary relief that they desperately need.

The Lifespan Respite Care Act of 2006 would authorize the award of grants and cooperative agreements to eligible State agencies to develop or enhance lifespan respite care programs at the State and local levels. These grants and cooperative agreements would provide assistance to programs that provide training, information, counseling and access to the range of publicly supported long-term care programs for family caregivers of children and adults with special needs.

State agencies would work to ensure meaningful involvement of family members, family caregivers and care recipients. This bill would also establish the National Resource Center on Lifespan Respite Care to provide technical assistance, information referral and educational programs on lifespan respite care.

Without respite and other services of support for family caregivers, many are forced to quit their jobs or reduce their paid employment. Other would-be caregivers are forced to place their relatives in unwanted and more costly institutional or foster care programs.

H.R. 3248 enjoys a great deal of bipartisan support, as well as support from a diverse stakeholder community, including Easter Seals, the National Education Association, the National Mental Health Association and the Children's Defense Fund. I would like to thank Mr. FERGUSON for sponsoring this legislation and urge my colleagues on both sides of the aisle to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I am pleased to yield 10 minutes to the author of the legislation, the gentleman from New Jersey (Mr. FERGUSON).

Mr. FERGUSON. Mr. Speaker, I rise today in support of H.R. 3248, the Lifespan Respite Care Act. This important bipartisan legislation will for the first time establish a national policy to help our Nation's 50 million family caregivers, including 900,000 New Jersey family caregivers who provide daily care for their loved ones with disabilities and chronic conditions or illnesses.

Instead of an institutionalized setting, in-home family caregivers provide minute-by-minute special assistance to a loved one with a disability or a critical illness or a chronic condition. Mr. Speaker, family caregivers are remarkable people. They make extraordinary sacrifices to help those whom they love so dearly. I saw one such example firsthand almost 10 years ago when my mom was diagnosed with multiple myeloma. For 6 years, my dad cared for her as she battled cancer.

She lived longer than any of her doctors thought she would, and since she went to heaven 3½ years ago, our family has looked back on those extra monuments we had with our mom, and we treasured them, knowing that it was my dad's love and care which helped to make them possible.

There are tens of millions of family caregivers in this country who provide the same loving and compassionate care that we saw my dad provide for my mom near the end of her life. In our family we were fortunate to have a support structure of relatives and friends who were able to provide a break for my dad when he really needed one. That respite was crucial for him. For him to stay healthy himself, it enabled him to provide better care for my mom.

But there are countless caregivers around this country who are not blessed with that built-in support structure, and they are desperately in need of a break from time to time. Because while the benefits of in-home care can be significant for the family, compared with institutionalized care, the cost for the family caregiver, from emotional to financial, can be enormous.

All across the country there are people like Karen Pinter of Hillsborough, New Jersey, providing in-home care. Karen provides round the clock care for her 10-year-old autistic daughter, Jessica. For Mrs. Pinter, respite means receiving $40 once a week from the New Jersey Family Support Center so that she can hire a tutor for her daughter.

With a tutor, Karen Pinter can take a much-needed break so she can do simple things for herself and for her family that many of us take for granted, like writing out that week's grocery list or preparing dinner or paying bills or simply taking a break for herself.

Respite for Eugenia and Roger Gore of Scotch Plains, New Jersey, helps their family to make ends meet. Their family uses respite hours so their 13-year-old autistic son can attend an extended-day program at school so Mrs. Gore can work outside the home to help further support their family.

Now the Gore family uses their respite funds to enable Mrs. Gore to work outside the home. This helps alleviate a financial burden, but it does not allow their family the break that respite oftentimes would. Even as they applied to the State of New Jersey for support for some respite hours on a weekend so they could get that much-needed break for grocery shopping or to attend one of their other son's athletic games, unfortunately they were denied.

For caregivers providing intense and exhausting care 24 hours a day, 7 days a week, 365 days a year, the occasional short break can literally be a lifesaver. That is what respite care is. It is providing a break for caregivers.

Mrs. Pinter has told me that caring for a special needs child can be very joyful. It can also be very challenging, and she is right. Family caregivers suffer poor health and even higher mortality rates than non-family caregivers, according to some recent studies. For example, mortality rates among older caregivers are 63 percent higher than among older non-caregivers. Two-thirds of family caregivers report physical or mental health problems that are linked to their care giving.

Nationally, there is no coordinated approach that exists among different levels of government or advocacy groups to help those who need respite care to find it and to qualify for it and to pay for it.

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The problem is that respite care is in short supply or it doesn't exist at all in some areas. This legislation that we are considering today would change that. The Lifespan Respite Care Act would improve coordination and access for respite care and recruit and train respite care providers. With $289 million over the next 5 years, the bill would also aid family caregivers in finding and paying for respite services through competitive grants to States to make quality respite care available and accessible, regardless of age or disability or family situation.

National and grassroots advocacy groups, including the AARP, Alzheimer's Association, Epilepsy Foundation, National Multiple Sclerosis Society, Paralyzed Veterans of America, The Arc of the United States, and United Cerebral Palsy, they all support this legislation.

Why does this legislative effort have such strong support from such reputable organizations and many others? Because we know respite care works. Respite care improves the health and well-being of caregivers and reduces the risk of abuse or neglect. Importantly, it also delays or even avoids more costly hospitalizations or placements in nursing homes or foster care.

Mr. Speaker, for over 2 years I have been working tirelessly with many of our colleagues on the Energy and Commerce Committee on both sides of the aisle to bring this bill to the floor. I want to thank Chairman BARTON for his support and the ranking member of our committee, Mr. DINGELL. I want to offer a special word of thanks to Chairman NATHAN DEAL for his support of this bill. I know his heart is very close to this effort. I want to thank the ranking member, Mr. PALLONE, as well for his strong support of this legislation.

I also want to thank the over 180 national and State and local organizations who, under the direction of the National Respite Coalition and its chair, Jill Kagan, who is here in our Chamber today with us, we have worked tirelessly on behalf of the Nation's family caregivers on this issue. I want to thank Tom Fussaro from our staff in our office, and Eric Joyce from the Family Resource Network and the Epilepsy Foundation of New Jersey. And I particularly want to thank Mr. LANGEVIN, the gentleman from Rhode Island, who has been such a strong supporter and my partner in this legislation all along the way.

Finally, I want to thank my dad, who has provided our family and many others with a remarkable example of the loving care that a family caregiver can provide.

Providing relief to our Nation's family caregivers is long overdue, and I urge my colleagues to support this legislation. Today's action by this House will represent not only an important victory for family caregivers nationwide but also sends America's caregivers a very clear message: Your selfless sacrifice is appreciated, and help is on the way.

Mr. PALLONE. Mr. Speaker, I yield 4 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I want to thank the gentleman from New Jersey (Mr. FERGUSON), my partner in this effort, for his leadership on this exceptional bill.

Mr. Speaker, it is with great enthusiasm that I voice my strong support for the Lifespan Respite Care Act. For more than 4 years, I have worked to pass a bill that would ease the burden of responsibility on family caregivers.

I particularly want to acknowledge the hard work of so many advocates, organizations and individuals who worked with me to get this bill to where it is today. In particular I want to thank the chairman of the subcommittee, and I also want to thank Jill Kagan of the National Respite Coalition for her tireless efforts over many, many years.

Mr. Speaker, an estimated 26 million Americans are currently caring for an adult family member who is chronically ill or disabled. Additionally, an estimated 18 million children have chronic physical, developmental, behavioral or emotional conditions that place significant demands on their parents. Family caregivers live in all of our communities and they are often silent heroes, ensuring family stability and helping those who struggle with disease or disability to avoid more costly institutional placements.

While voluntary care is personally rewarding, it can result in substantial emotional, physical and financial strain on the caregiver. When one family member is caring for another, it doesn't mean that the other responsibilities of the family simply stop. Children still need to be brought to school, food shopping still needs to be done, doctors appointments still need to be made and kept, particularly when it involves the caregiver themselves.

Mr. Speaker, they need to know that they are not alone and they need to know where to turn when the pressures of their situation become too much for them to bear. Respite care services relieve caregivers from daily care giving tasks on a temporary or even long-term basis.

Many lifespan respite programs are already in place at State and local levels, providing invaluable services to the families of people with chronic disease or disability. Yet in too many situations, caregivers simply don't know how to find information about available respite care and access to these services. In other cases, respite care is simply unavailable to those who need it.

I originally introduced the Lifespan Respite Care Act in the 107th Congress, working with the National Respite Coalition to craft a bill that would assist States and local organizations in identifying and filling the gaps in their systems. While I do wish we could have addressed this important issue sooner, I am grateful to Representative FERGUSON for his leadership in ensuring that this bill came to the House floor. By passing this legislation and committing to build upon successful existing programs, we can make a powerful statement to so many Americans who are silently struggling right now. It is a statement of gratitude for their many hours of work and a statement of support for when the challenges become too daunting.

Mr. Speaker, I thank the congressional leadership for their hard work in moving this bill forward and bringing it to the floor today, and I urge all of my colleagues to vote in favor of the Lifespan Respite Care Act. To the people at home, help is on the way.

Mr. FERGUSON. Mr. Speaker, today I rise in support of H.R. 3248, the Lifespan Respite Care Act. For over 2 years I have been working diligently with many of my colleagues on the Energy and Commerce Committee to bring this bill to the floor. Over 180 national, State and local organizations under the direction of the National Respite Coalition have worked tirelessly on behalf of the Nation's family caregivers to help us get to this point. This legislation will for the first time establish respite as a policy priority for the Nation's estimated 50 million family caregivers, who daily provide care for their loved ones with disabling or chronic conditions or illnesses.

Most caregivers freely and willingly provide this care out of love and commitment, but often at great cost to themselves physically, emotionally, and financially. One in five caregivers report that they are in fair or poor health; 43 percent report having a chronic health condition that requires ongoing medical care, putting themselves at great risk and jeopardizing their ability to provide continued care to their dependent loved ones. An estimated 46 percent to 59 percent of family caregivers are clinically depressed. A recent medical study found that older caregivers who were providing care for an elderly individual with a disability and experiencing caregiver strain had mortality rates that were 63 percent higher than non-caregiving controls.

Caregivers are stretched thin in others ways as well, often with lost income and multiple family responsibilities. Nearly half of caregivers—48 percent—providing care to child, adult or elderly family members who have chronic or disabling conditions, have other children under age 18. Forty-two percent have family incomes below 200 percent of poverty compared to 34 percent of women without family caregiving responsibilities. While most caregivers are employed, many are forced to make extreme financial sacrifices in order to continue to provide care. In an Iowa survey of parents of children with disabilities, a significant relationship was demonstrated between the severity of a child's disability and their parents missing more work hours than other employees. They also found that the lack of available respite care interfered with parents accepting job opportunities. Over the course of a caregiving "career," family caregivers providing intense personal care can lose as much as $659,000 in wages, pensions and Social Security.

The cost to U.S. businesses is even more staggering. A new study by Metropolitan Life Insurance Company and the National Alliance for Caregivers found that U.S. businesses lose from $17.1 billion to $33.6 billion per year in lost productivity of family caregivers. Offering respite to working family caregivers could help improve job performance and employers could potentially save billions.

Still, many barriers exist to accessing respite—including a reluctance to ask for help, fragmented and narrowly targeted services, cost, and the lack of information about how to find or choose a provider. Even when respite is an allowable funded service and resources are available to pay, a critically short supply of well-trained respite providers may prohibit a family from making use of a service they so desperately need.

Restrictive eligibility criteria also preclude many families from receiving services or continuing to receive services they once were eligible for. A New Jersey mother of a 12 year old with autism was denied additional respite because she was not a single mother, was not at poverty level, and was not exhibiting any emotional or physical conditions herself. As she told us, "Do I have to endure a failed marriage or serious health consequences for myself or my family before I can qualify for respite? Respite is supposed to be a preventive service."

Respite, the most frequently requested service among family caregivers, offers a temporary break from the rigors of continuous care and helps sustain their own health and well-being. Others are able to tend to an emergency situation or personal health crisis. For a caregiver providing intense and exhausting care 24 hours a day, 7 days a week, 365 days a year, an occasional short break can literally be a life saver.

Respite reduces stress, enhances caregiver health and well-being, and ensures the safety and health of the loved ones in our care. Studies have shown that respite care for family caregivers has resulted in fewer hospitalizations for the children and elderly family members in care. Respite has also been shown to help reduce the likelihood of abuse and neglect and foster care placements. Research conducted by the ARCH National Respite Resource Center has also shown that respite can help keep marriages intact and enhance family stability. Another study found that if respite care delays institutionalization of a person with Alzheimer's disease by as little as a month, $1.12 billion is saved annually.

The bill authorizes $289 million over 5 years for competitive grants to States through Aging and Disability Resource Centers working in collaboration with State respite coalitions or other State organizations. These organizations provide or have expertise in respite to make respite available and accessible to family caregivers, regardless of age or disability, through coordinated lifespan respite systems. This legislation would help States maximize the use of existing resources and leverage new dollars by building on current services and systems that States already have in place. The bill would help support planned and emergency respite, respite workers and volunteer training and recruitment, caregiver training, and program evaluation.

The congressional intent of the legislation is to ensure that respite becomes more accessible to all family caregivers in need, especially to those who currently do not qualify for any respite programs, who have no respite programs or providers in their areas, and those who do not know where to turn to find information on how to find and pay for respite. By using the broad term child or adult with special needs, Congress intended for the State to be highly inclusive and ensure that family caregivers of children and adults with developmental disabilities, cognitive, neurological, physical and mental health conditions and illnesses be equitably served. The focus for direct service delivery should be on those who currently may not qualify for respite under any State or Federal program or who have no service available, such as individuals under age 60 with multiple sclerosis, cancer, ALS, traumatic brain injury, and spinal cord injury, or children, adolescents or adults with behavioral, emotional or mental health conditions.

Just as importantly, Congress intended that States focus immediately on establishing coordinated lifespan respite systems that will serve all age groups equally. The Secretary should ensure that State agencies and ADRCs use the funds provided by this act to serve all age groups and disability categories equally and without preference. The Aging and Disability Resource Centers were established by the administration with the intention of being one-stop shops for all individuals with long-term care needs, making them logically a good place to administer lifespan respite systems, which are meant to be one-stop shops for respite services. However, many centers are still focusing on the elderly population or adults with physical disabilities and phasing in others at a later date. For the lifespan respite care effort to work most efficiently to coordinate all respite resources in the State, share and pool providers across age and disability groups, and to maximize use of current State respite resources, the ADRCs, in implementing this particular program, must start out with the goal of establishing coordinated respite systems of community-based agencies that will serve all age groups, including children.

Congress also intended lifespan respite to be coordinated at the State level. Many of the ADRCs in the States are serving only one county or region in the State. However, this legislation mandates the establishment of state lifespan respite programs, meaning that at least one ADRC in the State must function statewide, at least for the purposes of this legislation, with the assistance of a State respite coalition or other State respite agency to ensure coordination of resources at the State level, again for maximum efficiency and cost savings.

Legislative language is also clear in mandating a Federal coordinated approach. It directs the Secretary of Health and Human

Services in implanting the program to have all agencies in HHS with respite programs or resources work collaboratively at every level, from developing program guidance and awarding grants and cooperative agreements, to monitoring and evaluation. Congress intends the following agencies to work together: the Administration on Aging, the Administration on Developmental Disabilities, the Substance Abuse and Mental Health Services Administration, the Administration on Children and Families, including the Office on Child Abuse and Neglect, Centers for Disease Control's Family Caregiving Initiative, the Maternal and Child Health Bureau, and other appropriate public health agencies in the Health Resources and Services Administration.

When considering a Federal agency to take the lead in implementation of this program, the Secretary of HHS should select an agency that is not limited in scope or mission by any age or disability category, has experience in serving all populations across disability and age groups, and will ensure that the ADRC is collaborating fully and sharing joint responsibility with a private or public nonprofit State respite coalition or organization in implementing a state lifespan respite program.

Mr. Speaker, I urge my colleagues to support this legislation. With 80 percent of long-term care provided by family caregivers, too many are shouldering the responsibility alone. At a minimum, they need respite to continue serving their loved ones at home where they belong.

Mr. TERRY. Mr. Speaker, I rise in support of H.R. 3248, the Lifespan Respite Care Act. This legislation would allow States to establish Lifespan Respite Systems to improve respite access and quality for the Nation's family caregivers regardless of age or disability. I am proud to say that the legislation is modeled on the Nebraska Lifespan Respite program, which was championed legislatively in the State by my good friend and colleague, State Senator Dennis Byars, and has made a world of difference to families in our State. I am also proud to say that this year's national respite conference was hosted by the Lifespan Respite program and the Nebraska Respite Coalition.

With passage of the Nation's second piece of State legislation on lifespan respite in 1999, the Nebraska Health and Human Services System established the Nebraska Respite Network, a statewide system for the coordination of respite resources that serve the lifespan. Six regional entities are responsible for information and referral for families who need access to respite, recruitment of respite providers, public awareness, coordinating training opportunities for providers and consumers, quality assurance and program evaluation. The Lifespan Respite Subsidy component is available to persons of all ages across the lifespan with special needs who are not receiving respite services from any other government program.

The stress of continuous care giving can take its toll on family caregivers and is one of the greatest contributing factors to caregiver illness, marital discord that can lead to divorce, and costly out of home placements. Respite has been shown to alleviate these symptoms and even help delay or avoid foster care or nursing home placements. In Nebraska, a statewide survey of a broad array of caregivers who had been receiving respite found that 79 percent of the respondents reported decreased stress and 58 percent reported decreased isolation. In addition, one out of four families with children under 21 reported they were less likely to place their children in out-of-home care once respite services were available.

The Nebraska program works because it is efficient and maximizes existing resources across all age groups and disabilities by developing unique partnerships with Medicaid, early intervention, area agencies on aging and other state and federal programs that provide or support respite. The regional Lifespan Respite Network Coordinator recruits respite providers for Medicaid, as well as for the Lifespan Respite Program itself. The coordinator meets with staff from HHS, Developmental Disabilities, the Early Intervention program, and others on a monthly basis in order to determine need. Respite providers are recruited and trained to fill the gaps, and providers list are shared. Most importantly, all family caregiver populations must be served equally with no preference for or limitation by age or disability.

The Nebraska Lifespan Respite Program was cited as exemplary by the National Conference of State Legislatures as a model for States to emulate in implementing community-based long term care, and highlighted by the National Governors Association for best practices. I would urge the Secretary in implementing this program to base its program guidance on the success of the Nebraska model, especially in its ability to reach out to and serve all age groups, and I urge my colleagues to join me in supporting this important legislation today.

Mr. PALLONE. Mr. Speaker, I urge my colleagues on both sides of the aisle to support this bill, and I yield back the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I likewise would urge the adoption of this resolution, and would yield back the balance of my time.

The SPEAKER pro tempore (Mr. BASS). The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and pass the bill, H.R. 3248, as amended.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AMENDING PUBLIC HEALTH SERVICE ACT TO MODIFY PROGRAM FOR SANCTUARY SYSTEM FOR SURPLUS CHIMPANZEES

Mr. DEAL of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5798) to amend the Public Health Service Act to modify the program for the sanctuary system for surplus chimpanzees by terminating the authority for the removal of chimpanzees from the system for research purposes.

The Clerk read as follows:

H.R. 5798

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SANCTUARY SYSTEM FOR SURPLUS CHIMPANZEES; TERMINATION OF AUTHORITY FOR REMOVAL FROM SYSTEM FOR RESEARCH PURPOSES.

(a) IN GENERAL.—The first section 481C of the Public Health Service Act (42 U.S.C. 287a-3a) (added by section 2 of Public Law 106-551) is amended in subsection (d)—

(1) in paragraph (2), in subparagraph (J), by striking "If any chimpanzee is removed" and all that follows; and

(2) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking clause (ii); and

(ii) by striking "except as provided" in the matter preceding clause (i) and all that follows through "behavioral studies" and inserting the following: "except that the chimpanzee may be used for noninvasive behavioral studies";

(B) by striking subparagraph (B);

(C) by redesignating subparagraph (C) as subparagraph (B); and

(D) in subparagraph (B) (as so redesignated), by striking "under subparagraphs (A) and (B)" and inserting "under subparagraph (A)".

(b) TECHNICAL CORRECTION.—Part E of title IV of the Public Health Service Act (42 U.S.C. 287 et seq.) is amended by redesignating the second section 481C (added by section 204(a) of Public Law 106-505) as section 481D.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. DEAL) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. DEAL of Georgia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and insert extraneous material on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. DEAL of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 5798, a bill modifying the authorities of the chimpanzee sanctuary system.

A few years ago, Congress enacted a law offered by former Congressman Greenwood of Pennsylvania to provide for sanctuary for chimpanzees that have been used for research purposes at the National Institutes of Health. I believe this legislation and the resulting sanctuary system have been very successful. The bill before us today would modify the existing law to eliminate a provision that could have, under very limited circumstances, allowed for the removal of the chimpanzees from the sanctuary system for further research.

H.R. 5798 strikes an appropriate balance between the need for medical research and the need to provide safeguards for the subject animals because it would still allow for non-invasive behavioral studies and medical and longitudinal studies based on information that could be obtained at the same time as information gathered for veterinary care. Thus, the simple items like blood samples or imaging studies could, under certain circumstances, be provided within the sanctuary system, so long as such studies involved minimal physical and mental harm, pain, distress and disturbance to the chimpanzee and the social group in which the chimpanzee lives.

In particular, we now have the ability to non-invasively look inside brains of living individuals, including chimpanzees, to find the changes associated with aging, cognitive decline and changes in immune system function.

One of the key questions in the field of brain sciences is to understand what brain changes are responsible for the decline in cognitive functions as we age. The chimpanzee exhibits some of the same age-related changes as humans. Accordingly, the ability to use non-invasive brain imaging in individual chimpanzees whose genetic backgrounds and behavioral experiences have been well-documented and studied can be very important for Alzheimer's research and add to our knowledge on aging.

Mr. Speaker, I believe that H.R. 5798 preserves our ability to conduct important medical research, while providing needed safeguards for the animals, and I would ask my colleagues to join me in supporting this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5798, a bill to amend the Public Health Service Act to modify the program for the sanctuary system for surplus chimpanzees by terminating the authority for the removal of chimpanzees from the system for research purposes.

On December 20, 2000, the Chimpanzee Health Improvement, Maintenance, and Protection Act was signed into law by President Clinton. That law required the Secretary of Health and Human Services to establish a nonprofit sanctuary system of lifetime care for chimpanzees that have been used by the Federal Government for research. Chimpanzees within this sanctuary system were declared surplus, and any research, save for non-invasive behavioral research, was restricted.

The bill before us today takes even greater steps to ensure that extremely stringent criteria are met with regard to research on surplus chimpanzees. Currently there are approximately 1,500 captive chimpanzees in laboratories in the U.S., many of whom are no longer being used in biomedical research, and this legislation takes important steps forward in an effort to protect their health, well-being and livelihood.

H.R. 5798 is supported by Dr. Jane Goodall, whose work in the field of wildlife research, education and conservation with respect to chimpanzees is unmatched. I would like to thank Dr. Goodall for her significant contribution, and would also like to thank Representative MCCRERY for his hard work on this bill.

I urge my colleagues to support H.R. 5798.

Mr. Speaker, I yield back the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would likewise wish to express appreciation to Mr. JIM MCCRERY from Louisiana, the author of this legislation, and thank him for bringing this to our attention, and would urge my colleagues to vote in favor of this legislation.

Mr. McCRERY. Mr. Speaker, I rise today in support of H.R. 5798, a bill to further the success of the national chimpanzee sanctuary system established by the 2000 Chimpanzee Health, Improvement, Maintenance and Protection Act. Chimpanzees are very similar to humans, not only in anatomy and physiology, but also in their behavior, emotional needs, and cognitive abilities. Chimps have served as medical research models for decades, and humans have reaped the benefits, including lifesaving vaccines and medical therapies. But with new technologies and changing research goals, hundreds of chimpanzees are no longer needed for research.

Responding to the urgent need for long-term chimpanzee care, the Congress passed the CHIMP Act in 2000 to create a Federal chimpanzee sanctuary system. My constituents were awarded the first contract and now operate Chimp Haven in Keithville, LA. They are currently caring for 89 retired research chimpanzees and anticipate the addition of 111 new chimpanzees over time. The cost of letting the chimpanzees live in the natural environment at Chimp Haven is half of the cost of keeping them in the laboratory—providing a tremendous savings of taxpayers' dollars. In addition, Chimp Haven is responsible for matching 25 percent of the Federal funding they receive each year.

But a provision inserted in the 2000 law is making private fundraising difficult for Chimp Haven because it leaves open the possibility that the retired chimpanzees can be recalled into Federal research if the need were to arise. In making changes to this bill, we will return to the original intent of the CHIMP Act—to provide permanent retirement to chimpanzees who have served Americans in medical research.

Mr. DEAL of Georgia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and pass the bill, H.R. 5798.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

COMBATING AUTISM ACT OF 2006

Mr. DEAL of Georgia. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 843) to amend the Public Health Service Act to combat autism through research, screening, intervention and education, as amended.

The Clerk read as follows:

S. 843

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Combating Autism Act of 2006".

SEC. 2. CENTERS OF EXCELLENCE; IMPROVING AUTISM-RELATED RESEARCH.

(a) CENTERS OF EXCELLENCE REGARDING RESEARCH ON AUTISM.—Section 409C of the Public Health Service Act (42 U.S.C. 284g) is amended—

(1) in the section heading, by striking "AUTISM" and inserting "AUTISM SPECTRUM DISORDER";

(2) by striking the term "autism" each place such term appears (other than the section heading) and inserting "autism spectrum disorder"; and

(3) in subsection (a)—

(A) by redesignating paragraph (2) as paragraph (3); and

(B) by striking paragraph (1) and inserting the following:

"(1) EXPANSION OF ACTIVITIES.—The Director of NIH (in this section referred to as the 'Director') shall, subject to the availability of appropriations, expand, intensify, and coordinate the activities of the National Institutes of Health with respect to research on autism spectrum disorder, including basic and clinical research in fields including pathology, developmental neurobiology, genetics, epigenetics, pharmacology, nutrition, immunology, neuroimmunology, neurobehavioral development, endocrinology, gastroenterology, and toxicology. Such research shall investigate the cause (including possible environmental causes), diagnosis or rule out, early detection, prevention, services, supports, intervention, and treatment of autism spectrum disorder.

"(2) CONSOLIDATION.—The Director may consolidate program activities under this section if such consolidation would improve program efficiencies and outcomes.".

(b) CENTERS OF EXCELLENCE GENERALLY.—Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end the following:

"SEC. 404H. REVIEW OF CENTERS OF EXCELLENCE.

"(a) IN GENERAL.—Not later than April 1, 2008, and periodically thereafter, the Secretary, acting through the Director of NIH, shall conduct a review and submit a report to the appropriate committees of the Congress on the centers of excellence.

"(b) REPORT CONTENTS.—Each report under subsection (a) shall include the following:

"(1) Evaluation of the performance and research outcomes of each center of excellence.

"(2) Recommendations for promoting coordination of information among centers of excellence.

“(3) Recommendations for improving the effectiveness, efficiency, and outcomes of the centers of excellence.

“(c) DEFINITION.—In this section, the term ‘center of excellence’ means an entity receiving funding under this title in its capacity as a center of excellence.”.

SEC. 3. DEVELOPMENTAL DISABILITIES SURVEILLANCE AND RESEARCH PROGRAM.

(a) IN GENERAL.—Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following:

“PART R—PROGRAMS RELATING TO AUTISM

“SEC. 399AA. DEVELOPMENTAL DISABILITIES SURVEILLANCE AND RESEARCH PROGRAM.

“(a) AUTISM SPECTRUM DISORDER AND OTHER DEVELOPMENTAL DISABILITIES.—

“(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may award grants or cooperative agreements to eligible entities for the collection, analysis, and reporting of State epidemiological data on autism spectrum disorder and other developmental disabilities. An eligible entity shall assist with the development and coordination of State autism spectrum disorder and other developmental disability surveillance efforts within a region. In making such awards, the Secretary may provide direct technical assistance in lieu of cash.

“(2) DATA STANDARDS.—In submitting epidemiological data to the Secretary pursuant to paragraph (1), an eligible entity shall report data according to guidelines prescribed by the Director of the Centers for Disease Control and Prevention, after consultation with relevant State and local public health officials, private sector developmental disability researchers, and advocates for individuals with autism spectrum disorder or other developmental disabilities.

“(3) ELIGIBILITY.—To be eligible to receive an award under paragraph (1), an entity shall be a public or nonprofit private entity (including a health department of a State or a political subdivision of a State, a university, or any other educational institution), and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

“(b) CENTERS OF EXCELLENCE IN AUTISM SPECTRUM DISORDER EPIDEMIOLOGY.—

“(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall, subject to the availability of appropriations, award grants or cooperative agreements for the establishment of regional centers of excellence in autism spectrum disorder and other developmental disabilities epidemiology for the purpose of collecting and analyzing information on the number, incidence, correlates, and causes of autism spectrum disorder and other developmental disabilities.

“(2) REQUIREMENTS.—To be eligible to receive a grant or cooperative agreement under paragraph (1), an entity shall submit to the Secretary an application containing such agreements and information as the Secretary may require, including an agreement that the center to be established under the grant or cooperative agreement shall operate in accordance with the following:

“(A) The center will collect, analyze, and report autism spectrum disorder and other developmental disability data according to guidelines prescribed by the Director of the Centers for Disease Control and Prevention, after consultation with relevant State and local public health officials, private sector developmental disability researchers, and advocates for individuals with developmental disabilities.

“(B) The center will develop or extend an area of special research expertise (including genetics, epigenetics, and epidemiological research related to environmental exposures), immunology, and other relevant research specialty areas.

“(C) The center will identify eligible cases and controls through its surveillance system and conduct research into factors which may cause or increase the risk of autism spectrum disorder and other developmental disabilities.

“(c) FEDERAL RESPONSE.—The Secretary shall coordinate the Federal response to requests for assistance from State health, mental health, and education department officials regarding potential or alleged autism spectrum disorder or developmental disability clusters.

“(d) DEFINITIONS.—In this part:

“(1) OTHER DEVELOPMENTAL DISABILITIES.—The term ‘other developmental disabilities’ has the meaning given the term ‘developmental disability’ in section 102(8) of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002(8)).

“(2) STATE.—The term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, and the Trust Territory of the Pacific Islands.

“(e) SUNSET.—This section shall not apply after September 30, 2011.

“SEC. 399BB. AUTISM EDUCATION, EARLY DETECTION, AND INTERVENTION.

“(a) PURPOSE.—It is the purpose of this section—

“(1) to increase awareness, reduce barriers to screening and diagnosis, promote evidence-based interventions for individuals with autism spectrum disorder or other developmental disabilities, and train professionals to utilize valid and reliable screening tools to diagnose or rule out and provide evidence-based interventions for children with autism spectrum disorder and other developmental disabilities; and

“(2) to conduct activities under this section with a focus on an interdisciplinary approach (as defined in programs developed under section 501(a)(2) of the Social Security Act) that will also focus on specific issues for children who are not receiving an early diagnosis and subsequent interventions.

“(b) IN GENERAL.—The Secretary shall, subject to the availability of appropriations, establish and evaluate activities to—

“(1) provide information and education on autism spectrum disorder and other developmental disabilities to increase public awareness of developmental milestones;

“(2) promote research into the development and validation of reliable screening tools for autism spectrum disorder and other developmental disabilities and disseminate information regarding those screening tools;

“(3) promote early screening of individuals at higher risk for autism spectrum disorder and other developmental disabilities as early as practicable, given evidence-based screening techniques and interventions;

“(4) increase the number of individuals who are able to confirm or rule out a diagnosis of autism spectrum disorder and other developmental disabilities;

“(5) increase the number of individuals able to provide evidence-based interventions for individuals diagnosed with autism spectrum disorder or other developmental disabilities; and

“(6) promote the use of evidence-based interventions for individuals at higher risk for autism spectrum disorder and other developmental disabilities as early as practicable.

“(c) INFORMATION AND EDUCATION.—

“(1) IN GENERAL.—In carrying out subsection (b)(1), the Secretary, in collaboration with the Secretary of Education and the Secretary of Agriculture, shall, subject to the availability of appropriations, provide culturally competent information regarding autism spectrum disorder and other developmental disabilities, risk factors, characteristics, identification, diagnosis or rule out, and evidence-based interventions to meet the needs of individuals with autism spectrum disorder or other developmental disabilities and their families through—

“(A) Federal programs, including—

“(i) the Head Start program;

“(ii) the Early Start program;

“(iii) the Healthy Start program;

“(iv) programs under the Child Care and Development Block Grant Act of 1990;

“(v) programs under title XIX of the Social Security Act (particularly the Medicaid Early and Periodic Screening, Diagnosis and Treatment Program);

“(vi) the program under title XXI of the Social Security Act (the State Children’s Health Insurance Program);

“(vii) the program under title V of the Social Security Act (the Maternal and Child Health Block Grant Program);

“(viii) the program under parts B and C of the Individuals with Disabilities Education Act;

“(ix) the special supplemental nutrition program for women, infants, and children established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786); and

“(x) the State grant program under the Rehabilitation Act of 1973.

“(B) State licensed child care facilities; and

“(C) other community-based organizations or points of entry for individuals with autism spectrum disorder and other developmental disabilities to receive services.

“(2) LEAD AGENCY.—

“(A) DESIGNATION.—As a condition on the provision of assistance or the conduct of activities under this section with respect to a State, the Secretary may require the Governor of the State—

“(i) to designate a public agency as a lead agency to coordinate the activities provided for under paragraph (1) in the State at the State level; and

“(ii) acting through such lead agency, to make available to individuals and their family members, guardians, advocates, or authorized representatives; providers; and other appropriate individuals in the State, comprehensive culturally competent information about State and local resources regarding autism spectrum disorder and other developmental disabilities, risk factors, characteristics, identification, diagnosis or rule out, available services and supports, and evidence-based interventions.

“(B) REQUIREMENTS OF AGENCY.—In designating the lead agency under subparagraph (A)(i), the Governor shall—

“(i) select an agency that has demonstrated experience and expertise in—

“(I) autism spectrum disorder and other developmental disability issues; and

“(II) developing, implementing, conducting, and administering programs and delivering education, information, and referral services (including technology-based curriculum-development services) to individuals with developmental disabilities and their family members, guardians, advocates or authorized representatives, providers, and other appropriate individuals locally and across the State; and

“(ii) consider input from individuals with developmental disabilities and their family members, guardians, advocates or authorized representatives, providers, and other appropriate individuals.

“(C) INFORMATION.—Information under subparagraph (A)(ii) shall be provided through—

“(i) toll-free telephone numbers;

“(ii) Internet websites;

“(iii) mailings; or

“(iv) such other means as the Governor may require.

“(d) TOOLS.—

“(1) IN GENERAL.—To promote the use of valid and reliable screening tools for autism spectrum disorder and other developmental disabilities, the Secretary shall develop a curriculum for continuing education to assist individuals in recognizing the need for valid and reliable screening tools and the use of such tools.

“(2) COLLECTION, STORAGE, COORDINATION, AND AVAILABILITY.—The Secretary, in collaboration with the Secretary of Education, shall provide for the collection, storage, coordination, and public availability of tools described in paragraph (1), educational materials and other products that are used by the Federal programs referred to in subsection (c)(1)(A), as well as—

“(A) programs authorized under the Developmental Disabilities Assistance and Bill of Rights Act of 2000;

“(B) early intervention programs or interagency coordinating councils authorized under part C of the Individuals with Disabilities Education Act; and

“(C) children with special health care needs programs authorized under title V of the Social Security Act.

“(3) REQUIRED SHARING.—In establishing mechanisms and entities under this subsection, the Secretary, and the Secretary of Education, shall ensure the sharing of tools, materials, and products developed under this subsection among entities receiving funding under this section.

“(e) DIAGNOSIS.—

“(1) TRAINING.—The Secretary, in coordination with activities conducted under title V of the Social Security Act, shall, subject to the availability of appropriations, expand existing interdisciplinary training opportunities or opportunities to increase the number of sites able to diagnose or rule out individuals with autism spectrum disorder or other developmental disabilities and ensure that—

“(A) competitive grants or cooperative agreements are awarded to public or nonprofit agencies, including institutions of higher education, to expand existing or develop new maternal and child health interdisciplinary leadership education in neurodevelopmental and related disabilities programs (similar to the programs developed under section 501(a)(2) of the Social Security Act) in States that do not have such a program;

“(B) trainees under such training programs—

“(i) receive an appropriate balance of academic, clinical, and community opportunities;

“(ii) are culturally competent;

“(iii) are ethnically diverse;

“(iv) demonstrate a capacity to evaluate, diagnose or rule out, develop, and provide evidence-based interventions to individuals with autism spectrum disorder and other developmental disabilities; and

“(v) demonstrate an ability to use a family-centered approach; and

“(C) program sites provide culturally competent services.

“(2) TECHNICAL ASSISTANCE.—The Secretary may award one or more grants under this section to provide technical assistance to the network of interdisciplinary training programs.

“(3) BEST PRACTICES.—The Secretary shall promote research into additional valid and reliable tools for shortening the time required to confirm or rule out a diagnosis of autism spectrum disorder or other developmental disabilities and detecting individuals with autism spectrum disorder or other developmental disabilities at an earlier age.

“(f) INTERVENTION.—The Secretary shall promote research, through grants or contracts, to determine the evidence-based practices for interventions for individuals with autism spectrum disorder or other developmental disabilities, develop guidelines for those interventions, and disseminate information related to such research and guidelines.

“(g) SUNSET.—This section shall not apply after September 30, 2011.

“SEC. 399CC. INTERAGENCY AUTISM COORDINATING COMMITTEE.

“(a) ESTABLISHMENT.—The Secretary shall establish a committee, to be known as the ‘Interagency Autism Coordinating Committee’ (in this section referred to as the ‘Committee’), to coordinate all efforts within the Department of Health and Human Services concerning autism spectrum disorder.

“(b) RESPONSIBILITIES.—In carrying out its duties under this section, the Committee shall—

“(1) develop and annually update a summary of advances in autism spectrum disorder research related to causes, prevention, treatment, early screening, diagnosis or rule out, intervention, and access to services and supports for individuals with autism spectrum disorder;

“(2) monitor Federal activities with respect to autism spectrum disorder;

“(3) make recommendations to the Secretary regarding any appropriate changes to such activities, including recommendations to the Director of NIH with respect to the strategic plan developed under paragraph (5);

“(4) make recommendations to the Secretary regarding public participation in decisions relating to autism spectrum disorder;

“(5) develop and annually update a strategic plan for the conduct of, and support for, autism spectrum disorder research, including proposed budgetary requirements; and

“(6) submit to the Congress such strategic plan and any updates to such plan.

“(c) MEMBERSHIP.—

“(1) IN GENERAL.—The Committee shall be composed of—

“(A) the Director of the Centers for Disease Control and Prevention;

“(B) the Director of the National Institutes of Health, and the Directors of such national research institutes of the National Institutes of Health as the Secretary determines appropriate;

“(C) the heads of such other agencies as the Secretary determines appropriate;

“(D) representatives of other Federal Governmental agencies that serve individuals with autism spectrum disorder such as the Department of Education; and

“(E) the additional members appointed under paragraph (2).

“(2) ADDITIONAL MEMBERS.—Not fewer than 6 members of the Committee, or 1/3 of the total membership of the Committee, whichever is greater, shall be composed of non-Federal public members to be appointed by the Secretary, of which—

“(A) at least one such member shall be an individual with a diagnosis of autism spectrum disorder;

“(B) at least one such member shall be a parent or legal guardian of an individual with an autism spectrum disorder; and

“(C) at least one such member shall be a representative of leading research, advocacy, and service organizations for individuals with autism spectrum disorder.

“(d) ADMINISTRATIVE SUPPORT; TERMS OF SERVICE; OTHER PROVISIONS.—The following provisions shall apply with respect to the Committee:

“(1) The Committee shall receive necessary and appropriate administrative support from the Secretary.

“(2) Members of the Committee appointed under subsection (c)(2) shall serve for a term of 4 years, and may be reappointed for one or more additional 4 year term. Any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of such term. A member may serve after the expiration of the member's term until a successor has taken office.

“(3) The Committee shall meet at the call of the chairperson or upon the request of the Secretary. The Committee shall meet not fewer than 2 times each year.

“(4) All meetings of the Committee shall be public and shall include appropriate time periods for questions and presentations by the public.

“(e) SUBCOMMITTEES; ESTABLISHMENT AND MEMBERSHIP.—In carrying out its functions, the Committee may establish subcommittees and convene workshops and conferences. Such subcommittees shall be composed of Committee members and may hold such meetings as are necessary to enable the subcommittees to carry out their duties.

“(f) SUNSET.—This section shall not apply after September 30, 2011, and the Committee shall be terminated on such date.

“SEC. 399DD. REPORT TO CONGRESS.

“(a) IN GENERAL.—Not later than 4 years after the date of enactment of the Combating Autism Act of 2006, the Secretary, in coordination with the Secretary of Education, shall prepare and submit to the Health, Education, Labor, and Pensions Committee of the Senate and the Energy and Commerce Committee of the House of Representatives a progress report on activities related to autism spectrum disorder and other developmental disabilities.

“(b) CONTENTS.—The report submitted under subsection (a) shall contain—

“(1) a description of the progress made in implementing the provisions of the Combating Autism Act of 2006;

“(2) a description of the amounts expended on the implementation of the particular provisions of Combating Autism Act of 2006;

“(3) information on the incidence of autism spectrum disorder and trend data of such incidence since the date of enactment of the Combating Autism Act of 2006;

“(4) information on the average age of diagnosis for children with autism spectrum disorder and other disabilities, including how that age may have changed over the 4-year period beginning on the date of enactment of this Act;

“(5) information on the average age for intervention for individuals diagnosed with autism spectrum disorder and other developmental disabilities, including how that age may have changed over the 4-year period beginning on the date of enactment of this Act;

"(6) information on the average time between initial screening and then diagnosis or rule out for individuals with autism spectrum disorder or other developmental disabilities, as well as information on the average time between diagnosis and evidence-based intervention for individuals with autism spectrum disorder or other developmental disabilities;

"(7) information on the effectiveness and outcomes of interventions for individuals diagnosed with autism spectrum disorder, including by various subtypes, and other developmental disabilities and how the age of the child may affect such effectiveness;

"(8) information on the effectiveness and outcomes of innovative and newly developed intervention strategies for individuals with autism spectrum disorder or other developmental disabilities; and

"(9) information on services and supports provided to individuals with autism spectrum disorder and other developmental disabilities who have reached the age of majority (as defined for purposes of section 615(m) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(m)).".

(b) REPEALS.—The following sections of the Children's Health Act of 2000 (Public Law 106-310) are repealed:

(1) Section 102 (42 U.S.C. 247b–4b), relating to the Developmental Disabilities Surveillance and Research Program.

(2) Section 103 (42 U.S.C. 247b–4c), relating to information and education.

(3) Section 104 (42 U.S.C. 247b–4d), relating to the Inter-Agency Autism Coordinating Committee.

(4) Section 105 (42 U.S.C. 247b–4e), relating to reports.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Part R of title III of the Public Health Service Act, as added by section 3, is amended by adding at the end the following:

"SEC. 399EE. AUTHORIZATION OF APPROPRIATIONS.

"(a) DEVELOPMENTAL DISABILITIES SURVEILLANCE AND RESEARCH PROGRAM.—To carry out section 399AA, there are authorized to be appropriated the following:

"(1) For fiscal year 2007, $15,000,000.
"(2) For fiscal year 2008, $16,500,000.
"(3) For fiscal year 2009, $18,000,000.
"(4) or fiscal year 2010, $19,500,000.
"(5) For fiscal year 2011, $21,000,000.

"(b) AUTISM EDUCATION, EARLY DETECTION, AND INTERVENTION.—To carry out section 399BB, there are authorized to be appropriated the following:

"(1) For fiscal year 2007, $32,000,000.
"(2) For fiscal year 2008, $37,000,000.
"(3) For fiscal year 2009, $42,000,000.
"(4) For fiscal year 2010, $47,000,000.
"(5) For fiscal year 2011, $52,000,000.

"(c) INTERAGENCY AUTISM COORDINATING COMMITTEE; CERTAIN OTHER PROGRAMS.—To carry out section 399CC, 409C, and section 404H, there are authorized to be appropriated the following:

"(1) For fiscal year 2007, $100,000,000.
"(2) For fiscal year 2008, $114,500,000.
"(3) For fiscal year 2009, $129,000,000.
"(4) For fiscal year 2010, $143,500,000.
"(5) For fiscal year 2011, $158,000,000.".

(b) CONFORMING AMENDMENT.—Section 409C of the Public Health Service Act (42 U.S.C. 284g) is amended by striking subsection (e) (relating to funding).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. DEAL) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. DEAL of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. DEAL of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to join Chairman BARTON in support of S. 843, as amended, the Combating Autism Act of 2006. Although many of us would like to have done more sooner, the bill represents a positive step forward in addressing the serious problem of autism in the United States. The legislation focuses on expanding and coordinating autism research at the National Institutes of Health, monitoring the disorder and educating the public through programs at the Centers for Disease Control and Prevention, as well as ensuring that citizens have a voice in the Federal Government's response to autism.

□ 1230

Leo Kanner first described autism in 1943 as a developmental disorder characterized by "extreme autistic loneliness" and "an obsessional desire for the maintenance of sameness." Since the 1940s, we have learned much more about autism, including its diagnosis, traits, and possible treatments.

Data from several recent studies show that between two and six out of every 1,000 children fall within the definition of what is called autism spectrum disorder. That means that of the roughly 4 million children born in the United States each year, about 24,000 of these children will eventually be diagnosed with autism spectrum disorder.

Autism affects many aspects of a person's mental development, including social skills; speech, language and communication; repetitive behaviors and routines; and the other ways that children interact with the world. These children also often exhibit emotional problems, challenging behaviors, hyperactivity and other difficulties.

As a child with autism grows into adolescence, some of these behaviors are intensified. The teen suffering from autism may also suffer from depression related to their inability to interact normally with their peers.

All of these problems exert tremendous pressures on parents and siblings, who often must devote round-the-clock attention to a family member with autism.

Although there is no cure for autism, early detection and early intervention have shown promise in lessening the impact of the disorder and increasing a child's ability to have normal social interaction and functioning. Early intervention is a child's best hope for reaching his or her full potential.

Furthermore, research has shown that development disabilities like autism can be diagnosed as early as 18 months; however, an estimated 50 percent of children with these disorders remain unidentified until they are 5 years old, missing critical opportunities to improve their functioning early on. Therefore, it is imperative that both parents and doctors caring for children learn the warning signs of autism and are familiar with the developmental milestones that each child should reach.

The legislation before us takes several steps to improve upon and expand educational and outreach activities that will alert the public on the warning signs for autism and the need for early screening and intervention. It will also strengthen biomedical research activities conducted at the National Institutes of Health looking into the causes, pathways and possible cures for autism spectrum disorder.

Finally, the legislation provides for public participation in decisions relating to the Federal response to the autism problem, allowing for greater transparency and accountability.

I am also pleased that many of the major groups and organizations representing autistic people and their families have chosen to support this important piece of legislation. The Autism Society of America, Cure Autism Now, Autism Speaks and the Dan Marino Foundation are just a few of the many organizations that support the reforms in this bill.

Finally, I would like to thank the lead House sponsor of the Combating Autism Act, Mrs. BONO of California, for her efforts on behalf of autistic people and their families.

I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of S. 843, the Combating Autism Act of 2006.

Today, many American children suffer from autism spectrum disorders. The Centers for Disease Control and Prevention has estimated that between two in 1,000 to five in 1,000 children are classified as having an autism spectrum disorder, or ASD. Whether this increase is due to a true increase in prevalence or whether it is due to changes in assessment standards, it is clear that ASDs are the second most common serious developmental disability after mental retardation or intellectual impairment.

According to the CDC, autism spectrum disorders are a group of developmental disabilities characterized by significant impairments in social interaction and communication and the presence of atypical behaviors and interests. It is important that we treat common developmental disabilities, and especially autism, as conditions of urgent public health concern, and the Combating Autism Act of 2006 certainly moves in that direction.

Mr. Speaker, this bill would authorize the award of grants and contracts to establish centers of excellence on autism spectrum disorder and to collect, analyze and report State epidemiological data on autism spectrum disorders and other developmental disabilities. It would also provide culturally competent information on developmental disabilities to increase awareness of developmental milestones, promote disabilities research, encourage early screening and provide early diagnosis and interventions for individuals diagnosed with such disabilities.

A major theme of the bill is coordination and planning. This bill would authorize a strategic plan to be developed and implemented to guide Federal efforts in autism spectrum disorder research. It would also authorize the designation of an interagency autism coordinating committee to coordinate HHS efforts concerning autism spectrum disorder, make recommendations concerning a strategic plan for autism, develop and update advances in research, and make recommendations regarding public participation in the various autism programs.

The Combating Autism Act of 2006 has bipartisan support, and it has the support of numerous national, State and local autism-focused stakeholder organizations, including Autism Now, Autism Speaks, Cure Autism Now and the Autism Society of America.

The bill before us is an affirmative step toward addressing the serious health issue of autism spectrum disorders and toward ensuring all children are able to reach their full potential. I urge all of my colleagues to join me, along with these stakeholder groups, in supporting this potentially life-saving legislation.

I would also like to thank Representatives BONO and DEGETTE for all their hard work and dedication that they have devoted to this issue.

Mr. Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I insert in the RECORD at this time two letters, one from the chairman of the Education and Workforce Committee and the response from the chairman of the Energy and Commerce Committee related to jurisdiction on this bill.

HOUSE OF REPRESENTATIVES, COMMITTEE ON EDUCATION AND THE WORKFORCE,
Washington, DC, December 6, 2006.

Hon. JOE BARTON,
Chairman, Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to confirm our mutual understanding with respect to the consideration of S. 843, the Combating Autism Act of 2006. As you are aware, 'Sec. 399BB. Autism Education, Early Detection, And Intervention' requires the Secretary of Education to collaborate with the Secretaries of Agriculture and Health and Human Service in the provision of autism related services through the Head Start Act, the Early Start Act, the Child Care Development Act, the Individuals with Disabilities Education Act, the Child Nutrition Act, and the Rehabilitation Act. This provision and these acts fall within the jurisdiction of the Committee on Education and the Workforce.

Given the importance of moving this bill forward promptly, I do not intend to object to its consideration in the House. However, I do so only with the understanding that this procedure should not be construed to prejudice my Committee's jurisdictional interest and prerogative in S. 843 or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to my Committee in the future.

Finally, I ask that you include a copy of our exchange of letters in the Congressional Record during the consideration of this bill. If you have questions regarding this matter, please do not hesitate to call me. I thank you for your consideration.

Sincerely,

HOWARD P. "BUCK" MCKEON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, December 6, 2006.

Hon. HOWARD P. "BUCK" MCKEON,
Chairman, Committee on Education and the Workforce, Washington, DC.

DEAR CHAIRMAN MCKEON: Thank you for your recent letter regarding the consideration of S. 843, the Combating Autism Act of 2006. I agree that provisions in 'Sec. 399BB. Autism Education, Early Detection, And Intervention' fall within the jurisdiction of the Committee on Education and the Workforce.

I appreciate your willingness to allow this bill to move forward today; and I agree that this procedure in no way diminishes or alters the jurisdictional interest of the Committee on Education and the Workforce. I will include your letter and this response in the Congressional Record during consideration of the bill on the House floor.

Sincerely,

JOE BARTON,
Chairman.

Mr. Speaker, I am pleased to yield 5 minutes to the gentlewoman from California (Mrs. BONO), who is the primary sponsor of this legislation.

Mrs. BONO. Mr. Speaker, I would like to thank the gentleman from Georgia for yielding me the time to speak on this most important piece of legislation. I would also like to commend the members of our leadership and thank them for allowing a vote on this legislation.

Mr. Speaker, I rise today in strong support of the Combating Autism Act of 2006. This historic and monumental piece of legislation is a critical first step towards addressing the unknown causes of autism by providing record levels of research funding and support for other services.

Today, one in 166 individuals is diagnosed with autism. This alarming statistic proves that autism does not discriminate based on race or gender.

As a longstanding supporter of the autism community, I have had the opportunity to speak with many national organizations, individuals and families who have been personally impacted by this disease. The selfless service that is provided by parents, siblings, extended family and other caregivers is unwavering and is unending.

While we have made significant strides since the identification of the disease in 1943, the task that lies before us requires the support of all involved parties and I am proud to have witnessed the cooperation of many groups that span the autism community. They banded together in an unprecedented manner, and their collective voice resonated with the Congress.

On May 18, 2005, it was my privilege to introduce the House version of this legislation. More than 240 of my colleagues joined Representative DEGETTE and myself in support of autism research. Today, I hope that they will join me in voicing their support of the Combating Autism Act of 2006.

I would like to commend Chairman JOE BARTON, who has been a steadfast supporter of the autism community, and Senators RICK SANTORUM and CHRISTOPHER DODD for their commitment and action to support the autism community.

I would like to give special acknowledgement to former Congressman Jim Greenwood of Pennsylvania, who throughout the process has remained a tireless champion of this cause.

I would also like to thank the hardworking members of the House Energy and Commerce Committee staff, Randy Pate and Ryan Long; of the Senate HELP Committee, Shana Christrup and Erin Bishop; Jennifer Vesey of Senator SANTORUM's office; Jim Fenton of Senator DODD's staff; and Jed Perry of Congresswoman DEGETTE's office for their commitment on this piece of legislation.

Finally, I would like to thank my personal staff, both past and present, Katherine Martin and Taryn Nader, for their hard work and tireless efforts on the Combating Autism Act of 2006.

As the 109th Congress comes to a close, we have an opportunity to pass this meaningful and life-changing piece of legislation. I will proudly cast my vote in support, and I urge my colleagues to do the same.

Again, I thank the chairman.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, today I rise in strong support of the Combating Autism Act. As a member of the Congressional Coalition for Autism Research and Education, and as the uncle of a little boy with autism, I am well-acquainted with the issues faced by families of children with this disorder.

I have been struck by the rapid increase in the number of children diagnosed with autism in the last decade, both nationally and in my home State of Rhode Island, and while we do not yet know for certain what causes autism, we do know that early intervention does make a difference in treatment.

Mr. Speaker, we must commit ourselves to providing parents, pediatricians, early childhood educators and all those who have contact with very young children the resources and training to identify children who need help early enough to begin effective interventions. The Combating Autism Act is a tremendous step toward an effective national policy of autism research, screening, intervention and education.

Like all children, those diagnosed with autism spectrum disorders are individuals with unique talents and abilities. Across the Nation, special education teachers, psychologists and others are working hard to bring these gifts and talents to light and help these children realize their potential.

I urge all of my colleagues to support these professionals in their noble work, and these families in their time of need, by voting in favor of the Combating Autism Act. It is the right thing to do. It's an exciting piece of legislation, and I look forward to its passage.

Mr. DEAL of Georgia. Mr. Speaker, can I inquire of the remaining time on our side?

The SPEAKER pro tempore. The gentleman from Georgia (Mr. DEAL) has 14 minutes remaining, and the gentleman from New Jersey (Mr. PALLONE) has 15 minutes remaining.

Mr. DEAL of Georgia. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend for yielding.

Mr. Speaker, I rise in very strong support of S. 843, with the amendment, the Combating Autism Act. This bill is great news for the 1.5 million individuals suffering from autism spectrum disorders and their families, the many ASD advocacy groups who have been working hard for so long, and also the very many Members of Congress who have championed the cause of autism with the goal of providing meaningful relief to those autistic individuals and their families.

I just point out, Mr. Speaker, that from my very first session of Congress in 1981, I have been a consistent advocate for individuals who have autism, and frankly, it was not until the mid-1990s when some caseworker wrote in my own district about a family who had two children with autism that I realized that we were not doing enough, that the research, the best practices that are so important, the early intervention was not happening.

It was at that time that we formed the Autism Caucus. MIKE DOYLE, who is my friend and colleague on the other side of the aisle, and I formed this caucus. We have about 200 members and we have been pushing very hard to get money for NIH, as well as for the Centers for Disease Control so we get better prevalence data, and also, most importantly, how do we deal with this issue and how do we help these individuals.

Let me point out to my colleagues, when I first got elected, the incidence or the common prevalence of autism was thought to be one out of every 10,000. Now, because of the work that the CDC has done, we know that it is probably around one out of every 166 individuals. We have an epidemic on our hands.

This legislation which reauthorizes Title I of the Children's Health Act, and has other very, very important additions to that, I think takes us into a new era of helping the individuals who have been afflicted by this disability, trying to find out what is the trigger. There are many, many ideas out there as to what may be triggering this. We need more definitive information about that, and again, I think this legislation is good, bipartisan legislation, and it is an example of what we can do here when we put our minds together and work across the aisle and especially when we work with these many autism advocacy groups that have been tremendous in helping to bring this legislation to the floor.

So I urge strong support for it. I thank Chairman BARTON for bringing it up, even if it is late, but not too late. This legislation will make a significant difference in the lives of autistic children, as well as in the lives of their families.

Mr. Speaker, I rise today in support of S. 843, with an amendment, the Combating Autism Act. This bill is great news for the 1.5 million individuals suffering from autism spectrum disorders (ASD) and their families, the many ASD advocacy groups who have been working hard for so long, and also the very many Members of Congress who have championed the cause of autism with the goal of providing meaningful relief to those autistic individuals and their families.

From my first session in Congress in 1981, I have been a consistent advocate for individuals with developmental disorders, including autism. More recently, in 1998, I successfully requested the Centers for Disease Control and Prevention (CDC) to conduct an investigation in Brick Township, New Jersey after learning and listening to the community's concerns about high numbers of autism cases—a study that showed that cases of both classic autism and autism spectrum disorders were significantly higher nationwide than expected.

The Combating Autism Act, that was introduced in the Senate by my good friend RICK SANTORUM of Pennsylvania and was unanimously passed by the Senate, reauthorizes major components of Title I of the Children's Health Act of 2000 (P.L. 106–310), and also adds significant new provisions to broaden and strengthen activities related to autism.

Specifically, within its provisions, this legislation: requires the Director of the National Institutes of Health (NIH) to expand, intensify, and coordinate ASD-related research and to conduct an NIH-wide study of research centers of excellence, and reauthorizes provisions, which I had authored in the Children's Health Act, to grant HHS the authority to award grants for the collection, analysis, and reporting of state-level epidemiological data on ASDs and other developmental disabilities, as well as the authority to award grants for the establishment of regional centers of excellence in autism spectrum disorders epidemiology.

Importantly, the bill directs that NIH-funded research include investigation of possible environmental causes of ASDs and that CDC-funded epidemiological centers develop expertise in specialty areas, including environmental exposures. I applaud this recognition of the need to pursue research into environmental factors and epigenetics to further advance and clarify the science. While not specifically addressed in this bill and although some are fearful to even mention the issue, I believe that we do not yet have the answers we need regarding the biological effects of thimerosal, and I am hopeful that research on environmental factors will include further study to find those important answers.

The bill does much more, such as, facilitates the creation of state-level agencies to serve as clearinghouses for public information; reauthorizes the proven successful Interagency Autism Coordinating Committee; and also includes a very robust section "Autism Education, Early Detection, and Intervention," to improve the early screening, diagnosis, interventions, and treatments for ASDs.

As many as 1.5 million Americans today have some form of autism and the number is on the rise. Each and every day across America, 66 children are diagnosed with autism and as many as 1 in 166 children born today will eventually be diagnosed with autism. Just 10 years ago, the estimate was 1 in 500.

A complex neurobiological disorder that generally appears in the first 3 years of life, autism impairs a person's ability to communicate and to relate to others; the condition is often associated with rigid routines or repetitive behaviors. About 40 percent of children with autism do not talk, and others only repeat what is said to them. Children with autism may experience a range of medical problems which can be very debilitating. Because these patients have such extreme communication problems, behavioral symptoms such as agitation, sleep difficulties, and other behavioral problems may be attributed to the disability rather than to the pain and discomfort of a medical condition. Adolescents with autism may develop a strong sense of isolation, socially and emotionally, and show signs of depression or increased challenging behaviors.

Autism generally is a life-long disability; it also is a spectrum disorder that affects each individual differently and at varying degrees. Autism can overwhelm families, as their lives become consumed with the considerable challenges of identifying appropriate biomedical and psychosocial treatments, schooling and other needed support systems for their autistic child and eventually for an autistic adult.

Our Nation is in the midst of an autism crisis that becomes more severe each passing month, a crisis that costs our nation tens of billions of dollars annually in medical care, behavioral therapy, special child care, and a range of child and adult services needed to care for these individuals. While we have significantly increased our government's commitment to surveillance and biomedical research in the last decade in an effort to find a cause or cure, it is incumbent upon us to act now to reauthorize, intensify, and expand those and other efforts to identify individuals with autism and to provide them with more effective care and treatments.

Thanks to the incredible work of Energy & Commerce Committee Chairman JOE BARTON and his staff in finalizing this bill and getting it here today to the floor of the House of Representatives, we have a tremendous opportunity to join together in carrying it over the finish line. I strongly encourage everyone of my colleagues to vote for this bill.

Perhaps the greatest thanks should go to the very many individuals and organizations in the ASD community who coalesced and advocated so effectively for this bill. Some, but certainly not all, of those organizations are: Autism One, Autism Society of America, Autism Speaks, Cure Autism Now, Dan Marino Foundation, First Signs, Organization for Autism Research, Southwest Autism Research & Resource Center, TalkAutism, Unlocking Autism, and the U.S. Autism and Asperger Association. I know that there are numerous other organizations and individuals who also deserve thanks and recognition.

I know that all of us here share the commitment to dramatically improve the lives for the well over a million American children and adults who have an autism spectrum disorder and improve the outlook for their families and other loved ones. I humbly encourage you not to let this opportunity pass without casting your vote in support of this much needed and much desired legislation.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman from New Jersey for yielding.

I rise in strong support of S. 843, the Combating Autism Act of 2006. I also take this opportunity to commend and congratulate Mr. Tim Muri, president and CEO of Easter Seals of Chicago, as well as the University of Illinois Medical Center, and all of those who support this venture which I am about to mention.

On October 30, 2006, Easter Seals, with the support of many in the Chicagoland area, broke ground for a brand new therapeutic school and center for autism research in the Illinois Medical Center District. This bill, S. 843, will greatly enhance the work of this school and other entities across the country.

So I simply support not only the development of this brand new school but certainly the legislation which is going to enhance the work of those combating autism across the country.

I thank the gentleman again for yielding.

□ 1245

Mr. DEAL of Georgia. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Mississippi (Mr. PICKERING).

Mr. PICKERING. Mr. Speaker, I rise in proud support of this legislation. I want to thank you and your leadership; I want to thank Congressman PALLONE, Congresswomen DEGETTE and BONO, all of the coalitions that have been great advocates for helping increase the research, the funding, the exploration, and the discovery of what we know today about autism. I want to thank my friend RICK SANTORUM and commend him for his dogged support and championing of this effort. And, I want to talk a little bit about today what we know about autism, how pervasive it is, how many children it affects, and what it means for us as a Nation and for our families.

One in 166 children is diagnosed with autism. For boys, and I am the father of five sons, one in 104 boys is on the autism spectrum; 67 children per day are diagnosed. A new case is diagnosed almost every 20 minutes. More children will be diagnosed with autism this year than with AIDS, diabetes, or cancer combined. It is the fastest growing serious developmental disability in the U.S. and it costs our Nation over $90 billion per year and it is a figure expected to double over the next decade. Yet, autism receives less than 5 percent of the research funding available when it is one of the most prevalent diseases spreading across our country.

But the good news is we are learning, we are discovering, we are understanding much better today. We are much better able to detect, understand, identify. It is much more possible to have early intervention and the therapies and the types of treatments that help young children maximize the gifts and the talents that they have.

I want to say as someone who has met with many of the families, and all of our families have children that have been affected by this. I want to say it is not only a disability but it is also a gift. And it really is. For those of us who know and who have personal involvement, there are special angels among us with great tremendous gifts that come from autism. And what we want to do, what I want to do is to make sure that these gifts, these abilities that are special, unique, distinct, wonderful opportunities, to really maximize the things that children with autism can bring to all of us. And with this legislation today, I believe that we will maximize the understanding, we will maximize the gifts of our children who have autism, and we will make sure that their gifts are shared with the rest of the Nation and their contributions in science and math and reading and all the different areas where they may have gifts but also great struggles, that we can overcome those, that we can meet this challenge, and that the understanding of this disease and the treatments that are made available because of this legislation will make a difference in the lives of countless families and countless children. So I rise today in proud support.

I want to thank all of those who made it possible and the Members who have worked. CHRIS SMITH and the Autism Caucus deserve special praise for raising the awareness and building the coalitions within Congress and organizing the outside groups to make this day possible. I am proud that before we leave this Congress, we do not leave this job undone. And I thank Chairman DEAL for all of his hard work in making this possible, and Chairman BARTON, the ranking members, and all those who worked, especially our staff. May God bless this effort, and thank you very much.

Mr. PALLONE. Mr. Speaker, I would again urge that we pass this very important legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, as we close, I would simply reiterate what some others have said, thanking all of those within the Congress itself who have brought this bill to this point and hopefully to a finalization and sent to the President.

Autism is an affliction on our children, and there are many answers that people want and this will help us try to find those answers. But this is not the end of the journey. Those who are committed to this cause will continue their efforts here in the halls of Congress, hopefully in the research halls throughout our country. This is a worthwhile step in the very proper direction, and I would urge my colleagues to adopt this resolution.

Mr. BURTON of Indiana. Mr. Speaker, I rise in support of the Combating Autism Act of 2006—S. 843—as amended. I want to thank Chairman NATHAN DEAL and Chairman JOE BARTON, and the Energy and Commerce Committee staff, for bringing this bill to the floor today.

Over the last 5 years or more, many of you have heard me speak many times on this floor about the subject of autism and you will likely continue to hear me speak on this issue because I believe we truly have our work cut out for us. About 20 years ago, autism was considered a rare disease, affecting about 1 in

10,000 children. Now, that rate is about 1 in 166; making autism the third most common developmental disability that children face, even more prevalent than things such as Down's syndrome and other childhood cancers. In my own home State of Indiana we experienced a 923 percent cumulative growth rate for autism from 1992 to 2003. The annual growth rate of autism in Indiana averaged 27 percent compared to an average of 7 percent for the growth rate of all disabilities.

This literal epidemic of autism is a looming and immediate economic crisis to our education system, our health care systems, our long-term housing and care system for the disabled, and most especially, to an ever-increasing number of families across the country. Autism is a condition that has no known cure, which means that this is a crisis that is simply not going to "go away."

Today we take a huge step forward in terms of dealing with this problem. Although in my opinion, only a down payment on the resources that we must invest in order to defeat this terrible scourge, the Combating Autism Act, commits nearly $1 billion—in essence almost a doubling of funding for autism—to autism research, including essential research on environmental factors, treatments, early identification and support services. This bill amounts to a long overdue and vitally needed declaration of war by the Congress of the United States on autism.

Even so, while a needed step forward, this is not a perfect bill, because I believe we are missing a crucial opportunity to use this bill to help unravel the mystery of autism. Specifically, while the bill before us does include language on the need to research the environmental factors which may contribute to autism, it does not include a specific mandate that environmental research topics must include vaccines, other biologics, and their preservatives. Now I am not against vaccinations, but I do believe, as do many of my colleagues, that there is a strong link between the mercury contained in a product called thimerosal—commonly used as a vaccine preservative—and children developing neurological disorders such as autism. In fact, my own grandson became autistic after receiving nine shots in 1 day, seven of which contained thimerosal.

Because of what happened to my grandson, I took it upon myself to learn about autism and what I discovered during my research was deeply disturbing. During my tenure as chairman of the Government Reform Committee, 1997–2002, and as chairman of the Subcommittee on Human Rights and Wellness, 2003–2005, a number of very credible national and international scientists testified at a series of hearings that the mercury in vaccines is a contributing factor to developing neurological disorders, including, but not limited to, modest declines in intelligence quotient, IQ, autism, and Alzheimer's disease. And the body of evidence to support that conclusion gets larger every day.

Yet we continue to hear repeatedly in congressional hearings, in media communications, and through government and scientific reports that "there is no evidence that proves a connection between vaccines and autism." This conclusion is not too surprising when you consider that our health agencies seem to routinely dismiss out of hand any scientific study that does conclude thimerosal is a danger.

Experience tells us that, as with any other epidemic, while there may be underlying genetic susceptibilities, there usually is some type of environmental trigger as well, such as a virus, fungus, heavy metals, pollutants, or whatever. There has never, to the best of my knowledge, been a purely genetic epidemic. So, genetics alone cannot explain how we went from 1 in 10,000 children with autism spectrum disorders 20 years ago to 1 in 166 today. Considering that mercury is a base element and the most toxic substance known to science outside of radioactive materials, it is biologically plausible that mercury is an environmental trigger of autism.

Recent studies indicate that more than half of pediatricians said that in the previous year they had encountered at least one family that refused all vaccines, while 85 percent said they'd had a parent turn down at least one shot. Whether it's because of fear that mercury used as a preservative in childhood vaccines causes autism, or that the dangers of immunizations far outweigh their benefits, or that there is a conspiracy by drug companies, doctors and vaccine makers to conceal the harm, the facts are clear, more and more American families are fighting immunization.

It is imperative that we do all we can to restore the public's trust in vaccinations. And the only way we are going to resolve the conflict of opinion over thimerosal is through more research. Unfortunately, if the Department of Health and Human Services never funds or conducts the right studies, and given their current track record on the subject, that is very likely what will happen, this question will forever remain unanswered. That will be a national tragedy because often once an environmental cause is discovered, immediate steps can be taken to prevent new cases and abate the epidemic. In addition, knowledge of the environmental cause or triggers often leads directly to more effective treatments.

For example, this bill promotes the use of evidence-based interventions for those at higher risk for autism. However, so long as we ignore the potential danger of mercury, many biomedical interventions, such as restricted diet, applied kinesiology and/or chelation therapy—which many families have found to be the best treatments for their children with autism—will be excluded from the list of evidence-based treatments.

I stand here today not just as a concerned grandfather of an autistic child but as the voice for the hundreds of parents and families who continue to contact my office looking for help for their children. They are our constituents, we represent them in the People's House, and I hope we are all listening to them. The debate about mercury in vaccines must be addressed, investigated and resolved. Parents have a right to know what happened to their children regardless of where the truth lies. And we have a responsibility to those children and families already suffering. In the meantime, we should err on the side of caution and remove thimerosal, even trace amounts, from all vaccinations.

By failing to provide a clear congressional mandate to research all of the potential environmental causes of autism spectrum disorders, ASD, including vaccines and their preservatives, I believe we are handicapping our efforts to give all ASD patients the best possible quality of life and the ability to make the greatest possible contributions to society. I hope that in the coming weeks, months and years this Congress will push for further research into the question of thimerosal and autism so that one day we will be able to say that we have done everything possible to stop and treat this epidemic. In the meantime, I urge my colleagues to support this very good bill.

Mr. TERRY. Mr. Speaker, I rise in support of S. 843, the Combating Autism Act. As a member of the congressional Coalition on Autism Research and Education CARE, as well as a cosponsor of the companion bill, H.R. 2421, I strongly support the provisions of the bill. This important legislation will improve the lives of those affected by expanding and improving detection, care and treatment of autism spectrum disorders.

The establishment of centers of excellence for autism research will enable us to conduct cutting edge research and apply it in the most effective manner possible to treat our young citizens affected by autism in the best way we can.

I want to give a special thanks to the many parents, siblings, families and friends of those with autism, especially my constituents in the Second District of Nebraska. Your support of autism issues, and specifically this legislation, has been crucial to the advancement of this bill. I congratulate you and other advocates for your tireless work. I urge my colleagues to support the enactment of S. 843.

Mr. BARTON of Texas. Mr. Speaker, I rise today in support of the bill, S. 843, as amended, also known as the Combating Autism Act. This legislation takes several important steps intended to improve and intensify the Federal response to the problem of autism in the United States.

As many of my colleagues are aware, autism is a brain disorder that appears in childhood and persists throughout a person's life. Autism affects crucial areas of a person's development, including communication, social interaction, and creativity. Recent studies estimate that autism afflicts more than 3 of every 1,000 children between ages 3 and 10. While autism varies widely in its symptoms and severity, early diagnosis and treatment can help autistic people to live independent and productive lives.

Today, little is understood about the causes and mechanisms of autism. Many studies have been conducted into possible genetic and environmental causes of autism, and scientists are learning more about this disorder and how its effects can be lessened or eliminated. But there is no cure, and much more work needs to be done to pinpoint the true causes of autism before we'll know how to cure it.

This legislation contains provisions designed to intensify and coordinate the Federal response to autism. It instructs the Centers for Disease Control and Prevention to expand and update its efforts to monitor autism incidence and prevalence around the country. The legislation also requires the CDC to educate parents and health care providers about the early warning signs of autism as well as the need for early and regular screenings.

Another section of the bill addresses autism research conducted at the National Institutes of Health. Building on provisions contained in the Children's Health Act of 2000, the bill requires the Director of NIH to expand and intensify autism-related research, including research into possible environmental causes of autism. The expansion and intensification will include research to be conducted at the National Institute of Mental Health, the National Institute of Environmental Health Sciences, and a number of other institutes at NIH. The National Institute of Environmental Health Sciences already has two centers, one located at the University of California at Davis and one at the Robert Wood Johnson Medical School in New Jersey, funded to study possible environmental causes of autism. In conjunction with the bill's authorizations of appropriations, these provisions will ensure the continuation and intensification of crucial research at NIEHS so that it is able to conduct all necessary research to determine the environmental factors in autism.

With respect to possible environmental or external causes of autism, some have suggested a link exists between autism and childhood vaccines. In the past several years, several major epidemiological studies have been conducted to look into the question of whether vaccines cause autism. Examining the published studies, the non-partisan Institute of Medicine has concluded that the weight of the available evidence favors rejection of a causal relationship between vaccines and autism. However, I recognize that there is much that we do not know about the biological pathways and origins of this disorder, and that further investigation into all possible causes of autism is needed.

This legislation is not designed to predetermine the outcome of scientific research. Rather, the legislation rightfully calls for renewed efforts to study all possible causes of autism—including vaccines and other environmental causes. Simply put, we should leave no stone unturned in our efforts to find a cure, whether it means exploring possible environmental factors, paternal age, genetic factors, or any other factors that may hold answers. Perhaps further inquiry will show that it is not a single factor but a combination of two or more factors that cause what we know as autism. For example, a child might have a genetic predisposition that is triggered by an external, environmental factor that causes autism. The important thing to understand is that there are no preconceived notions contained in this bill; the bill language is clear that we should follow every avenue that science opens to us in searching for a cure.

During the House consideration of the NIH reauthorization bill, we found that the NIH has created centers of excellence to promote collaborative research into a particular field. A center of excellence is a designated entity, such as a university or a hospital, that receives NIH funding to study a particular research area. At their best, centers of excellence can foster collaboration and communication between scientists in a concentrated research area that can benefit from such an environment. However, the proliferation of centers of excellence, especially congressionally mandated centers of excellence, is a concern because it diverts precious resources away from other promising avenues of research that may be worthwhile. If Congress were to mandate new centers of excellence without sound scientific justification, it could greatly fragment NIH's research budget, increase administrative and overhead costs, and slow down important medical and scientific breakthroughs. The right funding and the right minds will cure autism, but even staggering amounts of money won't do the job if our efforts are not focused on the most promising research. I think, it is important to let scientists decide how to conduct the medical research. They must be held accountable, too, but this is a job for science, not politics.

The amended bill before us today does not create new centers, nor does it remove any of the old ones. There were five autism-related centers of excellence mandated in the Children's Health Act of 2000. In the intervening years, NIH created the five statutorily required centers of excellence that study various aspects of autism. NIH then went on to create an estimated 21 to 28 centers of excellence dealing with various aspects of autism research, including research into possible environmental causes. Rather than mandating in statute the creation of a specified number of additional centers on top of those centers already in existence, this bill lays the groundwork for effective congressional oversight of centers of excellence. It requires the Director of NIH to submit a report to Congress detailing the effectiveness of centers of excellence across the NIH and how they can be improved. The bill also gives the Director of NIH the explicit authority to consolidate centers of excellence if it would lead to improved program efficiencies and outcomes.

Next, the amended bill expands and reauthorizes an existing Interagency Autism Coordinating Committee, or IACC. The coordinating committee will be made up of relevant government officials, experts, and parents and families of those suffering from autism. The committee's far-reaching mandate will be to compose and annually report to Congress on a strategic plan for Federal autism activities and to make important recommendations to both Congress and the executive branch on ways to better coordinate and conduct Federal autism-related activities. Further, this legislation increases the amount of public participation on the IACC from two individuals to at least six. In addition, the IACC has been tasked with making recommendations to the Secretary regarding the public participation in decisions relating to autism. For instance, the committee notes that the IACC may recommend providing other formal mechanisms, such as an Autism Advisory Board, to provide public feedback and interaction. Further, the Secretary may opt to provide such a mechanism under existing statutory authority, without the recommendation of the IACC. Public participation, especially among the parents and families of those affected by autism, is necessary to emphasize the human side of autism research and to ensure that Federal resources are used wisely.

This legislation takes several important steps forward in continuing the fight against autism, and I support its passage. Should the Senate also take up and pass the bipartisan NIH reauthorization bill overwhelmingly passed by the House earlier this year, Congress and the public will benefit from increased transparency and accountability at NIH that will benefit research into all diseases, including autism. I urge swift passage of both bills so we can get them to the President's desk before the end of this Congress.

At this time, I'd like to thank the sponsors of both the House and Senate bills who have worked tirelessly on this issue as well as the members of the autism advocacy community who have contributed constructive ideas and insights into this legislation. With that Mr. Speaker, I urge my colleagues to support the bill.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today in support of S. 843, the Combating Autism Act of 2006. This bill would amend the Public Health Service Act to combat autism through research, screening, intervention and education.

I have been greatly concerned by the significant increase in autism rates in our country. As a member of the House Coalition for Autism Research and Education Caucus, I have tried to take an active roll in improving the government's response to this epidemic. I am pleased we are considering this legislation today.

Autism spectrum disorder (ASD) places a terrible burden on the families of those afflicted. Autism is growing at a rate of 10–17 percent each year, and we must take action before it becomes even more of a health crisis. The earlier we identify autism, the more options we have to help a child.

The Combating Autism Act of 2006 would authorize $405 million in funding for autism research the National Institutes of Health over five years, and would require the director of NIH to develop and implement a plan for autism research by April 1, 2008. Passage of S. 843 would give $185 million to Autism Centers of Excellence, which provide continued support to examine causation, diagnosis, early detection, prevention, control, intervention and a cure for autism. The bill would also authorize $15 million for fiscal 2007 for the Centers for Disease Control and their surveillance and research programs.

Combating autism is imperative because it affects one in 166 children and persists through adulthood. By learning the signs, a child can begin benefiting from one of the many specialized intervention programs. We must provide Federal funding to ensure that research, education and prevention are possible.

Mr. Speaker, in closing, I hope that all Americans can continue to unite to form a collective voice for the autism community. I ask that my colleagues join me supporting S. 843, the Combating Autism Act of 2006.

Ms. BORDALLO. Mr. Speaker, I rise today in support of S. 843, the Combating Autism Act of 2006. This bill authorizes funding important for the continuation of research of pervasive development disabilities, the coordination and dissemination of the research findings from institutions throughout the country, and the promotion of early screening of pervasive development disabilities among high-risk children. This bill goes far towards making the combating of autism a national priority. This bill, notably, includes provisions that recognize the importance of providing culturally competent information to individuals and communities. These provisions are important to minority communities.

Pervasive development disabilities are indiscriminate, afflicting children of all socioeconomic backgrounds and all races. My district, Guam, alone is home to approximately 110 individuals with autism spectrum disorders. According to the Centers for Disease Control and Prevention, one out of every 166 children may be affected by some form of autism spectrum disorder.

While there remains varying viewpoints over the causes of autism, research has shown that early diagnosis and intervention have been the most effective means of addressing pervasive development disabilities. The Combating Autism Act's multifaceted approach to this important issue allows for the funding of research, public education, and early detection efforts. This multi-faceted approach will assist the families and children who are afflicted with autism spectrum disorders today, while striving to continue the progress toward finding comprehensive treatments for autism spectrum disorders.

I commend my colleagues in the House of Representatives and in the Senate for moving this important legislation forward. It is my hope that this legislation will ease the emotional and psychological pressures experienced by families caring for individuals with autism; and that it will eventually bring about greater understanding of and improved treatment for autism spectrum disorders.

I urge my colleagues' support for S. 843.

Mr. VAN HOLLEN. Mr. Speaker, I rise in strong support of S. 843, the Combating Autism Act of 2006.

As a long-time supporter and friend of the autism community, I am pleased that this bipartisan legislation is before the full House today. Autism is a lifelong neurological disorder that usually strikes sometime within the first two years of a child's life. It can cause severe impairment in language, cognition and communication. The statistics on autism are staggering. According to the Centers for Disease Control and Prevention, one in every 166 children is affected by autism. Autism is one of the fastest-growing developmental disabilities in the United States.

There has been significant progress in recent years increasing autism research dollars at the National Institutes of Health, as well as surveillance and public health funding at the CDC. Current research indicates that autism has a strong genetic component and may be triggered by environmental factors. But much more needs to be done. We need to redouble our effort to find a cure and improved intervention techniques. That is why I am proud to be a co-sponsor of the House version of the Combating Autism Act. The legislation before us today would authorize increased funding at the NIH for autism research programs as well as expand screening, intervention and education programs within the Federal Government.

It is important that we promote funding for autism research in order to identify the best methods of early intervention and treatment. That is why I urge my colleagues to support this important legislation.

Mr. CROWLEY. Mr. Speaker, I rise in strong support of S. 843, the Combating Autism Act, which would authorize nearly $1 billion over the next 5 years to combat autism.

This is an important authorization bill, but one that we must back up with funding during the appropriations process.

Autism is serious and Congress must get serious in addressing it. This bill is a first step on that path.

According to the Department of Education this disease is growing at an alarming rate of 10–17 percent each year. Autism afflicts 1 out of every 166 births in the country, meaning today, 1.5 million Americans are living with this disease, and these numbers are growing particularly in places like New York City.

Autism has been personalized for me through a number of my constituents, including one father and his little boy who I have had the opportunity to meet with and discuss this illness.

The boy's father, who I have gotten to know, has helped educate me on this issue. It was his discussions with me that helped me become more involved in the issue of autism, spurred me to join the Autism Caucus here in the House and fight for increased funds both at the Defense Department and CDC for more funds for research and care.

Additionally, the Quality Services for the Autism Community, or QSAC, has also continually done outreach and education throughout Queens and all of New York City, including hosting an annual Autism Awareness Day. This year's event was held on April 9 at Shea Stadium, home of the Mets, in my district, and was their fourth consecutive annual event.

These events and their members bring more attention to a disease that affects so many individuals and families and today has helped us craft a good bill from their words and experiences.

This legislation will authorize nearly $1 billion over the next 5 years to combat autism through research, early intervention, and screening, and will translate into a 50 percent increase in funding to help eliminate this disease.

With this bill many families in my own district, Bronx and Queens, will be able to rest assured that the U.S. Government has not forgotten them and is willing to work to eradicate this problem.

Scientists are finding preventative measures, and cures for many diseases such as cervical cancer. This would not have been possible without the funding giving to researchers to find a cure.

That is why I stand with the autism community not only in my district, Bronx and Queens, but all across the Nation in supporting this legislation. It is non-controversial, and it makes perfect sense to find a cure.

I urge my colleagues to vote for this bill today so families in the future won't have to suffer with autism.

Mr. DEAL of Georgia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and pass the Senate bill, S. 843, as amended.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

TSUNAMI WARNING AND EDUCATION ACT

Mr. EHLERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1674) to authorize and strengthen the tsunami detection, forecast, warning, and mitigation program of the National Oceanic and Atmospheric Administration, to be carried out by the National Weather Service, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1674

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tsunami Warning and Education Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) The term "Administration" means the National Oceanic and Atmospheric Administration.

(2) The term "Administrator" means the Administrator of the National Oceanic and Atmospheric Administration.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to improve tsunami detection, forecasting, warnings, notification, outreach, and mitigation to protect life and property in the United States;

(2) to enhance and modernize the existing Pacific Tsunami Warning System to increase coverage, reduce false alarms, and increase the accuracy of forecasts and warnings, and to expand detection and warning systems to include other vulnerable States and United States territories, including the Atlantic Ocean, Caribbean Sea, and Gulf of Mexico areas;

(3) to improve mapping, modeling, research, and assessment efforts to improve tsunami detection, forecasting, warnings, notification, outreach, mitigation, response, and recovery;

(4) to improve and increase education and outreach activities and ensure that those receiving tsunami warnings and the at-risk public know what to do when a tsunami is approaching;

(5) to provide technical and other assistance to speed international efforts to establish regional tsunami warning systems in vulnerable areas worldwide, including the Indian Ocean; and

(6) to improve Federal, State, and international coordination for detection, warnings, and outreach for tsunami and other coastal impacts.

SEC. 4. TSUNAMI FORECASTING AND WARNING PROGRAM.

(a) IN GENERAL.—The Administrator, through the National Weather Service and in consultation with other relevant Administration offices, shall operate a program to provide tsunami detection, forecasting, and warnings for the Pacific and Arctic Ocean regions and for the Atlantic Ocean, Caribbean Sea, and Gulf of Mexico region.

(b) COMPONENTS.—The program under this section shall—

(1) include the tsunami warning centers established under subsection (d);

(2) utilize and maintain an array of robust tsunami detection technologies;

(3) maintain detection equipment in operational condition to fulfill the detection, forecasting, and warning requirements of this Act;

(4) provide tsunami forecasting capability based on models and measurements, including tsunami inundation models and maps for use in increasing the preparedness of communities, including through the TsunamiReady program;

(5) maintain data quality and management systems to support the requirements of the program;

(6) include a cooperative effort among the Administration, the United States Geological Survey, and the National Science Foundation under which the Geological Survey and the National Science Foundation shall provide rapid and reliable seismic information to the Administration from international and domestic seismic networks;

(7) provide a capability for the dissemination of warnings to at-risk States and tsunami communities through rapid and reliable notification to government officials and the public, including utilization of and coordination with existing Federal warning systems, including the National Oceanic and Atmospheric Administration Weather Radio All Hazards Program;

(8) allow, as practicable, for integration of tsunami detection technologies with other environmental observing technologies; and

(9) include any technology the Administrator considers appropriate to fulfill the objectives of the program under this section.

(c) SYSTEM AREAS.—The program under this section shall operate—

(1) a Pacific tsunami warning system capable of forecasting tsunami anywhere in the Pacific and Arctic Ocean regions and providing adequate warnings; and

(2) an Atlantic Ocean, Caribbean Sea, and Gulf of Mexico tsunami warning system capable of forecasting tsunami and providing adequate warnings in areas of the Atlantic Ocean, Caribbean Sea, and Gulf of Mexico that are determined—

(A) to be geologically active, or to have significant potential for geological activity; and

(B) to pose significant risks of tsunami for States along the coastal areas of the Atlantic Ocean, Caribbean Sea, or Gulf of Mexico.

(d) TSUNAMI WARNING CENTERS.—

(1) IN GENERAL.—The Administrator, through the National Weather Service, shall maintain or establish—

(A) a Pacific Tsunami Warning Center in Hawaii;

(B) a West Coast and Alaska Tsunami Warning Center in Alaska; and

(C) any additional forecast and warning centers determined by the National Weather Service to be necessary.

(2) RESPONSIBILITIES.—The responsibilities of each tsunami warning center shall include—

(A) continuously monitoring data from seismological, deep ocean, and tidal monitoring stations;

(B) evaluating earthquakes that have the potential to generate tsunami;

(C) evaluating deep ocean buoy data and tidal monitoring stations for indications of tsunami resulting from earthquakes and other sources;

(D) disseminating forecasts and tsunami warning bulletins to Federal, State, and local government officials and the public;

(E) coordinating with the tsunami hazard mitigation program described in section 5 to ensure ongoing sharing of information between forecasters and emergency management officials; and

(F) making data gathered under this Act and post-warning analyses conducted by the National Weather Service or other relevant Administration offices available to researchers.

(e) TRANSFER OF TECHNOLOGY; MAINTENANCE AND UPGRADES.—

(1) IN GENERAL.—In carrying out this section, the National Weather Service, in consultation with other relevant Administration offices, shall—

(A) develop requirements for the equipment used to forecast tsunami, which shall include provisions for multipurpose detection platforms, reliability and performance metrics, and to the maximum extent practicable how the equipment will be integrated with other United States and global ocean and coastal observation systems, the global earth observing system of systems, global seismic networks, and the Advanced National Seismic System;

(B) develop and execute a plan for the transfer of technology from ongoing research described in section 6 into the program under this section; and

(C) ensure that maintaining operational tsunami detection equipment is the highest priority within the program carried out under this Act.

(2) REPORT TO CONGRESS.—

(A) Not later than 1 year after the date of enactment of this Act, the National Weather Service, in consultation with other relevant Administration offices, shall transmit to Congress a report on how the tsunami forecast system under this section will be integrated with other United States and global ocean and coastal observation systems, the global earth observing system of systems, global seismic networks, and the Advanced National Seismic System.

(B) Not later than 3 years after the date of enactment to this Act, the National Weather Service, in consultation with other relevant Administration offices, shall transmit a report to Congress on how technology developed under section 6 is being transferred into the program under this section.

(f) FEDERAL COOPERATION.—When deploying and maintaining tsunami detection technologies, the Administrator shall seek the assistance and assets of other appropriate Federal agencies.

(g) ANNUAL EQUIPMENT CERTIFICATION.—At the same time Congress receives the budget justification documents in support of the President's annual budget request for each fiscal year, the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives a certification that—

(1) identifies the tsunami detection equipment deployed pursuant to this Act, as of December 31 of the preceding calendar year;

(2) certifies which equipment is operational as of December 31 of the preceding calendar year;

(3) in the case of any piece of such equipment that is not operational as of such date, identifies that equipment and describes the mitigation strategy that is in place—

(A) to repair or replace that piece of equipment within a reasonable period of time; or

(B) to otherwise ensure adequate tsunami detection coverage;

(4) identifies any equipment that is being developed or constructed to carry out this Act but which has not yet been deployed, if the Administration has entered into a contract for that equipment prior to December 31 of the preceding calendar year, and provides a schedule for the deployment of that equipment; and

(5) certifies that the Administrator expects the equipment described in paragraph (4) to meet the requirements, cost, and schedule provided in that contract.

(h) CONGRESSIONAL NOTIFICATIONS.—The Administrator shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives within 30 days of—

(1) impaired regional forecasting capabilities due to equipment or system failures; and

(2) significant contractor failures or delays in completing work associated with the tsunami forecasting and warning system.

(i) REPORT.—Not later than January 31, 2010, the Comptroller General of the United States shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives that—

(1) evaluates the current status of the tsunami detection, forecasting, and warning system and the tsunami hazard mitigation program established under this Act, including progress toward tsunami inundation mapping of all coastal areas vulnerable to tsunami and whether there has been any degradation of services as a result of the expansion of the program;

(2) evaluates the National Weather Service's ability to achieve continued improvements in the delivery of tsunami detection, forecasting, and warning services by assessing policies and plans for the evolution of modernization systems, models, and computational abilities (including the adoption of new technologies); and

(3) lists the contributions of funding or other resources to the program by other Federal agencies, particularly agencies participating in the program.

(j) EXTERNAL REVIEW.—The Administrator shall enter into an arrangement with the National Academy of Sciences to review the tsunami detection, forecast, and warning program established under this Act to assess further modernization and coverage needs, as well as long-term operational reliability issues, taking into account measures implemented under this Act. The review shall also include an assessment of how well the forecast equipment has been integrated into other United States and global ocean and coastal observation systems and the global earth observing system of systems. Not later than 2 years after the date of enactment of this Act, the Administrator shall transmit a report containing the National Academy of Sciences' recommendations, the Administrator's responses to the recommendations, including those where the Administrator disagrees with the Academy, a timetable to implement the accepted recommendations, and the cost of implementing all the Academy's recommendations, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives.

(k) REPORT.—Not later than 3 months after the date of enactment of this Act, the Administrator shall establish a process for monitoring and certifying contractor performance in carrying out the requirements of any contract to construct or deploy tsunami detection equipment, including procedures and penalties to be imposed in cases of significant contractor failure or negligence.

SEC. 5. NATIONAL TSUNAMI HAZARD MITIGATION PROGRAM.

(a) IN GENERAL.—The Administrator, through the National Weather Service and in consultation with other relevant Administration offices, shall conduct a community-based tsunami hazard mitigation program to improve tsunami preparedness of at-risk areas in the United States and its territories.

(b) COORDINATING COMMITTEE.—In conducting the program under this section, the Administrator shall establish a coordinating committee comprising representatives of Federal, State, local, and tribal government officials. The Administrator may establish subcommittees to address region-specific issues. The committee shall—

(1) recommend how funds appropriated for carrying out the program under this section will be allocated;

(2) ensure that areas described in section 4(c) in the United States and its territories can have the opportunity to participate in the program;

(3) provide recommendations to the National Weather Service on how to improve the TsunamiReady program, particularly on ways to make communities more tsunami resilient through the use of inundation maps and other mitigation practices; and

(4) ensure that all components of the program are integrated with ongoing hazard warning and risk management activities, emergency response plans, and mitigation programs in affected areas, including integrating information to assist in tsunami evacuation route planning.

(c) PROGRAM COMPONENTS.—The program under this section shall—

(1) use inundation models that meet a standard of accuracy defined by the Administration to improve the quality and extent of inundation mapping, including assessment of vulnerable inner coastal and nearshore areas, in a coordinated and standardized fashion to maximize resources and the utility of data collected;

(2) promote and improve community outreach and education networks and programs to ensure community readiness, including the development of comprehensive coastal risk and vulnerability assessment training and decision support tools, implementation of technical training and public education programs, and providing for certification of prepared communities;

(3) integrate tsunami preparedness and mitigation programs into ongoing hazard warning and risk management activities, emergency response plans, and mitigation programs in affected areas, including integrating information to assist in tsunami evacuation route planning;

(4) promote the adoption of tsunami warning and mitigation measures by Federal, State, tribal, and local governments and nongovernmental entities, including educational programs to discourage development in high-risk areas; and

(5) provide for periodic external review of the program.

(d) SAVINGS CLAUSE.—Nothing in this section shall be construed to require a change in the chair of any existing tsunami hazard mitigation program subcommittee.

SEC. 6. TSUNAMI RESEARCH PROGRAM.

The Administrator shall, in consultation with other agencies and academic institutions, and with the coordinating committee established under section 5(b), establish or maintain a tsunami research program to develop detection, forecast, communication, and mitigation science and technology, including advanced sensing techniques, information and communication technology, data collection, analysis, and assessment for tsunami tracking and numerical forecast modeling. Such research program shall—

(1) consider other appropriate research to mitigate the impact of tsunami;

(2) coordinate with the National Weather Service on technology to be transferred to operations;

(3) include social science research to develop and assess community warning, education, and evacuation materials; and

(4) ensure that research and findings are available to the scientific community.

SEC. 7. GLOBAL TSUNAMI WARNING AND MITIGATION NETWORK.

(a) INTERNATIONAL TSUNAMI WARNING SYSTEM.—The Administrator, through the National Weather Service and in consultation with other relevant Administration offices, in coordination with other members of the United States Interagency Committee of the National Tsunami Hazard Mitigation Program, shall provide technical assistance and training to the Intergovernmental Oceanographic Commission, the World Meteorological Organization, and other international entities, as part of international efforts to develop a fully functional global tsunami forecast and warning system comprising regional tsunami warning networks, modeled on the International Tsunami Warning System of the Pacific.

(b) INTERNATIONAL TSUNAMI INFORMATION CENTER.—The Administrator, through the National Weather Service and in consultation with other relevant Administration offices, in cooperation with the Intergovernmental Oceanographic Commission, shall operate an International Tsunami Information Center to improve tsunami preparedness for all Pacific Ocean nations participating in the International Tsunami Warning System of the Pacific, and may also provide such assistance to other nations participating in a global tsunami warning system established through the Intergovernmental Oceanographic Commission. As part of its responsibilities around the world, the Center shall—

(1) monitor international tsunami warning activities around the world;

(2) assist member states in establishing national warning systems, and make information available on current technologies for tsunami warning systems;

(3) maintain a library of materials to promulgate knowledge about tsunami in general and for use by the scientific community; and

(4) disseminate information, including educational materials and research reports.

(c) DETECTION EQUIPMENT; TECHNICAL ADVICE AND TRAINING.—In carrying out this section, the National Weather Service—

(1) shall give priority to assisting nations in identifying vulnerable coastal areas, creating inundation maps, obtaining or designing real-time detection and reporting equipment, and establishing communication and warning networks and contact points in each vulnerable nation;

(2) may establish a process for transfer of detection and communication technology to affected nations for the purposes of establishing the international tsunami warning system; and

(3) shall provide technical and other assistance to support international tsunami programs.

(d) DATA-SHARING REQUIREMENT.—The National Weather Service, when deciding to provide assistance under this section, may take into consideration the data sharing policies and practices of nations proposed to receive such assistance, with a goal to encourage all nations to support full and open exchange of data.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Administrator to carry out this Act—

(1) $25,000,000 for fiscal year 2008, of which—

(A) not less than 27 percent of the amount appropriated shall be for the tsunami hazard mitigation program under section 5; and

(B) not less than 8 percent of the amount appropriated shall be for the tsunami research program under section 6;

(2) $26,000,000 for fiscal year 2009, of which—

(A) not less than 27 percent of the amount appropriated shall be for the tsunami hazard mitigation program under section 5; and

(B) not less than 8 percent of the amount appropriated shall be for the tsunami research program under section 6;

(3) $27,000,000 for fiscal year 2010, of which—

(A) not less than 27 percent of the amount appropriated shall be for the tsunami hazard mitigation program under section 5; and

(B) not less than 8 percent of the amount appropriated shall be for the tsunami research program under section 6;

(4) $28,000,000 for fiscal year 2011, of which—

(A) not less than 27 percent of the amount appropriated shall be for the tsunami hazard mitigation program under section 5; and

(B) not less than 8 percent of the amount appropriated shall be for the tsunami research program under section 6; and

(5) $29,000,000 for fiscal year 2012, of which—

(A) not less than 27 percent of the amount appropriated shall be for the tsunami hazard mitigation program under section 5; and

(B) not less than 8 percent of the amount appropriated shall be for the tsunami research program under section 6.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. EHLERS) and the gentleman from Oregon (Mr. WU) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. EHLERS. Mr. Speaker, I ask unanimous consent to yield the time to Mr. BOEHLERT.

The SPEAKER pro tempore. Without objection, the gentleman from New York will control the time.

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York.

Mr. BOEHLERT. Mr. Speaker, I yield myself such time I may consume.

Mr. Speaker, in just about 2 weeks, we will reach the second anniversary of the devastating Indian Ocean tsunami that began off the coast of Indonesia and resulted in the deaths of at least 150,000 people and injuring and dislocation of millions more. It was an event that stunned the entire world and eventually prompted an enormous outpouring of international aid. Among other things, the event was a reminder of the often forgotten but awesome power of nature, which we ignore at our own peril.

But an acknowledgement of nature's power does not mean that we are powerless. Quite the contrary, we needlessly seal our own doom if we fail to take steps that can reduce the significant impact of natural disasters at home and abroad. And in the case of tsunamis, which by definition travel across the seas paying no mind to international borders, the approach has to be global to be effective.

The tsunamis that can cause damage in the U.S. are just as likely to begin overseas as off our own coast. And in addition to humanitarian concerns, the U.S. pays a high price both in aid and in threats to international stability when cataclysmic death results from tsunamis overseas. So we need to take action to improve the understanding of tsunamis by both scientists and the general public, to improve our detection of tsunamis, and to improve our ability to issue warnings about approaching tsunamis, and to ensure populations know how to respond to such warnings.

Happily, we are not starting from scratch in any of these areas. The National Oceanic and Atmospheric Administration already runs research, detection, warning, and outreach programs, and the administration began augmenting those programs in 2005 after the Indian Ocean tsunami. But we need to ensure that the focus on tsunamis continues even as memories of the 2004 tragedy fade, and we need to further strengthen the administration program along the lines of expert advice we have heard at Science Committee hearings. The experts were particularly concerned that more be done in the area of outreach so that the public understands more about tsunamis and what to do if one is approaching. They also called for more research so we could predict tsunamis and their paths more accurately.

I should add that tsunamis are not a theoretical threat for the U.S. The seismically active west coast is particularly vulnerable and has experienced tsunamis in the past. Even a small tsunami can cause damage. An earthquake off the coast of Japan last month produced a tsunami that hit California with wave surges of only 5 or 6 feet, but it caused an estimated $700,000 in damage in just one town.

So we need to maintain and strengthen the Nation's tsunami programs. That is exactly what H.R. 1674 would do: it would give specific continuing congressional direction to efforts in tsunami research, prediction, detection, warning, and outreach, the full spectrum of needed activities. The bill would also improve congressional oversight of the program by requiring updates on the condition of tsunami monitoring equipment and several studies of the overall effectiveness of the tsunami program.

This is a good, carefully targeted, economical, bipartisan bill. I wish to thank my cosponsor, JAY INSLEE, for all his hard work and persistence on this bill. He understands well how his constituents in Washington State could be in harm's way for a tsunami. I also want to thank my colleagues on both sides of the aisle in the Science Committee who, as usual, contributed to the bill which passed the committee long ago by voice vote. I also want to thank the Transportation and Infrastructure and International Relations Committees for working with us on their jurisdictional claims. And, finally, I want to thank Senator TED STEVENS and Senator DAN INOUYE and their staffs for working with us to put together a compromise bill. This bill is ready for Senate action and should go to the President for signature this week.

Mr. Speaker, we ought to act now to prevent future tragedies from tsunamis. We can't prevent tsunamis, but we can greatly limit the loss of life from them. This bill will help us do just that, not just in the U.S., but abroad, and I urge its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. WU. Mr. Speaker, I yield myself such time as I may consume.

First, Mr. Speaker, I would like to take a moment for an appreciation of Mr. BOEHLERT, the retiring chairman of the Science Committee. He is a consummate legislator; he has talked the talk and walked the walk of promoting the public good over partisanship. He has run the Science Committee in a gentlemanly, bipartisan fashion. And to me, as an aging junior Member of this body, when I think of who I would like to be when I grow up, one of those people is SHERRY BOEHLERT.

☐ 1300

I rise in support of H.R. 1674, the U.S. Tsunami Warning and Education Act. I am an original cosponsor of this legislation, and I am proud to have worked with Chairman BOEHLERT and Chairman EHLERS on this important bill.

We cannot prevent earthquakes and tsunamis, but we can prepare for them. We can ensure that citizens of our coastal communities take appropriate safety steps when the inevitable occurs.

Detection and forecasting are not sufficient. State and local communities must be prepared to disseminate the warning and direct the public to safety areas. Individual citizens must know where to go when they receive a warning. All this must be done well in advance of a tsunami.

I am fortunate to represent a beautiful expanse of the Oregon coast. However, we are also well aware of the potential danger presented by the Cascadia fault located just offshore of Oregon, Washington and California.

In Oregon, we face the threat of a 9.0 Richter Scale coastal earthquake and resulting tsunami. Scientists warn it is not whether this natural disaster will occur, but when. Unlike hurricanes Katrina and Rita, there will be absolutely no warning of the earthquake. When the 9.0 Cascadia earthquake hits, it will rock the ground for 4 to 5 minutes, perhaps raising and dropping the ground level 4 to 8 feet at each rumble. After the quake, Oregonians will have only 10 to 30 minutes to reach high ground before the tsunami rolls ashore.

Oregon has already done a great deal to keep our coastline beautiful and our citizens safe. Cannon Beach, Oregon, was one of the first coastal communities to be designated tsunami-ready by NOAA. H.R. 1674 builds upon the successful partnership that exists between the Federal, State and local governments on the west coast to ensure that all U.S. coastal communities will be prepared to deal with tsunamis.

This bill authorizes the type of comprehensive system we must have if we are to avoid the catastrophic loss of life caused by the December 2004 Indonesian earthquake.

Previously, funding for tsunamis focused more heavily on detection and forecasting systems hardware. While this hardware will help protect the Chinese and Japanese across the ocean in the event of a Cascadia earthquake, it is only mitigation programs focusing on educating the public that are key to protecting Oregonians, Washingtonians and Californians from a Cascadia fault quake.

I am particularly pleased that this legislation includes a specific percentage of funding for tsunami hazard education and mitigation. While I would like to see a more aggressive increase in funding over the lifetime of the bill, I believe these funding levels represent a good start. This program supports vital activities such as inundation mapping, public education and encouraging local communication networks.

Again, I would like to thank Chairman BOEHLERT and Chairman EHLERS for working with me in a bipartisan and collegial manner on this legislation. H.R. 1674 is a good bill, and I urge all Members to support it.

Mr. Speaker, I reserve the balance of my time.

GENERAL LEAVE

Mr. BOEHLERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 1674, as amended, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BOEHLERT. Mr. Speaker, let me say to Mr. WU how much I appreciate his kind remarks. We are partners on the Science Committee in a bipartisan manner to bring forward an agenda from that committee that not only does the committee proud, does this Congress proud, but does this Nation proud.

And one of the privileges of being the chairman of the Science Committee is to work with my fellow chairmen like DON YOUNG, and I happen to be a senior member of that committee. I appreciate his leadership, don't always follow it, but I really do appreciate his leadership. We have had a good, constructive working relationship in so many areas, and particularly on this bill.

Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I thank the gentleman for his kind words. We will miss you. I even tried to get you to run again.

Mr. Speaker, I rise in strong support of H.R. 1674, the Tsunami Warning and Education Act. I want to commend Chairman BOEHLERT, and even Mr. INSLEE from Washington, Mr. WU, for working on this legislation in an effort to make America's coastal communities safer.

Alaska, my State, is no stranger to the horrible forces of tsunamis. During the past century, four large tsunamis have devastated our coastline. The worst occurred in 1964, when the State was struck by a magnitude 9.4 earthquake. Many of the communities along Prince William Sound and Kodiak Island were completely wiped out. Tsunami waves killed more than 100 people and caused almost $400 million worth of damage, and that is not in today's dollars, but 1964 dollars, to Alaska alone.

The inability to properly warn Alaskans of these deadly tsunamis prompted the creation of a tsunami warning system for Alaska and the rest of the Pacific. H.R. 1674 enhances and modernizes this existing tsunami warning system. It also expands the detection and warning system to include other vulnerable areas of the United States.

It is not enough to have warning systems in place, people need to know where to go when a tsunami is going to hit. The mitigation program in this bill helps develop evacuation plans and improves awareness in vulnerable communities.

This bill will help protect Alaskans and other Americans from the same kind of devastation we suffered in 1964. I support this legislation with all my heart.

Mr. WU. Mr. Speaker, I yield such time as she may consume to my friend and colleague from Oregon (Ms. HOOLEY).

Ms. HOOLEY. Mr. Speaker, I want to take this opportunity to publicly thank Chairman BOEHLERT for the kind of job he does every single day on committee, which is working across the aisle and trying to make this world a better place for people, a little safer, and to really look at the future. He cares very much about the future. And I thank the gentleman from Oregon for all of his work on this legislation and for yielding me this time.

Mr. Speaker, I join my colleagues not only from the west coast but across the country in support of this legislation.

I know that the impetus for this bill was the horrible destruction and loss of life that occurred in Southeast Asia in December of 2004. But one only has to look at last month's news and the tsunami warnings issued along the west coast after an earthquake in Japan to understand that the threat is very real and very important.

In the last 2 years, I have made a lot of trips to the Oregon coast, and talked with many constituents about the possibility of a tsunami of similar size and destructive force striking somewhere along Oregon, Washington or the northern California coast.

I have spoken with State geologists, tsunami researchers at many universities, and emergency management planners, and they all agree it is not a question of if but when the next big tsunami will strike the west coast.

While this legislation or any legislation will not guarantee total protection, I do think that the funding in this bill for education and mitigation programs will go a long way towards making our Nation's citizens more aware of the dangers posed by tsunamis and more prepared to act and ultimately safer. This is truly a bill that will save lives.

I am also pleased there is money included in the legislation that will improve international coordination for detection and warnings, particularly in vulnerable regions like the Indian Ocean. It is in the best interest of the United States to assist in detection and monitoring of seismic events and tsunamis around the world because a large tsunami generated in Japan has a potential to do major damage to many places along the western coastline.

It is for these reasons that I am proud to be a cosponsor of this legislation and urge my colleagues in the House and the other Chamber to quickly pass this legislation and to begin to provide support for our communities and our citizens.

Mr. BOEHLERT. Mr. Speaker, it is my privilege to yield 4 minutes to the gentleman from Michigan (Mr. EHLERS), who is a real leader not just on the Science Committee but in this Congress. We benefit greatly from his special experience as a scientist, a physicist, a respected member of his profession, but also a respected colleague. When VERN EHLERS talks, we listen.

Mr. EHLERS. Mr. Speaker, I thank the chairman for his kind words, and also have a good deal of sorrow in my heart because of his departure from this Congress. You have contributed so much, Mr. Chairman, and we deeply appreciate what you have done.

Mr. Speaker, I rise today in strong support of this life-saving bill. H.R. 1674, as amended, will provide the tools our communities need to protect their citizens from the threat of tsunamis.

On December 26, 2004, one of the most devastating tsunamis ever recorded struck the unsuspecting nations of the Indian Ocean Basin. According to the U.N., almost a quarter-million people lost their lives or have never been found, and millions more were displaced. These numbers are impossible to comprehend. It represents more than the number of people killed in the Hiroshima and Nagasaki nuclear weapons blasts. The effects of this tragedy will be felt for generations.

As we recovered from the shock of the event, we naturally began to ask the question: How can we prevent this from happening again?

H.R. 1674, as amended, the Tsunami Warning and Education Act, is part of the answer. Tsunami warning systems can save lives by giving people the time they need to get out of harm's way. This bill will expand the coverage of our tsunami warning systems to cover both the coasts of the U.S., not just the Pacific coast, giving more of our citizens critical protection.

Of equal importance, this bill will help communities develop efficient evacuation plans as well as effective systems for broadcasting warnings. It will also help educate the public so that they know how to respond to those warnings. In short, this bill will give our coastal communities the tools they need to save lives.

Our Nation has been fortunate not to have experienced a tsunami of the magnitude of the Indian Ocean tsunami—yet. Nor have we escaped all harm. Tsunamis have killed over 300 people in the U.S. in my lifetime, and the threat remains real, whether in Alaska or Crescent City, California, or any of our other coastal areas.

It is critical that we give our coastal communities the tools and timely information they need to alert their citizens to coming danger, and passing this bill will help make that happen.

It is unfortunate that it often takes a tragic event to bring natural disaster response planning to our attention. This makes it all the more important that we seize on this opportunity to help prevent future tragedies here in the U.S. and around the world. It is of utmost importance that we pass this bill to establish a tsunami forecast and warning system for the United States, aid other countries in doing the same, and educate the public to understand and heed the warnings.

I want to once again emphasize this bill will save lives. I urge my colleagues to join me in strong support of H.R. 1674, as amended.

Mr. WU. Mr. Speaker, I am pleased to yield 3 minutes to my colleague from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, today we will be taking action so that America's shorelines do not suffer the same fate as Indonesia's on December 26, 2004. I am very pleased that this prolonged effort has arrived today where Congress is going to take measures to give Americans a warning and an ability to avoid damage from a tsunami before that big tsunami hits.

We are in danger and threatened on our coastlines in Washington. First, I will allude to the Pacific. Right off the coastline of Washington and Oregon in the Pacific is what is called the Cascadia subduction zone. This is an evil twin sister of the fault in Indonesia. It is almost identical to the fault off the coastline of Indonesia that caused that quake that cost hundreds of thousands of lives. We have similar subduction zones in the Alaskan-Aleutian zone. We are in the bull's-eye of a potential tsunami. In fact, one happened on February 26, 1700, off the coastline of Washington, and sent what could have been 50-foot waves onto the coastline. We need to do a better job, and this bill is a good start.

The good news is we have some great technology to deal with this issue. We have these detection buoys that use a product developed in Redmond, Washington, in my district, by a company called Paro Scientific. These buoys are anchored off the coastline and they have a little sensor that is on the bottom of the ocean that can measure the difference of depth of one-tenth of an inch over 2-mile deep water. It is an incredible technology. Then it radios changes in the average depth of the ocean to a satellite. In a matter of seconds, we have a system that can generate information along our coastlines. We have six of these buoys, we need at least 20 in the Pacific. For the first time, this bill will put some buoys in the Atlantic as well.

□ 1315

This will be a first international tsunami warning system using what are called piezometers to measure the depth of the ocean.

The second thing the bill is going to do is the critical link in the chain of warning because buoys aren't enough. We have got to have a way to warn people, to educate people, to have systems in place so that they can evacuate along the coastlines. A little community called LaPush, Washington now has a system where they can move the whole city in about 12 to 15 minutes. We need to have those systems, and this bill is going to do that.

I want to say there is an additional benefit of this bill. False alarms happen as well. And when false alarms happen, we lose millions of dollars when we have false alarms. This whole system will reduce false alarms so that for the first time we can have a credible, meaningful, reliable tsunami detection and warning system in this country. It is overdue. I am glad we are going to have it happen. It is one of the crowning achievements of the great career of Chairman SHERWOOD BOEHLERT, who has done such great work for the environment and for science. We are all going to miss his great leadership.

I want to note a fellow who just left the Speaker's chair, Representative CHARLIE BASS, who hopefully will take credit for this as well for his great environmental stewardship. And it is a good day for America's shorelines to protect us from tsunamis.

Mr. BOEHLERT. Mr. Speaker, I yield myself such time as I may consume.

I want to thank Mr. INSLEE for those very kind comments. I want to thank all my colleagues. It has been a great privilege to work with you and for you and for this great institution.

I also want to observe, before we bring this to a close, the great work of the staff on both sides of the aisle who have labored long and hard, almost 2 years on this bill alone. We don't give enough recognition to the staff. Those of us who are more visible, we come before the House and we are recorded on C–SPAN and everybody says they are doing some good deeds. But the real driving force behind so much of what we do is the very able professional staff that we literally are blessed with, both Democrat and Republican.

And this comes from a former staff member, but I came to Capitol Hill 42 years ago as a starry-eyed young staffer. I got 3 years off for good behavior. I was elected county executive back home, and for the past 24 years I have been privileged to serve in my own right as a Member. But in those 42 years, one of the most dramatic changes, and people are asking me this all the time as I am taking leave, what has changed about the House and about Congress, this institution? One of the most dramatic changes that is so often overlooked is a change for the good, for the positive, the very high degree of professionalism so evident in the staffs of the committees. And I take the Science Committee as a classic example of how it should be done by all. The professionalism, the hard work, dedication on both sides of the aisle.

And we are going into a new chapter. We as Republicans are going from the majority to the minority. The Democrats are going from the minority to the majority. And people are saying, well, what is going to change? Well, I will tell you what is not going to change in the Science Committee. It is the working relationship across that center divide, the professionals who day in and day out prepare us for the debates, the hearings, and for the activities that we are about. That is not going to change. The Democrats will have a few more and the Republicans will have a few less, but I guarantee you this: As the next Congress comes to a close and people are looking back on its performance, I fully expect that the Science Committee once again will be one of the stars in this Chamber.

So with that, let me say to my colleagues on the committee how fortunate I consider myself to have had the privilege of working with and for you over the years, and as I say to all my colleagues in this Chamber, I urge your support for H.R. 1674, as amended. It is a bill that demonstrates that when we work together, we can accomplish so much for so many.

Mr. Speaker, I insert an exchange of letters between the Committees on Science and International Relations in the RECORD.

I want to thank the staff on both sides of the aisle, who have labored for more than 2 years on this bill. That includes Eric Webster, who has since moved on to NOAA, and David Goldston, Sara Gray, Chad English, and especially Amy Carroll, who has worked tirelessly to keep this bill moving forward.

CONGRESS OF THE UNITED STATES,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC, December 6, 2006.

Hon. SHERWOOD BOEHLERT,
Chairman, Committee on Science,
Washington, DC.

DEAR MR. CHAIRMAN: I am writing regarding the jurisdictional interest of the Committee on International Relations in H.R. 1674, the Tsunami Warning and Education Act, as proposed for consideration under suspension of the Rules of the House.

The Committee on International Relations recognizes the importance of H.R. 1674 and the need for the legislation to move expeditiously. Therefore, I will not stand in the way of floor consideration. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to allow the bill to come to the floor waives, reduces or otherwise affects the jurisdiction of the Committee on International Relations, and that a copy of this letter and your letter in response will be included in the CONGRESSIONAL RECORD when the bill is considered on the House Floor.

Thank you for your attention to this matter.

Sincerely,

HENRY J. HYDE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE,
Washington, DC, December 6, 2006.

Hon. HENRY J. HYDE,
Chairman, Committee on International Relations, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding floor consideration of H.R. 1674, the Tsunami Warning and Education Act, as proposed for consideration under suspension of the Rules of the House. I appreciate your willingness to work with me so that H.R. 1674 can move expeditiously to the floor.

I agree that your action does not waive, reduce or otherwise affect any jurisdiction your Committee might have over H.R. 1674. As you requested, the exchange of letters between our two committees will be included in the Congressional Record during consideration of the bill on the House floor.

Thank you for your cooperation in moving this important legislation.

Sincerely,

SHERWOOD BOEHLERT,
Chairman.

Mr. WU. Mr. Speaker, I yield back the balance of my time.

Mr. BOEHLERT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GILLMOR). The question is on the motion offered by the gentleman from Michigan (Mr. EHLERS) that the House suspend the rules and pass the bill, H.R. 1674, as amended.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 4510. An act to direct the Joint Committee on the Library to accept the donation of a bust depicting Sojourner Truth and to display the bust in a a suitable location in the Capitol.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 6143. An act to amend title XXVI of the Public Health Service Act to revise and extend the program for providing life-saving care for those with HIV/AIDS.

HONORING THE LIFE OF MILTON FRIEDMAN

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1089) honoring the life of Milton Friedman.

The Clerk read as follows:

H. RES. 1089

Whereas Milton Friedman earned a degree in economics from Rutgers University, and later earned a master's degree from the University of Chicago and a doctorate degree from Columbia University;

Whereas Doctor Milton Friedman is widely regarded as the leader of the Chicago School of economics, and the developer of the theory of monetarism that stresses the central importance of the quantity of money as an instrument of government policy and as a determinant of business cycles and inflation;

Whereas Doctor Friedman's writings and ideas have influenced Presidents, other world leaders, entrepreneurs, and students of economics, and he gave himself generously to public service as an economic adviser to Senator Barry Goldwater's campaign for the presidency in 1964, Richard Nixon's presidential campaign in 1968, the Nixon Administration, Ronald Reagan's 1980 presidential campaign, and the Reagan Administration as a member of President Reagan's Economic Policy Advisory Board;

Whereas Doctor Friedman is a 1976 Nobel Laureate economist and received the John Bates Clark Medal in 1951 honoring the top economists under the age of forty, the Grand Cordon of the First Class Order of the Sacred Treasure by the Japanese government in 1986, the Presidential Medal of Freedom in 1988, the National Medal of Science in 1988, and honorary degrees from universities in the United States, Japan, Israel, and Guatemala;

Whereas Doctor Friedman's ideas were the model for the free market reforms undertaken in eastern European countries as they emerged from communist domination in the early 1990s, helping extend the blessings of prosperity to millions who had long been denied them;

Whereas Doctor Friedman was a prolific producer of both scholarly and popular articles, essays, books, and broadcast media, including the books Capitalism and Freedom and Free to Choose, tri-weekly columns for Newsweek, commentaries in the Wall Street Journal, and two multi-part Public Broadcasting Service television series;

Whereas Doctor Friedman was one of the world's foremost champions of liberty, not just in economics but in all respects;

Whereas Doctor Friedman will be remembered both as one of the most influential economists in history and as one of the twentieth century's greatest heroes of freedom; and

Whereas Doctor Milton Friedman died on November 16, 2006, in San Francisco, California, at the age of 94 of heart failure: Now, therefore be it

Resolved, That the House of Representatives, on the occasion of the death of Doctor Milton Friedman—

(1) mourns Doctor Friedman's passing and expresses its deepest condolences to his family, including his widow Rose Friedman, who is herself an accomplished economist and was instrumental in co-authoring some of his major works; and

(2) honors Doctor Friedman's lifetime of achievements and recognizes his outstanding contributions to freedom, the study of economics, the United States of America, and the world.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Widely acclaimed as the leader of Chicago's School of Economics, Milton Friedman's achievements in the fields of economic science and public policy were remarkable. He was the recipient of the 1976 Nobel Memorial Prize, the 1988 Presidential Medal of Freedom, and the 1988 National Medal of Science, just to name a few. In the early 1990s, Eastern European countries emerging from communism modeled their new free market economies after his teachings.

He was a champion of individual freedoms as well and wrote extensively on the subject throughout his career. Presidents such as Ronald Reagan called on Dr. Friedman for his expertise and advice, and universities in the United States, Japan, Guatemala, and Israel all awarded him with honorary degrees.

Dr. Friedman passed away on November 16 of this year. And for his leadership, achievements, and countless contributions both politically and economically, I hope all Members will join me today in honoring his life and legacy.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on November 16 the world lost one of its preeminent and influential economists and thinkers of our time. Dr. Milton Friedman is most commonly associated with his theories of monetarism, his devotion to the free market that sought to turn the Keynesian economic revolution on its head, and his visions of an international economic system that is free of pegged and fixed exchange rates.

Friedman's top achievement, among many, was his Nobel Prize in Economics, which he was awarded in 1976. And while many of his achievements are well known, some of his lesser known accomplishments make him an intriguing figure. One of the abstractions Friedman developed in his famous work, "Capitalism and Freedom," was the concept of the negative income tax credit, or the modern-day earned income tax credit. This abstraction advances the idea that people who earn less than a certain amount of money should receive money from the government. Friedman also was a key member of the White House Commission on White House Fellows from 1971 to 1973. But most of all, Milton Friedman was devoted to the centrality of freedom in domestic and international affairs.

And although Friedman was born to humble beginnings as a first-generation American, he rose to become the leader of the Chicago School of Economics. The Chicago School is regarded around the world as an institution that produces outstanding economic scholarship and rigorous theory. Milton Friedman's name will hold a permanent place in economic debate, and so I am pleased and delighted to be in support of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. LATOURETTE. Mr. Speaker, at this time it is my pleasure to yield 4 minutes to the author of the resolution, Mr. STEARNS of Florida.

Mr. STEARNS. Mr. Speaker, on November 16 of this year, America and the world lost not only a brilliant economist but a towering giant of an unbounded vision for freedom. Dr. Friedman was widely recognized worldwide for his economic explanations and philosophies of government and markets. Beyond pure economic analysis, Dr. Friedman promoted liberty and choices in all areas. I am honored to have the opportunity to commemorate his life with this resolution to honor him and have enjoyed collaborating with the distinguished gentleman from New Jersey.

House Resolution 1089 outlines his academic, publishing, and prize-winning accomplishments. I will not relist them here. There is so much to say.

Dr. Friedman's economic prescription advocated we steadily, constantly stabilize the growth of money supply, then more or less just stay out of the way, leaving the economy to the free creative choices of millions of productive individuals, households, and businesses, rather than one micromanaging government. Milton Friedman put individuals, not bureaucrats at best or despots at worst, in the driver's seat.

Essentially we admire him for espousing that economic freedom is necessary for political freedom. And today few would argue that Friedman's ideas went from being seen as radical to now being fully accepted. Most successful countries rely on monetary policy as their chief stabilizing tool. Some shining examples are borne out in Eastern Europe nations that not so long ago dwelled under the Iron Curtain. I think a cartoon that was printed in the Christian Science Monitor in 1990 by Danziger sums it up pretty well. It says "Statue of Milton Friedman is erected in Poland in place of Whathisname." And of course it depicts a collapsed Lenin on his face with a lady chortling "Hah!" at the broken statue while other Poles are pulling up a smiling, bespeckled Milton Friedman statue and they have crossed out "Lenin" and carved "Uncle Miltie" on the statue base.

My colleagues, his crowning achievement was establishing with his wife the Milton and Rose D. Friedman Foundation, based in Indianapolis, Indiana, for the purpose of promoting educational choice and reform for parents and their children. School choice continues to be passionately debated today; yet experiments from the District of Columbia to my own State of Florida, under Governor Jeb Bush's lead, demonstrate great promise in liberating educational opportunities for all. We have done this successfully for colleges since World War II with the Montgomery GI bill. So why should we deny school choice for kindergartners through senior high school students here in America?

And, finally, my colleagues, I cannot end a tribute to Dr. Friedman without also honoring his wife of 68 years. Rose was his classmate, partner economist, fellow radical for freedom, and, I daresay, the love of his life. I know she and children David and Janet and their grandchildren mourn their beloved Milton but are at peace knowing they contributed to this great man who contributed just so much to the multitudes in this country. For me when I think of the values not only Milton Friedman and his wife promoted, I am moved by this paragraph from the Friedmans' memoirs, "Two Lucky People." Mr. Speaker, this sentiment is bigger than partisan politics. It is more profound than the Washington interest group agenda. It marvelously illustrates optimism for what America could be.

". . . So we close this book full of optimism for the future in the belief that those ideas will prevail and that our children and grandchildren will live in a country that continues to advance rapidly in material and biological well-being and gives its citizens ever wider freedom to follow their own values and tastes so long as they do not interfere with the ability of others to do the same."

Milton Friedman, well done. Rest in peace.

☐ 1330

Mr. DAVIS of Illinois. Mr. Speaker, I would like to yield such time as he might consume to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate my colleague from Illinois permitting me to speak on this resolution.

Mr. Speaker, I think it is appropriate for us to pause and reflect on the many contributions of Milton Friedman. At any point we have great thinkers who challenge conventional wisdom. It is appropriate to honor Prof. Friedman. There are some who credit him as the founder of the Chicago School of Economics. There are others who see that he was a free market paragon. I see him as a symbol of what can be done intellectually if people are thinking about the future of problems and creative about solutions.

Milton Friedman understood that, at core, we had a problem in this country with poor people who were poor. They didn't have enough money. He also had suspicion about the various bureaucratic responses that government has assembled over time. And he had presented a provocative proposal to have a guaranteed annual income, a flat basic amount that everybody would be entitled to, regardless of what they did or who they were, that would be cheaper and more effective to administer, that would actually deal with the problem of poor people that they didn't have money. It would reduce the interference in their lives and allow them to respond to a lot of the pressures that we typically associate with how families react.

This was something that was actually briefly considered by the Nixon administration, discarded because it was a little radical at the time. The costs were somewhat uncertain, although Friedman was convinced that in the long run it would actually be cheaper.

This was the inspiration for the earned income tax credit, which is probably the single most effective mechanism, in a Reagan era, that Republicans and Democrats could get behind to reduce poverty. It helped people in a cost-effective way, diminishing the disincentives for work, and was something for which Mr. Friedman never really fully received the acclaim that was deserved by him. This has affected millions of lives in ways that people on both sides of the aisle of a variety of different philosophical perspectives could feel comfortable with.

I think there is also a lesson here, Mr. Speaker, because there are many problems that face us on the floor of this House, that don't have to fall in neat little boxes in a philosophical or a partisan way. We are looking for example, Mr. Speaker, at the investment in agriculture in this country, in a way that cries out for reform. We are spending $23 billion in a year of record-high farm prices.

Now, if my friends on the Republican side and my friends on the Democratic side would think of the teachings and the spirit of Milton Friedman, we could bring people together in a bipartisan way to reform this Depression-era set of programs that is not really an agricultural policy. The "Freedom to Farm" bill is observed in the breach, not its actual implementation. We can design a Friedman approach that would be better for the taxpayer, that would be better for the environment, that would actually help individual family farmers more effectively and more directly.

It is but one example that I think, that I hope we can tackle as we move into a new Congress. Perhaps with a new spirit, with a change in the rules so that people will actually be able to more fully and fairly debate on the floor of the House of Representatives, that we can take things like this that can bring the right and the left, the conservative and the liberal, Republicans and Democrats, together to solve problems in a way that will be better for the American people, and we will be better as an institution.

It is with great respect that I join in support of the resolution in honoring Milton Friedman and his career, and I hope that the next Congress is willing to embrace the spirit of his creative mind to be able to do some things that actually we can all agree on need to be done.

Mr. LATOURETTE. Mr. Speaker, at this time it is my pleasure to yield 2 minutes to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Speaker, I thank you for the opportunity to join with my colleague, Mr. STEARNS, to bring this resolution to the floor today. Dr. Milton Friedman is surely a man that is worthy of the honor of this House.

You know, it took courage, it took honor, and it really took genius for Dr. Friedman to challenge the prevailing thought and economic theories of his day. His meticulous economic analysis presented in his books and his lectures and his talks convinced leaders here in the United States, and around the world as well, that inflation could be controlled and it could be controlled through careful control of money supply. That is a theory that has been proven true by the policies of our past Fed chairmen over the last several decades.

Dr. Friedman was known for his ability to defend his theories, to defend the free market ideas with both clarity and grace as well. He is considered a friend of all the economists of the day, Keynesians and socialist economists as well, but he used their critiques to sharpen his own theories. He was on TV for a while in a television series, Free to Choose, and Dr. Friedman introduced his free market concepts to a truly popular audience. He proved himself unafraid to defend himself in the marketplace of general ideas as each segment of this, what was a 10-segment-part program, contained a vigorous debate among politicians of the day, economists and historians as well.

See, Milton Friedman stood, first and foremost, for freedom. He had an earnest belief that a free society is truly a strong society.

So now, fast forward to today. Now, at a time when our freedoms in this country and around the world are under attack, we must defend ourselves from those who would enslave mankind, and we should do so by remembering Dr. Friedman and his intellectual defense of liberty. Remember his long and vibrant life. And we also give our lifelong condolences to his family that he has left behind. He was truly an intellectual giant, and we will all miss him for his abilities and contributions to this world, to this country, and the freedoms that we enjoy today.

Mr. DAVIS of Illinois. Mr. Speaker, I don't believe that I have any additional requests for time. But simply, as a resident of Chicago where Milton Friedman did a great deal of his work, we were always immensely proud of him, and I am very pleased to support this resolution.

Mr. LATOURETTE. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise to pay tribute to a friend, a mentor, and a true hero of American liberty and a champion of liberty and justice for all of humankind. The death of economist and libertarian spokesman, Dr. Milton Friedman, last week silenced a powerful voice in the public debate over the role of individual liberty in our society.

As a young man who first became active in politics while I was in high school in the mid-1960s, one of the very first writers who helped shaped my ideas was Milton Friedman in his classic work, "Capitalism and Freedom." Its powerful message of a respect for individual liberty, private property, and limited government inspired me as a young activist in the Youth for Goldwater at that time, I might add, and then again a couple of years later in Youth for Reagan, and continued to guide me as I became a speech writer for President Ronald Reagan and a Member of the United States Congress.

Dr. Milton Friedman was always a creative and innovative thinker. I might add, he was a decent and wonderful warm-hearted human being as well, a man who openly challenged the underlying premises of stateism and of socialism and of the authoritarian impulses that we have often found in politics. His critiques of government schooling, taxation policies, welfare state policies, Social Security, of agricultural subsidies and the rest, all of these predicted long ago the problems that we are having right now with those very same policies; of what they have brought upon our society, the challenges, the tremendous challenges we face because we used those policies and that model as a solution to uplifting the well-being of our fellow Americans.

Last week Milton Friedman's voice was silenced by death, but as long as his writings are read and his ideas cherished, the principle of individual personal economic liberty will remain strong in the United States and around the world.

And I would submit for the RECORD a statement, an exchange, between Milton Friedman and General Westmoreland over the issue of a volunteer Army and the draft. I would submit that for the RECORD as an example of the clear thinking and principles, I think, of Milton Friedman.

In his testimony before the commission, Mr. Westmoreland said he did not want to command an army of mercenaries. Mr. Friedman interrupted, "General, would you rather command an army of slaves?" Mr. Westmoreland replied, "I don't like to hear our patriotic draftees referred to as slaves." Mr. Friedman then retorted, "I don't like to hear our patriotic volunteers referred to as mercenaries. If they are mercenaries, then I, sir, am a mercenary professor, and you, sir, are a mercenary general: we are served by mercenary physicians, we use a mercenary lawyer, and we get our meat from a mercenary butcher."

Mr. PAUL. Mr. Speaker, I am pleased to support H. Res. 1089, a resolution honoring Milton Friedman. Milton Friedman was one of America's greatest champions of liberty. Launching a career as a public intellectual at a time when dissenters from the reigning Keynesian paradigm where viewed as the equivalent of members of the Flat Earth Society, Milton Friedman waged an oftentimes lonely intellectual battle on behalf of free markets and individual liberty in the fifties and sixties. As the economic crisis of the seventies caused by high taxes, high spending, and inflation vindicated Friedman's critiques of interventionism, his influence grew—not because he moved to the mainstream but because the mainstream moved toward him. Friedman served as an advisor to Presidents Nixon and Ford and as a member of President Reagan's Council of Economic Advisors. In 1976, Friedman was awarded the Nobel Prize in economics.

Milton Friedman's most notable contributions to economic theory where in the area of monetary policy. His 1963 work A Monetary History of the United States 1857–1960, coauthored with Anna Schwartz, was among the first works to emphasize the role Federal Reserve policy played in causing the Great Depression. As Friedman said, "The Great Depression, like most other periods of severe unemployment, was produced by government mismanagement rather than by any inherent instability of the private economy."

Friedman's work showed that inflation is not a result of markets but is, as he memorably put it, "always and everywhere a monetary phenomenon." Friedman was the major originator and theoretician of monetarism. Friedman recommended restricting the Federal Reserve's authority to increasing the quantity of money by a fixed yearly amount. While monetarism is far from the ideal free-market monetary system, Milton Friedman deserves credit for focusing the attention of economists on the Federal Reserve's responsibility for inflation.

While he is mainly known for his contributions to economic theory and his advocacy of free markets, Milton Friedman considered his advocacy against the draft, cumulating in his work as a member of President Nixon's Commission on an All-Volunteer Force, his major policy achievement. Milton Friedman's opposition to the draft was in part based on economic principles, but was mainly motivated by his moral commitment to freedom. I ask unanimous consent to insert the attached article, "Milton Friedman: A Tribute," by David R. Henderson, which details Milton Friedman's efforts against the draft, into the record.

Unlike many free market economists who downplay their opposition to government of encroachments on personal liberty in order to appear "respectable," Friedman never hesitated to take controversial stands in favor of liberty. Thus Friedman was one of the most outspoken critics of the federal war on drugs and an early critic of government licensing of professionals. Friedman also never allowed fear of losing access to power stop him from criticizing politicians who betrayed economic liberty. For example, his status as an advisor to President Richard Nixon did not stop him from criticizing Nixon's imposition of wage and price controls.

Milton Friedman's greatest contribution to liberty may have been his work to educate the public about free market economics. Milton Friedman's 1962 work Capitalism and Freedom, introduced millions of people to the freedom philosophy, and it remains one of the most popular, and influential, pro-freedom books in the world.

In 1980, Milton Friedman collaborated with his wife Rose on a television series, Free to Choose. The series, and the accompanying best-selling book, remain among the best introductions to the benefits of economic liberty, and rivals Capitalism and Freedom in popularity. One of my favorite moments of the show is when Milton Friedman compares the robust free market economy of Hong Kong with the then stagnant economy of communist China.

On a personal note, I was honored to receive Milton Friedman's endorsement of my congressional campaign in 1996. One particular quote from his endorsement exemplifies how Milton Friedman's commitment to the free market was rooted in a recognition that a society that respects the dignity and worth of every individual is impossible without limited government, private property, and sound money: "We very badly need to have more Representatives in the House who understand in a principled way the importance of property rights and religious freedom for the preservation and extension of human freedom in general . . ."

Mr. Speaker, I am pleased to pay tribute to Milton Friedman's tireless efforts on behalf of human liberty, and I urge all my colleagues to join me in supporting H. Res. 1089.

[From ANTIWAR.COM, Nov. 20, 2006]

MILTON FRIEDMAN: A TRIBUTE

"In the course of his [General Westmoreland's] testimony, he made the statement that he did not want to command an army of mercenaries. I [Milton Friedman] stopped him and said, 'General, would you rather command an army of slaves?' He drew himself up and said, 'I don't like to hear our patriotic volunteers referred to as mercenaries.' But I went on to say, 'If they are mercenaries, then I, sir, am a mercenary professor, and you, sir, are a mercenary general; we are served by mercenary physicians, we use a mercenary lawyer, and we get our meat from a mercenary butcher.' That was the last that we heard from the general about mercenaries."—Milton and Rose Friedman, Two Lucky People, Chicago: University of Chicago Press, 1998, p. 380.

In May 1970, a few days after graduating from the University of Winnipeg with a major in mathematics, I flew to Chicago to look into getting a Ph.D. in economics at the University of Chicago. While there, I went to visit Milton Friedman and he invited me into his office. I had a sense that he had been through this routine before—talking to an idealistic young person showing up and wanting an autograph on his copy of Capitalism and Freedom and, beyond that, simply wanting to meet and talk to him. But he didn't treat our meeting as routine; we had a real talk for about 10 minutes. When I told him that I'd initially been attracted to libertarianism by reading Ayn Rand, he told me that while Rand was well worth reading, there were many other people worth reading too, and I shouldn't get stuck on her. He also stated, "Make politics an avocation, not a vocation." Both were good pieces of advice.

The advice didn't stop there. I ended up getting my Ph.D. at UCLA and going to my first academic job as an assistant professor at the University of Rochester's Graduate School of Management. From then on, I wrote Milton a couple of times a year and he always wrote back, sometimes writing in the margins of my letter to comment on my questions and thoughts. When I contemplated my first major career change—leaving academia to work at a think tank—he advised me strongly against it (I didn't take this advice), referring to himself as my "Dutch uncle." I had never heard the term before and didn't bother to look it up until writing this piece, but I understood what he meant from the context: a Dutch uncle is someone who gives you tough love, holding you to high standards because of a benevolent regard for your well-being.

But here's the bigger point: with his steady and passionate work to end the military draft, Milton Friedman was the Dutch uncle of every young man in the United States. Or even better, he was like a favorite uncle that they'd never even met. He cared more for them than any president, any general, or any defense secretary has ever cared. How so? Because he wanted every young man to be free to choose whether to join the military or not.

Milton Friedman's work against the draft began in December 1966, when he gave a presentation at a four-day conference at the University of Chicago. Various prominent and less-prominent academics, politicians, and activists had been invited. Papers had been commissioned, and the authors gave summaries, after which the discussion was open to all. Fortunately, the discussion was transcribed. The papers and discussions appear in a book edited by sociologist Sol Tax and titled The Draft: A Handbook of Facts and Alternatives. The invitees included two young anti-draft congressmen, Robert Kastenmeier (D-Wisc.) and Donald Rumsfeld (R-Ill.), and one pro-draft senator, Edward Kennedy (D-Mass.). Also attending were pro-draft anthropologist Margaret Mead and anti-draft economists Milton Friedman and Walter Oi. Friedman gave the general economic and philosophical case for a voluntary military in his presentation, "Why Not a Voluntary Army?" Friedman pointed out that the draft is a tax on young men. He stated:

"When a young man is forced to serve at $45 a week, including the cost of his keep, of his uniforms, and his dependency allowances, and there are many civilian opportunities available to him at something like $100 a week, he is paying $55 a week in an implicit tax. . . . And if you were to add to those taxes in kind, the costs imposed on universities and colleges; of seating, housing, and entertaining young men who would otherwise be doing productive work; if you were to add to that the costs imposed on industry by the fact that they can only offer young men who are in danger of being drafted stopgap jobs, and cannot effectively invest money in training them; if you were to add to that the costs imposed on individuals of a financial kind by their marrying earlier or having children at an earlier stage, and so on; if you were to add all these up, there is no doubt at all in my mind that the cost of a volunteer force, correctly calculated, would be very much smaller than the amount we are now spending in manning our Armed Forces."

Reading through the whole Sol Tax volume, with all the papers and transcripts of the discussion, I had the sense that there was a coalescing of views over the four days, as people from various parts of the ideological spectrum found that they had in common a strong antipathy to the draft and found also that the economists made a surprisingly strong economic case. Both Friedman's speech and his various comments at the conference still make compelling reading. One of his best rhetorical flourishes was his criticism of the charge that those who advocate ending the draft are advocating a "mercenary" army. You'll recognize the same kind of argument he used against Westmoreland in the lead quote of this article. Friedman said:

"Now, when anybody starts talking about this [an all-volunteer force] he immediately shifts language. My army is 'volunteer,' your army is 'professional,' and the enemy's army is 'mercenary.' All these three words mean exactly the same thing. I am a volunteer professor, I am a mercenary professor, and I am a professional professor. And all you people around here are mercenary professional people. And I trust you realize that. It's always a puzzle to me why people should think that the term 'mercenary' somehow has a negative connotation. I remind you of that wonderful quotation of Adam Smith when he said, 'You do not owe your daily bread to the benevolence of the baker, but to his proper regard for his own interest.' And this is much more broadly based. In fact, I think mercenary motives are among the least unattractive that we have." (p. 366)

In the margin of my 35-year-old, dog-eared copy of the Sol Tax book containing this passage, I wrote one word: "Wow!" This is rhetoric at its best, a tight argument passionately stated. When I read this at about age 18, just a year before meeting Friedman in his office, I felt cared-for. Fortunately, being Canadian, I wasn't vulnerable to the draft. But I had the thought that if I had grown up in United States, I would be so thankful that here was this man, himself well beyond draft age and who could probably figure out how to get his son out of the draft, and yet who cared enough to be out in front on this issue.

Two of Friedman's comments about this conference are worth noting. Writing some 30 years later, Friedman noted that the 74 invited participants "included essentially everyone who had written or spoken at all extensively on either side of the controversy about the draft, as well as a number of students." (Two Lucky People, p. 377.) Friedman's other comment is also worth citing:

"I have attended many conferences. I have never attended any other that had so dramatic an effect on the participants. A straw poll taken at the outset of the conference recorded two-thirds of the participants in favor of the draft; a similar poll at the end, two-thirds opposed. I believe that this conference was the key event that started the ball rolling decisively toward ending the draft." (p. 378.)

Friedman didn't stop there. He wrote a number of articles in his tri-weekly column in Newsweek making the case against the draft. Friedman was one of 15 people chosen for Nixon's Commission on the All-Volunteer Force. By his estimate, five started off being against the draft, five in favor, and five on the fence. By the end, the Commission was able to come out with a 14-0 consensus in favor of ending the draft. Black leader Roy Wilkins, in a Feb. 6, 1970 letter to Nixon, stated he had been unable to attend many of the meetings due to a major illness and, therefore, could not support its specific recommendations; Wilkins did state, however, that he endorsed the idea of moving toward an all-volunteer armed force. (The Report of the President's Commission on an All-Volunteer Armed Force, New York: Collier Books, 1970; letter from Roy Wilkins.)

It was at one of these meetings that Friedman put Westmoreland on the spot with his comeback about slaves. Knowing that Friedman was persuasive and focused and also a warm human being, I credit him with having swung at least a few of the Commission members in his direction. And although Nixon took his sweet time acting on the recommendations, finally, at the start of his second term, he let the draft expire.

Friedman kibitzed in his Newsweek column, never letting up. He once wrote that the draft "is almost the only issue on which I have engaged in any extensive personal lobbying with members of the House and Senate." (Milton Friedman, An Economist's Protest, 2nd ed., Glen Ridge, N.J.: Thomas Horton and Daughters, 1975, p. 188.)

And Friedman stuck around as an opponent of the draft when the going got tough. In the late 1970s, high inflation caused a serious drop in real military pay and a consequent increase in difficulty meeting recruiting quotas. Of all the threats to bring back the draft in the last 32 years, the threat in 1979 to 1980 was the most serious. Sen. Sam Nunn (D-Ga.) held hearings with the goal of building support for the draft and, at least, registration for a future draft. Hoover economist Martin Anderson organized an important conference on the draft at the Hoover Institution in November 1979 and invited the top proponents and opponents of the draft. (For the papers and transcript of the discussion, see Martin Anderson, ed., Registration and the Draft: Proceedings of the Hoover-Rochester Conference on the All-Volunteer Force, Stanford, California: Hoover Institution Press, 1982.) Friedman was one of the attendees and, at the end, debated Congressman Pete McCloskey on the draft. It was actually the weakest performance I've ever seen by Friedman, but Friedman's "weak" is still pretty good.

In 1980, in response to the threat from Sam Nunn, I wrote and circulated the following "Economists' Statement in Opposition to the Draft":

"We, the undersigned, oppose moves toward the reimposition of the draft. The draft would be a more costly way of maintaining the military than an all-volunteer force. Those who claim that a draft costs less than a volunteer military cite as a savings the lower wages that the government can get away with paying draftees. But they leave out the burden imposed on the draftees themselves. Since a draft would force many young people to delay or forego entirely other activities valuable to them and to the rest of society, the real cost of military manpower would be substantially more than the wages draftees would be paid. Saying that a draft would reduce the cost of the military is like saying that the pyramids were cheap because they were built with slave labor."

Friedman's speed at signing made it much easier, I'm sure, to get the signatures of almost 300 other prominent and not-so-prominent economists, including Kenneth Boulding, Harold Demsetz, David Friedman, Alan Greenspan, Donald McCloskey, William Meckling, Allen H. Meltzer, James C. Miller III, William A. Niskanen, Mancur Olson, Sam Peltzman, Murray Rothbard, Jeremy J. Siegel, Vernon Smith, Beryl W. Sprinkel, Jerome Stein, and James L. Sweeney.

The statement, with about 150 signatures, was published as a full-page ad in Libertarian Review, Inquiry, and The Progressive.

Milton Friedman and I had our differences about foreign policy. I tried, in vain, to persuade him to be against the first Gulf war. Even there, though, he publicly supported, in an interview with the San Francisco Chronicle, my economic argument against the war. He stated, "Henderson's analysis is correct. There is no justification for intervention on grounds of oil" (Jonathan Marshall, "Economists Say Iraq's Threat to U.S. Oil Supply Is Exaggerated," San Francisco Chronicle, Oct. 29, 1990.) Friedman did oppose the second Gulf war, as evidenced in an interview in the Wall Street Journal, in which he called it, correctly, "aggression." (Tunku Varadarajan, "The Romance of Economics," Wall Street Journal, July 22, 2006; page A10).

As far as I know, though, Friedman did not oppose the second Gulf war publicly when it mattered most—that is, before the March 2003 invasion. But on the draft, Friedman never wavered. For that, many young American men owe him a lot.

Two weeks ago, I attended a conference in Guatemala at which it was announced that Friedman had had a bad fall and was in the hospital. The person who announced it, Bob Chitester, producer of the Friedmans' 1980 television series, Free to Choose, handed out buttons that read, "Have you thanked Milton Friedman today?" Thanks, Uncle Miltie.

Mr. LATOURETTE. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and agree to the resolution, H. Res. 1089.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

DEWEY F. BARTLETT POST OFFICE

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1820) to designate the facility of the United States Postal Service located at 6110 East 51st Place in Tulsa, Oklahoma, as the "Dewey F. Bartlett Post Office".

The Clerk read as follows:

S. 1820

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEWEY F. BARTLETT POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 6110 East 51st Place in Tulsa, Oklahoma, shall be known and designated as the "Dewey F. Bartlett Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Dewey F. Bartlett Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, a graduate of Princeton University, Dewey Bartlett began his post-collegiate life as a marine combat pilot in the South Pacific during the Second World War. He went on to become a successful rancher and businessman in Oklahoma, and ultimately, it was his interest in improving the State's economy that led him to seek political office.

Bartlett was elected to the Oklahoma State Senate in 1962 and served as its Governor from 1967 to 1971. As Governor, Bartlett dedicated himself to bringing more jobs to the citizens of Oklahoma, and was a huge proponent of vocational-technical education to give workers the skills they needed to succeed. Two years later, in 1973, he became a United States Senator, a post that he maintained until 1979.

In all, Dewey Bartlett devoted over a decade of his life to public service. He was known for his strong work ethic and bipartisan approach to politics, as well as for his commitment to fiscal responsibility and economic growth.

After a 2-year battle with cancer, Mr. Speaker, Dewey Bartlett passed away in the spring of 1979. In recognition of his outstanding service to his State and this country, I urge all Members to join me in voting for S. 1820.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, as a member of the Government Reform Committee, I am pleased to join my colleague in consideration of S. 1820, a bill to designate the facility of the United States Postal Service located at 6110 East 51st Place in Tulsa, Oklahoma as the Dewey F. Bartlett Post Office. S. 1820, sponsored by Senator JAMES INHOFE, passed the Senate by unanimous consent on March 3, 2006.

Dewey Bartlett was born in Marietta, Ohio. During World War II he served in the United States Marine Corps as a dive bomber pilot in the South Pacific. After the war, Mr. Bartlett moved to Oklahoma, working as a farmer, rancher and independent oil producer.

Mr. Bartlett was elected to the State senate in 1962. Four years later he ran for Governor. As Governor, he was recognized for his efforts in economic development.

In 1972 Governor Bartlett was elected to the U.S. Senate, where he served from 1973 to 1979. Sadly, he passed away in Tulsa, Oklahoma on March 1, 1979.

I urge swift passage of this bill.

Mr. Speaker, I have no further speakers at this time, and I yield back the balance of my time.

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Mr. LATOURETTE. Mr. Speaker, at this time it is my pleasure to yield 4 minutes to the gentleman from Oklahoma (Mr. SULLIVAN).

Mr. SULLIVAN. Mr. Speaker, I rise today in proud support of S. 1820, which will designate the 6110 East 51st Place post office in Tulsa, Oklahoma, as the Dewey F. Bartlett Post Office.

I was pleased to introduce the companion legislation, H.R. 4051, which passed the House in March, and I again encourage my colleagues to join me in support of S. 1820. Dewey F. Bartlett was a strong advocate for conservative values, a war veteran and a public servant for Oklahoma and the Nation. He served as the second Republican Governor of Oklahoma and is a distinguished alumni of the United States Senate. He was a true representative of Oklahoma values, leadership and drive, and I am pleased that we are able to honor him in this way.

After graduating from Princeton University in 1942, Dewey Bartlett served in the Marine Corps as a combat dive bomber pilot during World War II. As a result of his courageous efforts in the South Pacific theater, he was awarded the Air Medal. After the war he moved to Tulsa, Oklahoma, and became a farmer, rancher and oilman. He was a partner in the Keener Oil Company, one of Oklahoma's oldest, small independent oil companies.

In 1963, he began his career in public service by joining the State Senate and then, in 1967, he became Oklahoma's 19th Governor. One of his priorities while in office was increasing industry in Oklahoma. As Governor the results of his hard work helped to produce a record $148.4 million in new industries or improvements in existing facilities and created 7,500 jobs for Oklahomans.

From 1972 to 1978, Bartlett served as a Member of the United States Senate. During his tenure, this proud Oklahoman maintained a strong consistent stance on limited government bureaucracy, reducing burdensome taxes and maintaining fiscal responsibility. I am proud to share Dewey Bartlett's vision of conservatism and work daily toward the goal of promoting commonsense Oklahoma values in Congress.

By designating the Dewey F. Bartlett Post Office in Tulsa, we are commemorating an exceptional person who embodied the spirit of Oklahoma.

Mr. LATOURETTE. Mr. Speaker, I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the Senate bill, S. 1820.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

HONORING THE CONTRIBUTIONS AND LIFE OF EDWARD R. BRADLEY

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1084) to honor the contributions and life of Edward R. Bradley, as amended.

The Clerk read as follows:

H. RES. 1084

Whereas Edward R. Bradley was born on June 22, 1941, in Philadelphia, Pennsylvania;

Whereas he graduated in 1964 with a degree in education from Cheyney State College;

Whereas he taught during the day at William B. Mann Elementary in Philadelphia and spent his evenings working at local radio station WDAS for free;

Whereas in 1965, when riots broke out in Philadelphia, Ed Bradley, lacking recording equipment, covered the riots from a neighborhood pay phone;

Whereas Ed Bradley's coverage of the Philadelphia riots earned him a full-time paid position with WDAS;

Whereas Ed Bradley was hired in 1967 as a reporter for WCBS radio in New York;

Whereas in 1968 he was the only African American on air at WCBS, or at any New York City radio station;

Whereas he joined CBS News in 1971 as a stringer in its Paris bureau, covering the Paris Peace talks, and remained with CBS News for 35 years;

Whereas he was transferred in 1972 to CBS Saigon bureau to cover the Vietnam War and while covering the War in Cambodia was injured by a mortar round;

Whereas he covered Jimmy Carter's campaign in 1976 and served as a CBS news floor correspondent for coverage of the Democratic and Republican National Conventions;

Whereas he became the first African American White House correspondent for CBS news from 1976 to 1978;

Whereas in 1981 Ed Bradley joined 60 Minutes as an on-air correspondent and remained with 60 Minutes for 26 years;

Whereas in 2000, Ed Bradley was the only television journalist granted an interview with condemned Oklahoma City Bomber, Timothy McVeigh, which earned him an Emmy award;

Whereas Ed Bradley received numerous awards of distinction for his in-depth reporting and coverage, including 20 Emmy awards, Lew Klein Excellence in the Media Award (2006), Paul White Award (2000), Damon Runyon Award (2003), Robert F. Kennedy Journalism Award (1995), and a Lifetime Achievement Award from the National Association of Black Journalists (2005); and

Whereas in addition to invaluable contributions to journalism, Ed Bradley's reporting also spurred social activism and change with his report on AIDS in Africa, "Death by Denial," which helped influence the pharmaceutical industry into discounting and donating AIDS drugs to Africa: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes and honors the contributions of Edward R. Bradley as an award winning American journalist; and

(2) expresses its deepest condolences upon his death to his wife, Patricia Blanchet, surviving family members, and friends.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LATOURETTE. Mr. Speaker, I yield myself as much time as I might consume.

Known best for his investigative reports on the CBS news program 60 Minutes, Ed Bradley won 19 Emmy Awards throughout his journalism career, including one for lifetime achievement in 2003. Just one year after graduating from college, he reported on the Philadelphia riots and earned a position with a local radio station. He became a reporter for CBS News in 1971, where he remained for 35 years and took on projects that were challenging and oftentimes a call for action.

His June 2000 report, "Death by Denial," for example, helped expose the AIDS crisis in Africa and convinced the pharmaceutical industry to donate medicine to the region. His report the previous year, called "Unsafe Haven," prompted Federal investigations into America's psychiatric hospitals.

In addition to his many professional accomplishments, Ed Bradley is remembered by his friends for leading a personal life of balance, virtue and humor. He loved to jump on stage with his good buddy and friend, Jimmy Buffett, who nicknamed Bradley "Teddy Bear" and referred to him as a great journalist who still knew how to have a good time.

In November of this year, after a long and private struggle with leukemia, Ed Bradley passed away. He leaves behind him a legacy of journalistic talent and achievements, as well as a personal story of courage and determination.

I urge my Members to join me today in supporting H. Res. 1084, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield as much time as he might consume to the sponsor of this resolution, the gentleman from Pennsylvania (Mr. BRADY).

Mr. BRADY of Pennsylvania. Mr. Speaker, I thank the chairman of the committee and the ranking member for allowing me to speak and also for bringing this bill up so quickly.

Edward Rudolph Bradley was born on June 22, 1941, in West Philadelphia, about 8 blocks from my house. He attended my alma mater, St. Thomas More High School. He graduated about 3 years ahead of me. I knew him personally, saw him in school, and he always was a gentleman and someone who always helped anyone who needed any help in any manner. With him being a senior and me being a freshman, I needed a lot of help, and he always took the time to do that.

He taught at William B. Mann Elementary in Philadelphia and spent his evenings working at a local Philadelphia radio station, WDAS, for free. In 1965, when riots broke out in Philadelphia and Philadelphia was in a major turmoil, Bradley, lacking recording equipment, covered the riots from a nearby pay phone and did an excellent job reporting back and also trying to soothe the problems we were having there.

Bradley's coverage of the North Philadelphia riots earned him a full-time paid position with WDAS. Bradley was hired in 1967 as a reporter for WCBS radio in New York. In 1968 he was the only African American on air at CBS, or at any New York news radio station.

Ed Bradley joined CBS News in 1971 as a stringer in its Paris bureau, covering the Paris peace talks, and remained with CBS News for 35 years. He was transferred in 1972 to CBS Saigon bureau to cover the Vietnam War and, while covering the war in Cambodia, was injured by a mortar round.

Ed Bradley covered Jimmy Carter's campaign in 1976, served as a CBS News floor correspondent for coverage of the Democratic and Republican National Conventions, which he covered and reported very fairly. Bradley became the first African American White House correspondent for CBS from 1976 to 1978. In 1981, Bradley joined 60 Minutes as an on-air correspondent and remained with 60 Minutes for 26 years.

In 2000, Bradley was the only television journalist granted an interview with condemned Oklahoma City bomber Timothy McVeigh, which earned him another Emmy Award.

Bradley received numerous awards of distinction for his in-depth reporting and coverage, including 20 Emmy Awards, Lew Klein Excellence in the Media Award, 2006; Paul White Award, 2000; Damon Runyon Award, 2003; Robert F. Kennedy Journalism Award, 1995; and Lifetime Achievement Award from the National Association of Black Journalists in 2005.

In addition to valuable contributions to journalism, Bradley's reporting also spurred social activism, but also spurred change with his reporting on AIDS in Africa, "Death by Denial," which helped influence drug companies into discounting and donating AIDS drugs to Africa.

He is survived by his wife, Patricia Blanchet. He will surely be missed in the City of Philadelphia, and we in the City of Philadelphia are extremely proud and honored to call him one of our own.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield 4 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. I thank the gentleman for yielding. I thank my good friends on both sides for bringing this resolution forward before the 109th Congress ends.

Mr. Speaker, Ed Bradley was much honored by his peers, the best honor always to receive, from those who judge harshest and judge best. It is very appropriate that Ed Bradley would be honored here in the halls of the Congress of the United States.

Perhaps he was destined to be honored in any case, because he was a pioneer, a first of his kind. We are still in an era when the first blacks are coming forward and we honor them simply for piercing the iron veil of race, but we honor Ed Bradley in this Chamber today as a leader of his profession.

Indeed, we honor Ed Bradley because he became, in his profession, an admired American figure. That is very hard to do in the field of journalism today. Journalism is almost down there with Members of Congress, but there are journalists who are universally admired, and Ed Bradley was one of those journalists.

He was in, perhaps, the most difficult aspect of journalism, at least that for which he became best known, investigative journalism, and, indeed, he was part of the premier investigative journalism program, 60 Minutes.

What Ed Bradley did is really difficult to do. You have got to be fair, but you have got to ask very hard, uncomfortable questions. Somehow he was able to do that without having people dislike him, and without having the television audience believe he had overreached. Here is a man who began as an elementary school teacher and went to the top of the journalism profession at a time when blacks were not supposed to be in the journalism profession at all.

Bradley excelled in his profession in ways that you have just heard from the sponsor of this resolution, 20 Emmys and all the rest. I also want to say that here is a man who had many friends who loved him despite his fame and fortune. Would that Members of Congress could be loved in spite of their profession, not because of it. Two of those who loved him most, are also dear friends of mine, Charlayne and Ron Gault. Charlayne Gault is the functional equivalent of Ed Bradley in journalism as a woman who entered this field at a time when there were very few blacks at the New York Times and in television.

Some of us may have seen the memorial service to Ed Bradley that was televised. It was a real testament to the fact that Ed Bradley loved life. All of us workaholics here in the Congress who are about to go home need to have looked at that memorial service, because Ed was remembered as much for his love of jazz, a jazz aficionado, as he was for his extraordinary reputation as a journalist.

Now, most of us are likely not to be remembered for being in Congress at all, but the notion of being remembered for loving life and living life and yet going to the top of your profession, there is no better life than that. Thus, it is with great pride that I rise to thank the sponsors of this resolution for honoring a man who did honor to his profession. We give honor to his family by reminding them that he is still remembered and will not be forgotten in his profession and in the life of our country.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume to conclude for our side.

I rise today in strong support of House Resolution 1084, as amended, a resolution that honors the life of Ed Bradley. Most of us know Ed Bradley from his 25 years of work on the CBS news magazine 60 Minutes, and his many interviews with world figures, celebrities and cultural icons.

The men and the women who sat in the chair across from Bradley doing his 60 Minutes interviews were figures of importance, people to whom we should pay attention, and we could rely on Bradley to make sure that no skeleton in the darkest corner of his subject's closet was safe from the tenacious journalists.

Bradley got his break by covering the 1965 riots while working part-time for free at a Philadelphia radio station. His talent did not go unnoticed for long. Bradley caught the ear of New York, and CBS radio hired him in 1967. He became the lone African American to report the news on the airways in New York.

Bradley went on to work in international television news in 1971. He worked for CBS news in Paris, Vietnam and Cambodia, where he proved himself as the quintessential journalist in sometimes dangerous situations.

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During his coverage of the Vietnam War, Bradley was injured by shrapnel from a mortar shell, a true testament to his devotion to getting a story. Bradley began working on the 60 Minutes news show in 1981, and he remained there until his death last month from leukemia.

I had the opportunity to be sitting close to the mayor of the City of Chicago at the Democratic Convention when he and Ed Bradley got into a serious exchange, one that everybody in our city always remembers.

A tenacious style and hard-hitting coverage earned Bradley many accolades and awards over the years. He won 19 Emmys and countless other awards by bringing us some of the most memorable television news moments over the past 25 years. Whether he was standing on the floor of a Presidential convention, sitting across the table from a world leader, teaching us about the AIDS epidemic from a remote region of Africa, reporting about war and humanitarian crises in Vietnam or Cambodia, or calling from a public phone booth in Philadelphia to report on the 1965 riots, Bradley was a welcome guest in our homes and hearts for almost 40 years.

I again express my strong support for this resolution that honors Ed Bradley.

Ms. LEE. Mr. Speaker, For nearly 40 years, Ed Bradley dedicated his life to journalism and uncovered some of history's greatest stories. His legacy, his life's work, is a story for all of us to admire.

Ed was a man of journalistic integrity, he not only set a high standard for his fellow journalists; he also helped to break down barriers in a field that traditionally has not reflected the true diversity of our Nation.

For most of his life, Ed sought the truth in matters that affected the American public. From his initial coverage of the Vietnam War to his award-winning report on AIDS, his contribution to history will not go unnoticed or forgotten.

Throughout his career, Ed took interest in the role of African-Americans in journalism and politics. He always found time to talk to minority youth and helped inspire new generations to enter both of these professions. When we last spoke, he expressed interest in the work of the Congressional Black Caucus.

Ed Bradley was only 65. He had so much left to give, but let us not forget his story, his commitment to enriching American lives, and his belief in a better world.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and agree to the resolution, H. Res. 1084, as amended.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

SENSE OF CONGRESS THAT PRESIDENT SHOULD POSTHUMOUSLY AWARD PRESIDENTIAL MEDAL OF FREEDOM TO LEROY ROBERT "SATCHEL" PAIGE

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 91) expressing the sense of Congress that the President should posthumously award the Presidential Medal of Freedom to Leroy Robert "Satchel" Paige.

The Clerk read as follows:

S. CON. RES. 91

Whereas Satchel Paige, who was born on July 7, 1906, in Mobile, Alabama, lived a life that was marked by his outstanding contributions to the game of baseball;

Whereas Satchel Paige was a dominating pitcher whose baseball career spanned several decades, from 1927 to 1965;

Whereas Satchel Paige played in the Negro Leagues and became famous for his unusual pitching style and his ability to strike out almost any player he faced;

Whereas Satchel Paige pitched 62 consecutive scoreless innings in 1933;

Whereas due to the practice of segregation in baseball, Satchel Paige was prohibited for many years from playing baseball at the major league level;

Whereas Satchel Paige played for many Negro League teams, including—

(1) the Chattanooga Black Lookouts;
(2) the Birmingham Black Barons;
(3) the Nashville Elite Giants;
(4) the Mobile Tigers;
(5) the Pittsburgh Crawfords; and
(6) the Kansas City Monarchs;

Whereas while pitching for the Kansas City Monarchs, Satchel Paige won 4 consecutive league pennants from 1939 to 1942, and later won a 5th pennant in 1946 with that team;

Whereas after the desegregation of baseball, Satchel Paige signed a contract to pitch for the Cleveland Indians at age 42, and soon thereafter became the oldest rookie ever to play baseball at the major league level;

Whereas the extraordinary pitching of Satchel Paige helped the Cleveland Indians complete a championship season in 1948, as the team won the American League Championship and the World Series;

Whereas Satchel Paige threw an estimated 300 career shutouts;

Whereas in 1971, Satchel Paige became the first Negro League player to be inducted into the Major League Baseball Hall of Fame;

Whereas the legendary pitching of Satchel Paige earned him numerous awards and accolades, including—

(1) a nomination to the All Century Team by Major League Baseball as 1 of the greatest players of the 20th century; and

(2) a selection to the 50 Legends of Baseball by the Postal Service;

Whereas despite years of discrimination that limited the play of Satchel Paige to the Negro Leagues, his prowess on the pitching mound earned him the respect and admiration of fans and players throughout the world of baseball;

Whereas Satchel Paige passed away on June 8, 1982; and

Whereas the Presidential Medal of Freedom, the highest civilian honor in the United States, was established in 1945 to recognize citizens of the United States who have made exceptional contributions to—

(1) the security or national interests of the United States;
(2) world peace;
(3) the culture of the United States or the world; or
(4) the citizens of the United States or the world: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the President should award the Presidential Medal of Freedom posthumously to Leroy "Satchel" Paige in honor of his distinguished baseball career and the contributions that he has made to the improvement of the society of the United States and the world.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Satchel Paige began playing baseball at a time when segregation prevented African American players from participating at the Major League level. He was a powerhouse pitcher for what was called the Negro League, and in 1933 pitched 62 consecutive scoreless innings for his team. With his animated personality, he was the main attraction at games and fans marveled at the famous pitches he creatively coined with names like "bat dodger" and "the hesitation pitch."

In July of 1948, after segregation in baseball had ended, Satchel Paige signed a contract with the Cleveland Indians. He was 42 years old at the time and he was the oldest rookie in the Major Leagues. The Indians won the American League championship and the World Series that year, thanks in no small part to his pitching talent.

I would add as an addendum, Mr. Speaker, being from Cleveland, Ohio, that is the last time that the Cleveland Indians have won the World Series.

In total, Satchel Paige threw close to 300 career shutouts, and in 1971 he was the first Negro League player inducted into the Major League Baseball Hall of Fame.

He is remembered by his family and friends not just as a baseball player who made history, but as a man who was full of warmth, full of energy and quick to make people laugh. Satchel Paige's contributions to the sport of baseball and United States culture are undoubtedly exceptional, and I am happy to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is believed that Leroy "Satchel" Paige was born on July 7, 1905. In 1965, 60 years after Page's estimated birth, he took the mound for the last time and threw three shutout innings for the Kansas City Athletics.

Paige's pitching was amazing and his showboating was legendary. Joe DiMaggio called Paige "the best and fastest pitcher I have ever faced." His career highlights spanned five decades. Pronounced the greatest pitcher in the history of the Negro Leagues, Paige compiled such feats as 64 consecutive scoreless innings, a stretch of 21 straight wins, and a 31–4 record in 1933. For 22 years, Paige mauled the competition in front of sellout crowds. His goal was to pitch in the Major Leagues.

In 1948, Paige's dream came true. The Cleveland Indians were in need of extra pitching for the pennant race. Paige stepped to the mound and helped the Indians win. He also played for St. Louis and Kansas City.

When Paige's Major League career was completed, he compiled a modest 28-31 record with a 3.29 earned run average. He also served as a coach for the Atlanta Braves in 1968. In 1971, Paige was given the ultimate honor. He was elected to join the very best in baseball history by being elected to the Hall of Fame.

Mr. Speaker, I am honored to support S. Con. Res. 91.

Mr. Speaker, I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 91.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

HONORING THE MEMORY OF ARNOLD "RED" AUERBACH

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 497) to honor the memory of Arnold "Red" Auerbach.

The Clerk read as follows:

H. CON. RES. 497

Whereas Arnold "Red" Auerbach was born on September 20, 1917, in Brooklyn, New York, the son of immigrants from Minsk, Russia;

Whereas Red started playing basketball as a public school student in Brooklyn and later became a star guard for Eastern District High School, making all-scholastic second team in his senior year;

Whereas Red started his coaching career at St. Albans Prep School and Roosevelt High School in Washington, D.C., before serving in the United States Navy from 1943 to 1946;

Whereas, in 1946, Red began his professional coaching career with the Washington Capitols in the Basketball Association of America (BAA) and led the team to the 1947 and 1949 division titles, joining the Boston Celtics as coach in 1950 after the BAA merged with the National Basketball Association (NBA);

Whereas Red's record of success on the basketball court and in the Celtics' front office is unmatched;

Whereas during Red's leadership of the Boston Celtics, the team won 16 NBA championships, including 9 championships, with a record 8 in a row, during Red's tenure as coach;

Whereas when Red retired from coaching in 1966 to become general manager of the Celtics, he was the winningest coach in NBA history with 1,037 victories and had won almost two-thirds of the games he had coached over a 20-year NBA coaching career;

Whereas during his nearly 57-year tenure with the Celtics as Head Coach, General Manager, Vice Chairman of the Board, and President, Red was the architect of one of the greatest dynasties in the history of professional sports;

Whereas Red infused the Celtics organization with the values of teamwork, respect, tenacity, and loyalty, creating a culture known as "Celtic Pride" that will be forever associated with the Boston Celtics franchise;

Whereas Red's imprint on the Celtics, the NBA, and the game of basketball is permanent and visible today in innovations that Red developed, including the "sixth man" role and fast break style of play;

Whereas Red was an effective and tireless ambassador for the game of basketball, both in the United States and overseas, conducting clinics, barnstorming with the Celtics, starring in the successful television series "Red on Roundball", writing 7 books on basketball, including the influential "Basketball For The Player, The Coach, and The Fan", and participating with Celtic great and Hall of Famer Larry Bird in the instructional video, "Winning Basketball";

Whereas Red received numerous awards and honors in recognition of his extraordinary achievements, such as selection as the NBA Coach of the Year in 1965, induction into the Naismith Memorial Basketball Hall of Fame in 1969, designation as the NBA "Executive of the Year" in 1980, and selection as "The Greatest Coach in the History of the NBA" by the Professional Basketball Writers' Association of America in 1980;

Whereas Red's lighting of his cigar in the closing moments of an imminent Celtics' victory became an enduring symbol of success in Boston and around the world;

Whereas Red's legacy extends beyond the game of basketball and includes his important contributions to the advancement of a colorblind society through his decision to draft the NBA's first African-American player, Chuck Cooper, in 1950, hire the first African-American head coach in professional sports, Bill Russell, in 1966, and field the first starting lineup in the NBA consisting entirely of African-American players in 1964; and

Whereas the name "Red Auerbach" will forever be synonymous with winning, intensity, integrity, and charitable causes: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) Arnold "Red" Auerbach was a basketball genius who embodied the values of creativity, determination, versatility, and commitment to helping the less fortunate;

(2) Red Auerbach was a leader in the effort to remove racial barriers and allow merit to prevail in professional sports, through his decisions to draft, hire, and prominently feature African-Americans on the Boston Celtics basketball team; and

(3) Red Auerbach's place among the greatest coaches and executives of all time is assured, his contributions to the betterment of society will always endure, and his life exemplifies the very best ideals of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the concurrent resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, few coaches or managers in the history of sports, let alone basketball, are as legendary as Arnold "Red" Auerbach. His career with the Boston Celtics began in 1950, and right away he began setting new records and benchmarks.

The Celtics won nine NBA championships in 10 seasons under his watch as coach, and Auerbach's draft of an African American was a first for the NBA. He continued to break down racial barriers in sports as the first coach in the NBA to start with a lineup of all black players, and the first executive in the history of all professional sports to appoint a black coach.

He revolutionized the way basketball was played, focusing entirely on the team rather than on individuals, and he created an arsenal of tactics that had never been used before.

Red Auerbach will also be remembered for his lively personality on and off the court. His passion for the game was second to none, and Celtic fans awaited with anticipation for him to ceremoniously light his cigar on the sidelines, a signal to everyone that the game belonged to his team.

Coaches with the talent and spark like Red Auerbach are indeed rare. In honor of all he did for the game of basketball and professional sports as a whole, I urge all Members to join me in supporting this resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of the resolution that recognizes the achievements and the life of famed basketball coach, Arnold "Red" Auerbach.

Auerbach was both a player and a coach during his career in collegiate and professional basketball, but we all best remember Red as the cigar-chewing coach of the Boston Celtics.

As coach of the Celtics, Auerbach led his team to ten Eastern Division titles in 16 years and nine National Basketball Association titles overall. His most astonishing achievement of his 17-year career as coach of the Celtics was winning eight straight NBA titles, a feat unmatched before or since.

Red coached the Celtics from 1959 to 1966, but he did not stray far from the team when his coaching days ended. He moved from the court to the front office and was an executive with the franchise until 1980. Auerbach will always be remembered as the coach of one of the most famous basketball dynasties in history. He will always be regarded by many as the best NBA coach of all time.

The picture of Red Auerbach that most of us carry in our minds is the image of him lighting up a cigar on the sidelines after his Celtics had won another game, but there are a few lesser known facts about Auerbach that mean a great deal to me and to all African Americans.

Red's great vision led him to draft the first African American basketball player in NBA history, he was the first coach to start an all African American lineup in the NBA, and Auerbach was the first executive to hire an African American to coach a professional basketball team. Red changed the way professionals play the game of basketball, and these achievements helped to change the face of basketball as well.

On October 28, the basketball world lost a great coach, and the rest of us lost a great American citizen. Although we mourn his loss and will miss his presence at NBA events, we cannot help but see his influence on the game of basketball, wherever it is played. I ask for the adoption of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Massachusetts (Mr. MARKEY), the cosponsor of this resolution with me.

Mr. MARKEY. Mr. Speaker, I thank the gentlewoman, and I thank the Members of the House for allowing us to have these few minutes on the floor of the House of Representatives to honor, to recognize one of the greatest Americans of the 20th century, one of the greatest basketball coaches of all time, but also a man who was a pioneer in race relations.

In 1950, he was the first person to draft in the NBA an African American. In 1966, he named Bill Russell as the coach of the Boston Celtics, the first African American coach of any major sport in the United States. In 1965, he won the NBA title playing five African American starters on an NBA team. No one had ever done that before, because he was blind to race.

I know this, because in 1959 when I was 13 years old, Red Auerbach decided that he was going to have four teams that would alternate playing a game at Boston Garden right before the Boston Celtic game at 1 o'clock. He had a YMHA team, Young Men's Hebrew Association; a Chinese American team; an African American team from Roxbury; and he had a CYO team, a Catholic Youth Organization team, and I was on that team. I was one of the 10 boys on that Catholic team. And we played alternating Sundays right before the Celtics game, in uniform with all the fans coming in; Chinese, African American, Jewish, white, in Boston, in 1959.

Red Auerbach was a very special man, because he was dedicated to being color-blind. He was dedicated to excellence, regardless of where the talent came from. It was a message that all of us in Boston saw and heard, and to a very large extent this new African American Governor, this great new Governor that we have in Massachusetts, Deval Patrick, he is a political godchild not only of Bobby Kennedy and John F. Kennedy and Martin Luther King, but also in Boston, in Massachusetts, of Red Auerbach and the message he was sending through Bill Russell, through these other players a generation ago, to all of us in our State. So we are so, so proud of him.

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He always knew that a team could be bigger than the sum of its parts if they all worked together. That was his message. That was something that made him the most successful basketball coach in the history of basketball. It was that notion of teamwork.

After each victory, he pulled out a cigar, and I know that it is in violation of House rules to smoke, although in the State of Massachusetts, in all public places, it is illegal to smoke, except written into the law Red Auerbach, because he had a special exception, and out here on the House floor today, to Red I say that you were the ultimate winner, that you were someone who not only won on the court but you won in life and you sent that message to all of us. We thank you for your example.

I thank the gentlewoman from the District of Columbia for recognizing me.

Mr. Speaker, I rise in strong support of this resolution to honor "Red" Auerbach, the legendary basketball coach and executive of the Boston Celtics, who passed away in October at the age of 89.

Mr. Speaker, Red Auerbach was a winner. As a coach, he won more than a thousand games, including 9 world championships and an unbelievable 8 in a row—a record that still stands today. Overall, he won almost two-thirds of the games he coached over a 20-year NBA career. The 16 world championship banners that hang from the rafters in Boston Garden today are an everlasting testament to Red's incredible talent.

As an executive leading the Celtics, he was the architect of one of the greatest dynasties in the history of professional sports. The players he brought onto the Celtics—often by outwitting and outmaneuvering the general managers of the other teams in the league—remain among the greatest to ever play the game: Bill Russell; Bob Cousy; John Havlicek; Kevin McHale; and of course, Larry Bird.

Red understood that it took much more than individual stars to win consistently. That's why he constructed teams with players who knew and excelled at their specific roles, building a whole that always was greater than the sum of its parts. It wasn't unusual for players from other teams to suddenly start playing better when they joined the Celtics than they ever had with their previous team.

Red infused the entire Celtics organization with the values of teamwork, respect, tenacity and loyalty, creating a culture known as "Celtic Pride" that forever will be associated with the Boston Celtics franchise.

It's impossible to overstate Red's impact on the City of Boston and the entire New England region. With his leadership, the Celtics became hometown heroes, and Red was a living legend.

Growing up as a boy in Massachusetts, I always got a thrill when Red would let the CYO teams from across the state play on that incredible parquet floor in Boston Garden. It was a highlight for us, and it also was an example of Red's work to break down racial and class barriers. To have white kids and black kids, Hispanic and Jewish kids from communities across the state mixing together was unusual in Boston in the 50s and early 60s, and Red was the one making it happen.

Red's lasting impact on our country transcends basketball. His unrivalled ability to identify gifted players was fueled by his laser focus on talent and attitude, which left no room for considerations of race, creed or color.

In 1950, Red drafted the NBA's first African-American player, Chuck Cooper. He hired the first African-American head coach in professional sports in 1966 in Bill Russell and was the first coach to put together a starting lineup consisting entirely of African-American players in 1964.

While Red made his indelible mark in Boston, his home remained in Washington, DC throughout his career with the Celtics. I was fortunate to be invited to Red's famous lunches at the China Pearl restaurant, where Red would hold court in the middle of a diverse group of journalists, athletes, doctors, coaches, and other friends he had made over the years. Watching Red, it was clear that he was a natural leader—he would have made a great Speaker of the House in his day.

Red's place among the greatest coaches and executives of all time is assured, his contributions to the betterment of society will always endure, and his life exemplifies the very best ideals of our country.

There will never be another Red Auerbach—he was an American original. Our hearts go out to Red's family and friends. I encourage my colleagues to support this resolution in Red's honor.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman for those comments. That is a very appropriate prop to use this time. I have just an additional word about Red Auerbach.

Mr. Speaker, when you have won two-thirds of the games you ever coached over a 20-year period, there is hardly anybody in America who is not going to claim you. Brooklyn has every right to claim Red Auerbach for growing up there. Boston certainly claims him. Actually, Russia could claim him. The man was born in Russia, and we remember the time when Russia used to claim to invent everything whether it happened there. Well, this did happen there.

I am here to claim Red Auerbach, too, because he actually began his coaching career right here in the District of Columbia, coaching on two high school teams, one, a private high school team, St. Albans; the other, a public high school team, Roosevelt High School. Wouldn't you know it?

The great characteristics of sportsmanship should be remembered as much as the more than thousand games that Red Auerbach won, the notion of respect and loyalty, the culture he brought to the game, which, if I may say so, often today seems absent from the game and from sports. As we remember Red Auerbach, I hope we will remember his standards and the culture that he insisted upon by the example he set in the sport where he excelled above all others.

He never stopped working for basketball in countless ways, as an ambassador of the game, his television series, Red on Round Ball. The man wrote seven books about basketball.

Finally, of course, today it may seem unbelievable that as recently as 1950 Auerbach distinguished himself by drafting the first African American player in the NBA, Chuck Cooper. Goodness sakes, very late in the history of our country, particularly if we consider that the game is, if anything, inordinately dependent today on African American players.

Then, of course, about 16 years later, it would seem he hired the first African American head coach in professional sports. That is a real breakthrough because you have to have the courage to move with someone whom you believe can do exactly what you are doing and what those who are leaders of the game did, and of course he found the right man and the right time in Bill Russell. As recently as 1964, Red started the first all African American lineup of players. I think there was some reluctance to do that by some. Regardless of what it might have done for the game before that, Red Auerbach simply did it.

There are many ways, Mr. Speaker, for a man or a woman to show courage on race. There are many ways to be a civil rights leader. For America and especially for those who needed him most, we in the House today say thanks, Red.

Mr. LANGEVIN. Mr. Speaker, I rise today in support of H. Con. Res. 497. As a Boston Celtics fan, I am proud to be a cosponsor of this resolution, which honors the memory of Arnold "Red" Auerbach.

Red Auerbach was known as the man who turned the Boston Celtics into a dynasty franchise. A fiery and competitive coach, he understood the importance of each individual player's role on a team. He was also a savvy businessman who made his decisions based on what was best for his team, regardless of how society might have viewed him. His methods and coaching styles were copied by many, leading to Auerbach being called the inventor of modern professional basketball and one of the greatest coaches in professional sports history.

Born on September 20, 1917, in Brooklyn, NY, Auerbach was a basketball captain and also school president at Eastern District High School. He went on to earn both a bachelor's and a master's degree from George Washington University, where he played basketball for three years. His marriage in 1941 to Dorothy Lewis, as well as his ties to his alma mater, led Auerbach to establish his home in the Washington; DC area, where he also began his basketball coaching career. In 1950, he began his legendary run as the head coach of the Boston Celtics.

As the Celtics coach, he won nine National Basketball Association championships, including eight straight from 1959 to 1966, which still stands as a record in North American professional sports. Fearless and not easily swayed by the prevalent attitudes surrounding him, Auerbach drafted the NBA's first black player, named the first black coach in any professional sports league, and had the first all-black starting lineup in NBA history. After the 1966 season, he decided to hand over the coaching reins, but remained with the Celtics as an executive, and he would be affiliated with the organization for the rest of his life.

Red Auerbach passed away on October 28, 2006, just shy of attending his 57th straight Celtics game opener in Boston. Red Auerbach was the epitome of the Celtics, and his legendary status made it seem he would live forever. While it is hard to picture the Celtics and the world without him, Red Auerbach has left his mark. His guiding principles—family, loyalty, teamwork—should not only be taught on the basketball court, but guidelines we should all follow.

Red Auerbach leaves behind two daughters, Nancy Collins and Randy; one granddaughter; and three great grandchildren. May we keep his loved ones in our thoughts and prayers, and may his memory live on forever.

Mr. JOHNSON of Illinois. Mr. Speaker, I rise today in honor of Arnold "Red" Auerbach, the legendary coach, general manager, and president of the Boston Celtics. Red was the architect and mastermind of one of the most dominant franchises in professional sports history.

He coached the Celtics from 1950 to 1966, and during his tenure the franchise won nine NBA titles, including eight straight from 1959 to 1966—the longest string of championships in the history of North American professional sports. His historic coaching career ended in 1966 with 938 regular season victories, a record that stood until Lenny Wilkins broke it in the 1994–95 season and 9 championship rings, an amount only matched by the current Los Angeles Lakers coach Phil Jackson.

Auerbach was revered for his unique ability to scout and recognize talent. Throughout his time as a coach and in the front office he engineered some of the most historic trades and draft selections in NBA history. One of the most notable was in the 1956 NBA Draft when the franchise traded up to the second pick in the draft and selected Future Hall of Famer Bill Russell from the University of San Francisco. Also, while in the Celtic's front office, Auerbach assembled arguably the greatest front line in NBA history when he drafted Larry Bird in 1978 as a "junior eligible" selection and then in 1980 worked out a deal that brought Robert Parish to the team and allowed the franchise to draft Kevin McHale out of the University of Minnesota. All three players are now members of the NBA Hall of Fame and became the nucleus that led the Celtics to 3 world Championships in the 1980's.

Auerbach's influence on the game went beyond the numerous victories and championships; he also was a pioneer in advancing race equality within the NBA. In 1950, the Celtics franchise selected Chuck Cooper of Duquesne University in the second round as the first black player to ever be selected in the NBA Draft. In addition during the 1963–64 season, Auerbach's starting line up of Bill Russell, K.C. Jones, Sam Jones, Tom Sanders, and Willie Naulls became the first all black starting line up in NBA history. And finally upon his retirement in 1966, Auerbach chose Bill Russell to succeed him as the coach of the Boston Celtics becoming the first African American to coach an American professional sports team.

Please join me in recognizing this American legend, his contributions to both the game of basketball and the nation will be forever remembered.

Ms. NORTON. Mr. Speaker, I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield back the balance of our time.

The SPEAKER pro tempore (Mr. ADERHOLT). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 497.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

CONDEMNING ST. DENIS, FRANCE, FOR NAMING STREET IN HONOR OF MUMIA ABU-JAMAL

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1082) condemning the decision by the city of St. Denis, France, to name a street in honor of Mumia Abu-Jamal, the convicted murderer of Philadelphia Police Officer Danny Faulkner.

The Clerk read as follows:

H. RES. 1082

Whereas on the night of December 9, 1981, Police Officer Danny Faulkner was shot and killed in cold blood during a traffic stop in Philadelphia, Pennsylvania;

Whereas in the process of arresting the driver of a car traveling the wrong way down a one-way street, the driver's brother appeared from across the street and proceeded to open fire on Officer Faulkner while his back was turned away; the driver's brother was identified as Mumia Abu-Jamal;

Whereas Mumia Abu-Jamal struck Officer Faulkner four times in the back with his gun; although seriously injured, Officer Faulkner returned fire, striking his attacker; undeterred, Mumia Abu-Jamal stood over Officer Faulkner and shot him in the face, mortally wounding him; Mumia Abu-Jamal attempted to flee, but collapsed several feet from the slain Officer Faulkner, murder weapon in hand;

Whereas Mumia Abu-Jamal was charged and convicted of first degree murder by a jury of his peers; although Mumia Abu-Jamal has had numerous legal appeals, including appeals to the Pennsylvania Commonwealth Court of Appeal, the Pennsylvania State Supreme Court, and the United States Supreme Court, his conviction has been upheld each time;

Whereas on April 29, 2006, the municipal government of St. Denis, a suburb of Paris, dedicated a street in the honor of Mumia Abu-Jamal;

Whereas December 9, 2006, marks the 25th anniversary of Officer Danny Faulkner's murder at the hand of Mumia Abu-Jamal; and

Whereas the official recognition and celebration of a convicted murderer of a United States police officer is an affront to law enforcement officers across the Nation: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns the murder of Philadelphia Police Officer Danny Faulkner;

(2) urges the municipal government of St. Denis to take immediate action to change the name of Rue Mumia Abu-Jamal and, if such action is not taken by the municipal government of St. Denis, urges the Government of France to take appropriate action against the city of St. Denis to change the name of Rue Mumia Abu-Jamal; and

(3) commends all police officers in the United States and throughout the world for their commitment to public service and public safety.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Resolution 1082 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 1082, the resolution that condemns the decision by the city of St. Denis, France, to name a street in honor of Mumia Abu-Jamal, the convicted murderer of Philadelphia Police Officer Danny Faulkner. In 1981, Officer Faulkner was shot multiple times by Abu-Jamal, who was then convicted and sentenced to death. Although Abu-Jamal's conviction was upheld on appeal, the death sentence was overturned on habeas review in 2001, 20 years after the crime was committed.

The city of St. Denis exhibited gross disregard for the family of Officer Faulkner, the city of Philadelphia and the families of slain law enforcement officers all over the United States when it callously announced the naming of a street to honor Abu-Jamal during the 2006 National Police Week.

House Resolution 1082 condemns the heinous murder of Officer Daniel Faulkner and urges the city of St. Denis to reconsider the decision to name a street after a convicted police murderer. Should the city of St. Denis fail to act, the resolution asks the government of France to take action to correct this injustice and concludes by commending all police officers for their commitment to public service and safety.

This resolution has received the support of the Fraternal Order of Police and the National Troopers Coalition.

I would like to thank the gentleman from Pennsylvania (Mr. FITZPATRICK) for his leadership on this issue. I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself as much time as I may consume.

I am today joined by a number of my colleagues in expressing strong opposition to this measure in the manner in which it comes before us today.

This proposal, introduced only 2 weeks ago, has conveniently made its way here to the House floor without the benefit of a single hearing, markup or any other consideration or discussion by our committee.

Now, one could understand the need to circumvent the safeguards embodied in the traditional legislative process if this measure proposed to solve some of the problems of the 46 million Americans who every day go without health insurance.

One could also understand the need to rush the bill through if it sought to improve our local schools, proposed to make college more affordable, or attempted to enhance the standard of living of roughly 38 million people in America who currently live in poverty.

Unfortunately, this bill fails to address any pressing public policy problems, but instead its sole aim is to influence the decisions of a local government located several thousand miles away in Paris, France.

As many may know, the details surrounding the conviction of Mumia Abu-Jamal for the murder of Police Officer Daniel Faulkner are filled with a great deal of controversy. Legal experts have questioned the numerous irregularities that occurred during the course of the trial, including the failure to conduct adequate ballistic tests on Abu-Jamal's gun and the clearly contradictory testimony given by at least two of the prosecution witnesses.

Yet and still, and regardless of one's personal feeling with respect to Abu-Jamal's guilt or innocence, we should not be using the precious time we have to address the needs of the American people with a resolution such as this.

Let us agree to let the French Government focus on the needs of its people while we focus on the needs of everyday, hardworking people here in America.

We can start by providing better jobs, better schools, more affordable health care, not by passing this resolution.

I must note that since his imprisonment, Abu-Jamal has continued his political activism and has completed his bachelor of arts from Goddard College, has earned a master of arts from California State University, and from his cell has made commencement speeches to graduating classes in a number of colleges across the country. He was a guest speaker on the immortal techniques on the musical album. The organization, Access of Justice, interviewed him for their job. Vanity Fair wrote that a supporter of Mumia's, Phillip Block, visited him in prison and asked Jamal whether he regretted shooting a cop, to which Mumia allegedly answered yes. Block, who otherwise supported Mumia, stated he came forward after he grew concerned about the vilification of Officer Faulkner, and this story goes on.

I think this is not one of the great suspension matters which we should be bringing to the floor at this particular time.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. FITZPATRICK), the author of the resolution.

Mr. FITZPATRICK of Pennsylvania. Mr. Speaker, on the night of December 9, 1981, Philadelphia Police Officer Daniel Faulkner made a routine traffic stop when the driver of a Volkswagon was spotted driving the wrong way down a one-way street. While attempting to take the driver of the vehicle into custody, the brother of the driver appeared from across the street and opened fire on Officer Faulkner while his back was turned away.

The shooter's name was Weslie Cook, who was also known by his alias, Mumia Abu-Jamal. Not only did Mumia shoot Danny Faulkner in the back, but in a final moment of what can only be described as contempt and cold hatred, he stood over Officer Faulkner's prone body and fired again, the bullet striking Faulkner in the head, which instantly killed him.

During the altercation, Officer Faulkner was able to return fire, his shots wounding Mumia Abu-Jamal enough to keep him from leaving the scene of the murder. Police arrived on the scene and found Mumia with the murder weapon close by.

Soon after the crime, Mr. Speaker, Mumia was tried by a jury of his peers. Four eyewitnesses confirmed that Abu-Jamal was in fact Officer Faulkner's murderer, and not even his own brother William Cook agreed to testify in his defense. The jury deliberated only 2 days before convicting Abu-Jamal of first degree murder.

Although Mumia tried many times to have his conviction overturned by Pennsylvania's commonwealth court, the Pennsylvania supreme court, and even the United States Supreme Court, Mumia Abu-Jamal's conviction stood firm and, in fact, still stands today.

The murder of Officer Faulkner has been burnt into the memory of his colleagues, friends, family and into the thoughts of countless police officers across the country as a senseless act of violence.

However, something strange happened during Mumia's trial and subsequent appeals. He became something of a celebrity to the extreme fringe left. Free Mumia movements started to spring up across the country. Activists started calling him a political prisoner.

□ 1430

Word spread, and soon his name became known across the world, leading us to this moment and the consideration of this House resolution.

In early May of this year, I read a disturbing story in the Philadelphia Enquirer. The story reported that on April 29, the Parisian suburb St. Denis named a street of their city in honor of Mumia Abu-Jamal. I was shocked and I was disgusted.

The man who, in 1970 as a founding member of the Black Panthers in Philadelphia, wrote, "I for one feel like putting down my pen. Let's write epithets for Pigs!" was being honored as a political prisoner. According to the Enquirer article, Suzanne Ross, the co-chair of the Free Mumia Coalition of New York City, said that "in France, they see him as a towering figure." Well, Ms. Rosen, in the United States the vast majority of Americans see him for what he is: a heartless and unrepentant cop killer.

I was so disturbed by this story that I felt compelled to introduce legislation, not just 2 weeks ago, but back in May, to condemn the decision of the city of St. Denis to name a street after this criminal and to urge them to immediately rename the street. If such an action is not taken, the legislation calls on the Government of France to correct the ill-conceived decision of the city and of the municipal government.

Finally, the bill condemns the murder of Daniel Faulkner, and recognizes the sacrifice and commitment, law enforcement officers across the world show each day in securing the public safety and the order of the law. I also want to recognize representatives of the law enforcement community who have worked tirelessly to tell Danny Faulkner's story and to pursue justice in his case, including the Philadelphia FOP and its president, Bobby Eddis; the Pennsylvania FOP, and its national organization.

Mr. Speaker, Mumia Abu-Jamal is not a political prisoner. He is a murderer with a penchant for public relations. He has been able to sway extreme liberal and Socialist groups to his side in a sick effort to ride his story of political oppression to freedom. Apparently, the city government of St. Denis has swallowed this lie, hook, line and sinker. It is an affront to Officer Daniel Faulkner's memory, to his widow Maureen, and everyone who puts on a uniform.

As we approach the 25th anniversary of Officer Faulkner's murder, I call on all my colleagues to join me in support of this legislation. We must stand together as one and send a strong message to the world that cop killers deserve to be punished, not to be celebrated.

Mr. CONYERS. Mr. Speaker, I yield as much time as he may need to the gentleman from Virginia, Mr. BOBBY SCOTT, a distinguished member of the Judiciary Committee.

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, we are all saddened by the death of a police officer cut down in the line of duty, and our hearts go out to his family, friends, and coworkers. We all want to see justice for victims and for society for such a tragic loss. Yet, we must leave the search for justice to our courts to apply our constitutional system of administering justice.

There have been advocates and interested parties on both sides of the issue of the Mumia Abu-Jamal case from the beginning. Regardless of one's views of the merits or the lack of merits of this case, the contentions in the pending case, the Congress of the United States is not the proper forum to debate or determine the merits of this case. The existing appealable issues in the case are now pending before the United States Court of Appeals for the Third Circuit, and Congress should not attempt to wield the court's gavel or presuppose its decision. And this is not an automatic go-through-the-motions appeal. The Federal District Court upheld the conviction, though it did overturn the death penalty in the case. Abu-Jamal is appealing the part of the case upholding the conviction; the State is appealing the part overturning the death sentence. So there are clearly judicial issues on both sides, and Congress should not interject itself on a matter pending before a court of law established to resolve the merits of legal issues.

I thought we had learned from the Terry Schiavo case why Congress should not seek to serve as a judicial appeal arena on emotionally charged issues. Of course, the recent record reflects issues to strip Federal courts of jurisdiction to even hear cases related to emotion-laden issues, which would suggest that we have not learned our lesson. But I do remain hopeful. Let the judiciary do its job. Any suggestion that the legislative branch can or should fix or have a say in a pending case before the courts not only demeans the judicial branch, but it diminishes respect for the law.

Nor should Congress seek to respond to or otherwise address the actions of a municipality in a foreign sovereign nation, and certainly not in the matter contemplating holding the nation accountable for the ministerial actions of its subordinate jurisdictions, as this resolution attempts to do. We should not expect the United States to be urged by a foreign legislative body, as the resolution says, to take appropriate action against one of our municipalities when the foreign government disagrees with the action taken by one of those cities.

There are many advocates for overturning the death sentence in this case, here in the United States as well as other countries. I understand some of those advocates are planning a rally in Philadelphia on December 9, the anniversary of his arrest. The city of Philadelphia will undoubtedly approve a permit for that rally. Now, are we going to pass a resolution condemning the city of Philadelphia for approving a rally in favor of Abu-Jamal, or should we take Federal action appropriate against the city for taking that action?

We also know that the city of San Francisco has made Abu-Jamal an honorary citizen. Are we going to take Federal action against San Francisco because of that action?

And what standard are we setting by this resolution? Municipalities around the world and right here in the United States take actions that many of us may disagree with. You would think that some in Congress would agree or disagree with many of the resolutions passed by municipalities expressing their opposition to the USA PATRIOT Act or their opposition to the war in Iraq. Are we going to urge the United States to take appropriate action against those cities for criticizing the United States and its military actions? And do we create the opposite effect of the apparent attempt of the resolution by calling even more attention to the otherwise obscure event that is the subject of this resolution? Frankly, I had never heard of the action of the city of St. Denis before I saw this resolution, and I suspect few people in the United States or anywhere else had ever heard of this action. By complaining about those giving attention to the case and the issues through this resolution, we are simply giving more attention to it.

The death penalty is a controversial issue in this country and around the world. It is an issue of conscience by many here as well as abroad, regardless of how heinous a crime for which someone may have been sentenced to death. The United States is one of few major countries in the world where the death penalty is still applied. Amnesty International and other human rights groups criticize the United States policies on the death penalty as inhumane and inconsistent with international human rights standards, and we encounter many difficulties in getting international cooperation because of it. When we try to have a captured capital crime defendant extradited from another country back to the United States, we routinely face opposition from countries of origin and other countries because we have the death penalty. In fact, a letter from St. Denis has mentioned their opposition to the death penalty as one of the reasons for their action.

And so we should not be shocked by those who are facing death penalties when they are designated as martyrs of what some consider to be a barbaric and archaic practice. Mr. Speaker, because we should not, as the resolution says, urge the Government of France to take appropriate action against the city of St. Denis, when we haven't even done the same against cities right here in the United States, and because this case is pending in the Third Circuit, we should reject this resolution.

Mr. SENSENBRENNER. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Speaker, as a citizen of the Commonwealth of Pennsylvania, I rise today to speak in favor of House Resolution 1082. When I first read or heard that the leadership of the Paris suburb of St. Denis had decided to name a street in that municipality for Mumia Abu-Jamal, I thought I had just disappeared down Lewis and Carroll's rabbit hole in Alice in Wonderland. Everything had gone topsy-turvy; left had become right, up was down, and, most significantly, right was now wrong.

Mumia Abu-Jamal is a man to be condemned, not honored. On December 9, 1981, he shot Philadelphia Police Officer Danny Faulkner. He shot him in the back, then he shot him four more times. The last round from a 38-caliber handgun struck the officer in the face and killed him. Four eyewitnesses at the scene saw him do it and testified as such in a court of law. Abu-Jamal was apprehended at the scene, and his 38, containing five spent shell casings, was found there as well. And I won't even get into the alleged hospital confession.

Abu-Jamal was tried by a jury of his peers in a Philadelphia courtroom. He was convicted of first degree murder and sentenced to death. Philadelphia's Democratic District Attorney Lynn Abraham called it "the most open and shut murder case" that she had ever seen. In fact, current Pennsylvania Democrat Governor Ed Rendell was district attorney at the time, and his office tried that case.

Abu-Jamal also admitted to shooting the officer. And while this confession and a death sentence that he received has been the subject of subsequent appeals, every court that has looked at this case has affirmed the jury's finding that Abu-Jamal murdered Officer Faulkner.

Abu-Jamal, a cop killer, is now feted as a minor celebrity by people like Fidel Castro, a few Hollywood movie stars, and of course the leadership of a small suburb of Paris, France. And some people have argued that they support Abu-Jamal because they oppose the death penalty. May I say, rather respectfully, that the Jamal case is not the case to make that case against the death penalty. We have a death penalty statute in the Commonwealth of Pennsylvania precisely because of cases like this one.

The man that he executed, meanwhile, a true hero who protected and served the people of Philadelphia, is dead, and his widow Maureen continues to grieve for him. I have met with Maureen when I served in the Pennsylvania General Assembly. I know that she misses Danny every day. Only the Mad Hatter could make sense of a scenario like this.

Please, I urge every Member of this House to vote in favor of this resolution sponsored by my good friends and colleagues MIKE FITZPATRICK and ALLYSON SCHWARTZ.

Mr. CONYERS. Mr. Speaker, I yield to the gentlewoman, Ms. SCHWARTZ, 4 minutes.

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, I thank the gentleman for yielding.

I rise today in strong opposition to the decision by the city of St. Denis, France to dedicate a street in honor of Mumia Abu-Jamal, the convicted murderer of Philadelphia Police Officer Daniel Faulkner.

Every day, law enforcement officers selflessly risk their lives to protect us and our communities, and 25 years ago Officer Faulkner paid the ultimate price for his service to the city of Philadelphia.

On December 9, 1991, Officer Faulkner was shot to death during a traffic stop at 12th and Walnut Street. Officer Faulkner was a respected and loved member of the Philadelphia community, a loving husband to his wife Maureen. He was only 25 years old when he was murdered.

The city of Philadelphia is still mourning the loss of Officer Faulkner, yet some have allowed Mumia Abu-Jamal, his convicted murderer, to become an international cause celebre. Most recently, the French city of St. Denis named a street after this man.

Abu-Jamal was found guilty by a jury of his peers, a sentence that has been upheld by State and Federal courts. It is unfortunate that elected officials in France, who surely understand the importance of honoring those who risk their lives to preserve the rule of law, pay tribute to such a man. In the United States, naming of public places such as buildings and streets is an honor reserved for individuals who have brought significant contributions to their communities, to our Nation, or to the society at large.

Perhaps the mayor and elected officials of St. Denis could learn from the city of Philadelphia, which in the year 2000 named a portion of the Roseville Boulevard in my district in remembrance of Officer Faulkner. Or perhaps the mayor will respond to the collective outrage expressed today by the U.S. House of Representatives when it passes this resolution; because he did not, when I wrote to him earlier this year to express my strong opposition to his actions. Instead, I received a response making clear that the city would not be deterred.

Mr. Speaker, we cannot allow Officer Faulkner's public service to be diminished by the actions of a foreign city. The resolution before us remembers his service to our community and to our Nation. It condemns those involved in his murder and the city of St. Denis for celebrating them. And it recognizes that while 25 years have passed since Officer Faulkner's passing, he has not been forgotten.

Sadly, since Officer Faulkner's murder, 110 brave law enforcement officers have given their lives serving and protecting the communities of my State. I want to take this opportunity to reflect and remember the four officers we lost just this last year: Pennsylvania State Police Corporal Joseph Pokorny; Reading Police Officer Scott Wertz; Upper Saucon Township Police Officer David Petzold; and Police Officer, in Philadelphia, Gary Skerski. Gary Skerski was a constituent of mine. He had befriended my staff, and he was a beloved member of our community. I know how much he is missed by his wife Ann and their two young children as well as the residents of Port Richmond, the Philadelphia neighborhood where he lived and was so involved. I know the St. Denis actions are an offense not only to Daniel Faulkner and his family, but also to the Philadelphia Fraternal Order of Police and to Officer Skerski and all of our Nation's fallen heroes.

I urge my colleagues to support this resolution and to send a message to the leaders of St. Denis that police officers, not cop killers, are heroes worthy of our respect, admiration, and remembrance.

☐ 1445

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, I include for the RECORD a letter provided by the French Embassy from the city of St. Denis from their mayor.

NOVEMBER 7, 2006.

MARTIN BOZMAROV,
Attorney,
Issy-Les-Moulineaux.

DEAR MR. BOZMAROV: On behalf of the Philadelphia City Council, you informed me that a delegation from that council, headed by its chairman, will be coming to Saint-Denis to ask the City of Saint-Denis to reconsider naming one of our streets "Mumia Abu-Jamal." You also informed me that the delegation would like to address the Saint-Denis City Council meeting of November 30.

This request calls for an explanation of the reasons underlying the city's decision to name one of its streets after Mumia Abu-Jamal.

As you know, Mumia Abu-Jamal has proclaimed his innocence for nearly a quarter century. He has always denied firing the shots that resulted in the death of police officer Daniel Faulkner on December 9, 1981. His defenders, as well as the movements and associations that have rallied on his behalf, have accumulated a considerable number of elements that justify his request for a new trial.

These have largely highlighted the unfair nature of the investigation: the lack of ballistics tests, the failure to take fingerprints, the failure to secure the area and perform other tests. It seems that important witnesses were bribed, excluded or intimidated. Several police reports were contradictory. And the American press itself asserted that Judge Sabo had exerted pressure in demanding the death penalty against Mr. Abu-Jamal on July 3, 1982.

Even more troubling, a man who acknowledged he was Mr. Faulkner's killer never testified in court, on the pretext that his confession did not come within the deadline for the proceedings.

All of these aspects largely justify the doubts that exist with respect to Mr. Abu-Jamal's guilt and the growing movement supporting him, to which we wanted to contribute.

Our action also expresses our total opposition to the death penalty, which threatens Mr. Abu-Jamal each day. For even now, despite all the international agreements on human rights, the death penalty continues to be handed down in a majority of American states.

Several dozen American prisoners are on death row. There are more than 60 in Texas alone. Executions are still taking place, and it takes the courageous mobilization of a part of U.S. public opinion to rescue certain convicts from this barbarous practice.

It is in this context that Mumia Abu-Jamal has become one of the emblematic figures in the fight for justice and for the abolition of the death penalty in the United States and throughout the world. And it is precisely this fight that we wanted to support in naming one of our city streets after him.

In this movement, the town of Saint-Denis is not alone. You are aware that committees supporting this prisoner from Philadelphia have been formed in many communities of France and other European countries. You also know that Mumia Abu-Jamal has been made an honorary citizen of Paris, that French parliamentarians have visited him regularly in prison, and that each year, concerts, demonstrations, marches and assemblies are organized in his support.

In fact, this is not the first time that international public opinion has rallied in support of American citizens who appear to be unjustly accused in their own country. That was the case for Nicola Sacco and Bartolomeo Vanzetti between 1920 and 1927, for Julius and Ethel Rosenberg, who were executed by electric chair in 1953, and in 1973 for Angela Davis, who was initially convicted of murder before being fully acquitted.

In these circumstances, we are happy that the inauguration of a Rue Mumia Abu-Jamal in Saint-Denis lends additional support to this fight. We are proud of this act and have no intention of reversing it.

As for the City Council session of November 30, I would like to remind you that it is public and therefore open to anyone who would like to attend. However, only members of the City Council are authorized to take the floor.

Finally, I would like to mention that quite recently, during a mission to the United States in the course of which he met with Mumia Abu-Jamal, our deputy Patrick Braouezec was not received by the mayor of Philadelphia, even though he had an appointment.

Sincerely,

DIDIER PAILLARD.

Mr. CONYERS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this resolution does one thing, and that is it tells a suburb of Paris to butt out in terms of making a statement relative to how the criminal justice system processed the case of the murder of Officer Faulkner.

This is not an issue of whether or not the Federal Government or any of the States should have the death penalty, and I come from a noncapital punishment State. Whether or not a State has the death penalty is a decision that is to be made by their elected representatives. The elected representatives of my State since 1853 have chosen not to impose capital punishment.

But in this case the death sentence was reversed in 2001, so that is a settled issue. Mumia Abu-Jamal is not going to be put to death.

Now 5 years after this happens, the city of St. Denis decides to name a street after a convicted cop killer. I would like to know what the French would think if we started naming streets anywhere in the United States for people who had been convicted of murdering their police officers. I think they would tell us it is none of our business, and they would be right.

What this resolution says is that the city of St. Denis should not decide to honor and glorify somebody that a jury of 12 unanimously beyond a reasonable doubt said murdered Officer Faulkner. That is all the resolution says. I think that in terms of saying that we Americans can solve our problems within our own constitutional system, we ought to be allowed to do so without some foreign country glorifying a person who has been convicted not only of first degree murder, but first degree murder against a public safety officer whose sworn duty it was to protect the citizens of our country. This resolution should be approved. I ask for a "yes" vote.

Ms. MOORE of Wisconsin. Mr. Speaker, I rise today to voice my disappointment about H. Res. 1082, a resolution condemning the decision by St. Denis, France to name a street after Mumia Abu-Jamal, being rushed to the House floor as a suspension bill.

The resolution condemns the murder of Philadelphia Police Officer Danny Faulkner and urges the municipal government of St. Denis, France, to change the name of a street named after Mumia Abu Jamal immediately. It also urges the French government to take appropriate action against the city to change the name of the street.

I do not support the killing of police officers or any law enforcement officials and my heart goes out to the family of Officer Danny Faulkner. However, I respect the rights of other countries and sovereign nations. I do not believe it is the place of the United States House of Representatives to dictate street names in France or any other country.

I also respect the balance of powers in our Nation and the jurisdiction of our courts. Appeals by both the prosecution and the defense are scheduled to be reviewed by the Third Circuit Court of Appeals next year. As Members of Congress, I do not believe it is our place to interject our views on a particular case currently pending in the Federal Courts.

With only 3 legislative days left in the 109th Congress, there are far more pressing issues we should be addressing, such as education, health care and minimum wage. This resolution invokes too many controversial and sensitive issues to be simply placed on the suspension calendar without any hearings and limited debate.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and agree to the resolution, H. Res. 1082.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those voting have responded in the affirmative.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

RECOGNIZING NOTARIZATIONS IN FEDERAL AND STATE COURTS

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1458) to require any Federal or State court to recognize any notarization made by a notary public licensed by a State other than the State where the court is located when such notarization occurs in or affects interstate commerce, as amended.

The Clerk read as follows:

H.R. 1458

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RECOGNITION OF NOTARIZATIONS IN FEDERAL COURTS.

Each Federal court shall recognize any lawful notarization made by a notary public licensed or commissioned under the laws of a State other than the State where the Federal court is located if—

(1) such notarization occurs in or affects interstate commerce; and

(2)(A) a seal of office, as symbol of the notary public's authority, is used in the notarization; or

(B) in the case of an electronic record, the seal information is securely attached to, or logically associated with, the electronic record so as to render the record tamper-resistant.

SEC. 2. RECOGNITION OF NOTARIZATIONS IN STATE COURTS.

Each court that operates under the jurisdiction of a State shall recognize any lawful notarization made by a notary public licensed or commissioned under the laws of a State other than the State where the court is located if—

(1) such notarization occurs in or affects interstate commerce; and

(2)(A) a seal of office, as symbol of the notary public's authority, is used in the notarization; or

(B) in the case of an electronic record, the seal information is securely attached to, or logically associated with, the electronic record so as to render the record tamper-resistant.

SEC. 3. DEFINITIONS.

In this Act:

(1) ELECTRONIC RECORD.—The term "electronic record" has the meaning given that term in section 106 of the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7006).

(2) LOGICALLY ASSOCIATED WITH.—Seal information is "logically associated with" an electronic record if the seal information is securely bound to the electronic record in such a manner as to make it impracticable to falsify or alter, without detection, either the record or the seal information.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1458, as amended, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1458, a bill to require any Federal or State court to recognize any notarization made by a notary public licensed by a State other than the State where the court is located.

A notary public administers oaths and serves as an impartial witness when certain documents are signed. Many States require these documents, such as affidavits, deeds, and powers of attorney, be notarized before they can become legally binding on parties. Since the point of legal notarization is to deter fraud, a notary must positively identify the signatory to a document and ensure that he or she signs the document knowingly and willingly.

Notaries are currently licensed by individual States. However, legal disputes are not always confined to the geographic and judicial domain of a single State. The bill ensures that lawfully notarized documents from one State are also acknowledged by sister States in interstate commerce. The bill also clarifies standards by which electronic seals are to be recognized. This is especially important as more lawyers and business people notarize documents electronically.

I emphasize that H.R. 1458 does not conflict with the 10th amendment's defense of States' rights. In fact, the bill promotes States' rights through its compatibility with the full faith and credit clause of article IV of the Constitution.

The bill address an obscure but important subject in the legal and business realms, and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I too rise in support of this legislation which would require Federal and State courts to recognize the validity of a document notarized in other States. It has been clearly and accurately described. It would operate to smooth out evidentiary rules which would treat notarized documents differently from public documents.

Under section 1738 of title 28, Federal and State courts must recognize the official acts of State legislatures and courts. With respect to notarized documents, however, courts must determine whether they are authentic. This can delay court proceedings and negate the entire purpose of notarization, which is to authenticate the identity of the person signing the document.

The measure before us would make it easier for notarized documents to be admitted into evidence and thus speed up court proceedings. We on this side are in total agreement of that. I urge support of the legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the gentleman from Alabama (Mr. ADERHOLT), the author of the bill.

Mr. ADERHOLT. Mr. Speaker, I appreciate the chairman's support in allowing this bill to be brought to the floor to the House of Representatives today. I would also like to thank my friend, Mike Turner of Freedom Court Reporting in Alabama, who first brought this matter to my attention.

I am pleased we have been able to work together with the committee of jurisdiction to find a satisfactory remedy to the issue of recognition of notarizations across State lines.

During the hearings held on this bill by the Subcommittee on Courts, the Internet and Intellectual Property, Ranking Member Berman pointed out that, "Although the topic of notary recognition between the States is not necessarily the most exciting issue, it is an extremely practical one." To my colleague across the aisle, I would have to agree with both points.

During that hearing in March, we heard from several witnesses who all agreed that this is an ongoing and a difficult problem for interstate commerce. To businesses and individuals engaged in business across State lines, this is a matter long overdue which is being resolved.

H.R. 1458 will eliminate the confusion that arises from States who refuse to acknowledge the integrity of documents notarized out of State. H.R. 1458 would require that documents be recognized in any State or Federal court if the subject affects interstate commerce and the document is duly notarized by a seal or if a seal is tagged to an electronic document.

Currently, each State is responsible for regulating its notaries. Typically, an individual will pay a fee, will submit an application, and takes an oath of office. Some States require applicants to enroll in educational courses, pass exams, and even obtain a notary bond. Nothing in this legislation will change these steps. It shall be made clear that we are not trying to mandate how States regulate notaries public they appoint. In addition, the bill would also not preclude the challenge of notarized documents such as a will contest.

During the subcommittee hearing, the executive director of the National Notary Association stated, "We like this bill because it is talking about a standard for the legal effects of the material act, the admissibility of it, not at all interfering with the State requirements for education and regulation of the notaries themselves."

Thank you again, Mr. Chairman, for your support of this legislation and allowing the legislation to move forward today. I urge my colleagues to support H.R. 1458 under the suspension of the rules today.

Mr. SMITH of Texas. Mr. Speaker, Representative ADERHOLT's bill eliminates unnecessary impediments in handling the everyday transactions of individuals and businesses.

Many documents executed and notarized in one state, either by design or happenstance, find their way into neighboring or more distant states.

If ultimately needed in any one of the latter jurisdictions to support or defend a claim in court, that document should not be refused admission solely on the ground it was not notarized in the state where the court sits.

H.R. 1458 ensures this will not happen.

A notarization in and of itself neither validates a document nor speaks to the truthfulness or accuracy of its contents.

The notarization serves a different function—it verifies that a document signer is who he or she purports to be and has willingly signed the document.

By executing the notarial certificate, the notary public, as a disinterested party to the transaction, informs all other parties relying on or using the document that it is the act of the person who signed it.

Consistent with the vital significance of the notarial act, H.R. 1458 compels a court to accept the authenticity of the document even though the notarization was performed in a state other than where the forum is located.

Mr. Speaker, I conclude by pointing out that much of the testimony we received at our Subcommittee hearing on the bill addressed the silliness of one state not accepting the validity of another state's notarized document in an interstate legal proceeding.

Some of the examples were based on petty reasons—for example, one state requires a notary to affix an ink stamp to a document, an act that is not recognized in a sister state that requires documents to be notarized with a raised, embossed seal.

Passing the bill will streamline interstate commercial and legal transactions consistent with the guarantees of the Full Faith and Credit Clause of the Constitution.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MORAN of Kansas). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 1458, as amended.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PHYSICIANS FOR UNDERSERVED AREAS ACT

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4997) to permanently authorize amendments made by the Immigration and Nationality Technical Corrections Act of 1994 for the purpose of permitting waivers of the foreign country residence requirement with respect to certain international medical graduates, as amended.

The Clerk read as follows:

H.R. 4997

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Physicians for Underserved Areas Act".

SEC. 2. WAIVER OF FOREIGN COUNTRY RESIDENCE REQUIREMENT WITH RESPECT TO INTERNATIONAL MEDICAL GRADUATES.

Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note; Public Law 103–416) (as amended by section 1(a)(1) of Public Law 108–441) is amended by striking "June 1, 2006." and inserting "June 1, 2008.".

SEC. 3. EFFECTIVE DATE.

The amendment made by section 2 shall take effect as if enacted on May 31, 2006.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4997 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

☐ 1500

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4997, the Physicians for Underserved Areas Act, reauthorizes for 2 years the program under which physicians on J–1 visas can work in underserved areas. The program expired on June 1 of this year.

Each year numerous foreign doctors come to the United States to complete their residency training. Many do so using the J–1 visa. One of the requirements for physicians who use the J–1 visa is that the participant return to his or her own country for 2 years upon completion of the training program in the United States. The purpose of this foreign residency requirement is to encourage U.S.-trained physicians to return to their country and to improve medical conditions there.

Since 1994, Congress has waived the 2-year foreign residency requirement for physicians who agree to work in an underserved area of the United States, as designated by the Department of Health and Human Services. Each State receives 30 such waivers a year.

The waiver program allows States to recruit physicians to areas that have trouble attracting newly trained American physicians. Because of this waiver program, many communities that might otherwise have no access to medical services now have physicians nearby. It also responds to an overall shortage of physicians in the United States, which is a disconcerting trend.

A 2-year reauthorization of this program in its current form also gives Congress time to consider whether future changes may be needed to the program. For example, larger States like Texas have expressed a need for additional waivers beyond the 30 currently allowed. It is important that we consider ways to address this problem without putting the small States at a disadvantage. By reauthorizing the waiver program, we will provide States with some relief for the physician shortage they are facing, particularly in rural and underserved areas.

I urge Members to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to have reached a bipartisan agreement to extend the J–1 visa waiver program for another 2-year period. This visa waiver program is critically important to bringing essential medical services to residents of underserved rural and urban areas, including my own district in Detroit, Michigan. The J–1 program allows some foreign doctors who have completed their medical training in the United States to remain here to practice medicine for 2 years if they will serve patients in a region of the country that the Federal Government defines as medically underserved. These tend to be less affluent urban areas with high population densities and insufficient access to general practitioners and specialists as well as rural areas that are far from medical centers and may have trouble attracting enough doctors to meet the communities' needs. These communities are particularly desperate for physician services because of the growing national shortage of doctors our country is facing.

This past summer a Los Angeles Times article detailed the looming crisis in medical care in the United States as the demand for medical service explodes. The article noted industry fears that shortages may even become more severe over the next decade due to the flat medical school enrollments, aging baby boomers, and the high number of doctors heading for retirement.

While some communities enjoy a glut of physicians, one in five Americans, in fact, live in rural and urban areas with so few doctors that the Federal Government has classified these regions as "medically underserved." It is these Americans that foreign doctors assist when they get a J–1 visa waiver to practice medicine in communities that don't have enough American doctors.

I believe we need to make improvements in this program so that it better meets the needs of the underserved. Right now some States who receive J–1 doctors through the "Conrad-30 program" do not lose their allotment of 30 waivers each year while other States find that 30 waivers are insufficient to meet the medical needs of their communities. In addition, some States may not need 30 waivers, but other States have trouble recruiting all the doctors they need. The result is that some citizens are still unable to get essential medical care.

We need a plan that ensures that States having trouble recruiting enough doctors will be able to fill their allotment for J–1 doctors and ensure that States which fill their annual allotment of J–1 doctors can get more such doctors to meet their needs without impinging upon those allotted to any other State. In this way the needs of all States and, most importantly, all of the citizens in underserviced areas can be met until U.S. medical schools are able to increase the number of graduates to meet our domestic needs.

I look forward to working with my colleagues in the House and Senate in the 110th Congress to improve, extend, and sustain this vital visa program in the very near future.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the author of the bill, the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Mr. Speaker, I want to thank Chairman HOSTETTLER and Ranking Member JACKSON-LEE and the two chairmen and ranking members of the full committee, who are here today, for their leadership and effort.

This has been a long time coming. The J–1 visa Conrad program has expired 6 months ago, and communities are waiting for the certainty of this legislation's passing, and I am grateful to the leadership of the committee as well as the House to see that this bill is on the floor today.

I came to Congress as a Member who wanted to do something about preserving and improving the way of life in rural America, and one of the things I quickly discovered was if there is going to be a future for rural communities we are going to have to have access to affordable medical care. If you want your community to have that future, you have got to have hospital doors that remain open, physicians in communities, home health care, nursing home care, and other professional health care providers that can meet the needs. Otherwise, our senior citizens that make up such a large portion of our population will reluctantly move away and young families will decide we can't take the risk of living in a community that does not allow us the opportunity to have our children treated with adequate medical facilities.

The J–1 visa program, though not solving all of the challenges we face in meeting the health care needs of Americans, is one step in that direction that needs to be there. It needs to be in place, and I am pleased that the committee has recognized its importance.

The physician shortage that has been mentioned is real. In fact, the U.S. Department of Health and Human Services estimates that although a quarter of the population of our country lives in rural America, only 10 percent of the physicians serve that population. We have a tremendous gap. And the unique thing about this, as is with many what I would call rural health care issues, is it brings urban Members of Congress and rural Members of Congress together because our needs are so identical. We are so underserved that the core center of cities and the most unpopulated areas of the country face the same challenges: How do we meet the health care needs of Americans who choose to live where they live? Kansas has been able to recruit 66 physicians since 2002 when we developed our State program, and it has made a tremendous difference. Three communities, Rush County Memorial Hospital now has had three J–1 visa physicians, the only physicians in the county. The same thing with Greensburg, Kansas. For the last 10 years, no physician in the community but a J–1 visa, and those J–1 visa doctors have attracted three mid-level practitioners. And, finally, the most recent success in Kansas is a community health clinic, the United Methodist Mexican-American Ministries, where they just recruited a J–1 visa doctor from Peru who now can address the needs of many Hispanic members of that community in southwest Kansas. It is wonderful now to have a bilingual J–1 visa doctor.

Again, there are issues that we would love to work on to address the distribution of J–1 visa physicians, and I look forward to trying to meet that challenge with my colleagues from across the country. But this program is important. It saves lives. It is often the only health care opportunity that many Americans will ever receive, and the J–1 visa program is about good health and saving lives.

I am very grateful for the opportunity to be here today.

Mr. CONYERS. Mr. Speaker, I would like to yield such time as she may consume to the distinguished gentlewoman from Texas, SHEILA JACKSON-LEE, the ranking member of the Subcommittee on Immigration in the Judiciary Committee.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished ranking member for yielding, and I look forward to his leadership in the 110th Congress. I thank him for his leadership on this legislation. I thank the full committee chairman as well. I pay great respect to my good friend from Kansas, Mr. MORAN, for his leadership and authoring of this bill and for his very careful, meticulous work with the committee of jurisdiction, the Judiciary Committee, and the Subcommittee on Immigration, Border Security, and Claims.

This is what you call a stellar example of real immigration reform. Rational, reasonable thinking, putting immigration in a good light. And it is a right light and a positive light. And it is, as Mr. MORAN has just previously said, about good health care. And I am delighted to hear his noted examples that this is a real question for good health care in America.

The Physicians for Underserved Areas Act that I have worked on with the chairman of the subcommittee, Mr. HOSTETTLER, would reinstate and extend the J–1 visa waiver program. Foreign doctors who want to receive medical training in the United States on J visas are required to leave the country afterwards. They must return to their own countries for 2 years before they can receive a visa to work in the United States as physicians. In 1994, Congress established a waiver of this requirement. The waiver is available to doctors who will commit to practicing medicine for no less than 3 years in a geographic area designated by the Secretary of Health and Human Services as having a shortage of health care professionals. The good news is that it is both in rural and urban areas that we can find this very vital and important tool.

Just a few weeks ago, I saw a doctors hospital in Houston literally shut down. Shut down for a number of reasons, management care problems. But that means that those doctors will be scattered in many different places. Urban areas can also be the victims of a lack of doctors.

The waiver program has been successful for more than a decade. It permits each State to obtain waivers permitting up to 30 physicians to work in medically underserved areas. It is not a permanent program. It is sunsetted on June 1 of this year. That is why we need the Physicians for Underserved Areas Act. H.R. 4997 would reinstate and extend the program for 2 years.

This is the second time that we have co-sponsored this extension with Mr. HOSTETTLER.

We have a longstanding commitment to ensuring that legislation that can be bipartisan moves through this committee and the full committee. The need for physicians in underserved areas is not a partisan issue. The J–1 visa waiver is also known as a Conrad program to reflect the fact that Senator CONRAD established it. Senator CONRAD and I have worked together on the program and decided that more data was needed on how successfully the program is being implemented. So we asked the General Accounting Office to investigate the implementation of the J–1 visa program. GAO issued a report in November of this year, and among other things, GAO found that the use of the J–1 visa waiver is a major means of providing physicians to practice in underserved areas of the United States. More than 1,000 waivers were requested in each of the fiscal years 2003 through 2005 by States and three Federal agencies, the Appalachian Regional Commission, the Delta Regional Authority, and the Department of HHS. GAO also found that the present system of providing up to 30 waivers per State is not working. A substantial percentage of States do not need 30 waivers. There were 664 unused waivers in fiscal year 2005. Other States need more than 30 waivers a year for their medically underserved areas. The States that report needing more than 30 waivers only want between 5 and 50 more physicians. Their needs can be met by redistributing some of the unused waivers, but this must be done carefully. Some States expressed concern to GAO about redistributing unused waivers. They are afraid that physicians would wait and apply to more populous States that would be receiving the redistributed waivers. This problem has to be resolved before we can move forward with the development of a redistribution plan. That was a very important issue for some States such as Texas, but out of a commitment to bipartisanship but really the recognition that the J–1 visa extension is so crucial to the health needs of so many Americans, we have come together to look forward into the 110th Congress for the leaders who are going forward on this issue to begin to address how do we make more fair the redistribution of these visas and to ensure the best health care for Americans.

□ 1515

We are hoping that the other body will likewise see the wisdom of delaying this issue which hospitals in the State of Texas have worked very hard on. And I want to make it very clear that I look forward to working with hospitals around America to ensure that this redistribution process is fairly put in place so that we will have the kind of doctor distribution that will help all of us.

Let me also acknowledge, as I bring my remarks to a close, that although this is a bill that simply generates an extension, might I say to you that this has been a long journey to come this far, and I want to thank all of the staff. I want to thank, of course, Mr. POMEROY, who I hope will make remarks. We worked very closely with his office. And Mr. MORAN. As I said, the chair of the full committee, the chair and the ranking member.

As I close, let me acknowledge the fact that this may be the last bill that I will have the opportunity of working with Mr. HOSTETTLER on, and I simply wanted to acknowledge his integrity and his commitment and dedication to important principles, and his work on this particular legislation as we worked together, and thank him again for his service, and also his attentive concern to legislation that we hope will be seen in the next Congress, and that is the energy workers compensation bill, which we have just had five hearings on, which the last one was yesterday, and that will help to compensate many victims.

I conclude by thanking all of the sponsors and saying this a good bill, and I ask my colleagues to support it.

I rise in support of the Physicians for Underserved Areas Act, H.R. 4997, that I have offered with my colleague Representative JOHN HOSTETTLER. It would reinstate and extend the J–1 Visa Waiver Program.

Foreign doctors who want to receive medical training in the United States on J visas are required to leave the country afterwards. They must return to their own countries for two years before they can receive a visa to work in the United States as physicians. In 1994, Congress established a waiver of this requirement. The waiver is available to doctors who will commit to practicing medicine for no less than 3 years in a geographic area designated by the Secretary of Health and Human Services as having a shortage of health care professionals.

The waiver program has been successful for more than a decade. It permits each state to obtain waivers permitting up to 30 physicians to work in medically underserved areas. It is not a permanent program. It sunsetted on June 1st of this year. The Physicians for Underserved Areas Act, H.R. 4997, would reinstate and extend the program for two years. This is the second time that I have cosponsored an extension with Representative HOSTETTLER. We have a long standing relationship of cooperation on this issue. The need for physicians in underserved areas is not a partisan issue.

The J–1 Visa Waiver is also known as the Conrad program, to reflect the fact that Senator KENT CONRAD established it. Senator CONRAD and I have worked together on the program. We decided that more data was needed on how successfully the program is being implemented, so we asked the General Accountability Office (GAO) to investigate the implementation of the J–1 Visa Waiver Program.

GAO issued a report in November of this year. Among other things, GAO found that the use of J–1 visa waivers is a major means of providing physicians to practice in underserved areas of the United States. More than 1,000 waivers were requested in each of fiscal years 2003 through 2005 by states and three federal agencies—the Appalachian Regional Commission, the Delta Regional Authority, and the Department of Health and Human Services.

GAO also found that the present system of providing up to 30 waivers per state is not working well. A substantial percentage of the states do not need 30 waivers a year. There were 664 unused waivers in FY2005. Other states need more than 30 waivers a year for their medically undeserved areas.

The states that reported needing more than 30 waivers only want between 5 and 50 more physicians. Their needs can be met by redistributing some of the unused waivers, but this must be done carefully. Some states expressed concern to GAO about redistributing unused waivers. They are afraid that physicians would wait and apply to the more popular states that would be receiving the redistributed waivers. This problem has to be resolved before we can move forward with the development of a redistribution plan.

We will continue to work on a distribution system next year. I am confident that we will succeed in developing a new version of the J–1 Visa Waiver Program that would facilitate the use of all of the available waivers and place the physicians where they are needed most.

It has been a long journey to get this bill to the floor. In addition to the work it took to get subcommittee and full committee markups, we have had an ongoing dialogue with our counterparts in the Senate. They wanted the program to have a redistribution program now. They do not want to wait until next year. I share their desire for a redistribution system. It would be a great help to my state, the State of Texas. Nevertheless, I do not want to do it at the cost of hurting the states that are finding it difficult to attract waiver physicians. My staff has advised me that the senators are very close to reaching an agreement on postponing consideration of redistribution. We will work on a resdribution program in the 110th Congress.

In closing, I would like to say a few words about my colleague, Representative HOSTETTLER. I have enjoyed working with Mr. HOSTETTLER. He is an honest and sincere man who is dedicated to his principles. Recently, we worked together to respond to attempts by the administration to impose cost containment measures on the Energy Worker's Compensation bill. We both felt that this was outrageous, and we have cooperated in conducting a series of 5 oversight hearings to ensure that everything about the situation would be out in the open and to leave a roadmap for the next Congress. Mr. HOSTETTLER has led this subcommittee with distinction. I wish him well in whatever he chooses to do in the future.

I urge you to vote "yes" for H.R. 4997—For good health care in America.

Mr. CONYERS. Mr. Speaker, I yield as much time as he may consume to the gentleman from North Dakota (Mr. POMEROY), who is the original cosponsor of this legislation.

Mr. POMEROY. Mr. Speaker, I want to congratulate the gentlewoman from Texas, SHEILA JACKSON-LEE, for the remarks she just made, particularly in respect to the cooperation with Chairman HOSTETTLER.

You know, this bill is before us at this critical hour for this program because of the work of the chairman and the persistent advocacy of the gentlewoman. What impresses me in particular is the gentlewoman's agreement to advance this bill forward, even though it was not reformed in ways that she had sought.

For rural areas, this was just so urgent. And we are really pleased that we can get this done, even as the session comes to conclusion. You see, we have trouble in rural areas. We have trouble getting doctors that we need to practice there. And this Conrad 30 program has played an incredibly important role in getting doctors into areas who need them in rural America. In fact, the physician practice vacancies in North Dakota have been cut roughly in half out in the rural areas as a result of this program. If this program were to expire, we would literally have hospitals without doctors. We would have people without the care they need. Frankly, we would have lives lost, because when you are getting into areas of western Kansas or North Dakota, you are talking about vast reaches of territory that take considerable time to cross before you can get someone, who may have an emergency medical condition, to an urban center where they might be treated.

So this program which is tried, true, tested and part of the landscape, is about to expire. Again, to sum up, continuation of it continues what we have got. We have agreed. I have agreed with the gentlewoman to take a look at how we reform it in ways that respond to her concerns. But I am just so pleased that she has agreed to move this forward, and also pleased with the working relationship she has with Chairman HOSTETTLER.

So, at this point in his congressional career, he instilled a sense that this come to the floor for a conclusion. Good for you, madam, gentlewoman, SHEILA JACKSON LEE, and good for you, Chairman HOSTETTLER. This is one rule America sorely needs. We thank you for it.

Mr. Speaker, I rise today in support of H.R. 4997, the Physicians for Underserved Areas Act, which helps to address the physician shortage in rural areas across America.

H.R. 4997 reauthorizes for 2 years the Conrad 30 program. This program, which was established by fellow North Dakotan, Senator KENT CONRAD, allows graduates of foreign medical schools who complete their training in the United States on a J–1 cultural exchange visa to remain in the U.S. for three years if they agree to serve in a medically underserved community.

Many of these medically underserved communities are in rural areas. In fact, only about 10 percent of physicians practice in rural America despite the fact that nearly one-fourth of the population lives in rural areas. In my own state of North Dakota, 81 percent of North Dakota's counties are designated as health professional shortage areas, or HPSAs.

In communities like Crosby and Tioga, North Dakota, the J–1 visa waiver physicians pool serves as the primary resource to meet rural clinics and hospitals physician needs. For example, Dr. Ivan Tsutskiridze, serves Crosby, North Dakota, under the Conrad 30 program and is the communities' sole physician. Prior to the creation of the program, Crosby and other communities were chasing physicians. In fact, since 1994, this program has cut in half the number of family practice physician vacancies in North Dakota.

The importance of this program is evident. Last year alone, over 6,000 physicians participated in the J–1 waiver program and it is heavily relied upon by a majority of the states. However, its need for reauthorization remains as the physician shortage in this country is projected to reach 200,000 by 2020. That is why I am pleased to see this bill before the House today to reauthorize this important program that has provided many rural areas with capable, much-needed physicians.

I would like to thank the people who have worked to bring this bill to the floor today, especially Representative JOHN HOSTETTLER, Representative SHEILA JACKSON-LEE and Representative JERRY MORAN. This bill makes a real difference for medically underserved areas across the United States and in North Dakota. I urge a "yes" vote on H.R. 4997.

Mr. CONYERS. Mr. Speaker, I yield 30 seconds to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I would like to add my appreciation to all of the staff, majority and minority, who helped in the waning hours of this particular Congress, the 109th Congress, to help move this bill to suspension and to help move it forward. And I do thank Kristen Wells and Nolan Rappaport for their excellent cooperation and work on the minority staff in generating what I think is an important extension for doctors across America.

Ms. BORDALLO. Mr. Speaker, I rise today in strong support of H.R. 4997, the Physicians for Underserved Areas Act. This bill will permanently authorize the J–1 visa waiver program, allowing foreign physicians certain visa waivers in exchange for their service in medically underserved areas within the United States including the territories. A recent study conducted by the Government Accountability Office (GAO) attributed the J–1 visa waivers as a major means through which communities have successfully placed physicians in underserved areas.

The J–1 visa waiver program, since its inception in 1994, has brought physicians from areas around the world to the United States to improve access to primary medical care for individuals in underserved communities. Every year, nearly 1,000 requests for J–1 visa waivers are submitted, which is a testament to this program's popularity and effectiveness among U.S. medical schools and medically underserved communities.

As the representative from Guam, I know first-hand the challenges rural and medically underserved areas face. For instance, there is no oncologist on the island of Guam today. Cancer patients must travel to Hawaii to receive treatment. Because of the J–1 visa waiver program, however, the Government of Guam was able to apply for J–1 visa waivers for two physicians in 2005.

The Physicians for Underserved Areas Act, by making this program permanent, will go far toward helping medically underserved areas like the one I represent. Healthcare is a national priority, and as legislators, we are tasked with doing all that we can at the federal level to ensure that adequate medical care is available to all and that medical professionals can be recruited to serve medically underserved communities.

Mr. CONYERS. Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 4997, as amended.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read:

"A bill to extend for 2 years the authority to grant waivers of the foreign country residence requirement with respect to certain international medical graduates.".

A motion to reconsider was laid on the table.

RELIGIOUS LIBERTY AND CHARITABLE DONATION CLARIFICATION ACT OF 2006

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 4044) to clarify the treatment of certain charitable contributions under title 11, United States Code.

The Clerk read as follows:

S. 4044

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Religious Liberty and Charitable Donation Clarification Act of 2006".

SEC. 2. TREATMENT OF CERTAIN CONTRIBUTIONS IN BANKRUPTCY.

Section 1325(b)(3) of title 11, United States Code, is amended by inserting ", other than subparagraph (A)(ii) of paragraph (2)," after "paragraph (2)".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on Senate 4044 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 4044, the Religious Liberty and Charitable Donation Clarification Act of 2006.

During the 105th Congress the Religious Liberty and Charitable Donation Protection Act of 1998 was signed into law by President Clinton. This bipartisan measure, introduced by Senator HATCH, sought to protect the rights of debtors to continue to make religious and charitable contributions after they filed for bankruptcy relief. In addition, the act protects religious and charitable organizations from having to turn over to bankruptcy trustees donations these organizations received from individuals who subsequently filed for bankruptcy relief.

As many of you will recall, a major overhaul of the Bankruptcy Code was enacted last year as the Bankruptcy Abuse Prevention and Consumer Protection Act. The clear intent of that act was not to disturb the rights of debtors to continue to make charitable contributions or to tithe pursuant to the 1998 act. Nonetheless, at least one court has construed Bankruptcy Code section 1325, amended by the 2005 act, to prohibit chapter 13 debtors with above-median incomes from making charitable contributions or tithing.

To address this judicial confusion, this bill simply clarifies that a chapter 13 debtor who is subject to section 1325(b)(3) of the Bankruptcy Code, may make charitable contributions or tithe to the same extent determined in accordance with Bankruptcy Code section 1325(b)(2)(A)(ii).

S. 4044 is a bipartisan measure that makes good sense. Donations are used by religious or charitable organizations to fund valuable services to society which serve the common good. This principle, for example, is recognized in the Internal Revenue Code's provisions concerning the deductibility of certain charitable contributions. Individuals who, for religious or other reasons, wish to donate to such organizations, even if they are in bankruptcy themselves, should not be deprived of this right.

I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself as much time as I may consume. And I am pleased to rise in support of the Religious Liberty and Charitable Donations Act of 2006.

This, ladies and gentlemen, is a continuation of an effort we began in 1997 when Congress responded to cases holding that pre-petition tithes and other charitable contributions could be deemed to be fraudulent transfers, and that the trustee could recoup these tithes from the religious institutions receiving the donations.

We all agreed that this was a clearly perverse result, and to clarify the law we passed the measure, Religious Liberty and Charitable Donation Protection Act of 1998.

Then a funny thing happened. This Congress forgot about the value of religious charity embodied in that legislation. Instead, forsaking the biblical injunction to forgive debts and deal generously with the poor, this Congress became a registered agent for the credit card industry.

How?

Well, it is because of the aggressive overreaching of the lending industry and a Congress willing to write into law any scrap of paper handed to it by large financial institutions that we have come to this point today. The decision in the Diagostino case relied solely on the text of the law Congress passed. It restricts a debtor in chapter 13, with current monthly income above the State median, to the narrow strictures of the means test which relies on what the IRS says a person needs to live on.

We debated the reliance on IRS guidelines to determine what a family needs to survive. We were all told not to worry, the IRS knows best and will provide all. Well, almost all.

It turns out that when you owe the IRS money, they don't want you making donations to your house of worship or to charity. And the IRS rule became a part of the Bankruptcy Code because Members of this House voted to give IRS bureaucrats that power.

We had managed to get a statutory allowance for tithing in the means test and in chapter 13, but the final language pushed through by the sponsors and the credit card industry did an end run around these provisions.

And that is how we got here. And I am glad that there is a will to fix it. This bill will allow chapter 13 debtors to tithe in their plans on the same basis as provided in the section 1325(b)(2)(A)(ii).

Keep in mind that while we are fixing the law for tithes and other charitable donations, basic problems in the law remain unchanged.

By wiping out the allowable expenses in chapter 13 for debtors with an income above the State median and replacing them with rigid IRS-based means tests, the new law still leaves families and small businesses at the tender mercies of the IRS. What else will we find was left out?

When the new law was being considered, Members were assured that the IRS guidelines would provide the right answer in all cases. And as we have discovered, that hasn't worked out as well as the credit card industry said it would.

This bill is supported by the United Way, the Red Cross, the National Council of Churches, Interfaith Alliance, the United Church of Christ, the National Baptist Churches USA, and the African Methodist Episcopal Church and others. I am pleased to urge all Members to support it.

But Members are fooling themselves if they think this is a discrete problem in a law that one proponent has described as perfect and that the sponsors told us was so well drafted that no amendments could even be considered.

The hubris has hurt real Americans and it will again.

Let's fix this mistake. It is the right thing to do, but we had better get used to doing it. The new Code is a disaster, the natural consequence of subcontracting work out of the Congress to lobbyists, which I am sure will be coming to an end very shortly.

I urge the passage of this legislation. I congratulate the chairman of the committee for bringing this matter to our attention.

□ 1530

Mr. CONYERS. Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, just very briefly, bringing this bill up in passing shows that the U.S. House of Representatives on a bipartisan basis has a much bigger heart than the Internal Revenue Service. Some people may have doubted that in the past. We are here to show them that they are wrong.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the Senate bill, S. 4044.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

VESSEL HULL DESIGN PROTECTION AMENDMENTS OF 2006

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and

pass the Senate bill (S. 1785) to amend chapter 13 of title 17, United States Code (relating to the vessel hull design protection), to clarify the distinction between a hull and a deck, to provide factors for the determination of the protectability of a revised design, to provide guidance for assessments of substantial similarity, and for other purposes, as amended.

The Clerk read as follows:

S. 1785

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Table of contents.

TITLE I—VESSEL HULL DESIGN PROTECTION

Sec. 101. Short title.
Sec. 102. Designs protected.
Sec. 103. Definitions.

TITLE II—INTELLECTUAL PROPERTY PROVISIONS

Sec. 201. Sense of Congress relating to Bayh-Dole Act.
Sec. 202. Filing of applications for extensions of a patent term.

TITLE I—VESSEL HULL DESIGN PROTECTION

SEC. 101. SHORT TITLE.

This title may be cited as the "Vessel Hull Design Protection Amendments of 2006".

SEC. 102. DESIGNS PROTECTED.

Section 1301(a) of title 17, United States Code, is amended by striking paragraph (2) and inserting the following:

"(2) VESSEL FEATURES.—The design of a vessel hull or deck, including a plug or mold, is subject to protection under this chapter, notwithstanding section 1302(4).".

SEC. 103. DEFINITIONS.

Section 1301(b) of title 17, United States Code, is amended—

(1) in paragraph (2), by striking "vessel hull, including a plug or mold," and inserting "vessel hull or deck, including a plug or mold,";

(2) by striking paragraph (4) and inserting the following:

"(4) A 'hull' is the exterior frame or body of a vessel, exclusive of the deck, superstructure, masts, sails, yards, rigging, hardware, fixtures, and other attachments."; and

(3) by adding at the end the following:

"(7) A 'deck' is the horizontal surface of a vessel that covers the hull, including exterior cabin and cockpit surfaces, and exclusive of masts, sails, yards, rigging, hardware, fixtures, and other attachments.".

TITLE II—INTELLECTUAL PROPERTY PROVISIONS

SEC. 201. SENSE OF CONGRESS RELATING TO BAYH-DOLE ACT.

(a) FINDINGS.—The Congress finds the following:

(1) Article I, section 8, clause 8, of the United States Constitution provides that Congress shall have the power "[t]o promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries".

(2) The 96th Congress enacted Public Law 96–517, entitled "An Act to amend the patent and trademark laws" (commonly known as the "Bayh-Dole Act", in honor of its two lead sponsors in the Senate, the Honorable Birch Bayh and the Honorable Bob Dole), in 1980.

(3) For 15 to 20 years before the enactment of the Bayh-Dole Act, Members of Congress considered, discussed, and deliberated on the proper resolution of issues implicated by the Act.

(4) Before the enactment of the Bayh-Dole Act, the United States was confronted by great economic uncertainty and presented with unprecedented new challenges from foreign industrial competition.

(5) Before 1980, only 5 percent of patents owned by the Federal Government were used by the private sector—a situation that resulted in the American people being denied the benefits of further development, disclosure, exploitation, and commercialization of the Government's patent portfolio.

(6) The Bayh-Dole Act established a "single, uniform national policy designed to . . . encourage private industry to utilize government financed inventions through the commitment of the risk capital necessary to develop such inventions to the point of commercial application", and eliminated the 26 different Federal agency policies that had existed regarding the use of the results of federally funded research and development.

(7) The Bayh-Dole Act fundamentally changed the Federal Government's patent policies by enabling inventors or their employers to retain patent rights in inventions developed as part of federally funded research grants, thereby promoting licensing and the leveraging of contributions by the private sector towards applied research, and facilitating the transfer of technology from the laboratory bench to the marketplace.

(8) Examples of the tangible products and technologies that have resulted from the Bayh-Dole Act include, inter alia, an improved method for preserving organs for transplant, a lithography system to enable the manufacture of nano-scale devices, the development of new chemotherapeutic agents, the discovery of new therapies for the treatment of patients diagnosed with rheumatoid arthritis, and countless other advances in materials, electronics, energy, environmental protection, and information technologies.

(9) These new therapies, technologies, and inventions, which have resulted from the collaborative environment fostered by the Bayh-Dole Act, have directly contributed to the ability of medical researchers to discover and commercialize new treatments that alleviate patient suffering, enhance the ability of doctors to diagnose and treat disease, and target promising new medical research.

(10) The Bayh-Dole Act has stimulated two of the major contemporary scientific trends of the last quarter century—the development of the biotechnology and information communications industries—and the Act is poised to continue playing a central role in new fields of innovative activities, including nanotechnology.

(11) The Bayh-Dole Act has resulted in benefitting taxpayers by generating millions of dollars in annual licensing royalties for universities and nonprofit institutions—revenues that are reinvested in furtherance of additional research and education programs.

(12) The incentives provided under the Act and the exchange of technology and research between and among the research community, small businesses, and industry, have resulted in new cooperative ventures and the emergence of sophisticated high-technology businesses, which provide a major catalyst for innovation and entrepreneurial activity.

(13) More than 4,000 new companies have been created to develop and market academic research and development since 1980, and it is estimated that nearly 2300 of these companies were still in operation at the end of fiscal year 2003.

(14) Lita Nelsen, director of the Technology Licensing Office at the Massachusetts Institute of Technology, has described the Bayh-Dole Act as "one of the most successful pieces of economic development and job-creation legislation in recent history".

(15) The Bayh-Dole Act was described in a 2002 article in The Economist (US) as "[p]ossibly the most inspired piece of legislation to be enacted in America over the past half-century. . . . More than anything, this single policy measure helped to reverse America's precipitous slide into industrial irrelevance".

(16) The Government Accountability Office (GAO) found that university administrators and small business representatives considered the Bayh-Dole Act to have had "a significant impact on their research and innovation efforts".

(17) A study of business executives found that 9 out of 10 identified the Bayh-Dole Act as an "important factor" in decisions to fund research and development in academia.

(18) Howard Bremer, who served as patent counsel to the Wisconsin Alumni Research Foundation from 1960 to 1988, once observed that, "[o]ne important factor . . . is that the success was achieved without cost to the taxpayer. In other words, no separate appropriation of government funds was needed to establish or manage the effort".

(19) A 1998 GAO study found that the law had a positive impact on all involved and that the increased commercialization of federally funded research that resulted from implementation of the Act had positively affected both the Federal Government and the American people.

(20) The President's Council of Advisors on Science and Technology reported to the President in May 2003 that the Act "dramatically improved the nation's ability to move ideas from research and development to the marketplace and into commerce" and that the system put in place for transferring technology from nonprofit institutions, which includes universities and Government laboratories, to the private sector has worked well.

(21) The Bayh-Dole Act states, "[i]t is the policy and objective of the Congress to promote the utilization of inventions arising from federally-supported research or development; . . . to promote collaboration between commercial concerns and nonprofit organizations, including universities; . . . to promote the commercialization and public availability of inventions made in the United States by United States industry and labor; [and] to ensure that the Government obtains sufficient rights in federally-supported inventions to meet the needs of the Government and protect the public against nonuse or unreasonable use of inventions".

(22) The Congress finds that the policies and objectives of the Bayh-Dole Act have been achieved and that the patent law has played a critical role in stimulating technological advances and disclosing useful technical information to the public.

(23) The Congress finds that federally-funded research at universities and Government laboratories and the partnerships between such nonprofit institutions and the private sector play a critical role in developing the technologies that allow the United States to lead the world in innovation.

(24) The Bayh-Dole Act and its subsequent amendments, which include the Trademark

Clarification Act of 1984 (Public Law 98-620), have played a vital role in enabling the United States to become renowned as the world leader in scientific research, innovation, ingenuity, and collaborative research that involves institutions of higher education and the private sector.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Bayh-Dole Act (Public Law 96-517) has made substantial contributions to the advancement of scientific and technological knowledge, fostered dramatic improvements in public health and safety, strengthened the higher education system in the United States, served as a catalyst for the development of new domestic industries that have created tens of thousands of new jobs for American citizens, strengthened States and local communities across the country, and benefitted the economic and trade policies of the United States; and

(2) it is appropriate that the Congress reaffirm its commitment to the policies and objectives of the Bayh-Dole Act by acknowledging its contributions and commemorating the silver anniversary of its enactment.

SEC. 202. FILING OF APPLICATIONS FOR EXTENSIONS OF A PATENT TERM.

(a) FINDINGS.—The Congress finds the following:

(1) The Congress historically has provided vigorous support for innovation in the useful arts by establishing a system of patent protection for products and processes.

(2) Through section 156 of title 35, United States Code, the Congress sought to promote the development of innovative drugs by granting patent term restoration to companies to recover a portion of the patent term for such drugs that was consumed during the approval process conducted by the Food and Drug Administration.

(3) Consistent with the historic purpose of promoting innovation, patent legislation, and subsequent rules promulgated by the United States Patent and Trademark Office (PTO), have routinely given the PTO wide discretion to excuse late filings and other mistakes that might otherwise result in the forfeiture of underlying patent rights.

(4) Contrary to this routine practice, however, under section 156 of title 35, United States Code, the PTO has no discretion to excuse a filing that is even one day late.

(5) In order to be consistent with the intent of protecting patent rights and promoting further innovation, the PTO should be granted limited, circumscribed discretion to consider patent term restoration applications filed in an untimely manner.

(b) FILING OF APPLICATIONS.—

(1) IN GENERAL.—Section 156 of title 35, United States Code, is amended by adding at the end the following new subsection:

"(i) UNINTENTIONAL DELAY.—The Director may accept an application under this section that is filed not later than 5 days after the expiration of the 60-day period provided in subsection (d)(1) if the applicant files a petition showing, to the satisfaction of the Director, that the delay in filing the application was unintentional. Such petition must be filed with the application in the case of an application filed on or after the date of the enactment of this subsection and must be filed not later than 5 days after such date of enactment in the case of an application which, on such date of enactment, is pending, is the subject of a request for reconsideration of a denial of a patent term extension under this section, or has been denied a patent term extension under this section in a case in which the period for seeking reconsideration of such denial has not yet expired. The Director shall make a determination on a petition under this subsection not later than 30 days after the date on which the petition is received. If no determination has been made on the petition within that 30-day period, the petition shall be deemed to be denied.".

(2) REVIVAL FEES.—Section 41(a)(7) of title 35, United States Code, is amended—

(A) by striking "or for an" and inserting "for an"; and

(B) by inserting after "reexamination proceeding," the following: "or for an unintentionally delayed application for patent term extension,".

(3) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply to any application for patent term extension under section 156 of title 35, United States Code, which—

(A) is filed on or after the date of the enactment of this Act; or

(B) on such date of enactment—

(i) is pending;

(ii) is the subject of a request for reconsideration of a denial of a patent term extension under section 156; or

(iii) has been denied a patent term extension under such section 156 in a case in which the period for seeking reconsideration of such denial has not yet expired.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 1785 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 1785, a bill to amend the Vessel Hull Design Protection Act. The version before us is the manager's amendment to the bill. In addition to the vessel hull design amendments, S. 1785 includes the text of three other intellectual property bills that have been the focus of considerable bipartisan discussion and deliberation. These bills are not controversial and therefore have been included as a part of the manager's amendment.

First, S. 1785 amends the Vessel Hull Design Protection Act by requiring courts to examine the statutorily protected components of a vessel, the hull as well as the deck, separately when determining whether a third party has infringed on a design.

This change responds to a Fifth Circuit Court case which, if allowed to stand, will render the statute meaningless, thereby encouraging knock-off artists to sell boats with inferior-designed hulls to consumers. The Judiciary Subcommittee on the Courts, the Internet, and Intellectual Property reported this bill favorably to the full committee on March 1, 2006.

Second, S. 1785 includes the text of House Concurrent Resolution 319, which commemorates the Bayh-Dole Act on its 25th anniversary. This is the law that enables inventors to retain their property interest in patented products that are subsidized by Federal financing. The concurrent resolution was unanimously approved by the Judiciary Committee earlier this year.

Third, S. 1785 includes the text of H.R. 5120, a bill that amends title 35, United States Code, to conform certain filing provisions within the Patent and Trademark Office. This legislation allows the director of the PTO to accept a pharmaceutical patent extension request for not later than 5 days after the current statutory deadline, which is 60 days from the date that the Food and Drug Administration approves the drug for use.

The applicant must prove to the director's satisfaction that the delay in filing was unintentional. In any event, the director retains the discretion to grant or to deny an extension. It is not automatic. The Subcommittee on Courts, the Internet, and Intellectual Property conducted a hearing on H.R. 5120 on September 14.

Finally, S. 1785 includes the text of H.R. 2955, the Intellectual Property Jurisdiction Clarification Act. This measure responds to a recent court case by reaffirming the plenary authority of the Federal Circuit to hear all patent appeals, which was the clear intent of Congress since the circuit's creation in 1982. This bill was reported by the Judiciary Committee on April 5 of this year by a voice vote.

Mr. Speaker, S. 1785 incorporates timely bipartisan legislation to enhance public safety, commemorate the Bayh-Dole Act and make other needed clarifications and improvements to U.S. intellectual property law.

I urge my colleagues to support the legislation and send it to the other body to ensure its timely consideration and passage.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I am pleased to yield myself as much time as I may consume.

Mr. Speaker, I rise in support of the legislation consisting of these intellectual property bills that have been very fully and accurately described by our Chairman SENSENBRENNER.

I rise in support of this legislation, which consists of three intellectual property bills.

VESSEL HULL PROTECTION

First, the bill amends the Vessel Hull Design Protection Act by requiring courts to examine the copyright protected components of a vessel—the hull as well as the deck—separately when determining whether a third party has infringed a design. This change responds to a 5th Circuit case that would render the statute meaningless, thereby encouraging knock-off artists to sell boats with inferior designed hulls to consumers.

BAYH-DOLE RESOLUTION

Section 201 of the package consists of H. Con. Res. 319, a resolution that commemorates the Bayh-Dole Act on its 25th anniversary. The Bayh-Dole Act, named after Sen. Birch Bayh (D–IN) and Sen. Bob Dole (R–KS), is the law that enables inventors to retain their property interests in patented products that are subsidized by federal funding. It is fitting that we again have senators named BAYH and DOLE in the Senate. The Committee reported this bill favorably in April.

PATENT TERM EXTENSION APPLICATIONS

Section 202 consists of the text of H.R. 5120. It permits the Director of the Patent and Trademark Office to accept late-filed requests for patent term extension. The applicant must prove that the delay in filing was unintentional. In addition, the Director retains the discretion to grant an extension and is not required to issue one.

I urge my colleagues to vote "yes" on this legislation.

Mr. Speaker, I am now pleased to recognize the gentleman from Oregon (Mr. WU), from the Science Committee, for as much time as he may consume.

Mr. WU. I thank the ranking member, and I thank the chairman.

Mr. Speaker, I rise in support of section 201 of S. 1785 and, in particular, its well-deserved commendation of the Bayh-Dole Act of 1980. This act, and its 1984 amendments, were cited by The Economist in December 14, 2002, as possibly the most inspired piece of legislation to be enacted in the past half century.

The reasons are apparent if one looks at the revolutionary changes that began with Bayh-Dole. In 1980, perhaps half a dozen universities were strongly committed to commercialization of university research results. Today, it is hard to find a university that does not have a tech transfer licensing program to take advantage of this legislation.

In the 1970s, we were struggling to keep up with international competition. Bayh-Dole made research universities a major tool in our tool box as an antidote to that decline.

Initially, by keeping the intellectual property rights to the ideas they generated, universities were able to bring in revenues, share with professor inventors, as industry began to commercialize the fruits of university research. Some of the inventions in biotechnology and computer software and hardware by institutions such as the Oregon Health and Science University, the University of Oregon and Stanford University, were listed by AUTM, the Association of University Technology Managers, in the top 100 inventions that changed American life.

As success has mounted and more and more university professors thought about the commercial implications of their work, new opportunities opened up for professors. This led to university research centers, research parks and technology transfer offices, adding many more services as professors began startup companies. Bayh-Dole is a major reason why both research universities and small high-tech companies with university roots are such major drivers of today's American economy.

None of this would have been possible without the cooperation of the Committee on the Judiciary and its Courts Subcommittee and the Committee on Science and its Technology Subcommittee, where I am proud to serve as subcommittee ranking Democratic member.

It is fitting that Chairman SENSENBRENNER, who was on both committees at the time of the 1984 amendments, and who went on to serve as chairman of both full committees, has chosen to bring this commemoration forward in a bipartisan manner that involves both committees.

I thank both gentlemen. I thank him for his continued leadership, and I look forward to working with him, not only to commend Bayh-Dole today, but perhaps also to update and improve in the coming years after a successful quarter century run.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. JENKINS).

Mr. JENKINS. Thank you, Chairman SENSENBRENNER, for yielding this time.

Mr. Speaker, H.R. 5120, which is incorporated into section 202 of S. 1785 has drawn bipartisan sponsorship from 23 of our colleagues in the House. I introduced this measure because I believe it is both good patent policy and sound health care policy.

It corrects an inequity in the patent law and will encourage important innovation in medical research, precisely the purpose that Congress sought to accomplish in enacting the Hatch-Waxman Act. In the patenting process, there are several examples of relief that are available for late filings, late payments and deficient filings.

By enacting section 202 of S. 1785, we are continuing to promote the basic purpose of Hatch-Waxman, and we are strengthening Hatch-Waxman. It is important to do this so that our Nation will continue to lead the way in medical research, and so that patients will not be denied promising new innovative developments.

Mr. Speaker, I include for the RECORD letters from medical practitioners and consumer groups from across this country supporting this legislation. Included are letters from the Cleveland Clinic Foundation Heart Center, the Emory University Healthcare Heart Center, and the University of California Los Angeles Medical Center Cardiology Section. Their credentials and their views are impressive. They emphasize the health care advantages of this measure, particularly its effect on opening up new advantageous avenues of medical research to prevent and treat stroke.

THE CARLYLE FRASER HEART
CENTER AT CRAWFORD LONG
HOSPITAL,
Athens, GA, June 15, 2006.

Congressman JOHN LEWIS,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE LEWIS: I received a phone call today from Clive Meanwell, Chief Executive Officer of The Medicines Company, regarding H.R. 5120, relating to the patent restoration provisions of the Hatch-Waxman law. I am the Director of Interventional Cardiology at Emory Crawford Long Hospital and have been on the faculty of Emory University School of Medicine for thirteen years. I am also the President of the Greater Atlanta Division of the American Heart Association (AHA), and a medical reporter for FOX–5 television. The major focus of my profession is the care of patients with advanced and complex cardiovascular disease, particularly those undergoing interventional procedures (commonly known as stents) of the arteries of their heart and elsewhere in the body.

I am writing in support of H.R. 5120 because I understand that, if it passes, the anticoagulant drug Angiomax may become eligible for patent term restoration. This would allow for further investment in clinical development. Angiomax is a critically important product which is used in the overwhelming majority (thousands) of the interventional procedures at Emory. Angiomax is an important therapy because it provides safe, effective, and cost-effective anti coagulation during interventional procedures. In addition, several Emory physicians have performed extensive research on Angiomax. Emory was one of the leading U.S. centers in a recent trial studying this product. I am perhaps one of the Nation's leading experts and researchers in this area and have lectured internationally and published extensively in this area. Within the last month, we submitted approximately twenty individual research abstracts on Angiomax to the American Heart Association and Transcatheter Cardiovascular Therapeutics national meetings. Our research shows that Angiomax provides equal efficacy to other drugs, costs less, is easier to use, and causes less risk of bleeding complications. Bleeding complications have been shown to increase mortality and are particularly common in patients who are: elderly, female, African-American, and those with kidney disease, anemia, and high blood pressure. I have attached two of our abstracts highlighting the consequences of bleeding complications. These types of patients make up the majority of the patients at our institution. Better outcomes and a reduction in healthcare costs with Angiomax is what we want for the patients of our community.

But that is only part of the story. Patent term restoration for Angiomax is important because preliminary experience suggests that Angiomax may be useful in preventing and treating stroke but more studies are needed. Stroke is the Nation's number one cause of disability and third leading cause of death. Over 700,000 Americans suffer strokes each year—one every 45 seconds; over 165,000 die and many thousand more are disabled for life. I know that you are aware that Georgia is part of the high-risk "stroke belt". In my capacity with the AHA, one of our major initiatives is reducing the risk of stroke. Unfortunately, the blood thinning and clot-busting agents currently utilized to treat stroke patients can cause dangerous side effects, including intracranial bleeds (as was seen so vividly with Israeli Prime Minister Sharon). Angiomax may be useful in the prevention and treatment of strokes with fewer bleeding side effects. But the very costly and time-consuming clinical trials (which Emory will likely be involved with) which will be needed to explore this and other promising new uses (such as patients undergoing open-heart surgery) will not be feasible unless patent term restoration under the Hatch-Waxman Act is available to the drug's developer.

It is vital that H.R. 5120 be enacted so that research in stroke is undertaken to evaluate the use of Angiomax in the treatment and prevention of this debilitating disease. I would be happy to discuss this matter further with you at your convenience.

Very truly yours,

STEVEN V. MANOUKIAN, M.D.,

Director, Interventional Cardiology, Emory Crawford Long Hospital, Emory University School of Medicine.

THE 60 PLUS ASSOCIATION,

Arlington, VA, September 13, 2006.

Hon. F. JAMES SENSENBRENNER,

Chairman, House Committee on the Judiciary, Washington, DC.

DEAR CHAIRMAN SENSENBRENNER: On behalf of the members of the 60 Plus Association, I am writing to inform you of our support for H.R. 5120, a bill to Amend Title 35, United States Code, To Conform Certain Filing Provisions within the Patent and Trademark Office. This important legislation would amend the Hatch-Waxman Act, correcting a disconcerting irregularity in the Act that hinders drug innovation and life-saving research.

Patent law is designed to encourage innovation and advancement. The Hatch-Waxman Act supports this purpose in a variety of ways including not penalizing the owner of a drug patent for the time it has to wait for FDA approval. However, the Act's rigid 60-day deadline for filing an application for patent term restoration with the Patent and Trademark Office (PTO) undermines these objectives, as it does not allow the PTO any discretion to excuse minor mistakes. H.R. 5120 would provide the PTO with this vital discretionary authority to accept an application for patent term restoration filed within 5 days after the current deadline if the PTO finds that the filing delay was unintentional.

As you are probably aware, coronary artery disease kills 500,000 Americans each year—earning the dubious distinction of being the leading cause of death in America for both men and women. And stroke is the Nation's number one cause of disability, affecting 700,000 Americans each year. Angiomax is a drug which has already been shown safe and effective in angioplasties and has shown initial promise for patients with coronary artery disease or stroke. Unfortunately, because of a minor administrative error that caused its manufacturer's application to be filed one day late, Angiomax may never reach these cardiac and stroke patients, even though it had earned the right to patent restoration.

H.R. 5120 would prevent such destructive and unnecessary results, now and in the future. A similar clerical error has already happened to two other companies, who also missed the filing deadline by one day. And, human error being what it is, it is virtually certain to happen to other companies in the future.

The 60 Plus Association urges the House Judiciary Committee to support this important, bipartisan legislation that will benefit millions of seriously ill patents, many of whom are 60 years of age and older. It is incredibly unfortunate that years of patent protection on drugs are forfeited due to a minor clerical error and, as a result, the benefits of further research and development of critical drugs are often lost.

The 60 Plus Association appreciates your leadership on this issue. We hope you will consider these points and support this vital legislation—legislation that will directly benefit the aging population. If you have any questions or concerns, please do not hesitate to contact me.

Thank you for your consideration.

Sincerely,

JIM MARTIN,

President, 60 Plus Association.

RETIRESAFE,

September 13, 2006.

Hon. F. JAMES SENSENBRENNER,

Chairman, House Committee on the Judiciary, Washington, DC.

DEAR CHAIRMAN SENSENBRENNER: On behalf of the almost 400,000 senior citizens represented by RetireSafe, I am writing to inform you of our support of H.R. 5120, legislation that would correct a troubling anomaly in the patent law that can hinder innovation and stymie life-saving research. Currently, the Hatch Waxman Act allows the owner of a drug patent to obtain time restored to its patent to make up for time lost while awaiting FDA approval. H.R. 5120 would permit the Patent and Trademark Office to accept an application within 5 days of the deadline if the PTO determines the filing delay was unintentional.

RetireSafe urges the House Judiciary Committee to support this much needed legislation that can benefit millions of seriously ill patents. It's unfortunate, but when years of patent protection on a drug are forfeited due to a minor clerical error, the benefits of further research and development of critical drugs is often lost. Ironically, there are more than 30 patent laws and regulations on the books giving the PTO the discretion to accept minor application errors and late filings, but not under Hatch-Waxman. We believe such rigid rules undermine the intent and basic purposes of the patent law.

Furthermore, there are absolutely no downsides to fixing this problem. The bill would not upset the balance of Hatch-Waxman; it would simply avoid a premature cutoff of earned patent rights due to minor clerical error. Generic manufactures will also still have the same right they now enjoy to file an application to bring out a new drug, and this right would still be keyed to the date FDA approves the patent owner's drug use.

For instance, take the case of the drug Angiomax, made by a small drug company, which had earned the right to patent restoration but missed the filing deadline by one day. Research into promising new applications of Angiomax for cardiac and stroke patients—applications which are critical to older Americans—will be cut short if this legislation is not passed. If Angiomax loses its patent protection prematurely, this critical research opportunity will be lost entirely as it will never be conducted by generic manufacturers. The end result will mean that 13 million Americans including the millions of seniors with coronary artery disease will never benefit from this potentially life-saving drug.

Angiomax is just one example of a drug that has faced this filing deadline issue. Two other companies have missed the Hatch-Waxman filing deadline by one day and others will doubtless make minor filing errors in the future. Cardiac and stroke patients will clearly benefit from this bill. H.R. 5120 is good public policy that will help save lives and provide a better quality of life for seriously ill patients, and it should be enacted immediately.

In short, H.R. 5120 does not give anything to patent owners that the Hatch-Waxman law did not intend to give them and does not take anything away from the generic manufactures that the Hatch-Waxman law intended to provide. It merely gives PTO the discretion to consider whether or not to accept an application for patent term restoration after hearing all the facts.

I urge you and your committee to support H.R. 5120 and help millions of seniors in this country who are currently suffering or at risk for coronary artery disease and need innovative life-saving medications. It is my hope you will agree that H.R. 5120 is good public policy with an overriding public health benefit.

Sincerely,

MICHELLE PLASARI,

RetireSafe.

FREEDOMWORKS,

Washington, DC, September 13, 2006.

Hon. F. JAMES SENSENBRENNER, Jr.,

Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.

Hon. JOHN CONYERS, Jr.,

Ranking Member, Committee on the Judiciary, Washington, DC.

DEAR CHAIRMAN SENSENBRENNER AND RANKING MEMBER CONYERS: On behalf of the 800,000 members of Freedom Works, I am writing to urge your support for H.R. 5120, a bill that would address a concern that has arisen in patent law and provide an environment that facilitates innovation and continued development of products that are beneficial to potentially millions of Americans. Freedom Works has a long history of involvement with issues arising from the drug approval process, promoting policies that eliminate unnecessary delays that limit consumer access to important new therapies. In addition, Freedom Works believes that at times the patent process may be abused and generics provide an important source of competition that generates substantial benefits to consumers. This legislation, however, is not an abuse of the system; it is an adjustment to the process that will ensure continued research and development. This issue also highlights the burden imposed by the drug approval process and I would urge Congress to also consider reforms in this area as well to ensure Americans have the access to the best care possible.

Briefly, H.R. 5120 would grant the U.S. Patent Office the discretion to consider an application for patent term restoration that unintentionally has been filed late, but within five days of the expiration of the 60-day filing period established in the Hatch-Waxman Act (see 35 U.S.C. Section 156(d)(1)). The U.S. Patent Office has the discretion to accept late-filed submissions in a variety of patent and trademark proceedings, but it does not in instances of patent term restoration filings. H.R. 5120 would correct this anomaly.

Under the Hatch-Waxman Act, patent term restoration is an inducement for innovators and firms to undertake risky, time-consuming, and costly drug development and the FDA approval processes. Without patent term restoration, incentives for drug innovation are diminished and consumers would bear the costs as fewer resources are devoted to important lifesaving drug therapies.

As an example, the Medicines Company failed to receive patent restoration because its filing was unintentionally filed one day late. The firm was in the process of conducting important additional research on Angiomax, a drug initially approved as a blood thinning agent. New research, however, suggests that Angiomax may be beneficial for use in the prevention and treatment of stroke, which is the leading cause of disability and third leading cause of death in the United States. Unfortunately, without patent restoration, the ability to conduct the additional research and commit to the costly approval process are eliminated, leaving consumers with fewer choices for critical health care decisions.

Unlike other areas of patent law, the inflexible filing deadline is clearly draconian. The Hatch-Waxman act provides incentives to invest in the costly and time-consuming drug approval process, yet the inflexibility built into the current law can destroy those incentives and have a disproportionate impact on the process, and reduce opportunities for innovation. H.R. 5120 brings this application of patent law more in line with the broader process for patent and trademark proceedings. Given the importance of innovation in the field of health care, and the potential impact on the lives of Americans, I urge you to support this important legislation.

Sincerely,

MATT KIBBE,
President and CEO.

CENTER FOR INDIVIDUAL FREEDOM,
Alexandria, VA, September 12, 2006.

Hon. F. JAMES SENSENBRENNER, Jr.,
Chairman, House Judiciary Committee, Washington, DC.

Congressman JOHN CONYERS, Jr.,
Ranking Member, House Judiciary Committee, Washington, DC.

DEAR CONGRESSMAN SENSENBRENNER AND CONGRESSMAN CONYERS: On behalf of the Center for Individual Freedom and its more than 250,000 supporters and activists nationwide, I am writing to urge you to support H.R. 5120. This bill grants the Patent and Trade Office Director the discretion, where fair and appropriate, to accept slightly overdue patent-term restoration applications under the Hatch-Waxman law.

Under current law, an application unintentionally filed even one day late must be denied—the Director possesses absolutely no discretion whatsoever. Such a rigid command creates unfair outcomes, and arbitrarily jeopardizes enormously valuable property rights.

Throughout other realms of business, legal, and personal life, equitable grace periods exist. For example, other federal agencies such as the Internal Revenue Service possess discretion to accept slightly overdue submissions. If even the "Tax Man" can have a heart, the Patent and Trademark Office should also be allowed similar discretion.

It is also important to put H.R. 5120 into perspective: the bottom line is that a company should not have to pay the price of millions or even billions of dollars in revenue due to a simple and unintentional clerical error. Companies invest billions of dollars in product research and development, and recouping those investments through patent protection is what allows our innovative economy to thrive.

Moreover, other patent laws and regulations allow the Patent and Trade Office discretion to excuse minor mistakes, such as filing documents or making payments. Thus the current Hatch-Waxman deadline provision stands as an anomaly by prohibiting any type of discretion. In our view, this anomaly should be fixed, and H.R. 5120 does just that.

If an individual unintentionally pays their mortgage payment one day late, does the bank seize their home? No. If property taxes are paid one day late due to a bank disbursement error, does the government automatically seize your property? Obviously not. Should a different standard apply to a company whose very existence depends upon a patent that they hold?

Opponents of this rational legislation claim that it would somehow benefit one particular company, but that is incorrect. Rather, any company that can prove that its slight delay was unintentional would be treated more fairly. This is simply good public policy.

Indeed, the only beneficiaries of perpetuating the current regulations are generic companies who stand to gain an unfair windfall by pouncing whenever a patent owner accidentally files a few days late. Perpetuating such inequitable windfalls for generic companies is an inappropriate public policy result. Maintaining the Hatch-Waxman mandate as-is will lead to the further loss of highly valuable patent rights for no good reason. In contrast, fixing it through H.R. 5120 will help all innovators, both present and future.

Further, H.R. 5120 does not give the patent holder a "carte blanche, no questions asked" grace period. It does not allow for indefinite patents, nor does it imply continued protections due to intentional negligence. Rather, it allows a five-day grace period for a patent restoration filing that was unintentionally delayed. Five days.

Finally, Congress routinely revisits statutes in order to fix loopholes and anomalies. Very simply, mistakes happen, as does the law of unintended consequences. In the case of Hatch-Waxman, allowing a simple five-day grace period will not undermine or compromise the growth of the generics market in the United States. Rather, H.R. 5120 will merely align patent restoration filing rules with the other discretions enjoyed by the Patent and Trademark Office.

Accordingly, the Center for Individual Freedom urges you and all members of the Judiciary Committee to pass H.R. 5120, allowing it full consideration by the U.S. House of Representatives. Fairness and equity demands it, and we will monitor members' votes on this critical matter and communicate them to our constituency.

Thank you very much for your time and consideration.

Sincerely,

TIMOTHY H. LEE,
Director of Legal and Public Affairs.

THE CLEVELAND CLINIC
FOUNDATION HEART CENTER,
Cleveland, OH, April 24, 2006.

Congresswoman STEPHANIE TUBBS JONES,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE TUBBS JONES: I understand that you are considering a bill, H.R. 5120, related to the patent restoration provisions of the Hatch-Waxman law. I am an interventional cardiologist practicing at the Cleveland Clinic. I engage in the clinical care of patients with cardiovascular disease as well as in clinical research related to this complex and unique group of patients.

I am writing in support of H.R. 5120 because I understand that, if it passes, the anticoagulant drug Angiomax may become eligible for patent term restoration. This would allow for further investment in clinical development. I use Angiomax and have been involved In the study of Angiomax in acute care cardiovascular procedures, including heart attack and angina. Angiomax is an important therapy that provides safe and effective anticoagulation in interventional procedures with less bleeding than other treatments. These advantages also save the health care system money by reducing bleeding and providing single drug therapy versus combination drug therapy.

Patent term restoration for Angiomax is important because preliminary experience suggests that Angiomax may be useful in preventing and treating stroke, but more studies are needed. Stroke is the nation's number one cause of disability and third leading cause of death. Over 700,000 Americans suffer strokes each year—one every 45 seconds; over 165,000 die and many thousands more are disabled for life. Unfortunately, the blood thinning and clot-busting agents now available to treat stroke patients can cause dangerous side effects, including intracranial bleeds (as was seen so vividly with Israeli Prime Minister Sharon). Angiomax may be useful in the prevention and treatment of strokes with fewer side effects. But the very costly and time-consuming clinical trials needed to explore this promising new use won't be feasible unless patent term restoration under the Hatch-Waxman Act is available to the drug's developer.

It is vital that H.R. 5120 be enacted so that research on Angiomax in the prevention and treatment of strokes is undertaken to evaluate the drug in the treatment and prevention of this debilitating disease. I am available to discuss this matter further with you at your convenience.

Very truly yours,

DEEPAK L. BHATT,
Associate Director, Cleveland Clinic Cardiovascular Coordinating Center, Staff, Cardiac, Peripheral, and Carotid Intervention, Associate Professor of Medicine, Department of Cardiovascular Medicine, Cleveland Clinic Foundation.

DEPARTMENT OF MEDICINE, UCLA
SCHOOL OF MEDICINE, CENTER FOR
THE HEALTH SCIENCES,
Los Angeles, CA, September 6, 2006.

Congresswoman NANCY PELOSI,
House of Representatives,
Washington, DC.

DEAR CONGRESSWOMAN: I understand that the Subcommittee on Courts, the Internet and Intellectual Property of the Judiciary Committee of the House of Representatives is considering a bill, H.R. 5120, relating to the patent restoration provisions of the Hatch-Waxman law. I am an interventional cardiologist practicing at The UCLA Medical Center and the Greater Los Angeles Veterans Administration Medical Center. I engage in the clinical care of patients with cardiovascular disease as well as in clinical research related to this complex and unique group of patients.

I am writing in support of H.R. 5120 because I understand that, if it passes, the anticoagulant drug Angiomax may become eligible for patent term restoration. This would allow for further investment in clinical development. I use Angiomax and have been involved in the study of Angiomax in acute care cardiovascular procedures. Angiomax is an important therapy that provides safe and effective anticoagulation in interventional procedures with less bleeding than other treatments. These advantages also save money by reducing bleeding and providing single drug therapy versus combination drug therapy.

Patent term restoration for Angiomax is important because preliminary experience suggests that Angiomax may be useful in preventing and treating stroke but more studies are needed. Stroke is the Nation's number one cause of disability and third leading cause of death. Over 700,000 Americans suffer strokes each year—one every 45 seconds; over 165,000 die and many thousands more are disabled for life. Unfortunately, the blood thinning and clot-busting agents now available to treat stroke patients can cause dangerous side effects, including intracranial bleeds (as was seen so vividly with Israeli Prime Minister Sharon). Angiomax may be useful in the prevention and treatment of strokes with fewer side effects. But the very costly and time-consuming clinical trials needed to explore this promising new use won't be feasible unless patent term restoration under the Hatch-Waxman Act is available to the drug's developer.

It is vital that H.R. 5120 be enacted so that research in stroke is undertaken to evaluate the use of Angiomax in the treatment and prevention of this debilitating disease. I am available to discuss this matter further with you at your convenience.

Very truly yours,

RAMIN EBRAHIMI,

Associate Clinical Professor, University of California Los Angeles, Director, Cardiac Catheterization Laboratory, Greater Los Angeles VA Medical Center, Assistant Director, Nuclear Cardiology, Greater Los Angeles VA Medical Center.

Section 202 is narrowly tailored legislation. It simply confers discretion on the Patent Office to consider an unintentionally late-filed patent term restoration application submitted to the Patent Office within 5 days of the 60-day deadline in current law. It does not confer any substantive rights on any applicant, but merely allows the applicant to present the facts surrounding the late filing to the Patent Office. The director of the Patent Office then has 30 days to rule on the petition.

Honest mistakes should not cause irreparable hardship for innovators or patients. A few days unintentional late filing mistake at the Patent Office should not be cause for blocking promising medical research that could lead to important health care advantages.

Mr. Speaker, I appreciate all the efforts the committee has invested in bringing this legislation to the floor, and I hope that we can now proceed with the enactment of S. 1758.

Mr. CONYERS. Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the Senate bill, S. 1785, as amended.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill, as amended, was passed.

The title of the Senate bill was amended so as to read: "An Act to make certain improvements relating to intellectual property, and for other purposes.".

A motion to reconsider was laid on the table.

HONORING THE LIFE OF RUTH BROWN

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1090) honoring the life of Ruth Brown and her copyright royalty reform efforts on behalf of rhythm and blues recording artists.

The Clerk read as follows:

H. RES. 1090

Whereas Ruth Brown passed away on November 17, 2006;

Whereas Ruth Brown, a rhythm and blues singer and songwriter known as Miss Rhythm, was one of Atlantic Records's first recording and performing stars;

Whereas Ruth Brown's elegant voice made her a hit from the 1940s onward with such songs as "So Long" and "Teardrops from My Eyes";

Whereas Ruth Brown's career spanned the post-World War II era through the Civil Rights Movement to the 21st century, a period which also saw the genre music move into the American mainstream;

Whereas Ruth Brown helped found the Rhythm and Blues Foundation in 1988 to recognize, promote, and preserve rhythm and blues music;

Whereas Ruth Brown worked with Congress to advance the cause of copyright royalty reform so that rhythm and blues artists could receive deserved copyright royalties from their music;

Whereas Ruth Brown's talent was recognized with a Tony Award for Best Actress in a Musical in "Black and Blue" in 1989, a Grammy Award for her album "Blues on Broadway" in 1989, induction into the Rock and Roll Hall of Fame in 1993, and a Lifetime Achievement Award from the Blues Foundation in 1999;

Whereas Ruth Brown's autobiography, "Miss Rhythm," received the Ralph J. Gleason Music Book Award; and

Whereas Ruth Brown is survived by 2 sons, 4 siblings, 3 grandchildren, and a multitude of cousins, nieces, nephews, friends, and admirers: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the life of Ruth Brown;

(2) recognizes Ruth Brown for her efforts toward reforming the copyright royalty system on behalf of rhythm and blues recording artists;

(3) commends Ruth Brown for her success in ensuring that rhythm and blues recording artists would receive deserved copyright royalties; and

(4) expresses its deepest condolences to Ruth Brown's family and friends.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on House Resolution 1090 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am privileged to join with my friend, Ranking Member CONYERS, in support of this resolution to honor the life of Ruth Brown, a pioneering rhythm and blues singer who passed away last month. Ruth Brown was a well-known performer who paved the road for other R&B artists. In the 1950s she topped the R&B charts with a series of hits that helped establish Atlantic Records as a leading recording label for pop singers.

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The label became known as "the house that Ruth built." That means Yankee Stadium is not the only "house that Ruth built."

Ruth Brown's style and singing ability influenced numerous other well-known musical artists, including Bonnie Raitt and Little Richard. Later in her career, she was awarded Tony and Grammy honors and was inducted into the Rock and Roll Hall of Fame.

But Ruth Brown's most enduring contributions and her most remarkable qualities might have been her persistence and passionate desire for justice. During her last two decades, she devoted herself to the cause of collecting unpaid royalties for musicians, spending much of her time working with Congress to promote copyright royalty reform. She also helped establish a nonprofit foundation in Philadelphia to help finance medical care for needy musicians.

Mr. Speaker, I want to thank the gentleman from Michigan (Mr. CONYERS) for introducing this resolution, and I join him in urging the Members of the House to support this resolution to honor the extraordinary life and accomplishments of Ruth Brown and to extend the House's deepest sympathy to her family and friends.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the chairman, JIM SENSENBRENNER, for his very personal remarks about Ruth Brown and I thank him and our colleagues, CHARLES RANGEL, JERRY NADLER, BARBARA LEE and BOBBY SCOTT, who all recognize the accomplishments of rhythm and blues singer Ruth Brown, who passed away on November 17, 2006. She was not only a great artist of contemporary music, but a fighter who reformed copyright royalty payments for recording artists.

She had a great talent, as has been described, and became one of Atlantic Records' first recording stars. For that, she was inducted into the Rock and Roll Hall of Fame and received a 1999 Lifetime Achievement Award from The Blues Foundation. She had an autobiography, "Miss Rhythm," and received the Ralph Gleason Award for Music.

Aside from her outstanding singing career, though, Ruth Brown came to the attention of the Congress because she was a tireless advocate for the rights of other musicians and artists in the rhythm and blues category. She worked with us to advance the cause of copyright royalty reform so that rhythm and blues artists could at last receive the royalties that they deserved from their music. She also helped found the Rhythm and Blues Foundation in 1988 to recognize, promote and preserve rhythm and blues music. The important work of this foundation continues to this day. She came to the Hill and worked with not only the Judiciary Committee, but with the Congressional Black Caucus as well.

The resolution we introduce today acknowledges the important contributions to American culture and recognizes Ruth Brown for her efforts to reform the royalty system and expresses the House's deepest condolences to the Ruth Brown family and friends. We remember her as a wonderful, beautiful musician, but also as a dedicated fighter for justice in the copyright field that is within our jurisdiction.

So it is with great regret that we acknowledge the contributions of the late Ruth Brown.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I also yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and agree to the resolution, H. Res. 1090.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

STOLEN VALOR ACT OF 2005

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1998) to amend title 18, United States Code, to enhance protections relating to the reputation and meaning of the Medal of Honor and other military decorations and awards, and for other purposes.

The Clerk read as follows:

S. 1998

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Stolen Valor Act of 2005".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Fraudulent claims surrounding the receipt of the Medal of Honor, the distinguished-service cross, the Navy cross, the Air Force cross, the Purple Heart, and other decorations and medals awarded by the President or the Armed Forces of the United States damage the reputation and meaning of such decorations and medals.

(2) Federal law enforcement officers have limited ability to prosecute fraudulent claims of receipt of military decorations and medals.

(3) Legislative action is necessary to permit law enforcement officers to protect the reputation and meaning of military decorations and medals.

SEC. 3. ENHANCED PROTECTION OF MEANING OF MILITARY DECORATIONS AND MEDALS.

(a) EXPANSION OF GENERAL CRIMINAL OFFENSE.—Subsection (a) of section 704 of title 18, United States Code, is amended by striking "manufactures, or sells" and inserting "purchases, attempts to purchase, solicits for purchase, mails, ships, imports, exports, produces blank certificates of receipt for, manufactures, sells, attempts to sell, advertises for sale, trades, barters, or exchanges for anything of value".

(b) ESTABLISHMENT OF CRIMINAL OFFENSE RELATING TO FALSE CLAIMS ABOUT RECEIPT OF DECORATIONS AND MEDALS.—Such section 704 is further amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by inserting after subsection (a) the following:

"(b) FALSE CLAIMS ABOUT RECEIPT OF MILITARY DECORATIONS OR MEDALS.—Whoever falsely represents himself or herself, verbally or in writing, to have been awarded any decoration or medal authorized by Congress for the Armed Forces of the United States, any of the service medals or badges awarded to the members of such forces, the ribbon, button, or rosette of any such badge, decoration, or medal, or any colorable imitation of such item shall be fined under this title, imprisoned not more than six months, or both."; and

(3) in paragraph (1) of subsection (c), as redesignated by paragraph (1) of this subsection, by inserting "or (b)" after "subsection (a)".

(c) ENHANCED PENALTY FOR OFFENSES INVOLVING CERTAIN OTHER MEDALS.—Such section 704 is further amended by adding at the end the following:

"(d) ENHANCED PENALTY FOR OFFENSES INVOLVING CERTAIN OTHER MEDALS.—If a decoration or medal involved in an offense described in subsection (a) or (b) is a distinguished-service cross awarded under section 3742 of title 10, a Navy cross awarded under section 6242 of title 10, an Air Force cross awarded under section 8742 of section 10, a silver star awarded under section 3746, 6244, or 8746 of title 10, a Purple Heart awarded under section 1129 of title 10, or any replacement or duplicate medal for such medal as authorized by law, in lieu of the punishment provided in the applicable subsection, the offender shall be fined under this title, imprisoned not more than 1 year, or both.".

(d) CONFORMING AMENDMENTS.—Subsection (c) of such section 704, as so redesignated, is further amended—

(1) by inserting "ENHANCED PENALTY FOR OFFENSES INVOLVING" before "CONGRESSIONAL MEDAL OF HONOR"; and

(2) by striking paragraph (2) and inserting the following:

"(2) CONGRESSIONAL MEDAL OF HONOR DEFINED.—In this subsection, the term 'Congressional Medal of Honor' means—

"(A) a medal of honor awarded under section 3741, 6241, or 8741 of title 10 or section 491 of title 14;

"(B) a duplicate medal of honor issued under section 3754, 6256, or 8754 of title 10 or section 504 of title 14; or

"(C) a replacement of a medal of honor provided under section 3747, 6253, or 8747 of title 10 or section 501 of title 14.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 1998 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 1998, the Stolen Valor Act, which expands existing law prohibiting the fraudulent use of military decorations or medals.

The men and women of our Armed Forces risk their lives every day to preserve America's freedom. They sacrifice for our liberties with courage, patriotism and humility. They do not seek fame or celebrity status when told that they are heroes, and they often respond, "I am just doing my job."

While we can never fully pay our military heroes our debt of gratitude, America honors their service and sacrifice with military decorations and medals such as the Purple Heart, the Bronze Star, the Navy Cross, and our Nation's highest military decoration, the Congressional Medal of Honor.

Unfortunately, the significance of these medals is being devalued by phony war heroes who fabricate their honors and military careers. They do so for greed and selfishness, and disrespect the service and sacrifice of our military heroes, as well as the honor they uniquely deserve. Federal law enforcement authorities have responded to these imposters by launching a dozen investigations currently underway.

In Illinois, one man attended numerous Marine Corps functions, military funerals and fund-raisers, posing as a retired Marine Corps colonel. He claimed to have been awarded the Purple Heart eight times, the only marine to have obtained such a distinction, as well as the Navy Cross. It turns out he never served a single day as a Marine.

In St. Louis, Federal authorities arrested a man at a local Marine Corps event who claimed to be a decorated officer. He had previously been spotted at the annual Marine Corps Birthday Ball wearing a Navy Cross, two Silver Stars, four Bronze Stars and numerous other medals. He, too, never served a single day as a marine.

Perhaps the most egregious example of this fraud was perpetrated by a 10-year marine sergeant who secured $66 million in security contracts from the military based upon fictitious combat experience in Panama and Somalia, with fabricated Silver Stars, Purple Hearts, Bronze Stars and Air Medals. Upon learning of the man's fraudulent combat record, the military revoked the contracts, but by this time he had already fled the country.

The FBI estimates that for every legitimate Navy SEAL team member, there are roughly 300 imposters. Moreover, there are roughly only 124 living recipients of the Medal of Honor, yet more than twice as many falsely claim to have received it.

The Stolen Valor Act enhances penalties for those who masquerade as decorated war heroes. It expands the existing prohibition against wearing, manufacturing or selling military decorations or medals without legal authorization. The bill also imposes penalties for falsely representing one's self as the recipient of any medal or honor authorized by Congress for the armed services, and increases penalties for violations involving a Distinguished Service Cross, an Air Force Cross, a Navy Cross, a Silver Star, a Purple Heart or the Congressional Medal of Honor.

On September 7, the other body passed this bill by unanimous consent. I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join Chairman SENSENBRENNER in supporting this measure, the Stolen Valor Act, introduced in both this body and the other body, which enjoys the widespread support of a long list of bipartisan cosponsors. In fact, here in the House the measure has a total of 110 Democratic and Republican cosponsors.

The legislation starts out by honoring the brave men and women who courageously serve our country. It also protects the precious medals that are awarded during the course of their service by establishing a new set of criminal penalties against anyone who fraudulently claims to be a medal recipient or displays a fake medal in his home or office.

Recipients of the Congressional Medal of Honor, the Distinguished Service Award, the Silver Star and Purple Heart have made considerable sacrifices for our country and, as such, deserve a tremendous amount of our gratitude and respect. It can be said that this legislation represents just one of the many ways of saying thanks for a job well done.

The bill is supported by several of our military groups, the Veterans of Foreign Wars, the Military Order of the Purple Heart and the FBI Agents Association. I, too, strongly urge my colleagues to lend their unanimous support to this commonsense proposal.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. KLINE).

Mr. KLINE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today in strong support of S. 1998, the Stolen Valor Act. To many Americans, the collections of colored ribbons and bronze medals that adorn the uniforms of military personnel and veterans are difficult to comprehend. To those who have served, the rows of ribbons and medals serve as an unwritten resume. A quick glance can tell much: how many deployments at sea he has made, in what combat theaters she has served, or even the value placed upon his work by his superiors.

But even for those who did not serve, these decorations and awards have a deeper meaning and value that far outweigh their monetary worth. In many instances, they symbolize overcoming an instinctual desire for self-preservation found in all of us and summoning a level of courage rarely found but highly coveted.

It is for this reason that some seek to bestow on themselves the symbols of honor and sacrifice earned by others. Regardless of their rationale, those that impersonate combat heroes dishonor the true recipients of such awards.

By passing the Stolen Valor Act this afternoon, we have a unique opportunity to return to our veterans and military personnel the dignity and respect taken by those who have stolen it and dishonor them.

Mr. CONYERS. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Colorado (Mr. SALAZAR), the original author of this measure, who has worked on it with leaders in both the House and the other body for a considerable period of time.

□ 1600

Mr. SALAZAR. Mr. Speaker, first of all, let me thank Chairman SENSENBRENNER and Ranking Member CONYERS for allowing us to bring this important legislation forward. As you all know, Senator CONRAD from the Senate side, both his staff and my staff worked in a bipartisan effort to bring this important act forward.

This act would actually place a criminal penalty on those who falsely claim to have risked their lives for their country, and restoring honor to those who have truly earned it.

Last year, in Pueblo, Colorado, I met with Pam Sterner of Pueblo, who was attending Colorado State University in Pueblo, and also with Medal of Honor recipient Peter Lemmon of Colorado Springs.

Pam had recently completed a working paper on the issue of military medals fraud for a political science class at Colorado State University, Pueblo. With her research and with some of her language, we drafted the Stolen Valor Act of 2005.

Current law basically allows Federal law enforcement to prosecute individuals who physically wear medals on their person. The problem has been occurring where individuals are claiming to have earned these medals and there is no way for authorities to be able to prosecute these individuals. These frauds and these phonies have diminished the meaning and the honor of the recognitions received by our military heroes.

In addition to diminishing the meaning, on several occasions phonies have used their stature as a decorated war hero to gain credibility that allows them to commit more serious frauds.

B.G. Burkett's award winning book, "Stolen Valor," first exposed the problems of these medals fraud. The authors show that killers have fooled the most astute prosecutors and gotten away with murder. They show phony heroes who have become the object of national award-winning documentaries on national network television. They show liars and fabricators who have flooded major publishing houses with false tales of heroism which have become best-selling biographies.

Not only do the authors show the price of the myth has been enormous for society, but they spotlight how it has severely denigrated the service, patriotism, and gallantry of the best warriors America's ever produced.

The Stolen Valor Act, H.R. 3352, makes a language fix to the current Federal statute, to include making verbal and written claims to be the recipient of a military medal that they were not entitled to.

This bill expands penalties currently in effect for the Medal of Honor to apply to the so-called valor medals, including but not limited to the Distinguished Service Crosses of the respective military branches and the Purple Heart.

Our bill, H.R. 3352, a companion bill of Senate bill 1998, now has 110 cosponsorships with, as Ranking member CONYERS stated, 73 Democrats and 37 Republicans.

H.R. 3352 has been endorsed by numerous veterans and law enforcement organizations, including the Congressional Medal of Honor Society, the Military Order of the Purple Heart and the FBI Agents Association.

The Stolen Valor Act may well be the most sweeping legislation affecting military awards since the Medal of Honor review of 1917, during which this criteria for awarding our Nation's highest military award was strengthened. During the 1917 review, Congress began establishing a series of lesser awards which has evolved to become the Pyramid of Honor. This is a series of medals awarded to members of the military in increasing levels of importance and prestige.

Subsequent to this review of 1917, little had been legislated in regard to these awards beyond authorization of new awards or slight changes in the awards process. Additionally, the Stolen Valor Act of 2005 restores a precedent established by General George Washington. This was when he first instituted our first individual military award in 1782.

In his General Orders issued from his headquarters in Newburg, New York, on August 7, 1782, General Washington established the Badge for Military Merit, which in 1932 was revised as the Purple Heart. General Washington noted the following point with regard to military awards: "Should any who are not entitled to these honors have the insolence to assume the badges of them, they shall be severely punished."

The success of the Stolen Valor Act is notable because both Democrats and Republicans from both Houses have worked together in a unique display of teamwork on behalf of our brave men and women in uniform.

Mr. Speaker, it is time to protect and honor those who have earned the right to wear these prestigious medals.

Mr. Speaker, I urge my colleagues to vote "yes" on Senate bill 1998, the Stolen Valor Act of 2005.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Kentucky (Mr. DAVIS).

Mr. DAVIS of Kentucky. Mr. Speaker, I rise today in support of S. 1998, the Stolen Valor Act. I commend my colleague from Colorado for introducing this, Ranking Member CONYERS and Chairman SENSENBRENNER for this important bill, because it will strengthen the penalties for the misuse and misrepresentation of our Nation's highest military honors. I am a proud cosponsor of H.R. 3352, the House version of this bill. I thank Congressman SALAZAR and Senator CONRAD for working in a bipartisan spirit to make this legislation a reality.

I have had the opportunity during my time in Congress to present medals of valor to many veterans in my district. Though their service was many years ago, it is an inspiring experience to hear these veterans talk about their service to our Nation with great pride and also reflecting the humility of the generation it served. For many of those who lay their lives on the line for our country, there is no greater honor than the receipt of a medal honoring their bravery and sacrifice, reflecting the sentiment of a grateful Nation.

It is disturbing to me that people would illegitimately sell these medals or display them as a false symbol of their own valor. While our soldiers have valiantly defended our freedom on the battlefield, others have displayed false symbols of service, misleading our citizens, cheapening the symbol, and dishonoring the heritage, traditions and servicemembers who have had to live the reality of military service.

When General George Washington instituted our Nation's first military award, he set forth a number of principles to follow, including one that stated, "Should any who are not entitled to these honors have the insolence to assume the badges of them, they shall be severely punished."

Those who illegally wear, sell or produce decorations and medals should be punished. These actions are disrespectful to generations of our Nation's veterans and war heroes. The Stolen Valor Act will strengthen the punishment for those who falsely portray themselves as recipients of military decorations and medals.

Military decorations and medals honor our Nation's brave service men and women and inspire future generations to military service. They remind us of the great price of freedom, the excruciating time of separation, of loss, of pain, of sadness, and the joys of camaraderie that few can understand.

I urge my colleagues to support the Stolen Valor Act and help preserve the integrity of our Nation's military honors.

Mr. CONYERS. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, since this is likely the last piece of legislation the House Judiciary Committee will control time on the floor, I would like to take this moment and opportunity to reflect back on the good and outstanding work of JAMES SENSENBRENNER during his tenure as chairman of the House Judiciary Committee.

It has been my privilege to serve with Chairman SENSENBRENNER in my role as ranking member of the Judiciary Committee over these last three Congresses.

During that time, the Judiciary Committee has become one of the most active committees in the House, processing the second largest number of bills of any committee. It is rare a week goes by that this committee is not on the floor of the House considering frequently complex and significant legislation that impacts the lives of millions of Americans.

There is no question that Mr. SENSENBRENNER has led the committee firmly and fairly at all times during his chairmanship, but there are three things that I would like the record to reflect.

The first is his tireless advocacy for the jurisdiction of the Committee on the Judiciary. Our rule X jurisdiction ranges far and wide, and Chairman SENSENBRENNER has been a constant advocate in protecting our legislative prerogatives, and I can assure him that all the members of the Judiciary Committee are very grateful for the zeal in which he has conducted that part of his responsibility.

Secondly, the chairman has been a strong advocate for antitrust laws and for the concept of competition. Time and time again, we worked together to see that the interests of the American public were put ahead of any special interests.

Finally, I feel very personally affectionate toward the chairman for the critical role that he has played in the passage of voting rights legislation. It was the Voting Rights Act of 1965, why I initially joined the Judiciary Committee, that I participated in this vastly and hugely important piece of legislation. Mr. SENSENBRENNER was not there then, but it was when we got around to some reauthorizations that his commitment to this constitutional concept was as strong as mine.

In 1982, it was his role and commitment that helped get the extension of the bill through this body and the other body as well, but it was only last year that we were able to begin the work that got us through the current extension of legislation. The reason that this was important was that, first of all, we were able to have the work product of the Committee on the Judiciary not only pass the House without amendment but the exact bill was passed in the other body as well, eliminating, of course, the necessity for a committee to work out any differences.

It was then that we realized that on this question of protecting the right of our citizens to vote, the cornerstone of our democracy, that Chairman JIM SENSENBRENNER and Ranking Member CONYERS could not be more closely working together, not that there were not huge problems that had to be worked out and resolved, not just between ourselves but between other Members of the committee and some of our colleagues not even on the committee. We were able to do that with dispatch. I quickly add the names of the gentleman from North Carolina (Mr. WATT) and the Constitutional Subcommittee ranking member, JERRY NADLER, as well and the gentleman from Ohio (Mr. CHABOT), who worked with us all together on this matter.

So I am pleased to make these remarks as his term expires. I look forward to him working on the Committee on the Judiciary in future sessions of Congress.

With that, Mr. Speaker, I am pleased to announce there are no further requests for time, and I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I deeply appreciate the words of my friend and colleague, the gentleman from Michigan (Mr. CONYERS).

This is kind of a tough act to follow, but I would like to state for the record that the Judiciary Committee, because it has such a vast jurisdiction and an awful lot of controversial legislation, that by working with Mr. CONYERS and the members of the minority, and having the majority and minority staff work together, we knew that there were some philosophical differences on many of the pieces of legislation that could not be bridged without a vigorous debate and votes both in committee and on the floor of the House of Representatives. But the cooperation and the respect and the trust that we had across the aisle were able to narrow those differences so that what we did debate were true differences in approach and true differences in policy.

I keep on telling the high school classes that I talk to about what really goes on here that 95 percent of the bills that we pass are worked out in committee, and the debate and votes on the floor merely ratify decisions that have been made earlier in committee. The problem is that compromise agreement, and I would even submit accomplishment, do not get any media attention. It is allegations of misconduct, actual knock out, drag down fights in those areas that we do have disagreements on that really monopolize the news media.

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As a result, people get the wrong impression that all we do out here is fight and argue amongst ourselves. And while we do a lot of that, and I think the framers of the Constitution intended the Congress of the United States to do that, the tremendous work product of the committee over the last 6 years I think has been due in large part by the trust and respect and agreement that we have had in working across the aisle.

And while I was sitting here listening to the debate, I was going through the calendars of the House of Representatives looking at the number of committee reports we filed, and I think it is somewhere in the 90 to 100 number range during this Congress. And a lot of these reports were really on controversial and complicated legislation where we needed to have a committee report to explain what the intent of Congress was, and that type of cooperation allowed us to have that tremendous output of work product.

It has been my honor to chair this committee for the last 6 years, but I can say one of the things that I am most proud of is the fact that, where it has been possible, I have been able to reach across the aisle and work with my friend from Michigan, and I think that he and I have each directed our respective staffs to do the same thing, and we can be proud of what we have done not only in this Congress but in the previous two Congresses. And although our roles will be kind of reversed in the next Congress, I look forward to continuing to build on that cooperation so that the country knows that the Judiciary Committee not only is the place to be at, but it is the folks that get things done.

So I thank you very much for your very, very good comments. You have been instrumental in putting together that record of accomplishment, and I think we can be proud of what the committee has done.

Mr. GRAVES. Mr. Speaker, I proudly rise in support of S. 1998, the Stolen Valor Act. I am extremely pleased that this body is able to consider this bill before we adjourn, because recent events in my district and across our nation have illustrated why Congress must act quickly to address the underlying issue of this bill.

Under current law, it is illegal to wear, manufacture, or sell military decorations without legal authorization. However, it is legal, but not ethical, to falsely represent oneself as having been awarded a decoration or medal of the United States Military.

This legislation will expand the prohibitions listed above to include conducting other transactions not already illegal without authorization, and falsely representing oneself as having been awarded any decoration or medal authorized by Congress for the Armed Forces or any of the service medals or badges. It also increases penalties for violations involving a Distinguished Service Cross, Air Force Cross, Navy Cross, Silver Star, or Purple Heart.

Every year around Veterans Day—a day where we honor our Nation's heroes for their service and sacrifice—numerous individuals come out of the woodwork to claim military decorations that were not awarded to them. This is wholly disrespectful to those who have been legitimately awarded these high honors in the line of duty, and dilutes the significance attached to each lawfully awarded decoration.

This issue was brought to my attention by veterans in my district, upset about two recent cases of "stolen valor" in the state of Missouri. In this instance, a man spoke before a group at a Veterans Day event in Chillicothe, Missouri—in my district—and claimed a Navy Cross that he had not been awarded. A short while later, a man was arrested at a Marine Corps League meeting in Saint Louis, Missouri after claiming a number of decorations including the Navy Cross, which he was not awarded.

Mr. Speaker, the Stolen Valor Act provides a solution to address this growing fraud. One of the great privileges I have had in Congress is presenting veterans in my district with their rightfully earned honors and decorations. Many decorated veterans, when asked about their heroic actions, respond that they were just doing their duty. Mr. Speaker, it is our duty to protect the integrity of these decorations reserved to honor the heroic service and sacrifice of our nation's servicemembers. We cannot allow imposters to cheapen the value of these honors, and we cannot allow imposters to seek fame and fortune from falsehood. I urge my colleagues to join me in supporting the passage of S. 1998, the Stolen Valor Act.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. KLINE). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the Senate bill, S. 1998.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

VETERANS PROGRAMS EXTENSION ACT OF 2006

Mr. BROWN of South Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6342) to amend title 38, United States Code, to extend certain expiring provisions of law administered by the Secretary of Veterans Affairs, to expand eligibility for the Survivors' and Dependents' Educational Assistance program, and for other purposes, as amended.

The Clerk read as follows:

H.R. 6342

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans Programs Extension Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Extension of certain expiring provisions of law administered by the Secretary of Veterans Affairs.
Sec. 3. Expansion of eligibility for Survivors' and Dependents' Educational Assistance program.
Sec. 4. Deadline and permanent requirement for report on educational assistance program.
Sec. 5. Reauthorization of biennial report of Advisory Committee on Women Veterans.

Sec. 6. Parkinson's Disease research, education, and clinical centers and multiple sclerosis centers of excellence.
Sec. 7. Authorization of major medical facility leases.
Sec. 8. Technical and clerical amendments.
Sec. 9. Codification of cost-of-living adjustment provided in Public Law 109–361.

SEC. 2. EXTENSION OF CERTAIN EXPIRING PROVISIONS OF LAW ADMINISTERED BY THE SECRETARY OF VETERANS AFFAIRS.

(a) AUTHORITY FOR HEALTH CARE FOR PARTICIPATION IN DOD CHEMICAL AND BIOLOGICAL WARFARE TESTING.—Section 1710(e)(3)(D) of title 38, United States Code, is amended by striking "December 31, 2005" and inserting "December 31, 2007".

(b) GRANT AND PER DIEM GRANT ASSISTANCE FOR HOMELESS VETERANS.—Section 2011(a)(2) of such title is amended by striking "September 30, 2005" and inserting "September 30, 2007".

(c) TREATMENT AND REHABILITATION FOR SERIOUSLY MENTALLY ILL AND HOMELESS VETERANS.—Section 2031(b) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(d) ADDITIONAL SERVICES FOR HOMELESS AND SERIOUSLY MENTALLY ILL VETERANS.—Section 2033(d) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(e) ADVISORY COMMITTEE ON HOMELESS VETERANS.—Section 2066(d) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(f) GOVERNMENT MARKERS IN PRIVATE CEMETERIES.—Section 2306(d)(3) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(g) ADDITIONAL EDUCATIONAL ASSISTANCE ALLOWANCE FOR WORK-STUDY.—Section 3485(a)(4) of such title is amended in subparagraphs (A), (C), and (F) by striking "December 27, 2006" and inserting "June 30, 2007".

SEC. 3. EXPANSION OF ELIGIBILITY FOR SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE PROGRAM.

(a) EXPANSION OF ELIGIBILITY.—Section 3501(a)(1) of title 38, United States Code, is amended—

(1) in the matter preceding subparagraph (A), by striking "means—" and inserting "means any of the following:";

(2) in each of subparagraphs (A) through (D), by capitalizing the first letter of the first word;

(3) in subparagraph (A)—

(A) by inserting after "a person who" the following: ", as a result of qualifying service";

(B) by striking the comma at the end of clause (i) and inserting "; or";

(C) by striking ", or" at the end of clause (ii) and inserting a period; and

(D) by striking clause (iii);

(4) in subparagraph (B) by striking the comma at the end and inserting the following: "sustained during a period of qualifying service.";

(5) in subparagraph (C)—

(A) by inserting "or child" after "the spouse"; and

(B) by striking ", or" at the end and inserting a period;

(6) in subparagraph (D)—

(A) in clause (i), by inserting before the comma the following: "sustained during a period of qualifying service"; and

(B) by striking the comma at the end and inserting a period;

(7) by inserting after subparagraph (D) the following new subparagraph:

"(E) The spouse or child of a person who—

"(i) at the time of the Secretary's determination under clause (ii), is a member of the Armed Forces who is hospitalized or receiving outpatient medical care, services, or treatment;

"(ii) the Secretary determines has a total disability permanent in nature incurred or aggravated in the line of duty in the active military, naval, or air service; and

"(iii) is likely to be discharged or released from such service for such disability."; and

(8) by striking "arising out of" and all that follows through the end.

(b) CONFORMING AMENDMENTS TO CHAPTER 35.—Chapter 35 of such title is further amended as follows:

(1) Section 3501(a) is amended by adding at the end the following new paragraph:

"(12) The term 'qualifying service' means service in the active military, naval, or air service after the beginning of the Spanish-American War that did not terminate under dishonorable conditions.".

(2) Section 3511 is amended—

(A) in subsection (a)(1)—

(i) by striking "Each eligible person" and inserting the following: "Each eligible person, whether made eligible by one or more of the provisions of section 3501(a)(1) of this title,";

(ii) by striking "a period" and inserting "an aggregate period"; and

(iii) by striking the second sentence;

(B) in subsection (b)—

(i) in paragraph (2)—

(I) by striking "the provisions of section 3501(a)(1)(A)(iii) or" and inserting "section"; and

(II) by striking "or" at the end;

(ii) in paragraph (3)—

(I) by striking "section 3501(a)(1)(D)" and inserting "subparagraph (D) or (E) of section 3501(a)(1)"; and

(II) by inserting "or" after the comma at the end; and

(iii) by inserting after paragraph (3) the following new paragraph:

"(4) the parent or spouse from whom such eligibility is derived based upon subparagraph (E) of section 3501(a)(1) of this title no longer meets a requirement under clause (i), (ii), or (iii) of that subparagraph,"; and

(C) by striking subsection (c).

(3) Section 3512 is amended—

(A) in subsection (a)—

(i) by striking "an eligible person (within the meaning of section 3501(a)(1)(A) of this title)" and inserting "an eligible person whose eligibility is based on the death or disability of a parent or on a parent being listed in one of the categories referred to in section 3501(a)(1)(C) of this title"; and

(ii) in paragraph (6), by striking "the provisions of section 3501(a)(1)(A)(iii)" and inserting "a parent being listed in one of the categories referred to in section 3501(a)(1)(C)";

(B) in subsection (b)—

(i) in paragraph (1)(A)—

(I) by inserting after "section 3501(a)(1) of this title" the following: "or a person made eligible by the disability of a spouse under section 3501(a)(1)(E) of this title"; and

(II) by striking "or 3501(a)(1)(D)(ii) of this title" and inserting "3501(a)(1)(D)(ii), or 3501(a)(1)(E) of this title";

(ii) in paragraph (1)(B), by adding at the end the following new clause:

"(iii) The date on which the Secretary notifies the member of the Armed Forces from whom eligibility is derived that the member has a total disability permanent in nature incurred or aggravated in the line of duty in the active military, naval, or air service."; and

(iii) in paragraph (2)—

(I) by striking "or (D) of this title" and inserting "(D), or (E) of this title"; and

(II) by inserting "whose eligibility is based on the death or disability of a spouse or on a spouse being listed in one of the categories referred to in section 3501(a)(1)(C) of this title" after "of this title)";

(C) in subsection (d), by striking "veteran" and inserting "person"; and

(D) in subsection (e)—

(i) by inserting "based on a spouse being listed in one of the categories referred to in section 3501(a)(1)(C) of this title" after "of this title";

(ii) by inserting "so" after "the spouse was"; and

(iii) by striking "by the Secretary" and all that follows through "occurs".

(4) Section 3540 is amended by striking "(as defined in subparagraphs (A), (B), and (D) of section 3501(a)(1) of this title)" and inserting "(other than a person made eligible under subparagraph (C) of such section by reason of a spouse being listed in one of the categories referred to in that subparagraph)".

(5) Section 3563 is amended by striking "each eligible person defined in section 3501(a)(1)(A) of this title" and inserting "each eligible person whose eligibility is based on the death or disability of a parent or on a parent being listed in one of the categories referred to in section 3501(a)(1)(C) of this title".

(c) OTHER CONFORMING AMENDMENTS.—Such title is further amended as follows:

(1) Sections 3686(a)(1) is amended by striking "or (D)" and inserting "(D), or (E)".

(2) Section 5113(b)(3) is amended—

(A) in subparagraph (B) by striking "section 3501(a)(1)" and all that follows through the end and inserting the following: "subparagraphs (A), (B), (D), and (E) of section 3501(a)(1) of this title."; and

(B) in subparagraph (C)—

(i) by striking "such veteran's death" and inserting "the death of the person from whom such eligibility is derived"; and

(ii) by striking "such veteran's service-connected total disability permanent in nature" and inserting "the service-connected total disability permanent in nature (or, in the case of a person made eligible under section 3501(a)(1)(E), the total disability permanent in nature incurred or aggravated in the line of duty in the active military, naval, or air service) of the person from whom such eligibility is derived".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to a payment of educational assistance for a course of education pursued after the date of the enactment of this Act.

SEC. 4. DEADLINE AND PERMANENT REQUIREMENT FOR REPORT ON EDUCATIONAL ASSISTANCE PROGRAM.

(a) DEADLINE FOR REPORT.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall each submit to Congress a report containing the information specified in subsections (b) and (c) of section 3036 of title 38, United States Code.

(b) REPEAL OF TERMINATION.—Section 3036 of title 38, United States Code, is amended by striking subsection (d).

SEC. 5. REAUTHORIZATION OF BIENNIAL REPORT OF ADVISORY COMMITTEE ON WOMEN VETERANS.

Section 542(c)(1) of title 38, United States Code, is amended by striking "2004" and inserting "2008".

SEC. 6. PARKINSON'S DISEASE RESEARCH, EDUCATION, AND CLINICAL CENTERS AND MULTIPLE SCLEROSIS CENTERS OF EXCELLENCE.

(a) REQUIREMENT FOR ESTABLISHMENT OF CENTERS.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 38, United States Code, is amended by adding at the end the following new sections:

"§ 7329. Parkinson's Disease research, education, and clinical centers

"(a) ESTABLISHMENT OF CENTERS.—(1) The Secretary, upon the recommendation of the Under Secretary for Health, shall designate not less than six Department health-care facilities as the locations for centers of Parkinson's Disease research, education, and clinical activities.

"(2) Subject to the appropriation of sufficient funds for such purpose, the Secretary shall establish and operate centers of Parkinson's Disease research, education, and clinical activities at the locations designated pursuant to paragraph (1) for such centers.

"(b) CRITERIA FOR DESIGNATION OF FACILITIES.—(1) In designating Department health-care facilities for centers under subsection (a), the Secretary, upon the recommendation of the Under Secretary for Health, shall assure appropriate geographic distribution of such facilities.

"(2) Except as provided in paragraph (3), the Secretary shall designate as the location for a center of Parkinson's Disease research, education, and clinical activities pursuant to subsection (a)(1) each Department health-care facility that as of January 1, 2005, was operating a Parkinson's Disease research, education, and clinical center.

"(3) The Secretary may not under subsection (a) designate a facility described in paragraph (2) if (on the recommendation of the Under Secretary for Health) the Secretary determines that such facility—

"(A) does not meet the requirements of subsection (c); or

"(B) has not demonstrated—

"(i) effectiveness in carrying out the established purposes of such center; or

"(ii) the potential to carry out such purposes effectively in the reasonably foreseeable future.

"(c) REQUIREMENTS FOR DESIGNATION.—(1) The Secretary may not designate a Department health-care facility as a location for a center under subsection (a) unless the peer review panel established under subsection (d) has determined under that subsection that the proposal submitted by such facility as a location for a new center under subsection (a) is among those proposals that meet the highest competitive standards of scientific and clinical merit.

"(2) The Secretary may not designate a Department health-care facility as a location for a center under subsection (a) unless the Secretary (upon the recommendation of the Under Secretary for Health) determines that the facility has (or may reasonably be anticipated to develop) each of the following:

"(A) An arrangement with an accredited medical school that provides education and training in neurology and with which the Department health-care facility is affiliated under which residents receive education and training in innovative diagnosis and treatment of chronic neurodegenerative diseases and movement disorders, including Parkinson's Disease.

"(B) The ability to attract the participation of scientists who are capable of ingenuity and creativity in health-care research efforts.

"(C) An advisory committee composed of veterans and appropriate health-care and research representatives of the Department health-care facility and of the affiliated school or schools to advise the directors of such facility and such center on policy matters pertaining to the activities of the center during the period of the operation of such center.

"(D) The capability to conduct effectively evaluations of the activities of such center.

"(E) The capability to coordinate (as part of an integrated national system) education, clinical, and research activities within all facilities with such centers.

"(F) The capability to jointly develop a consortium of providers with interest in treating neurodegenerative diseases, including Parkinson's Disease and other movement disorders, at facilities without such centers in order to ensure better access to state-of-the-art diagnosis, care, and education for neurodegenerative disorders throughout the health care system of the Department.

"(G) The capability to develop a national repository in the health care system of the Department for the collection of data on health services delivered to veterans seeking care for neurodegenerative diseases, including Parkinson's Disease, and other movement disorders.

"(d) PEER REVIEW PANEL.—(1) The Under Secretary for Health shall establish a panel to assess the scientific and clinical merit of proposals that are submitted to the Secretary for the establishment of centers under this section.

"(2)(A) The membership of the panel shall consist of experts in neurodegenerative diseases, including Parkinson's Disease, and other movement disorders.

"(B) Members of the panel shall serve for a period of no longer than two years, except as specified in subparagraph (C).

"(C) Of the members first appointed to the panel, one half shall be appointed for a period of three years and one half shall be appointed for a period of two years, as designated by the Under Secretary at the time of appointment.

"(3) The panel shall review each proposal submitted to the panel by the Under Secretary and shall submit its views on the relative scientific and clinical merit of each such proposal to the Under Secretary.

"(4) The panel shall not be subject to the Federal Advisory Committee Act.

"(e) PRIORITY OF FUNDING.—Before providing funds for the operation of a center designated under subsection (a) at a Department health-care facility other than at a facility designated pursuant to subsection (b)(2), the Secretary shall ensure that each Parkinson's Disease center at a facility designated pursuant to subsection (b)(2) is receiving adequate funding to enable that center to function effectively in the areas of Parkinson's Disease research, education, and clinical activities.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for the support of the research and education activities of the centers established pursuant to subsection (a). The Under Secretary for Health shall allocate to such centers from other funds appropriated generally for the Department medical services account and medical and prosthetics research account, as appropriate, such amounts as the Under Secretary for Health determines appropriate.

"(g) AWARD COMPETITIONS.—Activities of clinical and scientific investigation at each center established under subsection (a) shall be eligible to compete for the award of funding from funds appropriated for the Department medical and prosthetics research account. Such activities shall receive priority in the award of funding from such account insofar as funds are awarded to projects for research in Parkinson's Disease and other movement disorders.

"§ 7330. Multiple sclerosis centers of excellence

"(a) ESTABLISHMENT OF CENTERS.—(1) The Secretary, upon the recommendation of the Under Secretary for Health, shall designate not less than two Department health-care facilities as the locations for multiple sclerosis centers of excellence.

"(2) Subject to the appropriation of sufficient funds for such purpose, the Secretary shall establish and operate multiple sclerosis centers of excellence at the locations designated pursuant to paragraph (1) for such centers.

"(b) CRITERIA FOR DESIGNATION OF FACILITIES.—(1) In designating Department health-care facilities for centers under subsection (a), the Secretary, upon the recommendation of the Under Secretary for Health, shall assure appropriate geographic distribution of such facilities.

"(2) Except as provided in paragraph (3), the Secretary shall designate as the location for a multiple sclerosis center of excellence pursuant to subsection (a)(1) each Department health-care facility that as of January 1, 2005, was operating a multiple sclerosis center of excellence.

"(3) The Secretary may not under subsection (a) designate a facility described in paragraph (2) if (on the recommendation of the Under Secretary for Health) the Secretary determines that such facility—

"(A) does not meet the requirements of subsection (c); or

"(B) has not demonstrated—

"(i) effectiveness in carrying out the established purposes of such center; or

"(ii) the potential to carry out such purposes effectively in the reasonably foreseeable future.

"(c) REQUIREMENTS FOR DESIGNATION.—(1) The Secretary may not designate a Department health-care facility as a location for a center under subsection (a) unless the peer review panel established under subsection (d) has determined under that subsection that the proposal submitted by such facility as a location for a new center under subsection (a) is among those proposals that meet the highest competitive standards of scientific and clinical merit.

"(2) The Secretary may not designate a Department health-care facility as a location for a center under subsection (a) unless the Secretary (upon the recommendation of the Under Secretary for Health) determines that the facility has (or may reasonably be anticipated to develop) each of the following:

"(A) An arrangement with an accredited medical school that provides education and training in neurology and with which the Department health-care facility is affiliated under which residents receive education and training in innovative diagnosis and treatment of chronic neurodegenerative diseases, including multiple sclerosis.

"(B) The ability to attract the participation of scientists who are capable of ingenuity and creativity in health-care research efforts.

"(C) An advisory committee composed of veterans and appropriate health-care and research representatives of the Department health-care facility and of the affiliated school or schools to advise the directors of such facility and such center on policy matters pertaining to the activities of the center during the period of the operation of such center.

"(D) The capability to conduct effectively evaluations of the activities of such center.

"(E) The capability to coordinate (as part of an integrated national system) education, clinical, and research activities within all facilities with such centers.

"(F) The capability to jointly develop a consortium of providers with interest in treating multiple sclerosis at facilities without such centers in order to ensure better access to state-of-the-art diagnosis, care, and education for autoimmune disease affecting the central nervous system throughout the health care system of the Department.

"(G) The capability to develop a national repository in the health care system of the Department for the collection of data on health services delivered to veterans seeking care for autoimmune disease affecting the central nervous system.

"(d) PEER REVIEW PANEL.—(1) The Under Secretary for Health shall establish a panel to assess the scientific and clinical merit of proposals that are submitted to the Secretary for the establishment of centers under this section.

"(2)(A) The membership of the panel shall consist of experts in autoimmune disease affecting the central nervous system.

"(B) Members of the panel shall serve for a period of no longer than two years, except as specified in subparagraph (C).

"(C) Of the members first appointed to the panel, one half shall be appointed for a period of three years and one half shall be appointed for a period of two years, as designated by the Under Secretary at the time of appointment.

"(3) The panel shall review each proposal submitted to the panel by the Under Secretary and shall submit its views on the relative scientific and clinical merit of each such proposal to the Under Secretary.

"(4) The panel shall not be subject to the Federal Advisory Committee Act.

"(e) PRIORITY OF FUNDING.—Before providing funds for the operation of a center designated under subsection (a) at a Department health-care facility other than at a facility designated pursuant to subsection (b)(2), the Secretary shall ensure that each multiple sclerosis center at a facility designated pursuant to subsection (b)(2) is receiving adequate funding to enable that center to function effectively in the areas of multiple sclerosis research, education, and clinical activities.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for the support of the research and education activities of the centers established pursuant to subsection (a). The Under Secretary for Health shall allocate to such centers from other funds appropriated generally for the Department medical services account and medical and prosthetics research account, as appropriate, such amounts as the Under Secretary for Health determines appropriate.

"(g) AWARD COMPETITIONS.—Activities of clinical and scientific investigation at each center established under subsection (a) shall be eligible to compete for the award of funding from funds appropriated for the Department medical and prosthetics research account. Such activities shall receive priority in the award of funding from such account insofar as funds are awarded to projects for research in multiple sclerosis and other neurodegenerative disorders.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7328 the following new items:

"7329. Parkinson's Disease research, education, and clinical centers.
"7330. Multiple sclerosis centers of excellence.".

(b) EFFECTIVE DATE.—Section 7329 and 7330 of title 38, United States Code, as added by subsection (a), shall take effect at the end of the 30-day period beginning on the date of the enactment of this Act.

SEC. 7. AUTHORIZATION OF MAJOR MEDICAL FACILITY LEASES.

(a) FISCAL YEAR 2006 LEASES.—The Secretary of Veterans Affairs may carry out the following major medical facility leases in fiscal year 2006 at the locations specified, in an amount for each lease not to exceed the amount specified for that location:

(1) For an outpatient clinic, Baltimore, Maryland, $10,908,000.

(2) For an outpatient clinic, Evansville, Indiana, $8,989,000.

(3) For an outpatient clinic, Smith County, Texas, $5,093,000.

(b) FISCAL YEAR 2007 LEASES.—The Secretary of Veterans Affairs may carry out the following major medical facility leases in fiscal year 2007 at the locations specified, in an amount for each lease not to exceed the amount specified for that location:

(1) For an outpatient and specialty care clinic, Austin, Texas, $6,163,000.

(2) For an outpatient clinic, Lowell, Massachusetts, $2,520,000.

(3) For an outpatient clinic, Grand Rapids, Michigan, $4,409,000.

(4) For up to four outpatient clinics, Las Vegas, Nevada, $8,518,000.

(5) For an outpatient clinic, Parma, Ohio, $5,032,000.

(c) AUTHORIZATION OF APPROPRIATIONS FOR MAJOR MEDICAL FACILITY LEASES.—

(1) FISCAL YEAR 2006 LEASES.—There is authorized to be appropriated for the Secretary of Veterans Affairs for fiscal year 2006 for the Medical Care account, $24,990,000 for the leases authorized in subsection (a).

(2) FISCAL YEAR 2007 LEASES.—There is authorized to be appropriated for the Secretary of Veterans Affairs for fiscal year 2007 for the Medical Care account, $26,642,000 for the leases authorized in subsection (b).

SEC. 8. TECHNICAL AND CLERICAL AMENDMENTS.

(a) TITLE 38, UNITED STATES CODE.—Title 38, United States Code, is amended as follows:

(1) CITATION CORRECTION.—Section 1718(c)(2) is amended by inserting "of 1938" after "Act".

(2) CITATION CORRECTION.—Section 1785(b)(1) is amended by striking "Robert B." and inserting "Robert T.".

(3) PUNCTUATION CORRECTION.—Section 2002(1) is amended by inserting a closing parenthesis before the period at the end.

(4) PUNCTUATION CORRECTION.—Section 2011(a)(1)(C) is amended by inserting a period at the end.

(5) CROSS REFERENCE CORRECTION.—Section 2041(a)(3)(A)(i) is amended by striking "under this chapter" and inserting "established under section 3722 of this title".

(6) CITATION CORRECTION.—Section 8111(b)(1) is amended by striking "into the strategic" and all that follows through "and Results Act of 1993" and inserting "into the strategic plan of each Department under section 306 of title 5 and the performance plan of each Department under section 1115 of title 31".

(7) REPEAL OF OBSOLETE TEXT.—Section 8111 is further amended—

(A) in subsection (d)(2), by striking "effective October 1, 2003,"; and

(B) in subsection (e)(2)—

(i) in the second sentence, by striking "shall be implemented no later than October 1, 2003, and"; and

(ii) in the third sentence, by striking ", following implementation of the schedule,".

(8) CITATION CORRECTION.—Section 8111A(a)(2)(B)(i) is amended by striking "Robert B." and inserting "Robert T.".

(b) PUBLIC LAW 107–296.—Effective as of November 25, 2002, section 1704(d) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2315) is amended—

(1) by striking "101(25)(d)" and inserting "101(25)(D)"; and

(2) by striking "3011(a)(1)(A)(ii)(II)" and inserting "3011(a)(1)(A)(ii)(III)".

SEC. 9. CODIFICATION OF COST-OF-LIVING ADJUSTMENT PROVIDED IN PUBLIC LAW 109–361.

(a) VETERANS' DISABILITY COMPENSATION.—Section 1114 of title 38, United States Code, is amended—

(1) in subsection (a), by striking "$112" and inserting "$115";

(2) in subsection (b), by striking "$218" and inserting "$225";

(3) in subsection (c), by striking "$337" and inserting "$348";

(4) in subsection (d), by striking "$485" and inserting "$501";

(5) in subsection (e), by striking "$690" and inserting "$712";

(6) in subsection (f), by striking "$873" and inserting "$901";

(7) in subsection (g), by striking "$1,099" and inserting "$1,135";

(8) in subsection (h), by striking "$1,277" and inserting "$1,319";

(9) in subsection (i), by striking "$1,436" and inserting "$1,483";

(10) in subsection (j), by striking "$2,393" and inserting "$2,471";

(11) in subsection (k)—

(A) by striking "$87" both places it appears and inserting "$89"; and

(B) by striking "$2,977" and "$4,176" and inserting "$3,075" and "$4,313", respectively;

(12) in subsection (l), by striking "$2,977" and inserting "$3,075";

(13) in subsection (m), by striking "$3,284" and inserting "$3,392";

(14) in subsection (n), by striking "$3,737" and inserting "$3,860";

(15) in subsections (o) and (p), by striking "$4,176" each place it appears and inserting "$4,313";

(16) in subsection (r)—

(A) in paragraph (1), by striking "$1,792" and inserting "$1,851"; and

(B) in paragraph (2), by striking "2,669" and inserting "$2,757"; and

(17) in subsection (s), by striking "$2,678" and inserting "$2,766".

(b) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Section 1115(1) of such title is amended—

(1) in subparagraph (A), by striking "$135" and inserting "$139";

(2) in subparagraph (B), by striking "$233" and "$68" and inserting "$240" and "$70", respectively;

(3) in subparagraph (C), by striking "$91" and "$68" and inserting "$94" and "$70", respectively;

(4) in subparagraph (D), by striking "$109" and inserting "$112";

(5) in subparagraph (E), by striking "$257" and inserting "$265"; and

(6) in subparagraph (F), by striking "$215" and inserting "$222".

(c) CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.—Section 1162 of such title is amended by striking "$641" and inserting "$662".

(d) DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.—

(1) NEW LAW DIC.—Subsection (a) of section 1311 of such title is amended—

(A) in paragraph (1), by striking "$1,033" and inserting "$1,067"; and

(B) in paragraph (2), by striking "$221" and inserting "$228".

(2) OLD LAW DIC.—The table in paragraph (3) of such subsection is amended to read as follows:

"Pay grade	Monthly rate	Pay grade	Monthly rate
E–1	$1,067	W–4	$1,276
E–2	$1,067	O–1	$1,128
E–3	$1,067	O–2	$1,165
E–4	$1,067	O–3	$1,246
E–5	$1,067	O–4	$1,319
E–6	$1,067	O–5	$1,452
E–7	$1,104	O–6	$1,637
E–8	$1,165	O–7	$1,768
E–9	$1,215[1]	O–8	$1,941
W–1	$1,128	O–9	$2,076
W–2	$1,172	O–10	[2]$2,276
W–3	$1,207	....	....

[1] If the veteran served as Sergeant Major of the Army, Senior Enlisted Advisor of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be $1,312.

[2] If the veteran served as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be $2,443.".

(3) ADDITIONAL DIC FOR CHILDREN OR DISABILITY.—Such section is further amended—

(A) in subsection (b), by striking "$257" and inserting "$265";

(B) in subsection (c), by striking "$257" and inserting "$265"; and

(C) in subsection (d), by striking "$122" and inserting "$126".

(e) DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.—

(1) DIC WHEN NO SURVIVING SPOUSE.—Section 1313(a) of such title is amended—

(A) in paragraph (1), by striking "$438" and inserting "$452";

(B) in paragraph (2), by striking "$629" and inserting "$649";

(C) in paragraph (3), by striking "$819" and inserting "$846"; and

(D) in paragraph (4), by striking "$819" and "$157" and inserting "$846" and "$162", respectively.

(2) SUPPLEMENTAL DIC FOR CERTAIN CHILDREN.—Section 1314 of such title is amended—

(A) in subsection (a), by striking "$257" and inserting "$265";

(B) in subsection (b), by striking "$438" and inserting "$452"; and

(C) in subsection (c), by striking "$218" and inserting "$225".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from South Carolina (Mr. BROWN) and the gentleman from California (Mr. FILNER) each will control 20 minutes.

The Chair recognizes the gentleman from South Carolina.

Mr. BROWN of South Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise to urge my colleagues to pass H.R. 6342, the Veterans Programs Extension Act of 2006, a bill that would extend several existing Department of Veterans Affairs benefit provisions. This bill has similar provisions as passed by the House of Representatives in H.R. 6314 on November 14, 2006, but also has additional provisions negotiated between the House and the Senate.

As in H.R. 6314, the bill would reauthorize health care services for veterans exposed to chemical and biological testings under Project 112 and SHAD, and extends treatment and rehabilitation programs for seriously mentally ill and homeless veterans until December 31, 2007. The bill also extends VA grants and per diem programs for homeless veterans until September 30, 2007. Further, it would extend until December 31, 2007 VA's Advisory Committee on Homeless Veterans, and a program to provide government markers for veterans interred in private cemeteries.

The expiring authority allowing veterans in the VA study program to assist VA and other government agencies would be extended until June 30, 2007. The work-study program is an increasingly popular benefit that provides veterans with an alternative use of their GI bill if they choose not to go to college.

Mr. Speaker, section 3 of the legislation contains provisions to authorize VA to provide educational benefits under chapter 35 to spouses and dependent children of severely injured servicemembers prior to the member's discharge. These are servicemembers who, in the opinion of the VA, will most likely be discharged with permanent and total service-connected disabilities. Given the long convalescence many of our severely injured servicemembers experience while being retained on active duty, we believe it makes no sense to delay a spouse's ability to get the education and training that may be needed to help support the family. Mr. Speaker, these spouses are just as heroic as the wounded warriors they support. This is not a new benefit. Current law requires severely injured servicemembers to already be discharged from the condition qualified for the chapter 35 benefit; we would merely authorize VA to pay benefits sooner to those who would qualify following discharge.

Mr. Speaker, the following provisions are in addition to those in H.R. 6314. The bill would reauthorize the requirements of the Secretary of Defense and the Secretary of Veterans Affairs to each submit a report to Congress on use of educational assistance programs by veterans and servicemembers. It would also reauthorize the biennial report on women veterans. The bill would permanently authorize six Parkinson's disease research education and clinical centers. Parkinson's disease affects as many as 1.5 million Americans. While treatment exists, we are still searching for a cure. Currently, VA has six of these centers. They give researchers the ability to see results rapidly and put their knowledge to use helping patients. These centers work with other VA clinical centers in the treatment of tens of thousands of veterans with Parkinson's disease. This language was included in H.R. 1220, as amended, which passed the House of Representatives on July 13, 2005.

In addition, the bill also codifies two existing multiple sclerosis centers. The bill also would authorize major medical facility leases similar to H.R. 5815 which passed the House on September 16, 2006.

Finally, the bill makes technical and clerical amendments to title 38, and codifies the payment amount of the already enacted Veterans Disability Compensation COLA.

Mr. Speaker, I reserve the balance of my time.

Mr. FILNER. Mr. Speaker, I yield myself as much time as I may consume.

I am also pleased to rise in support of H.R. 6342, which would, as we have heard from Chairman Brown, extend expired and expiring authorizations for Department of Veterans Affairs programs, expand eligibility for survivor and dependent educational assistance, and authorize leases for VA medical facilities. This bill will permanently establish Parkinson's Disease research, education, and clinical care centers, as well as multiple sclerosis centers of excellence.

Mr. Speaker, I include for the RECORD letters of support for this bill from the Parkinson's Action Network, American Academy of Neurology, the National Multiple Sclerosis Society, and the Paralyzed Veterans of America.

DECEMBER 5, 2006.

Hon. STEVE BUYER,
Chairman, Veterans' Affairs Committee, Washington, DC.
Hon. LANE EVANS,
Ranking Member, Veterans' Affairs Committee, Washington, DC.

DEAR CHAIRMAN BUYER AND RANKING MEMBER EVANS: On behalf of American veterans and all those who struggle with the effects of multiple sclerosis (MS) and Parkinson's disease (PD), we appreciate your strong leadership in protecting the Veterans Affairs Multiple Sclerosis Centers of Excellence (MSCoE) and Parkinson's Disease Research, Education and Clinical Centers (PADRECCs). We commend you for working to enact legislation that will formally establish the MSCoEs and PADRECCs for the first time in statute. We believe that this bill must be enacted to ensure that the PADRECCs and MSCoEs will continue providing valuable services to veteran patients, family members, and the entire Parkinson's disease and MS communities.

Significant contributions have been made by the Centers in research, education, and clinical care that benefit all Americans impacted by PD and MS. The MSCoEs and PADRECCs support a range of programs including state-of-the-art clinical care, basic research into the causes of disease, clinical research into better treatments, behavioral research about effective education strategies for MS and Parkinson's patients and providers, and population level research into the needs of patients and the effectiveness of the care delivery system.

Our organizations have recognized the record of leadership that has been provided by the PADRECCs and MSCoE in the fight against Parkinson's and MS. Approximately 25,000 veterans have MS and require specialized care that is best provided by having leaders in the field directing that care at a national level. In addition, through the six PADRECCs and the National VA Parkinson's Disease Consortium, the VA is able to treat more than 79,000 veterans with Parkinson's disease. The efforts of these Centers are the model of innovation in the delivery of health care and research for progressive disease in the veteran population.

We appreciate your efforts to ensure that the Veterans Programs Extension Act of 2006 (H.R. 6342) will be voted on by both the House of Representatives and Senate before Congress adjourns in December. We look forward to enactment of this bill that is so important to all those who struggle with the devastating effects of MS and Parkinson's disease, many of whom are American veterans.

Thank you for recognizing the benefits provided to veterans fighting Parkinson's disease and MS through the VA PADRECCs and MSCoEs. We appreciate your efforts to ensure the highest level of care and hopeful research for our returning veterans.

AMY C. COMSTOCK,
Chief Executive Officer, Parkinson's Action Network.
JOYCE NELSON,
President and CEO, National Multiple Sclerosis Society.
THOMAS R. SWIFT, MD, FAAN,
President, American Academy of Neurology.
CARL BLAKE,
Acting National Legislative Director, Paralyzed Veterans of America.

Mr. FILNER. Mr. Speaker, I want to thank the gentleman from Indiana (Mr. BUYER), the chairman of our committee, and our colleagues in the Senate, Chairman CRAIG and Ranking Member AKAKA, for coming together to craft this bill that will pass both Chambers before we recess.

As this may be our last bill of this term in Congress in the Veterans Committee, I want to say a special thank-you to Ranking Member LANE EVANS for his work on behalf of veterans. As we all know, he is retiring at the end of this session, but for more than two decades here in Congress he has been a tenacious and indispensable voice for our Nation's veterans. He has championed the needs of veterans exposed to Agent Orange, homeless veterans, veterans who return from war with post-traumatic stress disorder, and he has helped untold number of veterans. He will be missed by all of us as we move into the next session of Congress.

As we have heard, this bill before us today permanently establishes VA's Parkinson's Disease Centers and VA's Multiple Sclerosis Centers of Excellence. The work of these centers has benefited more than 80,000 veterans across our Nation. I am proud that the VA medical facility in San Diego, which I represent, is affiliated with the VA's Southwestern Parkinson's Research Center in Los Angeles. Not only do these centers conduct groundbreaking research, they also advance the State's clinical and rehabilitative care. The innovations and rehabilitation designed for veterans who are battling chronic disorders may also yield gains and care for veterans with traumatic brain injury. The good work of these centers must continue. Through this legislation we are sending a clear signal that the VA must continue to fund and support the clinical and the research work done at all the existing centers.

In addition, this bill authorizes VA programs for homeless veterans and veterans who need mental health care. I am proud and I am also grateful that this legislation will help the families of these very severely wounded servicemembers by providing education benefits to eligible spouses and dependent children before these servicemembers are actually released from military service. The bill also gives urgently needed authorization for VA outpatient clinics across the Nation.

The number of women veterans will increase in the coming years. Thirteen percent of the veterans from Iraq and Afghanistan who have turned to VA for health care are women, and 11 percent of the troops deployed there are women. This bill makes sure that Congress receives the report and recommendations of the VA Advisory Committee on Women's Veterans which can help guide our actions and oversight of VA's capacity to address the unique needs of these veterans.

I would be remiss if I failed to acknowledge that we are ending this Congress, apparently, without passing a funding bill for the VA, as for much of the government. Yes, we will pass a continuing resolution to keep all the hospitals, regional offices, and other services operating, but we are shortchanging veterans, Mr. Speaker, by not passing the appropriations bill for the Veterans Administration. The delay in an increase in VA's funding for fiscal year 2007 means that the VA medical directors are forced to put on hold a whole variety of necessary expenditures, from the hiring of needed staff to care for our veterans, to the maintenance and repair of their buildings. As a result, veterans access to needed services suffers, and VA staff is stretched even more thin in providing quality care.

This failure to pass a budget is a clear illustration of the need for mandatory or assured funding of VA health care, and for the past 14 years I have been a firm supporter of this method of funding the VA. I agree with those veteran service organizations who have proposed that funding for veterans health care be mandatory. If we are unable to pass adequate and timely funding, timely funding, Mr. Speaker, to meet the health care of veterans, then we need to look seriously at alternate ways to ensure adequate funding for the health care of our veterans.

Unfortunately, we have also not completed our work in authorizing needed veterans programs. We must honor our veterans and make sure that our recent veterans who have returned from Iraq and Afghanistan receive the benefits and services that they need to transition back to civilian life.

For example, I think we owe it to our newest veterans to modernize the GI bill, especially including meaningful benefits for the Guard and Reserve units who have taken such a heavy load of the fighting in Iraq. We must increase VA's capacity to meet the rehabilitation and lifelong care needs of veterans with traumatic brain injury.

While VA has a strong mental health care program, many of our returning veterans are falling through the cracks, and we have gaps in those services. We must strengthen VA's capacity to help veterans with post-traumatic stress disorder and other mental health concerns. The recent GAO report, which found that the VA did not spend funds on promised mental health initiatives, raises serious questions about VA's lack of accountability, a lack of accountability that was not really looked into by the previous Congress. We must ensure that VA does not ignore gaps in its capacity to help veterans recover from psychological wounds.

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As we work to address the emerging issues for veterans returning from Iraq and Afghanistan, we must also continue to press VA to meet the health care needs of veterans exposed to Agent Orange, atomic testing and veterans still struggling with a range of Gulf War illnesses.

In addition, we must maintain keen oversight to ensure that the laws we have passed are yielding the outcomes Congress intended. We also must be vigilant to ensure that the vulnerabilities in VA information technology are addressed, and we will certainly continue this oversight in the next Congress.

Today's bill keeps VA's homeless grant and per diem program authorized through the end of next year. This is a good program, but it only helps a fraction of the homeless veterans on the streets. We have already seen returning from Iraq and Afghanistan veterans who have become homeless, almost 600 of them. We must act to prevent and end homelessness for all veterans.

In addition, many veterans are from small towns and rural areas. We must work to improve their access to VA care. In my district, most of the entire Imperial County can be classified as rural. There are no real services provided to them as they seek care. So we need to acknowledge some of these gaps, we need to acknowledge these problems, and try to address them in the next Congress.

Finally, I would like to thank all of the staff of the VA Committee on both the Democratic and Republican sides for their diligence and dedication in serving our Nation's veterans. We appreciate their work. While we have a lot of work to do in the coming years, this is a good bill. I urge my colleagues to support H.R. 6342.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of South Carolina. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this legislation is a product of negotiation between the House and Senate and includes several key provisions already passed by this body and agreed to by the other body.

Mr. Speaker, Chairman BUYER asked me to share his appreciation for the hard work of the subcommittee chairmen, Mr. BOOZMAN, Mr. BILIRAKIS, and Mr. MILLER, and the ranking members of the committee, Ms. HERSETH, Ms. BERKLEY, Mr. MICHAUD and Mr. STRICKLAND during these negotiations and this Congress.

Together we have forged a bipartisan path for veterans legislation and funding to provide our Nation's heroes with much-needed health care and benefits.

I also want to recognize the leadership and cooperation of the acting ranking member, Mr. FILNER, and of the ranking member Mr. EVANS.

Chairman BUYER also expressed his appreciation for the cooperation of Senator CRAIG and Senator AKAKA, as well as the staff from the Senate and the House Committees on Veterans' Affairs in drafting this legislation.

I urge my colleagues to support passage of the bill before us and ask for it to be expedited as quickly as possible to the Senate for their consideration.

GENERAL LEAVE

Mr. BROWN of South Carolina. Mr. Speaker, I ask unanimous consent that all Members be provided 5 days in which to revise and extend their remarks on H.R. 6342.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. BROWN of South Carolina. Mr. Speaker, I yield back the balance of my time.

Mr. FILNER. Mr. Speaker, I yield such time as she may consume to Ms. BERKLEY, the fighting congresswoman for Nevada's veterans.

Ms. BERKLEY. Mr. Speaker, I would also like to add my thanks to Chairman BUYER, Ranking Member EVANS, and of course Acting Ranking Member FILNER for moving forward on this bill.

This legislation would extend a number of important provisions that would otherwise expire. I want to particularly mention a provision in this legislation which extends through December 31, 2007, the Department of Veterans Affairs' authority to provide a grave marker or headstone when a veteran is buried in a marked grave. Veterans who served our Nation honorably should not lose their eligibility for recognition in death merely because the grave in which they are buried has a nonmilitary marker.

I have a long record of interest in improving the burial benefits provided to our Nation's veterans, and this provision is certainly a step in the right direction. I join Chairman MILLER in introducing legislation to extend this authorization. Although the VA and Members on both sides of the aisle support making the authorization permanent, the committee was not able to fund the cost of permanent authorization. I hope that we will be able to do so in the next Congress.

I am pleased that the bill includes the provision championed by our retiring ranking member, LANE EVANS, whom Mr. FILNER spoke so glowingly of, which authorizes specialized VA facilities for research and treatment of Parkinson's disease. This issue is particularly important to all of us because it is of particular importance to Mr. EVANS.

Passage of these provisions will honor his long congressional service to our Nation's veterans. It is a lasting legacy to Mr. EVANS and for those who suffer from the effects of Parkinson's disease.

Veterans in my Las Vegas district benefit from the affiliation that Las Vegas VA facilities have with the Southwestern PADRECC, which provides treatment for Parkinson's disease and is located at the West Los Angeles VA Medical Center.

This legislation also includes authorization for four clinics in Las Vegas which have leases that will soon expire. While I am pleased to see these leases renewed, and nobody knows better than Mr. FILNER the needs of our veterans in the Las Vegas area that I represent, this bill was to contain a $406 million authorization for a new VA medical center in Las Vegas on which we broke ground in October. My veterans desperately need this facility. Las Vegas has the fastest growing veterans population in the United States but does not have a VA medical center or a hospital.

At a time of war and when we are seeing new veterans returning home from Iraq and Afghanistan, there is simply no excuse for failing to reach an agreement on important veterans issues. I hope and I am cautiously optimistic that we will be able to pass a VA construction bill before we adjourn later this week.

With that, I would like to thank Chairman BUYER again and the acting ranking member, Mr. FILNER, for their extraordinary work on behalf of our veterans and urge passage of this legislation.

Mr. FILNER. Mr. Speaker, before we adjourn, I hope we do authorize construction of that hospital in Las Vegas. If for some reason it doesn't happen, we will try to do it very quickly next year.

Mr. Speaker, I yield the balance of my time to the gentleman from Maine (Mr. MICHAUD).

Mr. MICHAUD. Mr. Speaker, I thank the ranking member for yielding me this time.

Mr. Speaker, I rise today in support of H.R. 6342. I commend Chairman BUYER and the ranking member, Mr. FILNER, and my colleagues on the committee and in the Senate for their work on this legislation. This bill does deserve bipartisan support.

H.R. 6342 includes a number of must-pass provisions. It also improves education assistance for severely disabled service personnel. It is important that we do all that we can to help the individuals and their families to regain their independence and economic security.

This legislation also puts VA specialized programs for homeless veterans on a more secure footing. I am proud that this Congress is acting to extend the soon-to-expire authorization of VA's grants and per diem program for homeless veterans. Extending these authorizations until the end of 2007 is an important step, but is not enough.

Last year, VA's health care program for homeless veterans served nearly 600 Iraq and Afghanistan veterans. It is shameful that any veteran spends a night on the street. We cannot leave those homeless veterans and those with psychiatric wounds behind.

In this Congress, I introduced legislation to improve VA's capacity to help homeless veterans recover, rehabilitate and return to a full life in our society. I am glad that some of the key expiring provisions to help homeless veterans from my bill are in the legislation that we are considering now. I plan to reintroduce the bill in the next Congress to help homeless veterans, and I look forward to working with my colleagues to address this issue.

It is right that we are permanently establishing the six VA Parkinson's Disease Research, Education and Clinical Care Centers along with VA's two MS Centers of Excellence. These centers are shining examples of how VA could help veterans with other chronic and debilitating diseases and injuries, such as traumatic brain injury. These centers have led the way in state-of-the-art research and clinical care. This bill sends a clear message to VA to keep supporting the clinical, research and educational work of these centers.

Today is a bittersweet day because it may mark the end of an era. This may be the last veterans bill that the House will consider which has Ranking Member LANE EVANS as an original cosponsor. I know this will not be the last bill to reflect his advocacy and passion for veterans and their families. LANE has been a great leader and mentor to so many of us on the committee and in Congress. His legacy is measured in the millions of veterans and their families who have benefited from his determination, compassion, and wisdom. I will deeply miss him, and I know this institution will miss him as well.

It is my understanding that there may be also an opportunity for an omnibus veterans package on the floor tomorrow. I am glad that we may be able to move more legislation before the end of year, but it is unfortunate that we have waited until the last days of Congress to pass these provisions.

The fact remains as we come to an end of the 109th Congress, we must be honest with the American people: We have much more work to do. We have not yet passed a funding bill for VA. It is simply unacceptable for Congress to tell VA you need to put a hold on hiring needed staff because we cannot and will not pass a budget in a timely manner.

It is troubling that some 73,000 of our returning veterans who have come home to VA for medical care have received an initial diagnosis of a mental health disorder, and I am concerned that VA appears to want to deny that its veterans centers and medical facilities are straining to meet the needs of these veterans. Many are calling traumatic brain injury the signature wound of this war. Veterans with TBI and their families deserve state-of-the-art care from the VA.

For service members, the transition from the military's health care system to enrollment in the VA health care system is far from seamless. For many of our returning National Guard members and reservists, the Montgomery GI bill does not meet their needs. Education benefits of the GI bill must be revamped and updated to meet the needs of current veterans.

All of these issues, and more, require greater oversight and perhaps legislative solutions for us in the next Congress.

Mr. Speaker, I would like to take this opportunity to thank the subcommittee chairmen that I have worked with for the last two Congresses, Chairman HENRY BROWN, for working in a bipartisan manner, but also the staff of both the Republican side and the Democratic side for all of their hard work in getting these pieces of legislation to the floor. I would also like to thank Chairman BUYER for all his work. I also want to thank Mr. FILNER for his leadership on this legislation and the committee as well. I look forward to working with Mr. FILNER in the 110th Congress on matters important to America's veterans.

Mr. Speaker, this is a good bill and I urge my colleagues to support H.R. 6342.

Mr. FILNER. Mr. Speaker, I want to thank Mr. MICHAUD, if I may, for his emphasis on homeless veterans. Almost a quarter million homeless on the streets tonight are veterans. That is a national disgrace. I look forward to working with all of you to solve that.

Mrs. MALONEY. Mr. Speaker, I rise as the Co-Chair of the Congressional Working Group on Parkinson's Disease in strong support of H.R. 6342, which will protect the Parkinson's Disease Research, Education and Clinical Centers (PADRECCs.)

As a leader in the Parkinson's community, I commend the Committee on Veterans' Affairs for working to enact legislation that will formally establish the PADRECCs for the first time in statute.

Significant contributions have been made by the Centers in research, education, and clinical care that benefit all Americans impacted by Parkinson's disease.

The PADRECCs have served to elevate the quality, comprehensiveness, and access of care for veteran patients with Parkinson's disease and related disorders throughout the Veterans Health Administration.

Through the six regional centers spanning the country and the National VA Parkinson's Disease Consortium, the VA is able to treat more than 79,000 veterans with Parkinson's disease.

The efforts of these Centers are the model of innovation in the delivery of health care and research for chronic, progressive disease in the veteran population.

The Congressional Working Group on Parkinson's Disease learned earlier this year that the Centers' existence was in jeopardy—seriously threatening the institutions' valuable research, education, and clinical care programs that benefit all Americans affected by Parkinson's disease.

I believe that this bill must be enacted to ensure that the PADRECCs will continue providing valuable services to veteran patients, family members, and the entire Parkinson's disease community.

The original bill to protect the PADRECCs was authored by my fellow Co-Chair of the Congressional Working Group on Parkinson's Disease and friend Congressman LANE EVANS.

As you may know, Congressman EVANS helped to create the PADRECCs.

By working with the former and current VA Administration, Representative EVANS helped to establish these Centers that serve American veterans battling Parkinson's disease.

As a former Marine, Ranking Member on the VA Committee, and person battling Parkinson's disease, Representative LANE EVANS has a strong sense of mission about providing the highest standards of care for both constituencies. I commend the PADRECCs for doing just that.

Mr. Speaker, as you know, our colleague LANE EVANS is officially retiring from the House of Representatives at the conclusion of the 109th Congress due to his struggle with Parkinson's disease.

Congressman EVANS has been a true champion of veterans and Parkinson's issues on Capitol Hill and great friend to both communities.

As Representative EVANS said in his retirement announcement, "I believe strongly in serving people and working to make a positive difference in their lives."

This bill uniquely speaks to the significant contributions Representative EVANS has made in the lives of more than one million Americans living with Parkinson's disease and more than 24.5 million American veterans.

I urge my colleagues to honor LANE EVANS and vote yes on this important bill.

I look forward to enactment of this bill that is so important to all those who struggle with the devastating effects of Parkinson's disease.

Mr. FILNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from South Carolina (Mr. BROWN) that the House suspend the rules and pass the bill, H.R. 6342.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ROBERT SILVEY DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC

Mr. BROWN of South Carolina. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 4073) to designate the outpatient clinic of the Department of Veterans Affairs located in Farmington, Missouri, as the "Robert Silvey Department of Veterans Affairs Outpatient Clinic".

The Clerk read as follows:

S. 4073

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ROBERT SILVEY DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC.

(a) DESIGNATION.—The outpatient clinic of the Department of Veterans Affairs located in Farmington, Missouri, shall be known and designated as the "Robert Silvey Department of Veterans Affairs Outpatient Clinic".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Robert Silvey Department of Veterans Affairs Outpatient Clinic".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from South Carolina (Mr. BROWN) and the gentleman from California (Mr. FILNER) each will control 20 minutes.

The Chair recognizes the gentleman from South Carolina.

Mr. BROWN of South Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 4073 would rename the outpatient clinic of the Department of Veterans Affairs located in Farmington, Missouri as the "Robert Silvey Department of Veterans Affairs Outpatient Clinic."

Robert Silvey, a decorated veteran of World War II, served as a member of the famed 82nd Airborne Division and was among a group of troopers who parachuted into France the night before the invasion of Normandy on D-Day. While fighting in France, Mr. Silvey was wounded three times and was subsequently awarded the Purple Heart. After returning home from World War II, Mr. Silvey had been active in various service organizations in the Farmington area and was instrumental in advocating for the construction of this new outpatient clinic and has served as an active member in his community as well as in local veterans organizations. Naming this outpatient clinic for Mr. Silvey would be entirely appropriate.

I ask for the support of my colleagues in passing this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FILNER. Mr. Speaker, we also support S. 4073, and I know the gentlewoman from Missouri will speak about Mr. Silvey and make sure we know why his service is so honored.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of South Carolina. Mr. Speaker, House bill H.R. 5994 has the full support of the Missouri delegation and the State veterans service organizations and is identical to the Senate language.

Mr. Speaker, at this time I would like to yield 3 minutes to the original sponsor of H.R. 5994, the gentlewoman from Missouri, Mrs. JO ANN EMERSON.

Mrs. EMERSON. Mr. Speaker, I first want to thank the chairman and ranking member for all of the help they have given us in ensuring that the new veterans clinic in Farmington, Missouri can be named after the person who has advocated most vocally for it, and that is my good friend Bob Silvey.

You mentioned, Mr. Chairman, Mr. Silvey's service as part of the 82nd Airborne and going to the shores of France, actually parachuting in the night before the invasion of Normandy. But Bob has always been an incredible leader in the community of Farmington. As a matter of fact, when Bob asks you to do something, you would never want to say "no," number one. And number two, you always want to make sure that it gets done as quickly as possible because he will not allow you to say "no" and he will not allow anything not to happen. So when we originally built our smaller veterans facility in Farmington, Missouri, Bob knew the second day that we moved in that it wasn't going to be adequate enough. So he went about looking in the community for a larger space to put it on, one now that is actually adjacent to our VFW post, and it all began like that.

But I have to say that this is an important and incredible tribute to Bob Silvey, but it is also a commitment to all of our servicemen and servicewomen in Missouri and around the country. Like Bob, so many of them continue to be active members of their community, and they are working tirelessly, as Bob did, to improve the quality of veterans health care in Southern Missouri.

I was really excited in March of this year to break ground on the facility and then in August for us to move into it, and it is a state-of-the-art facility, and really it is only a larger facility but it is there in large part because Bob Silvey was relentless in pursuit of this.

Bob has been an active member of the VFW Post 5896 of Farmington, Missouri. He served as commander four times. He twice served as commander of the VFW Post in Ironton, a town south of Farmington, a couple of times. And I was very, very proud, and I know Bob was too, that the members of the VFW Post 5896 and the American Legion Post 416 in Farmington unanimously passed resolutions in support of naming the new Farmington veterans clinic after Bob Silvey.

In addition, I might want to add that members of our Missouri statehouse and the State senate wrote letters of support in naming this clinic after Bob; so this is an important tribute to him. And certainly this legislation that you all have enabled us to put on the floor today would allow the residents of Farmington, Missouri to honor one of their greatest World War II veterans and ensure that the name on the new clinic reflects the service of a great contributor to our American freedom and the quality of our veterans' lives here at home.

Bob, I know that you are watching this on C-SPAN right now, and I hope that you know how well loved you are. I hope that you know what a leader you have been, and your commitment and your dedication to this country has been next to none. And this is a very real and fitting tribute to all that you have done to ensure that America remains the greatest country on the face of the earth.

So, Mr. Speaker, I thank very much Chairman BROWN and Ranking Member FILNER for this opportunity.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members to address their remarks to the Chair.

Mr. FILNER. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentlewoman, through the Chair, for her testimony to this decorated hero.

I would also point out we have another hero named Bob in the audience today. I would just like to recognize Bob Cover from the Legislative Counsel's Office, who has been 30 years writing this legislation and dealing with title 38. And we couldn't do anything without your expertise, Bob. We thank you for all your work. We wish you well in the future, and we appreciate your work to help veterans in this Nation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BROWN of South Carolina. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from South Carolina (Mr. BROWN) that the House suspend the rules and pass the Senate bill, S. 4073.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BROWN of South Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 days in which to revise and extend their remarks on S. 4073.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

NATIONAL TRANSPORTATION SAFETY BOARD REAUTHORIZATION ACT OF 2006

Mr. MICA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5076) to amend title 49, United States Code, to authorize appropriations for fiscal years 2007, 2008, and 2009, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5076

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Transportation Safety Board Reauthorization Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Reports.
Sec. 3. Investigation services.
Sec. 4. Expenses of DOT Inspector General.
Sec. 5. Evaluation and audit of the National Transportation Safety Board.
Sec. 6. Audit procedures.
Sec. 7. Implementation of NTSB's "Most Wanted Transportation Safety Improvements, 2006".
Sec. 8. Authorization of appropriations.
Sec. 9. Technical corrections.

Sec. 10. Safety review.

Sec. 11. DOT Inspector General oversight and investigations related to Central Artery tunnel project.

SEC. 2. REPORTS.

(a) ANNUAL REPORTS.—

(1) IN GENERAL.—Section 1117 of title 49, United States Code, is amended—

(A) in paragraph (2) by striking "and" after the semicolon;

(B) in paragraph (3) by striking "State." and inserting "State;"; and

(C) by adding at the end the following:

"(4) a description of the activities and operations of the National Transportation Safety Board Academy during the prior calendar year;

"(5) a list of accidents, during the prior calendar year, that the Board was required to investigate under section 1131 but did not investigate and an explanation of why they were not investigated; and

"(6) a list of ongoing investigations that have exceeded the expected time allotted for completion by Board order and an explanation for the additional time required to complete each such investigation.".

(2) UTILIZATION PLAN.—

(A) PLAN.—Within 90 days after the date of enactment of this Act, the National Transportation Safety Board shall—

(i) develop a plan to achieve, to the maximum extent feasible, the self-sufficient operation of the National Transportation Safety Board Academy and utilize the Academy's facilities and resources;

(ii) submit a draft of the plan to the Comptroller General for review and comment; and

(iii) submit a draft of the plan to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(B) PLAN DEVELOPMENT CONSIDERATIONS.—The Board shall—

(i) give consideration in developing the plan under subparagraph (A)(i) to other revenue-generating measures, including subleasing the facility to another entity; and

(ii) include in the plan a detailed financial statement that covers current Academy expenses and revenues and an analysis of the projected impact of the plan on the Academy's expenses and revenues.

(C) REPORT.—Within 180 days after the date of enactment of this Act, the National Transportation Safety Board shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that includes—

(i) an updated copy of the plan developed pursuant to subparagraph (A)(i);

(ii) any comments and recommendations made by the Comptroller General pursuant to the Government Accountability Office's review of the draft plan; and

(iii) a response to the Comptroller General's comments and recommendations, including a description of any modifications made to the plan in response to those comments and recommendations.

(D) IMPLEMENTATION.—The plan developed pursuant to subparagraph (A)(i) shall be implemented within 2 years after the date of enactment of this Act.

(b) DOT REPORT ON COMPLIANCE WITH RECOMMENDATIONS.—Section 1135(d)(3) of title 49, United States Code, is amended to read as follows:

"(3) COMPLIANCE REPORT WITH RECOMMENDATIONS.—Within 90 days after the date on which the Secretary submits a report under this subsection, the Board shall review the Secretary's report and transmit comments on the report to the Secretary, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives.".

SEC. 3. INVESTIGATION SERVICES.

(a) IN GENERAL.—Section 4(a) of the National Transportation Safety Board Reauthorization Act of 2003 (Public Law 108–168; 49 U.S.C. 1113 note) is amended by striking "From the date of enactment of this Act through September 30, 2006, the" and inserting "The".

(b) REPORT.—Section 4(b) of such Act is amended—

(1) by striking "On February 1, 2006," and inserting "On July 1 of each year, as part of the annual report required by section 1117 of title 49, United States Code,"; and

(2) in paragraph (1) by striking "for $25,000 or more".

SEC. 4. EXPENSES OF DOT INSPECTOR GENERAL.

Section 1137(d) of title 49, United States Code, is amended to read as follows:

"(d) AUTHORIZATIONS OF APPROPRIATIONS.—

"(1) FUNDING.—There are authorized to be appropriated to the Secretary of Transportation for use by the Inspector General of the Department of Transportation such sums as may be necessary to cover expenses associated with activities pursuant to the authority exercised under this section.

"(2) REIMBURSABLE AGREEMENT.—In the absence of an appropriation under this subsection for an expense referred to in paragraph (1), the Inspector General and the Board shall have a reimbursable agreement to cover such expense.".

SEC. 5. EVALUATION AND AUDIT OF THE NATIONAL TRANSPORTATION SAFETY BOARD.

(a) IN GENERAL.—Subchapter III of chapter 11 of title 49, United States Code, is amended by adding at the end the following:

"§1138. Evaluation and audit of National Transportation Safety Board

"(a) IN GENERAL.—To promote economy, efficiency, and effectiveness in the administration of the programs, operations, and activities of the National Transportation Safety Board, the Comptroller General of the United States shall evaluate and audit the programs and expenditures of the National Transportation Safety Board. Such evaluation and audit shall be conducted at least annually, but may be conducted as determined necessary by the Comptroller General or the appropriate congressional committees.

"(b) RESPONSIBILITY OF COMPTROLLER GENERAL.—The Comptroller General shall evaluate and audit Board programs, operations, and activities, including—

"(1) information management and security, including privacy protection of personally identifiable information;

"(2) resource management;

"(3) workforce development;

"(4) procurement and contracting planning, practices and policies;

"(5) the extent to which the Board follows leading practices in selected management areas; and

"(6) the extent to which the Board addresses management challenges in completing accident investigations.

"(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—For purposes of this section the term 'appropriate congressional committees' means the Committee on Commerce, Science and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.".

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by inserting after the item relating to section 1137 the following:

"1138. Evaluation and audit of National Transportation Safety Board".

SEC. 6. AUDIT PROCEDURES.

The National Transportation Safety Board, in consultation with the Inspector General of the Department of Transportation, shall continue to develop and implement comprehensive internal audit controls for its operations. The audit controls shall address, at a minimum, Board asset management systems, including systems for accounting management, debt collection, travel, and property and inventory management and control.

SEC. 7. IMPLEMENTATION OF NTSB'S "MOST WANTED TRANSPORTATION SAFETY IMPROVEMENTS, 2006".

Within 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives explaining why the Federal Aviation Administration has not implemented the aviation recommendations in the "Most Wanted Transportation Safety Improvements, 2006" of the National Transportation Safety Board.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 1118(a) of title 49, United States Code, is amended—

(1) by striking "and" after "2005."; and

(2) by striking "2006." and inserting "2006, $81,594,000 for fiscal year 2007, and $92,625,000 for fiscal year 2008.".

(b) FEES, REFUNDS, AND REIMBURSEMENTS.—

(1) IN GENERAL.—Section 1118(c) of such title is amended to read as follows:

"(c) FEES, REFUNDS, AND REIMBURSEMENTS.—

"(1) IN GENERAL.—The Board may impose and collect such fees, refunds, and reimbursements as it determines to be appropriate for services provided by or through the Board.

"(2) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, any fee, refund, or reimbursement collected under this subsection—

"(A) shall be credited as offsetting collections to the account that finances the activities and services for which the fee is imposed or with which the refund or reimbursement is associated;

"(B) shall be available for expenditure only to pay the costs of activities and services for which the fee is imposed or with which the refund or reimbursement is associated; and

"(C) shall remain available until expended.

"(3) REFUNDS.—The Board may refund any fee paid by mistake or any amount paid in excess of that required.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 1, 2005.

(c) REPORT.—Section 1118(d) of title 49, United States Code, is repealed.

SEC. 9. TECHNICAL CORRECTIONS.

(a) FUNCTIONAL UNIT FOR MARINE INVESTIGATIONS.—Section 1111(g) of title 49, United States Code, is amended by adding at the end the following:

"(5) marine.".

(b) MARINE CASUALTY INVESTIGATIONS.—Section 1131(a)(1)(E) of such title is amended—

(1) by striking "on the navigable waters or territorial sea of the United States," and inserting "on or under the navigable waters,

internal waters, or the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988,"; and

(2) by inserting "(as defined in section 2101(46) of title 46)" after "vessel of the United States".

(c) REFERENCE TO DEPARTMENTAL AUTHORITY.—Section 1131(c)(1) of such title is amended by inserting "or the Secretary of the department in which the Coast Guard is operating" after "Transportation".

(d) APPOINTMENT OF STAFF.—Section 1111 of such title is amended—

(1) by striking paragraph (1) of subsection (e) and inserting the following:

"(1) appoint and supervise officers and employees, other than regular and full-time employees in the immediate offices of another member, necessary to carry out this chapter;";

(2) by redesignating paragraphs (2) and (3) of subsection (e) as paragraphs (3) and (4), respectively;

(3) by inserting after paragraph (1) of subsection (e) the following:

"(2) fix the pay of officers and employees necessary to carry out this chapter;";

(4) by redesignating subsection (i) as subsection (j); and

(5) by inserting after subsection (h) the following:

"(i) BOARD MEMBER STAFF.—Each member of the Board shall select and supervise regular and full-time employees in his or her immediate office as long as any such employee has been approved for employment by the designated agency ethics official under the same guidelines that apply to all employees of the Board. Except for the Chairman, the appointment authority provided by this subsection is limited to the number of full-time equivalent positions, in addition to 1 senior professional staff at a level not to exceed the GS 15 level and 1 administrative staff, allocated to each member through the Board's annual budget and allocation process.".

(e) SPELLING CORRECTION.—Section 1113(a) of such title is amended in paragraphs (3) and (4) by striking "subpena" and inserting "subpoena".

(f) BOARD REVIEW.—Section 1113(c) of such title is amended by inserting after the period at the end the following: "The Board shall develop and approve a process for the Board's review and comment or approval of documents submitted to the President, Director of the Office of Management and Budget, or Congress under this subsection.".

(g) INVESTIGATIVE OFFICERS.—Section 1113 of such title is amended by adding at the end the following:

"(h) INVESTIGATIVE OFFICERS.—The Board shall maintain at least 1 full-time employee in each State located more than 1,000 miles from the nearest Board regional office to provide initial investigative response to accidents the Board is empowered to investigate under this chapter that occur in that State.".

SEC. 10. SAFETY REVIEW.

(a) SAFETY AREA ALTERNATIVES.—With regard to an environmental review of a project to improve runway safety areas on Runway 8/26 at Juneau International Airport, the Secretary of Transportation may only select as the preferred alternative the least expensive runway safety area alternative that meets the standards of the Federal Aviation Administration and that maintains the length of the runway as of the date of enactment of this Act.

(b) COSTS TO BE CONSIDERED.—In determining what is the least expensive runway safety area for purposes of subsection (a), the Secretary shall consider, at a minimum, the initial development costs and life cycle costs of the project.

(c) SATISFACTION OF REQUIREMENT.—With respect to the project described in subsection (a), the requirements of section 303(c)(1) of title 49, United States Code, shall be considered to be satisfied by the selection of the least expensive safety area alternative.

SEC. 11. DOT INSPECTOR GENERAL OVERSIGHT AND INVESTIGATIONS RELATED TO CENTRAL ARTERY TUNNEL PROJECT.

(a) OVERSIGHT OF SAFETY REVIEW.—The Inspector General of the Department of Transportation shall provide objective and independent oversight of the activities performed by the Federal Highway Administration, the Massachusetts Executive Office of Transportation, and the Massachusetts Department of Transportation for the project-wide safety review initiated as a result of the July 10, 2006, accident in the Central Artery tunnel project in Boston, Massachusetts. The Inspector General shall ensure that such oversight is comprehensive, complete, and carried out in a rigorous manner.

(b) INVESTIGATIONS OF CRIMINAL AND FRAUDULENT ACTIVITIES.—In cooperation with the Attorney General of the United States and the Attorney General of the Commonwealth of Massachusetts, the Inspector General shall investigate criminal or fraudulent acts committed in the design, expenditure of funds, and construction of the Central Artery tunnel project.

(c) REPORTS TO CONGRESS.—The Inspector General shall submit to Congress periodically reports on the oversight and investigative activities conducted pursuant to this section, together with any recommendations and observations of the Inspector General. If the Inspector General identifies any safety issues of a time sensitive and critical nature in carrying out this section, the Inspector General shall promptly notify Congress.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MICA) and the gentleman from Illinois (Mr. COSTELLO) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5076.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MICA. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to rise this afternoon in very strong support of this timely and certainly needed legislation. This legislation is the NTSB's, the National Transportation Safety Board's, authorization legislation, and it is currently provided for under a continuing resolution. The NTSB is a small but very important part of the Federal Government, and it makes some very critical contributions to our Nation's safety each year. The NTSB is charged with investigating civil aviation accidents and significant transportation accidents in other surface modes, including railroad, highway, marine, and pipeline accidents.

In addition, the NTSB assists the victims of aviation accidents, and where resources allow, Mr. Speaker, the NTSB also provides family assistance for accidents in other transportation modes.

As a member of the House Transportation and Infrastructure Committee and chairman of the Aviation Subcommittee, I can tell Members that the NTSB has provided tremendous service to this Nation and also to the traveling public in all modes of transportation for many years.

In the United States the 3-year average commercial aviation accident rate is .017 accidents per 100,000 departures, which means that the accident rate is the equivalent of one fatal accident for every 15 million passenger-carrying flights, which is an absolutely amazing record by any standard. I believe this unprecedented aviation safety record is in part due to the outstanding work over the years by hundreds and hundreds of NTSB professionals as well as the Federal Aviation Administration and also our aviation industry. But even with this outstanding safety record in commercial air transportation, we must continue to work towards making the system even safer, especially as we see increases in demand and also increases in congestion and passengers.

Since its creation in 1967, the NTSB has investigated more than 124,000 aviation accidents and at least 10,000 accidents in other modes of transportation. As a result of these investigations, the board has issued almost 12,000 safety recommendations, and over 82 percent of those recommendations have been adopted. The NTSB also serves as the "court of appeals" for any airman, mechanic, or mariner who has a problem with certificate action when it is taken by either the FAA administrator or the U.S. Coast Guard commandant.

I would also like to point out that last year marked the board's 15th anniversary of its "Most Wanted" list of transportation safety improvements. I believe this is a tool that has served the public very well. In fact, over the past 15 years, 85 percent of more than 260 recommendations that have been placed on the list have been accepted and also have been implemented.

H.R. 5076 provides for a 2-year reauthorization for both the fiscal years 2007 and 2008. This legislation would also provide for the hiring of critically needed transportation accident investigations positions. The board has determined through a human capital forecast which was conducted earlier this year that additional full-time employees are needed to effectively and efficiently meet the mission and support efforts that are expected of the board, and understanding our current budget constraints, H.R. 5076 allows for slight increases in personnel to help address this important need.

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Finally, Mr. Speaker, H.R. 5076 provides for changes such as consolidating reporting requirements, clarifying that the board has jurisdiction to investigate major marine accidents occurring on bodies of water located entirely within the boundaries of a State. And also it directs the NTSB to develop and implement a plan to achieve the self-sufficient operation of the NTSB Academy.

Mr. Speaker, with those comments, I reserve the balance of my time.

Mr. COSTELLO. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I thank the subcommittee chairman, Mr. MICA. I would like to thank Chairman YOUNG, Mr. OBERSTAR, Mr. MICA, for joining me in introducing H.R. 5076, the National Transportation Safety Board Reauthorization Act of 2006.

The NTSB makes safety recommendations to Federal, State and local government agencies and to the transportation industry regarding actions and recommendations that should be taken to prevent accidents and improve safety.

Since its inception in 1967, the NTSB has issued almost 12,000 safety recommendations in all modes of transportation. The regulatory and transportation communities have accepted over 82 percent of these recommendations.

This is significant, given the size of this agency: only 396 employees and 10 regional offices.

The NTSB's recommendations and its vigilance on safety issues result in improvements in the way we conduct the business of transportation in all modes of transportation.

Transportation accidents are increasingly complex, and the NTSB maintains the highly qualified technical staff and necessary tools to efficiently produce thorough and unbiased investigations and recommendations for the public and policymakers.

I am pleased the reauthorization bill before us today authorizes $1.7 million more than the NTSB's current budget request for fiscal year 2007, which will allow for 11 more investigators to be hired by the agency.

To maintain its position as the preeminent transportation investigative agency, the NTSB must have the resources necessary to handle increasingly complex accident investigations, as well as to adequately train its staff.

Reauthorization is essential to ensuring this agency has the necessary resources to conduct thorough safety investigations, and I urge my colleagues to support H.R. 5076.

Mr. Speaker, I reserve the balance of my time.

Mr. MICA. Mr. Speaker, I am pleased to yield as much time as he may wish to consume to the chairman of the full Transportation and Infrastructure Committee, the distinguished gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I thank the gentleman for the work he has done on this legislation, and the ranking member on the other side of the aisle.

This is a good piece of legislation. It should be passed. I urge my colleagues to support it. It has been fairly vetted, and I am confident that with the passage of this and on the President's desk, we will do the job to make sure that not only are the flying industry safe, but all other forms of transportation are safe.

Mr. Speaker, I would like to clarify the intent of several provisions that were added to H.R. 5076, as amended, since it was reported by the House Committee on Transportation and Infrastructure.

Section 5 of the bill as amended requires the General Accountability Office (GAO) to evaluate and audit the programs and expenditures of the National Transportation Safety Board (NTSB) at least annually.

This provision will provide greater oversight of the NTSB without risking any infringement on the Board's independence that could result from having the U.S. Department of Transportation (DOT) Inspector General perform this audit function.

When the NTSB was first established in 1967, it initially relied on DOT for funding and administrative support. In 1975, under the Independent Safety Board Act, all organizational ties to DOT were severed.

The NTSB serves as an independent "watchdog" over the DOT, as well as State transportation agencies, recommending actions these agencies should take to improve safety. Therefore, maintaining NTSB's strict independence from DOT is critically important to NTSB's mission.

Under H.R. 5076 as amended, the DOT Inspector General's current authority under 49 U.S.C. 1137 to review the financial management, property management, and business operations of the NTSB, including internal accounting and administrative control systems, is unchanged.

Section 4 of the bill clarifies how these functions of the Inspector General should be funded. Currently, the NTSB reimburses the Inspector General for the costs incurred by the Inspector General in carrying out 49 U.S.C. 1137. H.R. 5076 clarifies that an appropriation of funds directly to the Inspector General for these activities is preferable to a reimbursable agreement, but if such an appropriation is not available, then a reimbursable agreement should be used instead.

It is not Congress' intent that GAO and the DOT IG will in any way duplicate each others' work. Rather, Congress intends for GAO and the DOT IG to continue their current practice of coordinating their audit planning for the NTSB such that there is no duplication of effort between the two agencies as the GAO undertakes the specific responsibilities assigned by Congress under this bill.

Section 2(a)(1) of the bill requires the Board to submit to Congress a list of accidents the Board was required to investigate, as well as a list of ongoing investigations exceeding the time allotted by Board order. This reporting requirement would not apply to accident types which the NTSB may voluntarily elect to investigate, but is not required to investigate, under current law, such as railroad grade-crossing or highway accidents.

Section 2(a)(2) of the bill requires NTSB to develop and implement a plan to achieve, to the maximum extent feasible, the self-sufficient operation of the NTSB Academy. This facility has in the past consumed too large a portion of NTSB's budget resources, to the detriment of the NTSB's core accident investigation mission. I encourage the NTSB to develop a plan to make better use of this facility and reduce the burden it imposes on the NTSB's budget.

Section 11 instructs the Inspector General of the U.S. Department of Transportation to conduct oversight of the reviews currently underway at the Federal Highway Administration and the Commonwealth of Massachusetts of the tragic July 10, 2006, fatal accident in the Central Artery tunnel project in Boston, Massachusetts. The section also instructs the Inspector General to investigate, in cooperation with the U.S. Attorney General and the Attorney General of the Commonwealth of Massachusetts, any criminal or fraudulent acts committed in the execution of the project. I do not intend for the Inspector General to duplicate the current reviews. The purpose of this section is to evaluate the reviews to ensure that the aforementioned public agency oversight underway of this past summer's accident is thorough and rigorous so the lessons learned will prevent future tragedies.

Mr. MICA. Mr. Speaker, I reserve the balance of my time.

Mr. COSTELLO. Mr. Speaker, I yield 2 minutes to my friend and colleague from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, this is a very important agency of the Federal Government in terms of consumer health and safety: the National Transportation Safety Board. And one of the things for a number of years that has concerned me about the National Transportation Safety Board is they approach issues of public safety from a fairly pure standpoint in terms of what is needed to better protect the traveling public and to prevent loss of life. And unfortunately, when it gets over to the agencies of jurisdiction, particularly the FAA, they have put a value on your life. Now, I once asked an FAA individual, I said, so what do you think your life is worth? And the particular value at that time I think was around $200,000 per life, or soul as they call it. I said, don't you think you are worth more than that? At that point we were arguing about moving seats further apart so people could access the overwing exits. And the airlines were complaining about the revenue that would be lost. It took, actually, 8 years after a tragic accident, with people stacked up like cord wood in Manchester, England, to get that rule passed here. The Brits did it in 6 months.

So often the NTSB recommends what they see as needed changes to protect safety, and all too often those things are ignored. They disappear in the black hole over there at the FAA. This bill will change that.

The most wanted transportation safety improvements, which are available and published on an annual basis by the NTSB in all modes of transportation, are now going to have to be responded to by the FAA. Within 90 days of the date of enactment of this bill, we will get a report which will explain why they have not implemented these most wanted regulations here to better protect the traveling public. This will be an improvement. It will now at least require meaningful response from the agency, and perhaps move us forward in better protecting life and safety.

Mr. MICA. Mr. Speaker, I continue to reserve the balance of my time.

Mr. COSTELLO. I would ask the gentleman if he has other speakers.

Mr. MICA. No other speakers, but I would like to reserve the opportunity to close.

Mr. COSTELLO. Mr. Speaker, we have no further requests on our side, so I would yield back the balance of my time.

Mr. MICA. Mr. Speaker, I would like to also add, for the record, that beyond the NTSB, this particular piece of legislation also includes a provision requiring the Department of Transportation Inspector General to provide an independent oversight of the project-wide safety review of the central artery tunnel project in Boston, Massachusetts, otherwise known as the Big Dig. This safety review was initiated as a result of the July 10, 2006 accident that resulted in the tragic loss of life by a motorist there.

The bill also requires the Inspector General to investigate criminal or fraudulent acts committed in the design and construction of the project and report to Congress on its oversight of this project.

Because of the NTSB's broad jurisdiction over all modes of transportation, this bill required the coordinated efforts of many people. So, in conclusion, Mr. Speaker, first I want to thank Chairman YOUNG, who has done an incredible job leading the T&I Committee, I have had the honor to be one of his subcommittee chairs for the past 6 years; Ranking Member OBERSTAR, Aviation Subcommittee Ranking Member Mr. COSTELLO, and for all of his staff and their efforts on behalf of this legislation.

Then I also want to thank, this is probably our last piece of legislation, my last piece as chairman of the Aviation Subcommittee, a difficult task over some difficult 6 years now in America's history and the history of aviation in this country. But I want to personally thank our staff director Jim Coon, who has helped lead that effort; professional staffer Sharon Barkeloo; Holly Woodruff Lyons; Chris Brown; and our clerk, Jason Rosa; and two people who aren't with us, Mr. David Schaeffer, who was the staff director during 9/11 and some of the very trying times we experienced; and also Sharon Pinkerton, my chief legislative transportation counsel. They are no longer with us. So I want to thank everyone for their work on this important piece of legislation.

This version of the bill currently before the House has been negotiated with our counterparts in the Senate to expedite its consideration in the other body in the hope that this important legislation can and will be enacted before the 109th Congress adjourns sine die later this week. To that end, I urge my colleagues to support H.R. 5076, as amended.

Mr. OBERSTAR. Mr. Speaker, I rise in support of H.R. 5076, the National Transportation Safety Board Reauthorization Act of 2006.

This Agency's roots go back to 1926 when the Air Commerce Act vested the Department of Commerce with the authority to investigative aircraft accidents. During the 1966 consolidation of various transportation agencies into the Department of Transportation (DOT), the National Transportation Safety Board (NTSB) was created as an independent agency within DOT to investigate accidents in all transportation modes. In 1974, Congress further demonstrated its resolve to ensure that NTSB would retain its independence by re-establishing the Board as a totally separate entity, distinct from DOT.

Since its inception in 1967, the NTSB has investigated more than 124,000 aviation accidents and over 10,000 surface transportation accidents, making it the world's premier accident investigation agency. In the last 6 years alone, the NTSB has investigated, or caused to be investigated, over 11,000 aviation accidents, 205 highway accidents, 91 railroad accidents, 33 pipeline accidents, 38 marine accidents; and a total of 1129 safety recommendations have been issued. This is no small feat, given the size of this agency: only 396 employees in 10 regional offices.

While the NTSB gets perhaps its greatest visibility when there is an aviation tragedy, that should not overshadow the very significant and important work the agency performs in pipelines, maritime, rail, truck, and automotive transportation.

To maintain its position as the world's pre-eminent investigative agency, it is imperative that the NTSB has the resources necessary to handle increasingly complex accident investigations. The NTSB needs sufficient funding to sustain budget and personnel for both its headquarters operations as well as the Academy. Accordingly, this bill authorizes increased funding over the next two years: $81.6 million in FY2007 and $92.6 million in FY2008.

H.R. 5076 provides an extra $1.7 million in FY2007 to hire an additional 11 investigators that the Agency needs to fulfill its critical mission. Moreover, the bill provides funding for an additional 20 full-time equivalent employees in 2008 to enable NTSB to meet its core mission of accident investigation.

The bill also clarifies that the Board has jurisdiction to investigate major marine casualties occurring on all bodies of water "on or under the navigable waters, internal waters, or the territorial sea of the United States, such as the *Ethan Allen* accident on Lake George, New York, that occurred on October 2, 2005, killing 20 passengers. Further, the bill ensures that each member of the Safety Board, not the Chairman, retains the authority to appoint employees on their own personal staff. The bill also requires the Government Accountability Office to conduct an annual audit of the NTSB's programs and expenditures.

Finally, H.R. 5076 permits the agency to use funds that it collects as refunds or reimbursements associated with its direct mission costs even if the funds are collected in a subsequent fiscal year, as well as extends the expedited contracting procedures that were authorized in the Board's 2003 authorization.

Having a well-funded, well-trained NTSB workforce is of the utmost importance for the American traveling public, and I urge my colleagues to support passage of this bill.

Mr. MICA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MICA) that the House suspend the rules and pass the bill, H.R. 5076, as amended.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read:

"A Bill to amend title 49, United States Code, to authorize appropriations for fiscal years 2007 and 2008, and for other purposes".

A motion to reconsider was laid on the table.

PIPELINE INSPECTION, PROTECTION, ENFORCEMENT, AND SAFETY ACT OF 2006

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5782) to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5782

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49, UNITED STATES CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006".

(b) AMENDMENT OF TITLE 49, UNITED STATES CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; amendment of title 49, United States Code; table of contents.
Sec. 2. Pipeline safety and damage prevention.
Sec. 3. Public education and awareness.
Sec. 4. Low-stress pipelines.
Sec. 5. Technical assistance grants.
Sec. 6. Enforcement transparency.
Sec. 7. Direct line sales.
Sec. 8. Petroleum transportation capacity and regulatory adequacy study.
Sec. 9. Distribution integrity management program rulemaking deadline.
Sec. 10. Emergency waivers.
Sec. 11. Restoration of operations.
Sec. 12. Pipeline control room management.
Sec. 13. Safety orders.
Sec. 14. Integrity program enforcement.
Sec. 15. Incident reporting.
Sec. 16. Senior executive signature of integrity management program performance reports.
Sec. 17. Cost recovery for design reviews.
Sec. 18. Authorization of appropriations.
Sec. 19. Standards to implement NTSB recommendations.
Sec. 20. Accident reporting form.
Sec. 21. Leak detection technology study.
Sec. 22. Corrosion control regulations.
Sec. 23. Inspector General report.
Sec. 24. Technical assistance program.
Sec. 25. Natural gas pipelines.
Sec. 26. Corrosion technology.

SEC. 2. PIPELINE SAFETY AND DAMAGE PREVENTION.

(a) ONE CALL CIVIL ENFORCEMENT.—

(1) PROHIBITIONS.—Section 60114 is amended by adding at the end the following:

"(d) PROHIBITION APPLICABLE TO EXCAVATORS.—A person who engages in demolition, excavation, tunneling, or construction—

"(1) may not engage in a demolition, excavation, tunneling, or construction activity in a State that has adopted a one-call notification system without first using that system to establish the location of underground facilities in the demolition, excavation, tunneling, or construction area;

"(2) may not engage in such demolition, excavation, tunneling, or construction activity in disregard of location information or markings established by a pipeline facility operator pursuant to subsection (b); and

"(3) and who causes damage to a pipeline facility that may endanger life or cause serious bodily harm or damage to property—

"(A) may not fail to promptly report the damage to the owner or operator of the facility; and

"(B) if the damage results in the escape of any flammable, toxic, or corrosive gas or liquid, may not fail to promptly report to other appropriate authorities by calling the 911 emergency telephone number.

"(e) PROHIBITION APPLICABLE TO UNDERGROUND PIPELINE FACILITY OWNERS AND OPERATORS.—Any owner or operator of a pipeline facility who fails to respond to a location request in order to prevent damage to the pipeline facility or who fails to take reasonable steps, in response to such a request, to ensure accurate marking of the location of the pipeline facility in order to prevent damage to the pipeline facility shall be subject to a civil action under section 60120 or assessment of a civil penalty under section 60122.

"(f) LIMITATION.—The Secretary may not conduct an enforcement proceeding under subsection (d) for a violation within the boundaries of a State that has the authority to impose penalties described in section 60134(b)(7) against persons who violate that State's damage prevention laws, unless the Secretary has determined that the State's enforcement is inadequate to protect safety, consistent with this chapter, and until the Secretary issues, through a rulemaking proceeding, the procedures for determining inadequate State enforcement of penalties.".

(2) CIVIL PENALTY.—Section 60122(a)(1) is amended by striking "60114(b)" and inserting "60114(b), 60114(d),".

(b) STATE DAMAGE PREVENTION PROGRAMS.—

(1) CONTENTS OF CERTIFICATIONS.—Section 60105(b)(4) is amended to read as follows:

"(4) is encouraging and promoting the establishment of a program designed to prevent damage by demolition, excavation, tunneling, or construction activity to the pipeline facilities to which the certification applies that subjects persons who violate the applicable requirements of that program to civil penalties and other enforcement actions that are substantially the same as are provided under this chapter, and addresses the elements in section 60134(b);".

(2) IN GENERAL.—Chapter 601 is amended by adding at the end the following:

"§ 60134. State damage prevention programs

"(a) IN GENERAL.—The Secretary may make a grant to a State authority (including a municipality with respect to intrastate gas pipeline transportation) to assist in improving the overall quality and effectiveness of a damage prevention program of the State authority under subsection (e) if the State authority—

"(1) has in effect an annual certification under section 60105 or an agreement under section 60106; and

"(2)(A) has in effect an effective damage prevention program that meets the requirements of subsection (b); or

"(B) demonstrates that it has made substantial progress toward establishing such a program, and that such program will meet the requirements of subsection (b).

"(b) DAMAGE PREVENTION PROGRAM ELEMENTS.—An effective damage prevention program includes the following elements:

"(1) Participation by operators, excavators, and other stakeholders in the development and implementation of methods for establishing and maintaining effective communications between stakeholders from receipt of an excavation notification until successful completion of the excavation, as appropriate.

"(2) A process for fostering and ensuring the support and partnership of stakeholders, including excavators, operators, locators, designers, and local government in all phases of the program.

"(3) A process for reviewing the adequacy of a pipeline operator's internal performance measures regarding persons performing locating services and quality assurance programs.

"(4) Participation by operators, excavators, and other stakeholders in the development and implementation of effective employee training programs to ensure that operators, the one-call center, the enforcing agency, and the excavators have partnered to design and implement training for the employees of operators, excavators, and locators.

"(5) A process for fostering and ensuring active participation by all stakeholders in public education for damage prevention activities.

"(6) A process for resolving disputes that defines the State authority's role as a partner and facilitator to resolve issues.

"(7) Enforcement of State damage prevention laws and regulations for all aspects of the damage prevention process, including public education, and the use of civil penalties for violations assessable by the appropriate State authority.

"(8) A process for fostering and promoting the use, by all appropriate stakeholders, of improving technologies that may enhance communications, underground pipeline locating capability, and gathering and analyzing information about the accuracy and effectiveness of locating programs.

"(9) A process for review and analysis of the effectiveness of each program element, including a means for implementing improvements identified by such program reviews.

"(c) FACTORS TO CONSIDER.—In making grants under this section, the Secretary shall take into consideration the commitment of each State to ensuring the effectiveness of its damage prevention program, including legislative and regulatory actions taken by the State.

"(d) APPLICATION.—If a State authority files an application for a grant under this section not later than September 30 of a calendar year and demonstrates that the Governor (or chief executive) of the State has designated it as the appropriate State authority to receive the grant, the Secretary shall review the State's damage prevention program to determine its effectiveness.

"(e) USE OF FUNDS.—A grant under this section to a State authority may only be used to pay the cost of the personnel, equipment, and activities that the State authority reasonably requires for the calendar year covered by the grant to develop or carry out its damage prevention program in accordance with subsection (b).

"(f) NONAPPLICABILITY OF LIMITATION.—A grant made under this section is not subject to the section 60107(a) limitation on the maximum percentage of funds to be paid by the Secretary.

"(g) LIMITATION ON USE OF FUNDS.—Funds provided to carry out this section may not be used for lobbying or in direct support of litigation.

"(h) DAMAGE PREVENTION PROCESS DEFINED.—In this section, the term 'damage prevention process' means a process that incorporates the principles described in sections 60114(b), 60114(d), and 60114(e).".

(3) CLERICAL AMENDMENT.—The analysis for chapter 601 is amended by adding at the end the following:

"60134. State damage prevention programs.".

(c) STATE PIPELINE SAFETY GRANTS.—Section 60107(a) is amended by striking "not more than 50 percent" and inserting "not more than 80 percent".

(d) MAINTENANCE OF EFFORT.—Section 60107(b) is amended by striking "spent—" and all that follows and inserting "spent for gas and hazardous liquid safety programs for the 3 fiscal years prior to the fiscal year in which the Secretary makes the payment, except when the Secretary waives this requirement.".

(e) DAMAGE PREVENTION TECHNOLOGY DEVELOPMENT.—Section 60114 (as amended by subsection (a)(1) of this section) is further amended by adding at the end the following:

"(g) TECHNOLOGY DEVELOPMENT GRANTS.—The Secretary may make grants to any organization or entity (not including for-profit entities) for the development of technologies that will facilitate the prevention of pipeline damage caused by demolition, excavation, tunneling, or construction activities, with emphasis on wireless and global positioning technologies having potential for use in connection with notification systems and underground facility locating and marking services. Funds provided under this subsection may not be used for lobbying or in direct support of litigation. The Secretary may also support such technology development through cooperative agreements with trade associations, academic institutions, and other organizations.''.

SEC. 3. PUBLIC EDUCATION AND AWARENESS.

(a) IN GENERAL.—Chapter 61 is amended by adding at the end the following:

"§ 6109. Public education and awareness

"(a) GRANT AUTHORITY.—The Secretary shall make a grant to an appropriate entity for promoting public education and awareness with respect to the 811 national excavation damage prevention phone number.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $1,000,000 for the period beginning October 1, 2006, and ending September 30, 2008, to carry out this section.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 61 is amended by adding at the end the following:

"6109. Public education and awareness.''.

SEC. 4. LOW-STRESS PIPELINES.

Section 60102(k) is amended to read as follows:

"(k) LOW-STRESS HAZARDOUS LIQUID PIPELINES.—

"(1) MINIMUM STANDARDS.—Not later than December 31, 2007, the Secretary shall issue regulations subjecting low-stress hazardous liquid pipelines to the same standards and regulations as other hazardous liquid pipelines, except as provided in paragraph (3). The implementation of the applicable standards and regulatory requirements may be phased in. The regulations issued under this paragraph shall not apply to gathering lines.

"(2) GENERAL PROHIBITION AGAINST LOW INTERNAL STRESS EXCEPTION.—Except as provided in paragraph (3), the Secretary may not provide an exception to the requirements of this chapter for a hazardous liquid pipeline because the pipeline operates at low internal stress.

"(3) LIMITED EXCEPTIONS.—The Secretary shall provide or continue in force exceptions to this subsection for low-stress hazardous liquid pipelines that—

"(A) are subject to safety regulations of the United States Coast Guard; or

"(B) serve refining, manufacturing, or truck, rail, or vessel terminal facilities if the pipeline is less than 1 mile long (measured outside the facility grounds) and does not cross an offshore area or a waterway currently used for commercial navigation,

until regulations issued under paragraph (1) become effective. After such regulations become effective, the Secretary may retain or remove those exceptions as appropriate.

"(4) RELATIONSHIP TO OTHER LAWS.—Nothing in this subsection shall be construed to prohibit or otherwise affect the applicability of any other statutory or regulatory exemption to any hazardous liquid pipeline..

"(5) DEFINITION.—For purposes of this subsection, the term 'low-stress hazardous liquid pipeline' means a hazardous liquid pipeline that is operated in its entirety at a stress level of 20 percent or less of the specified minimum yield strength of the line pipe.

"(6) EFFECTIVE DATE.—The requirements of this subsection shall not take effect as to low-stress hazardous liquid pipeline operators before the effective date of the rules promulgated by the Secretary under this subsection.''.

SEC. 5. TECHNICAL ASSISTANCE GRANTS.

Section 60130 is amended—

(1) in subsection (a)(1) by striking "The Secretary shall establish competitive" and insert "No grants may be awarded under section 60114(g) until the Secretary has established competitive";

(2) in subsection (a) by redesignating paragraph (2) as paragraph (4);

(3) in subsection (a) by inserting after paragraph (1) the following:

"(2) DEMONSTRATION GRANTS.—At least the first 3 grants awarded under this section shall be demonstration grants for the purpose of demonstrating and evaluating the utility of grants under this section. Each such demonstration grant shall not exceed $25,000.

"(3) DISSEMINATION OF TECHNICAL FINDINGS.—Each recipient of a grant under this section shall ensure that—

"(A) the technical findings made possible by the grants are made available to the relevant operators; and

"(B) open communication between the grant recipients, local operators, local communities, and other interested parties is encouraged."; and

(4) in subsection (d) by striking "2006" and inserting "2010".

SEC. 6. ENFORCEMENT TRANSPARENCY.

(a) IN GENERAL.—Chapter 601 (as amended by section 2(b) of this Act) is further amended by adding at the end the following:

"§ 60135. Enforcement transparency

"(a) IN GENERAL.—Not later than December 31, 2007, the Secretary shall—

"(1) provide a monthly updated summary to the public of all gas and hazardous liquid pipeline enforcement actions taken by the Secretary or the Pipeline and Hazardous Materials Safety Administration, from the time a notice commencing an enforcement action is issued until the enforcement action is final;

"(2) include in each such summary identification of the operator involved in the enforcement activity, the type of alleged violation, the penalty or penalties proposed, any changes in case status since the previous summary, the final assessment amount of each penalty, and the reasons for a reduction in the proposed penalty, if appropriate; and

"(3) provide a mechanism by which a pipeline operator named in an enforcement action may make information, explanations, or documents it believes are responsive to the enforcement action available to the public.

"(b) ELECTRONIC AVAILABILITY.—Each summary under this section shall be made available to the public by electronic means.

"(c) RELATIONSHIP TO FOIA.—Nothing in this section shall be construed to require disclosure of information or records that are exempt from disclosure under section 552 of title 5.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 601 (as amended by section 2(b) of this Act) is further amended by adding at the end:

"60135. Enforcement transparency.''.

SEC. 7. DIRECT LINE SALES.

Section 60101(a) is amended—

(1) by striking paragraph (6) and inserting the following:

"(6) 'interstate gas pipeline facility' means a gas pipeline facility—

"(A) used to transport gas; and

"(B) subject to the jurisdiction of the Commission under the Natural Gas Act (15 U.S.C. 717 et seq.);''; and

(2) by striking paragraph (9) and inserting the following:

"(9) 'intrastate gas pipeline facility' means a gas pipeline facility and transportation of gas within a State not subject to the jurisdiction of the Commission under the Natural Gas Act (15 U.S.C. 717 et seq.);''.

SEC. 8. PETROLEUM TRANSPORTATION CAPACITY AND REGULATORY ADEQUACY STUDY.

(a) IN GENERAL.—Chapter 601 (as amended by sections 2(b) and 6 of this Act) is further amended by adding at the end the following:

"§ 60136. Petroleum product transportation capacity study

"(a) IN GENERAL.—The Secretaries of Transportation and Energy shall conduct periodic analyses of the domestic transport of petroleum products by pipeline. Such analyses should identify areas of the United States where unplanned loss of individual pipeline facilities may cause shortages of petroleum products or price disruptions and where shortages of pipeline capacity and reliability concerns may have or are anticipated to contribute to shortages of petroleum products or price disruptions. Upon identifying such areas, the Secretaries may determine if the current level of regulation is sufficient to minimize the potential for unplanned losses of pipeline capacity.

"(b) CONSULTATION.—In preparing any analysis under this section, the Secretaries may consult with the heads of other government agencies and public- and private-sector experts in pipeline and other forms of petroleum product transportation, energy consumption, pipeline capacity, population, and economic development.

"(c) REPORT TO CONGRESS.—Not later than June 1, 2008, the Secretaries shall submit to the Committee on Energy and Commerce and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Energy and Natural Resources of the Senate a report setting forth their recommendations to reduce the likelihood of the shortages and price disruptions referred to in subsection (a).

"(d) ADDITIONAL REPORTS.—The Secretaries shall submit additional reports to the congressional committees referred to in subsection (c) containing the results of any subsequent analyses performed under subsection (a) and any additional recommendations, as appropriate.

"(e) PETROLEUM PRODUCT DEFINED.—In this section, the term 'petroleum product' means oil of any kind or in any form, gasoline, diesel fuel, aviation fuel, fuel oil, kerosene, any product obtained from refining or processing of crude oil, liquefied petroleum gases, natural gas liquids, petrochemical feedstocks, condensate, waste or refuse mixtures containing any of such oil products, and any other liquid hydrocarbon compounds.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 601 (as amended by sections 2(b) and 6 of this Act) is further amended by adding at the end the following:

"60136. Petroleum product transportation capacity study.''.

SEC. 9. DISTRIBUTION INTEGRITY MANAGEMENT PROGRAM RULEMAKING DEADLINE.

Section 60109 is amended by adding at the end the following:

"(e) DISTRIBUTION INTEGRITY MANAGEMENT PROGRAMS.—

"(1) MINIMUM STANDARDS.—Not later than December 31, 2007, the Secretary shall prescribe minimum standards for integrity management programs for distribution pipelines.

"(2) ADDITIONAL AUTHORITY OF SECRETARY.—In carrying out this subsection, the Secretary may require operators of distribution pipelines to continually identify and assess risks on their distribution lines, to remediate conditions that present a potential threat to line integrity, and to monitor program effectiveness.

"(3) EXCESS FLOW VALVES.—

"(A) IN GENERAL.—The minimum standards shall include a requirement for an operator of a natural gas distribution system to install an excess flow valve on each single family residence service line connected to such system if—

"(i) the service line is installed or entirely replaced after June 1, 2008;

"(ii) the service line operates continuously throughout the year at a pressure not less than 10 pounds per square inch gauge;

"(iii) the service line is not connected to a gas stream with respect to which the operator has had prior experience with contaminants the presence of which could interfere with the operation of an excess flow valve;

"(iv) the installation of an excess flow valve on the service line is not likely to cause loss of service to the residence or interfere with necessary operation or maintenance activities, such as purging liquids from the service line; and

"(v) an excess flow valve meeting performance standards developed under section 60110(e) of title 49, United States Code, is commercially available to the operator, as determined by the Secretary.

"(B) REPORTS.—Operators of natural gas distribution systems shall report annually to the Secretary on the number of excess flow valves installed on their systems under subparagraph (A).

"(4) APPLICABILITY.—The Secretary shall determine which distribution pipelines will be subject to the minimum standards.

"(5) DEVELOPMENT AND IMPLEMENTATION.—Each operator of a distribution pipeline that the Secretary determines is subject to the minimum standards prescribed by the Secretary under this subsection shall develop and implement an integrity management program in accordance with those standards.

"(6) SAVINGS CLAUSE.—Subject to section 60104(c), a State authority having a current certification under section 60105 may adopt or continue in force additional integrity management requirements, including additional requirements for installation of excess flow valves, for gas distribution pipelines within the boundaries of that State.".

SEC. 10. EMERGENCY WAIVERS.

Section 60118(c) is amended to read as follows:

"(c) WAIVERS BY SECRETARY.—

"(1) NONEMERGENCY WAIVERS.—

"(A) IN GENERAL.—On application of an owner or operator of a pipeline facility, the Secretary by order may waive compliance with any part of an applicable standard prescribed under this chapter with respect to such facility on terms the Secretary considers appropriate if the Secretary determines that the waiver is not inconsistent with pipeline safety.

"(B) HEARING.—The Secretary may act on a waiver under this paragraph only after notice and an opportunity for a hearing.

"(2) EMERGENCY WAIVERS.—

"(A) IN GENERAL.—The Secretary by order may waive compliance with any part of an applicable standard prescribed under this chapter on terms the Secretary considers appropriate without prior notice and comment if the Secretary determines that—

"(i) it is in the public interest to grant the waiver;

"(ii) the waiver is not inconsistent with pipeline safety; and

"(iii) the waiver is necessary to address an actual or impending emergency involving pipeline transportation, including an emergency caused by a natural or manmade disaster.

"(B) PERIOD OF WAIVER.—A waiver under this paragraph may be issued for a period of not more than 60 days and may be renewed upon application to the Secretary only after notice and an opportunity for a hearing on the waiver. The Secretary shall immediately revoke the waiver if continuation of the waiver would not be consistent with the goals and objectives of this chapter.

"(3) STATEMENT OF REASONS.—The Secretary shall state in an order issued under this subsection the reasons for granting the waiver.".

SEC. 11. RESTORATION OF OPERATIONS.

Section 60117 is amended by adding at the end the following:

"(m) RESTORATION OF OPERATIONS.—

"(1) IN GENERAL.—The Secretary may advise, assist, and cooperate with the heads of other departments, agencies, and instrumentalities of the United States Government, the States, and public and private agencies and persons to facilitate the restoration of pipeline operations that have been or are anticipated to become disrupted by manmade or natural disasters.

"(2) SAVINGS CLAUSE.—Nothing in this section alters or amends the authorities and responsibilities of any department, agency, or instrumentality of the United States Government, other than the Department of Transportation.".

SEC. 12. PIPELINE CONTROL ROOM MANAGEMENT.

(a) IN GENERAL.—Chapter 601 (as amended by sections 2(b), 6, and 8 of this Act) is further amended by adding at the end the following:

"§ 60137. Pipeline control room management

"(a) IN GENERAL.—Not later than June 1, 2008, the Secretary shall issue regulations requiring each operator of a gas or hazardous liquid pipeline to develop, implement, and submit to the Secretary or, in the case of an operator of an intrastate pipeline located within the boundaries of a State that has in effect an annual certification under section 60105, to the head of the appropriate State authority, a human factors management plan designed to reduce risks associated with human factors, including fatigue, in each control center for the pipeline. Each plan must include, among the measures to reduce such risks, a maximum limit on the hours of service established by the operator for individuals employed as controllers in a control center for the pipeline.

"(b) REVIEW AND APPROVAL OF THE PLAN.—The Secretary or, in the case of an operator of an intrastate pipeline located within the boundaries of a State that has in effect an annual certification under section 60105, the head of the appropriate State authority, shall review and approve each plan submitted to the Secretary or the head of such authority under subsection (a). The Secretary and the head of such authority may not approve a plan that does not include a maximum limit on the hours of service established by the operator of the pipeline for individuals employed as controllers in a control center for the pipeline.

"(c) ENFORCEMENT OF THE PLAN.—If the Secretary or the head of the appropriate State authority determines that an operator's plan submitted to the Secretary or the head of such authority under subsection (a), or implementation of such a plan, does not comply with the regulations issued under this section or is inadequate for the safe operation of a pipeline, the Secretary or the head of such authority may take action consistent with this chapter and enforce the requirements of such regulations.

"(d) COMPLIANCE WITH THE PLAN.—Each operator of a gas or hazardous liquid pipeline shall document compliance with the plan submitted by the operator under subsection (a) and the reasons for any deviation from compliance with such plan. The Secretary or the head of the appropriate State authority, as the case may be, shall review the reasonableness of any such deviation in considering whether to take enforcement action or discontinue approval of the operator's plan under subsection (b).

"(e) DEVIATION REPORTING REQUIREMENTS.—In issuing regulations under subsection (a), the Secretary shall develop and include in such regulations requirements for an operator of a gas or hazardous liquid pipeline to report deviations from compliance with the plan submitted by the operator under subsection (a).".

(b) CLERICAL AMENDMENT.—The analysis for chapter 601 (as amended by sections 2(b), 6, and 8 of this Act) is further amended by adding at the end the following:

"60137. Pipeline control room management.".

SEC. 13. SAFETY ORDERS.

Section 60117(l) is amended to read as follows:

"(l) SAFETY ORDERS.—

"(1) IN GENERAL.—Not later than December 31, 2007, the Secretary shall issue regulations providing that, after notice and opportunity for a hearing, if the Secretary determines that a pipeline facility has a condition that poses a pipeline integrity risk to public safety, property, or the environment, the Secretary may order the operator of the facility to take necessary corrective action, including physical inspection, testing, repair, or other appropriate action, to remedy that condition.

"(2) CONSIDERATIONS.—In making a determination under paragraph (1), the Secretary, if relevant and pursuant to the regulations issued under paragraph (1), shall consider—

"(A) the considerations specified in paragraphs (1) through (6) of section 60112(b);

"(B) the likelihood that the condition will impair the serviceability of a pipeline;

"(C) the likelihood that the condition will worsen over time; and

"(D) the likelihood that the condition is present or could develop on other areas of the pipeline.".

SEC. 14. INTEGRITY PROGRAM ENFORCEMENT.

Section 60109(c)(9)(A)(iii) is amended to read as follows:

"(iii) INADEQUATE PROGRAMS.—If the Secretary determines that a risk analysis or integrity management program does not comply with the requirements of this subsection or regulations issued as described in paragraph (2), has not been adequately implemented, or is inadequate for the safe operation of a pipeline facility, the Secretary may conduct proceedings under this chapter.".

SEC. 15. INCIDENT REPORTING.

Not later than December 31, 2007, the Secretary of Transportation shall review the incident reporting requirements for operators of natural gas pipelines and modify the reporting criteria as appropriate to ensure that the incident data gathered accurately reflects incident trends over time, taking into consideration the recommendations from the Comptroller General in GAO report 06-946.

SEC. 16. SENIOR EXECUTIVE SIGNATURE OF INTEGRITY MANAGEMENT PROGRAM PERFORMANCE REPORTS.

Section 60109 (as amended by section 9 of this Act) is further amended by adding at the end the following:

"(f) Certification of Pipeline Integrity Management Program Performance.—The Secretary shall establish procedures requiring certification of annual and semiannual pipeline integrity management program performance reports by a senior executive officer of the company operating a pipeline subject to this chapter. The procedures shall require a signed statement, which may be effected electronically in accordance with the provisions of the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7001 et seq.), certifying that—

"(1) the signing officer has reviewed the report; and

"(2) to the best of such officer's knowledge and belief, the report is true and complete.".

SEC. 17. COST RECOVERY FOR DESIGN REVIEWS.

Section 60117 (as amended by section 11 of this Act) is amended by adding at the end the following:

"(n) Cost Recovery for Design Reviews.—

"(1) In general.—If the Secretary conducts facility design safety reviews in connection with a proposal to construct, expand, or operate a liquefied natural gas pipeline facility, the Secretary may require the person requesting such reviews to pay the associated staff costs relating to such reviews incurred by the Secretary in section 60301(d). The Secretary may assess such costs in any reasonable manner.

"(2) Deposit.—The Secretary shall deposit all funds paid to the Secretary under this subsection into the Department of Treasury account 69-5172-0-2-407 or its successor account.

"(3) Authorization of appropriations.—Funds deposited pursuant to this subsection are authorized to be appropriated for the purposes set forth in section 60301(d).".

SEC. 18. AUTHORIZATION OF APPROPRIATIONS.

(a) Gas and Hazardous Liquid.—Section 60125(a) is amended to read as follows:

"(a) Gas and Hazardous Liquid.—

"(1) In general.—To carry out the provisions of this chapter related to gas and hazardous liquid and section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107-355), the following amounts are authorized to be appropriated to the Department of Transportation from fees collected under section 60301 in each respective year:

"(A) For fiscal year 2007, $60,175,000 of which $7,386,000 is for carrying out such section 12 and $17,556,000 is for making grants.

"(B) For fiscal year 2008, $67,118,000 of which $7,586,000 is for carrying out such section 12 and $20,614,000 is for making grants.

"(C) For fiscal year 2009, $72,045,000 of which $7,586,000 is for carrying out such section 12 and $21,513,000 is for making grants.

"(D) For fiscal year 2010, $76,580,000 of which $7,586,000 is for carrying out subsection 12 and $22,252,000 is for making grants.

"(2) Trust fund amounts.—In addition to the amounts authorized to be appropriated by paragraph (1) the following amounts are authorized from the Oil Spill Liability Trust Fund to carry out the provisions of this chapter related to hazardous liquid and section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107-355):

"(A) For fiscal year 2007, $18,810,000 of which $4,207,000 is for carrying out such section 12 and $2,682,000 is for making grants.

"(B) For fiscal year 2008, $19,000,000 of which $4,207,000 is for carrying out such section 12 and $2,682,000 is for making grants.

"(C) For fiscal year 2009, $19,500,000 of which $4,207,000 is for carrying out such section 12 and $3,103,000 is for making grants.

"(D) For fiscal year 2010, $20,000,000 of which $4,207,000 is for carrying out such section 12 $3,603,000 is for making grants.".

(b) Conforming Amendments.—Section 60125 is amended—

(1) by striking subsections (b) and (c); and

(2) by redesignating subsections (d) and (e) as subsections (b) and (c), respectively.

(c) Emergency Response Grants.—Section 60125(b) (as redesignated by subsection (b)(2) of this section) is amended—

(1) in paragraph (1) by adding at the end the following: "To the extent that such grants are used to train emergency responders, such training shall ensure that emergency responders have the ability to protect nearby persons, property, and the environment from the effects of accidents or incidents involving gas or hazardous liquid pipelines, in accordance with existing regulations."; and

(2) in paragraph (2)—

(A) by striking "$6,000,000" and inserting "$10,000,000"; and

(B) by striking "2003 through 2006" and inserting "2007 through 2010".

(d) One-Call Notification Programs.—Section 6107 is amended—

(1) in subsection (a) by striking "fiscal years 2003 through 2006" and inserting "fiscal years 2007 through 2010"; and

(2) in subsection (b) by striking "for fiscal years 2003 through 2006" and inserting "for fiscal years 2007 through 2010".

(e) Inspector Staffing.—The Secretary shall ensure that the number of positions for pipeline inspection and enforcement personnel at the Pipeline and Hazardous Materials Safety Administration does not fall below 100 for fiscal year 2007, 111 for fiscal year 2008, 123 for fiscal year 2009, and 135 for fiscal year 2010.

SEC. 19. STANDARDS TO IMPLEMENT NTSB RECOMMENDATIONS.

Not later than June 1, 2008, the Secretary of Transportation shall issue standards that implement the following recommendations contained in the National Transportation Safety Board's report entitled "Supervisory Control and Data Acquisition (SCADA) in Liquid Pipelines" and adopted November 29, 2005:

(1) Implementation of the American Petroleum Institute's Recommended Practice 165 for the use of graphics on the supervisory control and data acquisition screens.

(2) Implementation of a standard for pipeline companies to review and audit alarms on monitoring equipment.

(3) Implementation of standards for pipeline controller training that include simulator or noncomputerized simulations for controller recognition of abnormal pipeline operating conditions, in particular, leak events.

SEC. 20. ACCIDENT REPORTING FORM.

Not later than December 31, 2007, the Secretary of Transportation shall amend accident reporting forms to require operators of gas and hazardous liquid pipelines to provide data related to controller fatigue.

SEC. 21. LEAK DETECTION TECHNOLOGY STUDY.

Not later than December 31, 2007, the Secretary of Transportation shall submit to Congress a report on leak detection systems utilized by operators of hazardous liquid pipelines. The report shall include a discussion of the inadequacies of current leak detection systems, including their ability to detect ruptures and small leaks that are ongoing or intermittent, and what can be done to foster development of better technologies as well as address existing technological inadequacies.

SEC. 22. CORROSION CONTROL REGULATIONS.

(a) Review.—The Secretary of Transportation, in consultation with the Technical Hazardous Liquid Pipeline Safety Standards Committee and other appropriate entities, shall review the internal corrosion control regulations set forth in subpart H of part 195 of title 49 of the Code of Federal Regulations to determine if such regulations are currently adequate to ensure that the pipeline facilities subject to such regulations will not present a hazard to public safety or the environment.

(b) Report.—Not later than December 31, 2007, the Secretary shall submit to Congress a report containing the results of the review and may modify the regulations referred to in subsection (a) if necessary and appropriate.

SEC. 23. INSPECTOR GENERAL REPORT.

(a) Assessment.—Not later than December 31, 2007, the Inspector General of the Department of Transportation shall conduct an assessment of the actions the Department has taken in implementing the annex to the memorandum of understanding between the Secretary of Transportation and the Secretary of Homeland Security, dated September 28, 2004, relating to pipeline security.

(b) Specified Duties of Inspector General.— In carrying out the assessment, the Inspector General shall—

(1) provide a status report on implementation of the program elements outlined and developed in the annex;

(2) describe the roles, responsibilities, and authority of the Department of Transportation relating to pipeline security;

(3) assess the adequacy and effectiveness of the process by which the Department of Transportation has communicated and coordinated with the Department of Homeland Security on matters relating to pipeline security;

(4) address the adequacy of security standards for gas and oil pipelines in coordination, as necessary, with the Inspector General of the Department of Homeland Security; and

(5) consider any other issues determined to be appropriate by the Inspector General of the Department of Transportation or the Secretary of Transportation.

(c) Assessment Report and Periodic Status Updates.—

(1) Assessment report.—Not later than December 31, 2007, the Inspector General of the Department of Transportation shall transmit a report on the results of the assessment, together with any recommendations (including legislative options for Congress to consider), to the Committees on Transportation and Infrastructure and Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(2) Periodic status reports.—The Inspector General shall transmit periodically to the Committees as referred to in paragraph

(1), as necessary and appropriate, reports on matters pertaining to the implementation by the Department of Transportation of any recommendations contained in the report transmitted pursuant to paragraph (1).

(d) FORMAT.—The report, or portions of the report, under subsection (c)(1) may be submitted in a classified format if the Inspector General determines that such action is necessary.

SEC. 24. TECHNICAL ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Secretary of Transportation may award, through a competitive process, grants to universities with expertise in pipeline safety and security to establish jointly a collaborative program to conduct pipeline safety and technical assistance programs.

(b) DUTIES.—In cooperation with the Pipeline and Hazardous Materials Safety Administration and representatives from States and boards of public utilities, the participants in the collaborative program established under subsection (a) shall be responsible for development of workforce training and technical assistance programs through statewide and regional partnerships that provide for—

(1) communication of national, State, and local safety information to pipeline operators;

(2) distribution of technical resources and training to support current and future Federal mandates; and

(3) evaluation of program outcomes.

(c) TRAINING AND EDUCATIONAL MATERIALS.—The collaborative program established under subsection (a) may include courses in recent developments, techniques, and procedures related to—

(1) safety and security of pipeline systems;

(2) incident and risk management for such systems;

(3) integrity management for such systems;

(4) consequence modeling for such systems;

(5) detection of encroachments and monitoring of rights-of-way for such systems; and

(6) vulnerability assessment of such systems at both project and national levels.

(d) REPORTS.—

(1) UNIVERSITY.—Not later than March 31, 2009, the universities awarded grants under subsection (a) shall submit to the Secretary a report on the results of the collaborative program.

(2) SECRETARY.—Not later than October 1, 2009, the Secretary shall transmit the reports submitted to the Secretary under paragraph (1), along with any findings, recommendations, or legislative options for Congress to consider, to the Committees on Transportation and Infrastructure and Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section for each of fiscal years 2007 through 2010.

SEC. 25. NATURAL GAS PIPELINES.

The Secretary of Transportation shall review and comment on the Comptroller General report issued under section 14(d)(1) of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60109 note; 116 Stat. 3005), and not later than 60 days after the date of enactment of this Act, transmit to Congress any legislative recommendations the Secretary considers necessary and appropriate to implement the conclusions of that report.

SEC. 26. CORROSION TECHNOLOGY.

Section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107-355) is amended—

(1) in subsection (c)(2) by striking "corrosion,";

(2) in subsection (c)—

(A) by striking "and" at the end of paragraph (9);

(B) by redesignating paragraph (10) as paragraph (11);

(C) by inserting after paragraph (9) the following:

"(10) corrosion detection and improving methods, best practices, and technologies for identifying, detecting, preventing, and managing internal and external corrosion and other safety risks; and"; and

(D) by adding at the end the following: "The results of activities carried out under paragraph (10) shall be used by the participating agencies to support development and improvement of national consensus standards."; and

(3) by striking subsection (f) and redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from Oregon (Mr. DEFAZIO) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, 4 years ago Congress passed the Pipeline Safety Improvement Act for 2002. The States and the pipeline community have praised that bill as an overwhelming success.

That is why H.R. 5782, the Pipeline Inspection Protection Enforcement and Safety Act of 2006, keeps us moving in the same positive direction as the 2002 pipeline bill.

I want to thank my ranking member, Democrat Member Mr. OBERSTAR, for working closely with me to develop this legislation. Also, Mr. DEFAZIO has worked very closely with us. We could not have accomplished this result without our subcommittee chairman, TOM PETRI, and of course I just mentioned Mr. PETER DEFAZIO.

I want to also thank the chairman of the Energy and Commerce Committee, JOE BARTON, and my very good friend and colleague, ranking Democrat, JOHN DINGELL for their excellent work to bring this bill to this point.

In September the Energy and Commerce Committee also ordered the bill reported with their amendment. We have worked with our friends on the Energy and Commerce Committee, as well as the other body, to come up with a bill that they will support also.

The bill we are considering here today has been negotiated with the Senate Commerce Committee, and the other body is expected to pass the bill later this week.

I have been very impressed with the work of the Pipeline and Hazardous Materials Safety Administration, which is often called PHMSA, and their administrator, Admiral Tom Barrett. Their response to and oversight of pipeline spills on the North Slope in Alaska this past year have received widespread praise.

We were very careful in drafting this bill to avoid disrupting the hard work and remarkable progress that occurred at PHMSA over the past 4 years.

Like all legislation, this bill contains compromises. The policies in this bill are the result of compromise and hard work. However, the compromise that we have reached in this bill will not take away from the impact of this bill.

This is a good bill. It improves pipeline safety and the role of the administration regulating pipelines.

H.R. 5782 extends the pipeline safety program for another 4 years. To the fiscal year of 2010. These programs include operational funds for the Office of Pipeline Safety to carry out its regulatory and enforcement functions, and State pipeline safety grants that cover the cost of State expenses to carry out certified pipeline safety inspect activities.

The bill also funds emergency response grants, public education and one-call damage prevention programs and grants to provide technical assistance to local communities on pipeline safety issues.

The administration, the States, the pipeline safety advocates and the pipeline industry all support this bill.

I strongly support this legislation to protect public safety, and I encourage my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 5782, Pipeline Inspection Protection Enforcement Safety Act of 2006.

We have come a long way since the original legislation was passed in 2002. After the tragedies in Bellingham, Washington, in which committee Member RICK LARSEN played a particularly key role in urging the committee forward, and Carlsbad, New Mexico, we had quite a contentious markup at that point in time, with a lot of resistance from what we saw as needed improvements in pipeline safety from the industry.

Not so this time around. In fact, there was broad consensus with the majority side, with the majority of the industry from the beginning, that we wanted to make some additional improvements in pipeline safety with this bill, but that a radical new approach was not warranted because we had already laid that groundwork with the 2002 bill.

☐ 1715

The gentleman from the Energy and Commerce Committee will address in some detail the work done and improved upon in their committee relating to the pipeline, low-stress pipelines, which had been substantially exempt from regulation previously. Unfortunately, that led to some neglect on the part of BP in Alaska, and we had the largest North Slope oil spill because of a low pressure line which previously had been thought not to be of major concern, and in fact the company itself admitted they had been running the lines to failure.

Well, lines nowhere will be run to failure any more under this bill. We are going to have more pipeline inspectors, more enforcement. We are going to broaden the legislation to cover all pipelines and, you know, this will also have the Inspector General paying closer attention to some of the implementation of this legislation.

I want to thank my chairman, Mr. PETRI, for his help in putting this together, Chairman YOUNG, Ranking Member OBERSTAR and members of the committee.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. At this time I yield 5 minutes to the gentleman from Wisconsin (Mr. PETRI), the chairman of the subcommittee on this legislation.

Mr. PETRI. Mr. Speaker, 4 years ago this Congress passed the Pipeline Safety Improvement Act of 2002. That piece of legislation expired September 30. The bill before us, H.R. 5782, reauthorizes the Federal pipeline safety programs through 2010 and amends existing pipeline safety law to enhance the safety and reliability of transporting the Nation's energy products by pipelines.

By all accounts, the 2002 safety bill was an overwhelming success and, therefore, this bill does not deviate from the directions set forth in that legislation. This bill provides the Pipeline and Hazardous Materials Safety Administration with new civil penalty authority to enforce One-Call laws in States that do not adequately enforce those laws.

This enforcement authority is balanced in the sense that it could be used on an operator who fails to respond to a pipeline location request or fails to accurately mark the location of a pipeline, as well as an excavator who fails to use the One-Call system or disregards location information or markings.

The bill also provides incentives to States to adopt and implement a comprehensive State damage prevention program and provides guidance to States on elements for an effective underground damage program. The bill requires the Pipeline and Hazardous Materials Safety Administration to establish a distribution and integrity management program which pipeline operators must implement and requires that the administration develop regulations for the operation of low stress hazardous liquid pipelines. This bill also directs the administration to develop standards to reduce risks in pipeline control rooms associated with human factors, including operator fatigue.

I am happy to say that this bill has received broad support from the administration, the States, the pipeline safety advocates, and others in the pipeline community. It is also important to point out that this bill was developed in conjunction with the House Energy and Commerce Committee. In addition, the Senate Commerce Committee supports this bill and is scheduled to take it up before the end of the week.

Mr. Speaker, I support this important legislation. Before I yield back the balance of my time, and as this may be the final bill from the Subcommittee on Highways, Transit and Pipelines to be considered here on the floor of our House this Congress, I would just like to take a moment to pay tribute to my chairman, DON YOUNG from Alaska, to salute his 6 years of leadership on our committee. I have enjoyed serving as part of his team on the Transportation and Infrastructure Committee.

I would also like to say to my colleagues on the Democratic side of the aisle, Mr. OBERSTAR and Mr. PETER DEFAZIO, that I believe we have done some good work during this Congress, and I look forward to continuing to work together to accomplish good things for the country in the 110th Congress.

Finally, I would like to say a word of thank you for a job well done to the staff of the subcommittee, who have labored diligently on our subcommittee matters. On the Republican side, Graham Hill, Jim Tymon, Joyce Rose, Suzanne Newhouse, Bailey Edwards and Tim Lindquist. On the Democratic side, Ken House, Art Chan, Stephanie Manning and Jackie Schmitz. Thank you for a job well done.

Mr. DEFAZIO. Mr. Speaker, I yield 6 minutes to the gentleman from Virginia (Mr. BOUCHER).

Mr. BOUCHER. I thank the gentleman for yielding.

Mr. Speaker, I rise in support this evening of H.R. 5782, the Pipeline Safety Improvement Act, and urge its approval by the House. This measure is both important and timely. It modernizes the Pipeline Safety Act of 2002, which, while regarded as successful, now should be expanded to address some new urgent needs.

For example, there have been two instances in the recent past of major oil spills from low pressure transmission lines in Alaska. The most recent spill necessitated shutting down for an extended time a substantial portion of the oil flow from Alaska to the lower 48 States. These spills, which were much publicized, highlighted the need for regulation of the low stress transmission lines which are currently exempt from all regulation. The bill before us today subjects low stress transmission lines to Federal regulation and addresses that urgent need.

As another example of needed change, the bill contains incentives for all States to adopt programs to prevent damage to pipelines from excavation work. The damage prevention program that is now in place in my State of Virginia has been a demonstrated success in dramatically reducing the incidents of excavation damage to pipelines.

The bill before us specifies that the nine elements that are found in this very successful Virginia law, which are widely recognized as enabling that success, should be included in State damage prevention programs as a condition for States being certified by the U.S. Department of Transportation to regulate and enforce their States' pipeline standards.

The bill also creates a new grant program for States to implement excavation damage prevention programs which include each of those nine elements.

Another new provision will require the implementation of integrity management plans for natural gas distribution lines, which are currently exempt from regulation. Distribution lines account for more than 85 percent of all natural gas lines in the United States. The bill before us directs that in 2007 the Office of Pipeline Safety publish a rule addressing integrity management for distribution lines.

To its credit, that office has work well under way to create the first management plan for natural gas distribution lines, and I commend the consensus-based approach that the office is taking to achieve its goal, and the fine work that the office has performed so far in pursuit of that effort.

At my urging, the 2002 act included a provision authorizing technical assistance grants for local communities so that they will have the expertise to participate meaningfully in regulatory proceedings that affect transmission lines and other pipelines. I have been disappointed that during the past 4 years no grants have been awarded under that authority. The bill before us directs the Department to publish criteria for the award of grants and to make at least three demonstration community assistance technical grants in the near term.

Finally, the bill authorizes the funding necessary for the Department of Transportation to hire an additional 45 safety inspectors so as to augment the safety advances the bill otherwise makes.

In September, the Energy and Commerce Committee, which shares jurisdiction over pipelines and over this measure, approved this measure by voice vote. That effort was truly bipartisan, and I want to commend Chairman BARTON of the Energy and Commerce Committee, Subcommittee Chairman HALL and Ranking Member DINGELL of the full committee for the constructive work that produced H.R. 5782.

I also want to commend Chairman YOUNG, Ranking Member OBERSTAR, Mr. PETRI and Mr. DEFAZIO of the Transportation and Infrastructure Committee, which shares jurisdiction over this measure with the House Energy and Commerce Committee, for their fine work in bringing this measure to the floor today.

The 2002 law has produced positive results with an increased emphasis on safety and accident prevention, both by the agencies of enforcement and by industry. The bill before us usefully builds on that success.

Mr. Speaker, I urge its approval by the House.

Mr. YOUNG of Alaska. Mr. Speaker, at this time I would like to yield 2 minutes to my good friend from Texas (Mr. HALL).

Mr. HALL. Mr. Speaker, I rise in support of our consensus substitute to H.R. 5782, the Pipeline Protection Inspection, Protection, Enforcement, and Safety Act of 2006. This legislation reflects bipartisan, bicameral agreement on reauthorizing the Nation's pipeline safety laws, and I am really glad to see it up for consideration in the House today.

I am very hopeful that the Senate will also quickly consider this measure, as this amended legislation reflects changes made to ensure passage of this bill in the Senate.

I thank Chairman BARTON, Ranking Member DINGELL, Chairman YOUNG and Ranking Member OBERSTAR for their open process and for working together to reconcile these two bills.

This legislation sets out many new provisions that will help to strengthen an already strong job that is being done by DOT's Pipeline and Hazardous Materials Safety Administration. It adds provisions to encourage and award States to adopt a One-Call notification system before digging or excavating work begins, addressing one of the only rising trends in pipeline accidents. It further addresses a low stress line exemption that allows pipelines like the ones in Alaska Prudhoe Bay oil field, operated by BP, to go unregulated and unaccounted for years while preserving DOT's flexibility in enforcing these new regulations. It also preserves current exemptions for gathering lines and lines affecting production facilities.

All of these provisions reflect careful compromise with industry, with pipeline operation safety and environmental groups, administration and the States. It is cognizant of the critical and intentionally quiet role pipelines play in fueling this Nation's economy, and adopts provisions that reflect this delicate balance.

Mr. DEFAZIO. Could I inquire as to time remaining, please?

The SPEAKER pro tempore (Mr. LATHAM). The gentleman from Oregon has 12 minutes remaining, and the gentleman from Alaska has 12½ minutes remaining.

Mr. DEFAZIO. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I rise in support of H.R. 5782. I must say that Mr. YOUNG and Mr. OBERSTAR deserve a lot of credit, because in the Transportation Department there was more coming together than I have seen in any place in this Congress. This was not an easy piece of legislation. You go back to 2002, we had some really good debates. We had some good arguments. We had real dissent.

I want to thank Mr. PETRI and Mr. DEFAZIO for getting over that hurdle. We got 2.3 million miles of natural gas in hazardous liquid pipelines. If that sets in, you know how critical these issues are. We could be stuck in the mud debating each other or we could get over the hump and try to get resolve. You did that, and I want to commend you, Mr. YOUNG. I am not patronizing. I am not a patronizing person when I say that to you.

For years many in Congress attempted to pass the legislation to give the Office of Pipeline Safety some real teeth and enforcement to adopt better and tighter safety regulations. In 2002, as was mentioned, we passed a very strong pipeline safety law. By all accounts OPS and the industry have made significant progress since then.

The national mapping system has now been completed. When we looked at that mapping system at the turn of the century, it was a disaster. We didn't know where these pipelines were in the first place. How are you going to fix them if you don't know where they are?

One-Call centers are prevalent throughout the Nation and their "dig safely" campaigns are well publicized.

Number three, I would also like to commend the OPS for actually meeting the deadlines. Man, that is something new and refreshing, placed in the 2002 act, and for promptly following up to complete all the regulation recommendations that were suggested.

The Inspector General found evidence that the OPS enforcement program is actually helping to improve pipeline safety. I am pleased to know that the integrity management program is working as well.

Thousands of threats have already been found and corrected, but there are still hundreds of thousands of miles to go.

□ 1730

The bill before us today builds upon past successes, while looking forward toward our future needs: I am extremely pleased that a long overdue memorandum of understanding on pipeline security between the DLT and the Department of Homeland Security was signed this fall. This has everything to do with the protection of the national security.

This legislation requires the Transportation Department's Inspector General to conduct an assessment of the actions taken by the Department to implement the agreement. H.R. 5782 will ensure that the number of pipeline inspection enforcement personnel will increase by 50 percent within 4 years.

Pipes also caused the Department of Transportation to issue regulations for low-stress pipelines, making a more comprehensive and cohesive pipeline safety standard.

Finally, under this bill, Mr. Speaker, the DLT will publish regulations developed in partnership with the industry stakeholders, strengthening the safety of natural gas distribution pipeline system.

I commend the leaders and the membership of the Transportation Committee for their diligent work, and I urge my colleagues to vote in favor of H.R. 5782.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Speaker, I rise in support of the bill, and I just want to draw attention briefly to one important item.

This bill amends the Pipeline Safety Improvement Act of 2002 over which the Science Committee shares jurisdiction. That act provides for an interagency research program on pipeline safety, and that program has proved quite fruitful. This bill maintains that program and even clarifies and expands some of its tasks.

What this bill does not do is provide explicit authorization levels for the work that the National Institutes of Standards and Technology will need to do to carry out its portion of this program. The language, which originated in the other body, excluded funding for NIST because NIST funding has not been independently appropriated but, rather, has been provided by the Department of Transportation to carry out particular tasks. We on the Science Committee are fine with this arrangement. But I want to say explicitly here that we expect NIST to continue to receive funding from DOT to carry out its vital work on pipeline safety and standards.

Mr. DEFAZIO. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. BARROW).

Mr. BARROW. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I want to express my gratitude today to Chairman YOUNG and Ranking Member OBERSTAR and to the chairman of the Subcommittee on

Highways, Transit and Pipelines, Mr. PETRI, and the ranking member, Mr. DEFAZIO, for working with me to include an amendment I offered in the committee's markup of this bill last summer. I also want to thank the International Association of Firefighters for supporting this amendment, and Jennifer Esposito with the Transportation Committee for her hard work on this bill and the amendment.

The amendment included in this legislation increases the emergency response grant program by $4 million a year to a total of $10 million a year. The amendment also requires training standards to make sure that emergency responders have the training they need to protect nearby people, property and the environment from the effects of accidents or incidents involving gas or hazardous liquid pipelines.

I have a letter of support for this amendment from the International Association of Firefighters, and I will include this letter in the RECORD.

Mr. Speaker, this is important legislation to make our communities safer, and it gives first responders the training and resources they need. I encourage all my colleagues to support it.

INTERNATIONAL ASSOCIATION OF
FIREFIGHTERS,
Washington, DC, July 19, 2006.

Hon. JOHN BARROW,
Washington, DC.

DEAR REPRESENTATIVE BARROW: On behalf of the Nation's more than 270,000 professional firefighters and emergency medical personnel, I applaud you for your efforts to improve emergency response to accidents involving gas or hazardous liquid pipelines. We strongly support your amendment to H.R. 5782, the Pipeline Safety Improvement Act, to require strong emergency responder training standards, as well as your amendment to provide additional funding for emergency response grants.

While the safety of emergency responders can never be fully guaranteed, the number of injuries resulting from gas or hazardous liquid accidents can be significantly reduced through appropriate training. While training is always necessary for new recruits, refresher training must also be provided on a continuing basis to ensure the ongoing safety of all first responders.

Furthermore, in responding to an incident involving hazardous materials, it is extremely important that emergency responders are not simply trained, but are trained at a level appropriate to their response. Unfortunately, the level of training currently provided in many States and localities is inadequate to prepare emergency responders to respond to an accident involving gas or other hazardous materials. Your amendments not only help provide adequate funding to ensure that all emergency responders are trained, but ensure that responders are trained to contain any release from a safe distance, keep it from spreading, and prevent people, property and the environment from harmful exposures.

Thank you for your leadership on these vital issues. We appreciate your continued support of our Nation's first responders and look forward to working with you in the coming weeks to enhance hazardous materials emergency response.

Sincerely,

BARRY KASINITZ,
Director, Governmental Affairs.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I want to thank Chairman YOUNG and others who have been recognized so far for their diligence, leadership and hard work on this very important issue.

The safe and reliable operation of our Nation's pipeline system is key to our security and our energy independence, and I am generally pleased with the conference report and do support it. I am concerned, however, by certain aspects of the legislation before us today.

As part of the last pipeline safety authorization, Congress required natural gas transmission pipeline operators to undertake an integrity management program. This program required operators to perform initial baseline inspections on all their pipelines in high consequence, or highly populated areas, by 2012 and perform reinspections every 7 years thereafter.

The 7-year period for reinspections was a compromise between two versions of the legislation and was not based on scientific or engineering standards. As a result, Congress required the Government Accountability Office to study the integrity management program and report back with recommendations as to whether the 7-year reinspection interval is appropriate from a safety standpoint.

The purpose of requesting the study was to essentially audit the integrity management program and determine, based on an analysis of data collected during the baseline inspections, what the optimum period for conducting reinspections should be.

These reports were issued in September of this year and reached two important conclusions: The first conclusion was that the integrity management program for natural gas transmission lines is working well overall and is making the system safer. Furthermore, few serious problems are being discovered.

Secondly, the report concludes that a fixed, one-size-fits-all approach to reinspection is not the safest option. It does not give operators the flexibility to tailor inspection resources to the riskiest segments of the pipeline first.

Rather, the GAO recommends switching from a static, fixed-year reinspection interval, to one based on risk and engineering standards. Using a risk-based approach factors in the age, location, soil conditions, climate, metallurgy and changing population near a pipeline, allowing operators to best utilize limited inspection resources.

I am strongly concerned that the commonsense recommendations of the GAO report are not being implemented and that we are passing up an opportunity to make a good regulatory program work even better.

The conference report does contain a provision requiring the Secretary of Transportation to report back to Congress within 60 days of enactment on suggestions for implementing the GAO recommendations. I hope the committee of jurisdiction will hold hearings on this issue early next year so that we can receive the Secretary's suggestions.

I look forward to continuing the important work of ensuring the safe and reliable operation of our Nation's natural gas transmission system. We must do more to focus resources so that they will have the most impact.

I urge my colleagues to support this legislation.

Mr. DEFAZIO. Mr. Speaker, I yield the balance of my time to the ranking member of the full committee, the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, just about everything that needs to be said about the pipeline safety bill has been said, so I will not repeat the details, the specifics of the legislation. It is a good bill. We have spent a lot of time in subcommittee, in full committee, and in conferring between our Committee on Transportation and Infrastructure and the Energy and Commerce Committee and with the responsible committee in the other body, and we have finally ironed out the details and have a very sound framework for the future.

The Office of Pipeline Safety has had a very checkered history. It has not worked effectively for a very long time, and then it had an awakening and it got on the right track again. We got the number of inspectors increased, funding for the system increased, we straightened out the cooperation, the coordination between the Federal office and the State offices. Then there was a period of decline.

Now this administration, to their great credit, has designated the best person in the history of this program to head up the Office of Pipeline Safety, though it has a longer title now, and that is Admiral Tom Barrett, who brings Coast Guard discipline and a Coast Guard organization structure and a Coast Guard safety mindset into the work of this agency, which is its principal mission, safety.

Admiral Barrett, from the time he walked on to the property, had conversations with me, as I am sure he did with Chairman YOUNG, and instilled great confidence in his ability to lead the agency, implement the law, to give us suggestions on how we can improve the legislative product and give him the tools that the agency needs to carry out its mission effectively. And that has certainly been undertaken, and to his great credit. Admiral Barrett has done a superb job of leadership for the Office of Pipeline Safety.

The first hearing I held as chairman of the Investigations and Oversight Subcommittee in 1987 was following a pipeline break and an extraordinary explosion that killed two people in Moundsview, just outside my congressional district, when a gasoline pipeline leaked for days; and at 2 o'clock in the morning a car passing through with a loose tailpipe hit the pavement, caused a spark, ignited the whole street, and a mother and her daughter were incinerated in the process. Why? Because the Office of Pipeline Safety and the pipeline operator were not doing their jobs.

That is not going to happen casually at least in the future. There may be some catastrophic failure of some kind, but in place now and with this legislation, and thanks to Admiral Barrett's oversight, there is a system of safety in place in this agency. For that, I thank our subcommittee chairman, Mr. PETRI, the ranking member, Mr. DEFAZIO, our committee staff on both sides, and Chairman YOUNG.

This may be our last opportunity on the House floor during this session of Congress for me to pay tribute to the leadership the gentleman from Alaska has given to our committee over these 6 years.

Forever etched in title 49 of the U.S. Code will be the biggest transportation investment in a single bill in the history of our country, and that will be SAFETEA-LU, $286.5 billion, a work product through which our chairman led us in subcommittee, in full committee, and in a long and difficult conference with the other body.

I will always remember Chairman YOUNG's courage, Mr. Speaker, standing before his President, advocating for a robust investment of $375 billion, as recommended by the Department of Transportation, in the future of highway and transit needs in America, improved pavement condition, reduced congestion and improved safety, and standing before his own Republican Conference and advocating, and staying the course, not wilting along the wayside when we had to scale that figure back to the ultimate $286.5 billion, maintaining intact within that legislation good public policy that will be an enduring legacy for our chairman and for our committee and for our country.

We go now into the implementation of SAFETEA-LU, awaiting the interim report of the commission that our committee authorized on the future of transportation needs in the country and how to finance it. But we will do so with the blueprint in our hand and lying ahead of us, which was crafted by this committee under the chairman's leadership.

That and many other items of significant achievement, including the great investments that our committee has authorized and that are now being carried out in the U.S. Coast Guard, for which I know the chairman has a great affinity and which service is so important to his State of Alaska, but to the thousands of miles of coastline on the salt water coast and the inland waterways on the Great Lakes of our country.

For his leadership, for his skill, for his courage and standing by principle, I salute our chairman, and thank him for his service and for the privilege of the partnership that we have enjoyed during these 6 years.

Mr. YOUNG of Alaska. Mr. Speaker, I thank the gentleman for his kind words. My closing statement will recognize his contributions to what we have been able to do.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY. Mr. Speaker, I thank the chairman for yielding, and I rise in support of H.R. 5782. This bill will save lives. One way it can save lives is illustrated by a story of two children from my district, Moon Township, in Pennsylvania.

On March 16, 2005, while walking home from school, two teenagers, a brother and sister, walked past a construction crew that was drilling in front of their house. The crew had ruptured a natural gas distribution line. The children entered the home without knowing that natural gas was seeping in. Soon afterwards, this house exploded to look like this. Both children were inside. They escaped. Both were injured, one seriously, but thankfully both survived.

The explosion occurred because accumulated natural gas fumes had ignited. When the pipeline was broken, the crew made the calls as required after they broke the gas line, but the procedures they followed did not prevent the children's injuries.

These two young children could have been among the more than 420 fatalities from pipeline accidents in the last 20 years. In this case the notification rules were followed, but the procedures just take too long. We need a faster, simpler system, one in which emergency authorities arrive at the scene quickly, and a single clear system, not the current patchwork of rules that varies State to State and town to town.

□ 1745

That is why I worked with the family of the two young children, local law enforcement and municipal governments and others interested in pipeline safety to write H.R. 2958, Marc and Chelsea's law. My bill requires pipeline breaches to be immediately reported to appropriate safety authorities in order to prevent future injuries.

I am pleased that the Pipeline Safety Act includes my bill's provisions to establish uniform emergency notifications. With the passage of today's legislation, an excavator who causes a pipeline accident must call the local gas distribution company operator. Also, if there is detectable gas, the excavator must also call 911 immediately.

Establishing consistent notification requirements is critical because there have been over 7,600 pipeline accidents.

I thank Mr. BARTON, Tom Hassenboehler, Mike Layman, Susan Mosychuck for their help in this bill, but also Marc and Chelsea for their help as well.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself the remaining time.

Before I close, Mr. Speaker, I just want to take a moment to thank the many friends and colleagues that I have in this body that have made the last 6 years the most successful and enjoyable of my years in Congress, in 34 years.

While I am looking forward to many more years here in Congress, you are not going to get rid of me that soon, and I will continue to lead the charge for those issues near and dear to my heart. I take great pride in the work of the great Committee on Transportation and Infrastructure over the last 6 years.

We faced some extraordinary challenges in the committee. During this period of time was September 11, 2001. With the support, and I am sorry he has left, the support and cooperation of the ranking member, Congressman JIM OBERSTAR, we worked together, and within 2 weeks of this disaster for the aviation industry we enacted legislation to ensure the continued viability of this key transportation sector. Without the work of this committee, our aviation system would have collapsed.

We also created the Transportation Security Administration and worked to set up the Department of Homeland Security. While I do not support everything that has happened in DHS, I believe that the efforts of our committee have ensured a safer and more secure America.

We enacted the first major port security bill. We have improved pipeline safety, and tonight we will do it again. We enacted a multiple year aviation bill, reauthorized critical Coast Guard programs, restored the effectiveness of FEMA and overcame enormous obstacles to fund the building and maintenance of our highway infrastructure.

I did not accomplish this all alone, and I want to thank my many friends and supporters in Alaska who sent me to work on their behalf.

Again, I want to thank JIM OBERSTAR, and for those that may not know it, we never had a vote in the committee in an adversarial position. We always worked it out, worked together, and I want to thank all the other 73

Members of the committee for their cooperation and support. We have the best reputation of the committees for bipartisanship, and I am proud of that. I hope we can continue to work that way.

I have a great staff that has worked long and hard to draft legislation and negotiate on behalf of the committee: Mrs. Megginson, Graham Hill, who is up in the audience who actually wrote this gas bill, Jim Tymon who worked on this bill and all the other bills and all the other staff members I have.

I know the many sacrifices that the staff have made to get the job done, and I want them to know that I am grateful for their efforts and very proud of them and for America.

I also want to thank my many friends here in Washington who have taken the time to keep me informed and support our efforts to enact good transportation policy.

I finally want to thank my wife, Lu, TEA-LU, a bill that was named after her, for her close friendship, constant patience, support and encouragement. She is my inspiration for a legacy of the future of this Nation.

I look forward to the next 2 years working with this House in the House of Representatives to achieve great things in the Committee on Transportation and Infrastructure. I may not be the ranking member but I will be on the committee. I will be there, and we can provide for this Nation.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today in support of H.R. 5782—the Pipeline Safety Improvement Act of 2006.

I want to thank Chairman YOUNG and Ranking Member OBERSTAR and my other colleagues, who brought this vital and important bill to the floor today.

Pipeline security has gone under the radar in recent years—but there are critical issues which must be addressed. This bill addresses many of these problems.

This bill strengthens the "one-call notification system" which allows private citizens and the construction industry to quickly and easily notify utilities and pipeline owners of excavation.

The one-call notification system is vital to protecting these key resources and critical infrastructure from third-party damage.

Unfortunately, third parties are the number one cause of pipeline damage—disrupting the economy and putting many in harms way. These occurrences can easily be prevented and this bill helps do just that. This bill subjects anyone who does not comply with this system to stiff action and penalties.

This bill establishes a State Damage Prevention Program—which is a program which aims to prevent damage to underground infrastructure. This program will be based at the state level and this bill provides for a state grant program managed by the Department of Transportation.

This bill improves the management of pipeline infrastructure by mandating the recommendations set forth by the NTSB—the National Transportation Safety Board.

The bill will also improve pipeline security by assessing risk associated with human error and reducing damage from these issues by specifically providing for training and simulation exercises.

On the technology side, this bill will improve on leak detection technology and monitoring alarms which will improve safety around hazardous materials and the pipelines which carry them.

This bill also takes into account environmentally sensitive areas. It mandates new standards for pipelines in these areas which will aim to limit or prevent accidents in these susceptible and crucial areas.

This bill also aims to assess and prevent possible gasoline shortages and price spikes by assessing how future pipeline capacity shortages might impact the price of gas at the pump.

And finally and most importantly, this bill provides for proper communications between the Department of Transportation and the Department of Homeland Security to ensure reliability for these important and critical assets.

Mr. DINGELL. Mr. Speaker, I rise in strong support of H.R. 5782 as amended. This is a good bill that reflects considerable work between the Committee on Energy and Commerce and the Committee on Transportation and Infrastructure.

Pipeline safety is not one of the most high-profile issues that the Congress deals with but it is one of the most important. Because oil and gas pipelines are largely out of the public's sight, they are usually out of mind as well, that is until we have a failure such as, those several years ago in the State of Washington and New Mexico, which left several people dead. The shut-in of Prudhoe Bay in Alaska last August served as a stark reminder of that dire consequences of non-lethal pipeline accidents.

After the Prudhoe Bay incident I announced that pipeline safety reauthorization needed to include three important elements: First, the law needed to be changed to cover low-stress pipelines such as those that failed in Alaska; second, enforcement needed to be strengthened; and third, we needed more transparency in DOT's enforcement processes. I am pleased to report that this bill accomplishes those objectives but also does much more.

The bill addresses excavation damage—one of the leading causes of pipeline incidents—through several measures. It requires States with pipeline safety programs certified by the Department of Transportation (DOT) to establish a damage prevention program. The bill establishes grants to States to carry out such programs, and includes new penalty provisions for those who fail to abide by a State's call-before-you-dig program.

The bill also requires DOT to prescribe minimum integrity management standards for gas distribution operators, including a new requirement that excess flow valves be installed on new service lines. These new provisions will help strengthen that portion of the gas pipeline system that is closest to most American homes.

The bill takes a substantial step in making DOT's pipeline safety enforcement process more transparent to the general public, which has been a longstanding concern of mine. DOT will now be required to publish a monthly summary of its enforcement actions on both liquid and gas pipelines, giving the public valuable insight into areas where problems exist, and giving pipeline operators a forum to demonstrate they have been corrected.

The bill before us includes language passed by the Committee on Energy and Commerce that requires the vast majority of low-stress liquid lines to be regulated in a manner similar to high-stress liquid lines. This language responds to the issues raised by the spill on Alaska's North Slope last spring.

This bill also includes new language to require that pipeline operators file management plans that set forth a maximum limit on the hours of service performed by control room employees. I congratulate my good friend, the gentleman from Minnesota Mr. OBERSTAR, for his dedication to this issue.

Finally, the bill authorizes DOT to hire an additional 45 new safety inspectors to carry out the important responsibilities that we have assigned to the department in this bill.

I want to thank Chairmen YOUNG and BARTON and Ranking Member OBERSTAR for all of their efforts on this bill and I urge the House to pass H.R. 5782.

Mr. BARTON of Texas. Mr. Speaker, I rise in support of our consensus substitute to H.R. 5782, The Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006. This legislation represents a broad, consensus-based process that exemplifies what can happen when different interests come together in order to produce a successful product.

I thank Chairman YOUNG and Ranking Member OBERSTAR for working with Mr. DINGELL and myself on reconciling our two bills and for the open and fair process between the two Committees of jurisdiction.

Reauthorizing the Pipeline Safety laws became more complicated after BP's inexcusable Prudhoe Bay oilfield shutdown in August. After rigorous enforcement and analysis, and after a thorough investigation by the House Energy and Commerce Committee, DOT was able to approve restart of some of these lines at the Prudhoe Bay oilfield.

This substitute to H.R. 5782 retains compromise language that was marked up in the Energy and Commerce Committee to address the low stress pipeline exemption, as well as several other provisions that were worked out in bipartisan fashion. For example, the bill strengthens state one-call requirements for excavation damage, provides new authority and grant money to the states to develop their own damage prevention programs modeled after the successful programs already in place, and puts some sunshine on enforcement actions.

The low stress language preserves exemptions for gathering lines, flow lines, and other integrated pipeline facilities, but removes the exemption from DOT Part 195 regulation that was used by the BP Prudhoe Bay transit pipelines. The low stress language should also preserve the inherent flexibility that is already built into DOT's integrity management program.

In addition, in crafting the administrative procedures implementing the safety order authority under sec. 2(f), DOT should provide a pipeline operator an opportunity to confer with

DOT before exercising the operator's right to a hearing. Informal consultation has the potential to produce remedies acceptable to both operator and DOT that will resolve the vast majority of concerns without the need for a formal hearing. Any action taken by mutual agreement as a result of any such consultation should be reduced to writing and made both public and enforceable. This approach will save time and legal costs and bring about safety improvements sooner.

I urge our friends in the other body to take this bill up and pass it this week, as it reflects changes that were drafted in order to reach agreement with the Senate.

Mr. LARSEN of Washington. I rise in full support of the Pipeline Inspection, Protection, Enforcement and Safety Act of 2006.

This bill is the result of months of hard work. I want to commend Chairmen YOUNG and BARTON and Ranking Members OBERSTAR and DINGELL, as well as committee staff for the countless hours they put in to get this bill done.

It was over 7 years ago, on June 10, 1999, that a pipeline explosion claimed the lives of two 10-year-old boys and an 18-year-old young man in my district in Bellingham, Washington. Since that time we have made excellent progress in ensuring the safety of our Nation's pipelines.

The 2002 Pipeline Safety Improvement Act did a lot of good things. It increased penalty fines, improved pipeline testing timelines, and allowed for state oversight.

This bill is another step forward.

As a body, we can all be proud that we'll now be regulating low-stress liquid pipelines just as we regulate all other hazardous liquid pipes. What happened with BP lines in Alaska this summer shouldn't have happened and this bill will ensure operators are properly maintaining their low-stress lines.

I urge my colleagues to vote yes on this bill.

Mr. YOUNG of Alaska. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill, H.R. 5782, as amended.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5782.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

PERMISSION TO INCLUDE EXCHANGE OF LETTERS ON H.R. 5782, PIPELINE SAFETY IMPROVEMENT ACT OF 2006

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent to include in the RECORD an exchange of letters between myself and Chairman BOEHLERT on H.R. 5782.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE,
Washington, DC, December 5, 2006.

Hon. DON YOUNG,
Chairman, Committee on Transportation and Infrastructure, 2165 Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing regarding the jurisdictional interest of the Science Committee in H.R. 5782, the Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006, as proposed for consideration under suspension of the Rules of the House. The Science Committee has jurisdiction over Section 26 of the suspension version of the bill, which amends Section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107–355) and Section 18, which provides funding to carry out Section 12 of the Pipeline Safety Improvement Act of 2002.

The Science Committee recognizes the importance of H.R. 5782 and the need for the legislation to move expeditiously. Therefore, I will not stand in the way of floor consideration. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to allow the bill to come to the floor waives, reduces or otherwise affects the jurisdiction of the Science Committee, and that a copy of this letter and your letter in response will be included in the Congressional Record when the bill is considered on the House Floor.

Thank you for your attention to this matter.

Sincerely,

SHERWOOD BOEHLERT,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, December 5, 2006.

Hon. SHERWOOD L. BOEHLERT,
Chairman, Committee on Science, 2320 Rayburn Building, Washington, DC.

DEAR MR. CHAIRMAN: I thank you for your letter of December 5, 2006, regarding H.R. 5782, to provide for enhanced safety and environmental protection in pipeline transportation, and provide for enhanced reliability in the transportation of the Nation's energy products by pipeline. I appreciate your support of the proposed modifications to the Committee reported bill that fall within your Committee's jurisdiction which I will offer in the form of an amendment in the nature of a substitute when the bill is considered on the Floor.

I agree that your action does not waive, reduce or affect your Committee's jurisdiction over the bill, as amended. As you request, your letter and this response will be included in the Congressional Record during consideration on the House Floor.

Thank you for your cooperation in moving this important legislation.

Sincerely,

DON YOUNG,
Chairman.

COMMENDING THE NEW YORK INSTITUTE FOR SPECIAL EDUCATION FOR 175 YEARS OF SERVICE

Mr. KUHL of New York. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 484) commending The New York Institute for Special Education for providing excellent education for students with blindness and visual disabilities for 175 years, and for broadening its mission to provide the same quality education to students with emotional and learning disabilities.

The Clerk read as follows:

H. CON. RES. 484

Whereas The New York Institute for Special Education, originally founded in 1831 as The New York Institution for the Education of the Blind, has for 175 years continually educated students with disabilities, and is chartered by the Board of Regents of the University of the State of New York, accredited by the National Commission for the Accreditation of Special Education Services, and is located on Pelham Parkway, in the Bronx;

Whereas on March 15, 1832, the first class in the United States for blind children began at The New York Institution for the Education of the Blind;

Whereas in 1986, The New York Institute for the Education of the Blind broadened its mission to also provide education to students with emotional and learning disabilities and preschoolers with development delays, and concurrently changed the name to the New York Institute for Special Education;

Whereas in 2000, The New York Institute for Special Education again broadened its mission by establishing the Cornerstone Literacy Initiative, providing staff development and school reform leadership to high poverty school districts throughout the United States;

Whereas The New York Institute for Special Education has prepared students to attain and exceed the academic standards as set forth by the Department of Education of the State of New York;

Whereas in addition to providing a quality education to New York students, The New York Institute for Special Education is equally committed to improving special education on a national level and serves as a student teaching and internship site for eleven universities nationally;

Whereas since its inception in 1987, the Readiness Program of The New York Institute for Special Education has had a dramatic impact on the lives of special education pre-school children as well as their families;

Whereas the Van Cleve Program of The New York Institute for Special Education accepts children with learning and emotional disabilities from five to eleven years of age, the graduates of which show dramatic improvement in academic, social, and behavioral abilities;

Whereas students in the Schermerhorn Program of The New York Institute for Special Education participate in individually designed academic and modified academic programs that emphasize independence and are given an opportunity to develop job behaviors and skills through pre-vocational activities and in career experience programs;

Whereas The New York Institute for Special Education has continuously played a leadership role in advocating for quality education of children with disabilities; and

Whereas The New York Institute for Special Education has continuously played a leadership role in conducting and promoting research relating to the education of children with disabilities: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) commends The New York Institute for Special Education for providing excellent education for students with blindness and visual disabilities for 175 years, and for broadening its mission to provide the same quality education to students with emotional and learning disabilities; and

(2) recognizes the high importance of, and supports all efforts to improve, education for physical, emotional, and learning disabled children.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KUHL) and the gentlewoman from California (Ms. WOOLSEY) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. KUHL of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H. Con. Res. 484.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KUHL of New York. Mr. Speaker, I yield myself as much time as I may consume.

I rise in strong support of this concurrent resolution to recognize the achievements of The New York Institute for Special Education. During this academic year, the institute is celebrating its 175th year of providing an outstanding education to students with special needs. I thank my colleague from New York (Mr. CROWLEY) for sponsoring this very important resolution.

Founded in 1831 as The New York Institution for the Education of the Blind, the institute began classes in March of 1832 as one of the first schools in the United States to provide an educational program for children who were blind or who were visually impaired. In the mid-1980s, the institute expanded its mission to include programs for students with emotional and learning disabilities and for preschoolers with developmental delays.

To reflect this broader mission, the institute adopted its current name change in 1986. In the year 2000, the institute again expanded with the creation of the Cornerstone Literacy Initiative to provide staff development and school reform leadership to high poverty school districts throughout the entire United States.

This Congress has made special education a priority. In 2004, for instance, with overwhelming bipartisan support, we were able to reauthorize the Individuals with Disabilities Education Act to provide teachers and parents and schools the tools needed to ensure that students in special education receive the opportunities that they deserve.

In addition, in 2002, we passed the No Child Left Behind Act which ensures that the achievement of children with disabilities is a priority, and underline that priority, in our school systems.

We are proud that we can partner with States, with local school districts and schools such as The New York Institute for Special Education, to ensure that our students with special needs are receiving a high-quality education that prepares them for success.

The New York Institute for Special Education in particular has a long history of providing just such an education for its students and being a leader in special education nationally.

I again thank my colleague for bringing this important resolution forward and for giving us the opportunity to celebrate The New York Institute for Special Education on the occasion of its 175th birthday, and I urge my colleagues to support H. Con. Res. 484.

Mr. Speaker, I reserve the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H. Con. Res. 484 and thank my colleague from New York (Mr. CROWLEY) for introducing this bipartisan resolution to commemorate the 175th anniversary of The New York Institute for Special Education.

Since 1831, the institute, located in the Bronx, has been a leader in educating children with visual disabilities. In the 1980s, the institute expanded its mission to include educating children with emotional and learning disabilities. Today, it educates nearly 300 students with disabilities from age 3 through 21 annually.

The institute also develops educational programs and helps train prospective teachers from many universities. Interestingly, the institute can claim a U.S. President, Grover Cleveland, as a former teacher.

So, Mr. Speaker, I congratulate the institute for its 175 years of service to students with disabilities and their families.

Mr. Speaker, I yield as much time as he may consume to the gentleman from New York (Mr. CROWLEY), the author of this resolution.

Mr. CROWLEY. Mr. Speaker, I thank the gentlewoman. It is my hope that I can continue. I have laryngitis, and I want to thank her for yielding me the time. I thank the gentleman from New York for his words this evening as well on this legislation. I want to thank Chairman MCKEON and Ranking Member, soon to be chairman, MILLER for moving this bill expeditiously to the floor.

For 175 years, The New York Institute for Special Education has served the New York community as a private, nonprofit, educational facility which provides a quality education for children who are blind and visually disabled, emotionally and learning disabled and preschoolers who are developmentally delayed.

Founded in 1831 as The New York Institution for the Blind, it was one of the first schools in the United States to provide an educational program for children who were blind or visually impaired.

Early in the 20th century, the name was changed to The New York Institute for the Education of the Blind to emphasize the educational character of the school.

In 1980s educators recognized the need to provide programs designed specifically for students with learning and emotional disabilities.

In response to this need, the school established the Van Cleve program for those children who could not be served in a traditional school setting. In 1986, the school's name was changed to The New York Institute for Special Education, which it still holds today, to better reflect this expanded focus and commitment to children with a variety of disabilities.

In 1987, a program for developmentally delayed preschoolers was established, the Readiness Program. This program serves an ever-growing population of children who exhibit delays in such areas as speech, motor senses, language acquisition, and auditory and visual discrimination.

Today, The New York Institute for Special Education continues the tradition of excellence in education for children with disabilities. Nearly 300 students from ages 3 to 21 attend The New York Institute for Special Education, which is based in my congressional district on Pelham Parkway in the Bronx.

It is chartered by the Board of Regents of the University of the State of New York on behalf of the State Education Department, and is accredited by the National Commission for Accreditation of Special Education Services.

Furthermore, I am proud to say that this school has one of the highest graduation rates in the country among schools for the blind and visually impaired.

Between 2005 to 2006, 77.3 percent of the graduates from The New York Institute for Special Education received diplomas, and of the 22 graduates, 18 had been graduated in local public schools and were failing there before receiving an appropriate education at the institute.

It is clear that this school makes a big impact in many lives. Besides providing a great education to the students who attend The New York Institute for Special Education, the school does community outreach as well. The institute is deeply involved in many areas on issues affecting children with disabilities and their families.

Jointly with Albert Einstein College of Medicine, the institute hosts an early intervention training institute providing staff development for clinicians and teachers throughout the New York metropolitan area.

Many of the students move on to very productive careers and lives using the skills the school has taught them, skills they may not have learned otherwise if they had not attended this institution.

This school is an example of a good education coupled with community service. This school deserves its commemoration. It is an historic school, as was mentioned by Ms. WOOLSEY again, dating back over 175 years, and I urge my colleagues to recognize its achievements and support this legislation.

Mr. KUHL of New York. Mr. Speaker, once again I offer my appreciation to my colleague from New York (Mr. CROWLEY) for bringing this resolution. I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KUHL) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 484.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

☐ 1800

RURAL WATER SUPPLY ACT OF 2006

Mrs. DRAKE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 895) to direct the Secretary of the Interior to establish a rural water supply program in the Reclamation States to provide a clean, safe, affordable, and reliable water supply to rural residents, as amended.

The Clerk read as follows:

S. 895

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Rural Water Supply Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—RECLAMATION RURAL WATER SUPPLY ACT OF 2006

Sec. 101. Short title.
Sec. 102. Definitions.
Sec. 103. Rural water supply program.
Sec. 104. Rural water programs assessment.
Sec. 105. Appraisal investigations.
Sec. 106. Feasibility studies.
Sec. 107. Miscellaneous.
Sec. 108. Reports.
Sec. 109. Authorization of appropriations.
Sec. 110. Termination of authority.

TITLE II—TWENTY-FIRST CENTURY WATER WORKS ACT

Sec. 201. Short title.
Sec. 202. Definitions.
Sec. 203. Project eligibility.
Sec. 204. Loan guarantees.
Sec. 205. Defaults.
Sec. 206. Operations, maintenance, and replacement costs.
Sec. 207. Title to newly constructed facilities.
Sec. 208. Water rights.
Sec. 209. Interagency coordination and cooperation.
Sec. 210. Records; audits.
Sec. 211. Full faith and credit.
Sec. 212. Report.
Sec. 213. Effect on the reclamation laws.
Sec. 214. Authorization of appropriations.
Sec. 215. Termination of authority.

TITLE III—REPORT ON TRANSFER OF RECLAMATION FACILITIES

Sec. 301. Report.

TITLE I—RECLAMATION RURAL WATER SUPPLY ACT OF 2006

SEC. 101. SHORT TITLE.

This title may be cited as the "Reclamation Rural Water Supply Act of 2006".

SEC. 102. DEFINITIONS.

In this title:

(1) CONSTRUCTION.—The term "construction" means the installation of infrastructure and the upgrading of existing facilities in locations in which the infrastructure or facilities are associated with the new infrastructure of a rural water project recommended by the Secretary pursuant to this title.

(2) FEDERAL RECLAMATION LAW.—The term "Federal reclamation law" means the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

(3) INDIAN.—The term "Indian" means an individual who is a member of an Indian tribe.

(4) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(5) NON-FEDERAL PROJECT ENTITY.—The term "non-Federal project entity" means a State, regional, or local authority, Indian tribe or tribal organization, or other qualifying entity, such as a water conservation district, water conservancy district, or rural water district or association.

(6) OPERATIONS, MAINTENANCE, AND REPLACEMENT COSTS.—

(A) IN GENERAL.—The term "operations, maintenance, and replacement costs" means all costs for the operation of a rural water supply project that are necessary for the safe, efficient, and continued functioning of the project to produce the benefits described in a feasibility study.

(B) INCLUSIONS.—The term "operations, maintenance, and replacement costs" includes—

(i) repairs of a routine nature that maintain a rural water supply project in a well kept condition;

(ii) replacement of worn-out project elements; and

(iii) rehabilitation activities necessary to bring a deteriorated project back to the original condition of the project.

(C) EXCLUSION.—The term "operations, maintenance, and replacement costs" does not include construction costs.

(7) PROGRAM.—The term "Program" means the rural water supply program carried out under section 103.

(8) RECLAMATION STATES.—The term "Reclamation States" means the States and areas referred to in the first section of the Act of June 17, 1902 (43 U.S.C. 391).

(9) RURAL WATER SUPPLY PROJECT.—

(A) IN GENERAL.—The term "rural water supply project" means a project that is designed to serve a community or group of communities, each of which has a population of not more than 50,000 inhabitants, which may include Indian tribes and tribal organizations, dispersed homesites, or rural areas with domestic, industrial, municipal, and residential water.

(B) INCLUSION.—The term "rural water supply project" includes—

(i) incidental noncommercial livestock watering and noncommercial irrigation of vegetation and small gardens of less than 1 acre; and

(ii) a project to improve rural water infrastructure, including—

(I) pumps, pipes, wells, and other diversions;

(II) storage tanks and small impoundments;

(III) water treatment facilities for potable water supplies, including desalination facilities;

(IV) equipment and management tools for water conservation, groundwater recovery, and water recycling; and

(V) appurtenances.

(C) EXCLUSION.—The term "rural water supply project" does not include—

(i) commercial irrigation; or

(ii) major impoundment structures.

(10) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(11) TRIBAL ORGANIZATION.—The term "tribal organization" means—

(A) the recognized governing body of an Indian tribe; and

(B) any legally established organization of Indians that is controlled, sanctioned, or chartered by the governing body or democratically elected by the adult members of the Indian community to be served by the organization.

SEC. 103. RURAL WATER SUPPLY PROGRAM.

(a) IN GENERAL.—The Secretary, in cooperation with non-Federal project entities and consistent with this title, may carry out a rural water supply program in Reclamation States to—

(1) investigate and identify opportunities to ensure safe and adequate rural water supply projects for domestic, municipal, and industrial use in small communities and rural areas of the Reclamation States;

(2) plan the design and construction, through the conduct of appraisal investigations and feasibility studies, of rural water supply projects in Reclamation States; and

(3) oversee, as appropriate, the construction of rural water supply projects in Reclamation States that are recommended by the Secretary in a feasibility report developed pursuant to section 106 and subsequently authorized by Congress.

(b) NON-FEDERAL PROJECT ENTITY.—Any activity carried out under this title shall be carried out in cooperation with a qualifying non-Federal project entity, consistent with this title.

(c) ELIGIBILITY CRITERIA.—Not later than 1 year after the date of enactment of this Act, the Secretary shall, consistent with this title, develop and publish in the Federal Register criteria for—

(1) determining the eligibility of a rural community for assistance under the Program; and

(2) prioritizing requests for assistance under the Program.

(d) FACTORS.—The criteria developed under subsection (c) shall take into account such factors as whether—

(1) a rural water supply project—

(A) serves—

(i) rural areas and small communities; or

(ii) Indian tribes; or

(B) promotes and applies a regional or watershed perspective to water resources management;

(2) there is an urgent and compelling need for a rural water supply project that would—

(A) improve the health or aesthetic quality of water;

(B) result in continuous, measurable, and significant water quality benefits; or

(C) address current or future water supply needs;

(3) a rural water supply project helps meet applicable requirements established by law; and

(4) a rural water supply project is cost effective.

(e) INCLUSIONS.—The Secretary may include—

(1) to the extent that connection provides a reliable water supply, a connection to preexisting infrastructure (including impoundments and conveyance channels) as part of a rural water supply project; and

(2) notwithstanding the limitation on population under section 102(9)(A), a town or community with a population in excess of 50,000 inhabitants in an area served by a rural water supply project if, at the discretion of the Secretary, the town or community is considered to be a critical partner in the rural supply project.

SEC. 104. RURAL WATER PROGRAMS ASSESSMENT.

(a) IN GENERAL.—In consultation with the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, the Director of the Indian Health Service, the Secretary of Housing and Urban Development, and the Secretary of the Army, the Secretary shall develop an assessment of—

(1) the status of all rural water supply projects under the jurisdiction of the Secretary authorized but not completed prior to the date of enactment of this Act, including appropriation amounts, the phase of development, total anticipated costs, and obstacles to completion;

(2) the current plan (including projected financial and workforce requirements) for the completion of the projects identified in paragraph (1) within the time frames established under the provisions of law authorizing the projects or the final engineering reports for the projects;

(3) the demand for new rural water supply projects;

(4) rural water programs within other agencies and a description of the extent to which those programs provide support for rural water supply projects and water treatment programs in Reclamation States, including an assessment of the requirements, funding levels, and conditions of eligibility for the programs assessed;

(5) the extent of the demand that the Secretary can meet with the Program;

(6) how the Program will complement authorities already within the jurisdiction of the Secretary and the heads of the agencies with whom the Secretary consults; and

(7) improvements that can be made to coordinate and integrate the authorities of the agencies with programs evaluated under paragraph (4), including any recommendations to consolidate some or all of the activities of the agencies with respect to rural water supply.

(b) CONSULTATION WITH STATES.—Before finalizing the assessment developed under subsection (a), the Secretary shall solicit comments from States with identified rural water needs.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a detailed report on the assessment conducted under subsection (a).

SEC. 105. APPRAISAL INVESTIGATIONS.

(a) IN GENERAL.—On request of a non-Federal project entity with respect to a proposed rural water supply project that meets the eligibility criteria published under section 103(c) and subject to the availability of appropriations, the Secretary may—

(1) receive and review an appraisal investigation that is—

(A) developed by the non-Federal project entity, with or without support from the Secretary; and

(B) submitted to the Secretary by the non-Federal project entity;

(2) conduct an appraisal investigation; or

(3) provide a grant to, or enter into a cooperative agreement with, the non-Federal project entity to conduct an appraisal investigation, if the Secretary determines that—

(A) the non-Federal project entity is qualified to complete the appraisal investigation in accordance with the criteria published under section 103(c); and

(B) using the non-Federal project entity to conduct the appraisal investigation is a cost-effective alternative for completing the appraisal investigation.

(b) DEADLINE.—An appraisal investigation conducted under subsection (a) shall be scheduled for completion not later than 2 years after the date on which the appraisal investigation is initiated.

(c) APPRAISAL REPORT.—In accordance with subsection (f), after an appraisal investigation is submitted to the Secretary under subsection (a)(1) or completed under paragraph (2) or (3) of subsection (a), the Secretary shall prepare an appraisal report that—

(1) considers—

(A) whether the project meets—

(i) the appraisal criteria developed under subsection (d); and

(ii) the eligibility criteria developed under section 103(c);

(B) whether viable water supplies and water rights exist to supply the project, including all practicable water sources such as lower quality waters, nonpotable waters, and water reuse-based water supplies;

(C) whether the project has a positive effect on public health and safety;

(D) whether the project will meet water demand, including projected future needs;

(E) the extent to which the project provides environmental benefits, including source water protection;

(F) whether the project applies a regional or watershed perspective and promotes benefits in the region in which the project is carried out;

(G) whether the project—

(i)(I) implements an integrated resources management approach; or

(II) enhances water management flexibility, including providing for—

(aa) local control to manage water supplies under varying water supply conditions; and

(bb) participation in water banking and markets for domestic and environmental purposes; and

(ii) promotes long-term protection of water supplies;

(H) preliminary cost estimates for the project; and

(I) whether the non-Federal project entity has the capability to pay 100 percent of the costs associated with the operations, maintenance, and replacement of the facilities constructed or developed as part of the rural water supply project; and

(2) provides recommendations on whether a feasibility study should be initiated under section 106(a).

(d) APPRAISAL CRITERIA.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall promulgate criteria (including appraisal factors listed under subsection (c)) against which the appraisal investigations shall be assessed for completeness and appropriateness for a feasibility study.

(2) INCLUSIONS.—To minimize the cost of a rural water supply project to a non-Federal project entity, the Secretary shall include in the criteria methods to scale the level of effort needed to complete the appraisal investigation relative to the total size and cost of the proposed rural water supply project.

(e) REVIEW OF APPRAISAL INVESTIGATION.—

(1) IN GENERAL.—Not later than 90 days after the date of submission of an appraisal investigation under paragraph (1) or (3) of subsection (a), the Secretary shall provide to the non-Federal entity that conducted the investigation a determination of whether the investigation has included the information necessary to determine whether the proposed rural water supply project satisfies the criteria promulgated under subsection (d).

(2) NO SATISFACTION OF CRITERIA.—If the Secretary determines that the appraisal investigation submitted by a non-Federal entity does not satisfy the criteria promulgated under subsection (d), the Secretary shall inform the non-Federal entity of the reasons why the appraisal investigation is deficient.

(3) RESPONSIBILITY OF SECRETARY.—If an appraisal investigation as first submitted by a non-Federal entity does not provide all necessary information, as defined by the Secretary, the Secretary shall have no obligation to conduct further analysis until the non-Federal project entity submitting the appraisal study conducts additional investigation and resubmits the appraisal investigation under this subsection.

(f) APPRAISAL REPORT.—Once the Secretary has determined that an investigation provides the information necessary under subsection (e), the Secretary shall—

(1) complete the appraisal report required under subsection (c);

(2) make available to the public, on request, the appraisal report prepared under this title; and

(3) promptly publish in the Federal Register a notice of the availability of the results.

(g) COSTS.—

(1) FEDERAL SHARE.—The Federal share of an appraisal investigation conducted under subsection (a) shall be 100 percent of the total cost of the appraisal investigation, up to $200,000.

(2) NON-FEDERAL SHARE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), if the cost of conducting an appraisal investigation is more than $200,000, the non-Federal share of the costs in excess of $200,000 shall be 50 percent.

(B) EXCEPTION.—The Secretary may reduce the non-Federal share required under subparagraph (A) if the Secretary determines that there is an overwhelming Federal interest in the appraisal investigation.

(C) FORM.—The non-Federal share under subparagraph (A) may be in the form of any in-kind services that the Secretary determines would contribute substantially toward the conduct and completion of the appraisal investigation.

(h) CONSULTATION; IDENTIFICATION OF FUNDING SOURCES.—In conducting an appraisal investigation under subsection (a)(2), the Secretary shall—

(1) consult and cooperate with the non-Federal project entity and appropriate State, tribal, regional, and local authorities;

(2) consult with the heads of appropriate Federal agencies to—

(A) ensure that the proposed rural water supply project does not duplicate a project carried out under the authority of the agency head; and

(B) if a duplicate project is being carried out, identify the authority under which the duplicate project is being carried out; and

(3) identify what funding sources are available for the proposed rural water supply project.

SEC. 106. FEASIBILITY STUDIES.

(a) IN GENERAL.—On completion of an appraisal report under section 105(c) that recommends undertaking a feasibility study and subject to the availability of appropriations, the Secretary shall—

(1) in cooperation with a non-Federal project entity, carry out a study to determine the feasibility of the proposed rural water supply project;

(2) receive and review a feasibility study that is—

(A) developed by the non-Federal project entity, with or without support from the Secretary; and

(B) submitted to the Secretary by the non-Federal project entity; or

(3)(A) provide a grant to, or enter into a cooperative agreement with, a non-Federal project entity to conduct a feasibility study, for submission to the Secretary, if the Secretary determines that—

(i) the non-Federal entity is qualified to complete the feasibility study in accordance with the criteria promulgated under subsection (d); and

(ii) using the non-Federal project entity to conduct the feasibility study is a cost-effective alternative for completing the appraisal investigation; or

(B) if the Secretary determines not to provide a grant to, or enter into a cooperative agreement with, a non-Federal project entity under subparagraph (A), provide to the non-Federal project entity notice of the determination, including an explanation of the reason for the determination.

(b) REVIEW OF NON-FEDERAL FEASIBILITY STUDIES.—

(1) IN GENERAL.—In conducting a review of a feasibility study submitted under paragraph (2) or (3) of subsection (a), the Secretary shall—

(A) in accordance with the feasibility factors described in subsection (c) and the criteria promulgated under subsection (d), assess the completeness of the feasibility study; and

(B) if the Secretary determines that a feasibility study is not complete, notify the non-Federal entity of the determination.

(2) REVISIONS.—If the Secretary determines under paragraph (1)(B) that a feasibility study is not complete, the non-Federal entity shall pay any costs associated with revising the feasibility study.

(c) FEASIBILITY FACTORS.—Feasibility studies authorized or reviewed under this title shall include an assessment of—

(1) near- and long-term water demand in the area to be served by the rural water supply project;

(2) advancement of public health and safety of any existing rural water supply project and other benefits of the proposed rural water supply project;

(3) alternative new water supplies in the study area, including any opportunities to treat and use low-quality water, nonpotable water, water reuse-based supplies, and brackish and saline waters through innovative and economically viable treatment technologies;

(4) environmental quality and source water protection issues related to the rural water supply project;

(5) innovative opportunities for water conservation in the study area to reduce water use and water system costs, including—

(A) nonstructural approaches to reduce the need for the project; and

(B) demonstration technologies;

(6) the extent to which the project and alternatives take advantage of economic incentives and the use of market-based mechanisms;

(7)(A) the construction costs and projected operations, maintenance, and replacement costs of all alternatives; and

(B) the economic feasibility and lowest cost method of obtaining the desired results of each alternative, taking into account the Federal cost-share;

(8) the availability of guaranteed loans for a proposed rural water supply project;

(9) the financial capability of the non-Federal project entity to pay the non-Federal project entity's proportionate share of the design and construction costs and 100 percent of operations, maintenance, and replacement costs, including the allocation of costs to each non-Federal project entity in the case of multiple entities;

(10) whether the non-Federal project entity has developed an operations, management, and replacement plan to assist the non-Federal project entity in establishing rates and fees for beneficiaries of the rural water supply project that includes a schedule identifying the annual operations, maintenance, and replacement costs that should be allocated to each non-Federal entity participating in the project;

(11)(A) the non-Federal project entity administrative organization that would implement construction, operations, maintenance, and replacement activities; and

(B) the fiscal, administrative, and operational controls to be implemented to manage the project;

(12) the extent to which assistance for rural water supply is available under other Federal authorities;

(13) the engineering, environmental, and economic activities to be undertaken to carry out the proposed rural water supply project;

(14) the extent to which the project involves partnerships with other State, local, or tribal governments or Federal entities; and

(15) in the case of a project intended for Indian tribes and tribal organizations, the extent to which the project addresses the goal of economic self-sufficiency.

(d) FEASIBILITY STUDY CRITERIA.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall promulgate criteria (including the feasibility factors listed under subsection (c)) under which the feasibility studies shall be assessed for completeness and appropriateness.

(2) INCLUSIONS.—The Secretary shall include in the criteria promulgated under paragraph (1) methods to scale the level of effort needed to complete the feasibility assessment relative to the total size and cost of the proposed rural water supply project and reduce total costs to non-Federal entities.

(e) FEASIBILITY REPORT.—

(1) IN GENERAL.—After completion of appropriate feasibility studies for rural water supply projects that address the factors described in subsection (c) and the criteria promulgated under subsection (d), the Secretary shall—

(A) develop a feasibility report that includes—

(i) a recommendation of the Secretary on—

(I) whether the rural water supply project should be authorized for construction; and

(II) the appropriate non-Federal share of construction costs, which shall be—

(aa) at least 25 percent of the total construction costs; and

(bb) determined based on an analysis of the capability-to-pay information considered under subsections (c)(9) and (f); and

(ii) if the Secretary recommends that the project should be authorized for construction—

(I) what amount of grants, loan guarantees, or combination of grants and loan guarantees should be used to provide the Federal cost share;

(II) a schedule that identifies the annual operations, maintenance, and replacement costs that should be allocated to each non-Federal entity participating in the rural water supply project; and

(III) an assessment of the financial capability of each non-Federal entity participating in the rural water supply project to pay the allocated annual operation, maintenance, and replacement costs for the rural water supply project;

(B) submit the report to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives;

(C) make the report publicly available, along with associated study documents; and

(D) publish in the Federal Register a notice of the availability of the results.

(f) CAPABILITY-TO-PAY.—

(1) IN GENERAL.—In evaluating a proposed rural water supply project under this section, the Secretary shall—

(A) consider the financial capability of any non-Federal project entities participating in the rural water supply project to pay 25 percent or more of the capital construction costs of the rural water supply project; and

(B) recommend an appropriate Federal share and non-Federal share of the capital construction costs, as determined by the Secretary.

(2) FACTORS.—In determining the financial capability of non-Federal project entities to pay for a rural water supply project under paragraph (1), the Secretary shall evaluate factors for the project area, relative to the State average, including—

(A) per capita income;

(B) median household income;

(C) the poverty rate;

(D) the ability of the non-Federal project entity to raise tax revenues or assess fees;

(E) the strength of the balance sheet of the non-Federal project entity; and

(F) the existing cost of water in the region.

(3) INDIAN TRIBES.—In determining the capability-to-pay of Indian tribe project beneficiaries, the Secretary may consider deferring the collection of all or part of the non-Federal construction costs apportioned to Indian tribe project beneficiaries unless or

until the Secretary determines that the Indian tribe project beneficiaries should pay—

(A) the costs allocated to the beneficiaries; or

(B) an appropriate portion of the costs.

(g) COST-SHARING REQUIREMENT.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the Federal share of the cost of a feasibility study carried out under this section shall not exceed 50 percent of the study costs.

(2) FORM.—The non-Federal share under paragraph (1) may be in the form of any in-kind services that the Secretary determines would contribute substantially toward the conduct and completion of the study.

(3) FINANCIAL HARDSHIP.—The Secretary may increase the Federal share of the costs of a feasibility study if the Secretary determines, based on a demonstration of financial hardship, that the non-Federal participant is unable to contribute at least 50 percent of the costs of the study.

(4) LARGER COMMUNITIES.—In conducting a feasibility study of a rural water supply system that includes a community with a population in excess of 50,000 inhabitants, the Secretary may require the non-Federal project entity to pay more than 50 percent of the costs of the study.

(h) CONSULTATION AND COOPERATION.—In addition to the non-Federal project entity, the Secretary shall consult and cooperate with appropriate Federal, State, tribal, regional, and local authorities during the conduct of each feasibility assessment and development of the feasibility report conducted under this title.

SEC. 107. MISCELLANEOUS.

(a) AUTHORITY OF SECRETARY.—The Secretary may enter into contracts, financial assistance agreements, and such other agreements, and promulgate such regulations, as are necessary to carry out this title.

(b) TRANSFER OF PROJECTS.—Nothing in this title authorizes the transfer of pre-existing facilities or pre-existing components of any water system from Federal to private ownership or from private to Federal ownership.

(c) FEDERAL RECLAMATION LAW.—Nothing in this title supersedes or amends any Federal law associated with a project, or portion of a project, constructed under Federal reclamation law.

(d) INTERAGENCY COORDINATION.—The Secretary shall coordinate the Program carried out under this title with existing Federal and State rural water and wastewater programs to facilitate the most efficient and effective solution to meeting the water needs of the non-Federal project sponsors.

(e) MULTIPLE INDIAN TRIBES.—In any case in which a contract is entered into with, or a grant is made, to an organization to perform services benefitting more than 1 Indian tribe under this title, the approval of each such Indian tribe shall be a prerequisite to entering into the contract or making the grant.

(f) OWNERSHIP OF FACILITIES.—Title to any facility planned, designed, and recommended for construction under this title shall be held by the non-Federal project entity.

(g) EXPEDITED PROCEDURES.—If the Secretary determines that a community to be served by a proposed rural water supply project has urgent and compelling water needs, the Secretary shall, to the maximum extent practicable, expedite appraisal investigations and reports conducted under section 105 and feasibility studies and reports conducted under section 106.

(h) EFFECT ON STATE WATER LAW.—

(1) IN GENERAL.—Nothing in this title preempts or affects State water law or an interstate compact governing water.

(2) COMPLIANCE REQUIRED.—The Secretary shall comply with State water laws in carrying out this title.

(i) NO ADDITIONAL REQUIREMENTS.—Nothing in this title requires a feasibility study for, or imposes any other additional requirements with respect to, rural water supply projects or programs that are authorized before the date of enactment of this Act.

SEC. 108. REPORTS.

Beginning in fiscal year 2007, and each fiscal year thereafter through fiscal year 2012, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives an annual report that describes the number and type of full-time equivalent positions in the Department of the Interior and the amount of overhead costs of the Department of the Interior that are allocated to carrying out this title for the applicable fiscal year.

SEC. 109. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this title $15,000,000 for each of fiscal years 2007 through 2016, to remain available until expended.

(b) RURAL WATER PROGRAMS ASSESSMENT.—Of the amounts made available under subsection (a), not more than $1,000,000 may be made available to carry out section 104 for each of fiscal years 2007 and 2008.

(c) CONSTRUCTION COSTS.—No amounts made available under this section shall be used to pay construction costs associated with any rural water supply project.

SEC. 110. TERMINATION OF AUTHORITY.

The authority of the Secretary to carry out this title terminates on September 30, 2016.

TITLE II—TWENTY-FIRST CENTURY WATER WORKS ACT

SEC. 201. SHORT TITLE.

This title may be cited as the "Twenty-First Century Water Works Act".

SEC. 202. DEFINITIONS.

In this title:

(1) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(2) LENDER.—The term "lender" means—

(A) a non-Federal qualified institutional buyer (as defined in section 230.144A(a) of title 17, Code of Federal Regulation (or any successor regulation), known as Rule 144A(a) of the Securities and Exchange Commission and issued under the Securities Act of 1933 (15 U.S.C. 77a et seq.)); or

(B) a clean renewable energy bond lender (as defined in section 54(j)(2) of the Internal Revenue Code of 1986 (as in effect on the date of enactment of this Act)).

(3) LOAN GUARANTEE.—The term "loan guarantee" has the meaning given the term "loan guarantee" in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

(4) NON-FEDERAL BORROWER.—The term "non-Federal borrower" means—

(A) a State (including a department, agency, or political subdivision of a State); or

(B) a conservancy district, irrigation district, canal company, water users' association, Indian tribe, an agency created by interstate compact, or any other entity that has the capacity to contract with the United States under Federal reclamation law.

(5) OBLIGATION.—The term "obligation" means a loan or other debt obligation that is guaranteed under this section.

(6) PROJECT.—The term "project" means—

(A) a rural water supply project (as defined in section 102(9));

(B) an extraordinary operation and maintenance activity for, or the rehabilitation or replacement of, a facility—

(i) that is authorized by Federal reclamation law and constructed by the United States under such law; or

(ii) in connection with which there is a repayment or water service contract executed by the United States under Federal reclamation law; or

(C) an improvement to water infrastructure directly associated with a reclamation project that, based on a determination of the Secretary—

(i) improves water management; and

(ii) fulfills other Federal goals.

(7) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 203. PROJECT ELIGIBILITY.

(a) ELIGIBILITY CRITERIA.—

(1) IN GENERAL.—The Secretary shall develop and publish in the Federal Register criteria for determining the eligibility of a project for financial assistance under section 204.

(2) INCLUSIONS.—Eligibility criteria shall include—

(A) submission of an application by the lender to the Secretary;

(B) demonstration of the creditworthiness of the project, including a determination by the Secretary that any financing for the project has appropriate security features to ensure repayment;

(C) demonstration by the non-Federal borrower, to the satisfaction of the Secretary, of the ability of the non-Federal borrower to repay the project financing from user fees or other dedicated revenue sources;

(D) demonstration by the non-Federal borrower, to the satisfaction of the Secretary, of the ability of the non-Federal borrower to pay all operations, maintenance, and replacement costs of the project facilities; and

(E) such other criteria as the Secretary determines to be appropriate.

(b) WAIVER.—The Secretary may waive any of the criteria in subsection (a)(2) that the Secretary determines to be duplicative or rendered unnecessary because of an action already taken by the United States.

(c) PROJECTS PREVIOUSLY AUTHORIZED.—A project that was authorized for construction under Federal reclamation laws prior to the date of enactment of this Act shall be eligible for assistance under this title, subject to the criteria established by the Secretary under subsection (a).

(d) CRITERIA FOR RURAL WATER SUPPLY PROJECTS.—A rural water supply project that is determined to be feasible under section 106 is eligible for a loan guarantee under section 204.

SEC. 204. LOAN GUARANTEES.

(a) AUTHORITY.—Subject to the availability of appropriations, the Secretary may make available to lenders for a project meeting the eligibility criteria established in section 203 loan guarantees to supplement private-sector or lender financing for the project.

(b) TERMS AND LIMITATIONS.—

(1) IN GENERAL.—Loan guarantees under this section for a project shall be on such terms and conditions and contain such covenants, representations, warranties, and requirements as the Secretary determines to be appropriate to protect the financial interests of the United States.

(2) AMOUNT.—Loan guarantees by the Secretary shall not exceed an amount equal to 90 percent of the cost of the project that is

the subject of the loan guarantee, as estimated at the time at which the loan guarantee is issued.

(3) INTEREST RATE.—An obligation shall bear interest at a rate that does not exceed a level that the Secretary determines to be appropriate, taking into account the prevailing rate of interest in the private sector for similar loans and risks.

(4) AMORTIZATION.—A loan guarantee under this section shall provide for complete amortization of the loan guarantee within not more than 40 years.

(5) NONSUBORDINATION.—An obligation shall be subject to the condition that the obligation is not subordinate to other financing.

(c) PREPAYMENT AND REFINANCING.—Any prepayment or refinancing terms on a loan guarantee shall be negotiated between the non-Federal borrower and the lender with the consent of the Secretary.

SEC. 205. DEFAULTS.

(a) PAYMENTS BY SECRETARY.—

(1) IN GENERAL.—If a borrower defaults on the obligation, the holder of the loan guarantee shall have the right to demand payment of the unpaid amount from the Secretary..

(2) PAYMENT REQUIRED.—By such date as may be specified in the loan guarantee or related agreements, the Secretary shall pay to the holder of the loan guarantee the unpaid interest on, and unpaid principal of, the obligation with respect to which the borrower has defaulted, unless the Secretary finds that there was not default by the borrower in the payment of interest or principal or that the default has been remedied.

(3) FORBEARANCE.—Nothing in this subsection precludes any forbearance by the holder of the obligation for the benefit of the non-Federal borrower that may be agreed on by the parties to the obligation and approved by the Secretary.

(b) SUBROGATION.—

(1) IN GENERAL.—If the Secretary makes a payment under subsection (a), the Secretary shall be subrogated to the rights of the recipient of the payment as specified in the loan guarantee or related agreements, including, as appropriate, the authority (notwithstanding any other provision of law) to—

(A) complete, maintain, operate, lease, or otherwise dispose of any property acquired pursuant to the loan guarantee or related agreements; or

(B) permit the non-Federal borrower, pursuant to an agreement with the Secretary, to continue to pursue the purposes of the project if the Secretary determines the purposes to be in the public interest.

(2) SUPERIORITY OF RIGHTS.—The rights of the Secretary, with respect to any property acquired pursuant to a loan guarantee or related agreement, shall be superior to the rights of any other person with respect to the property.

(c) PAYMENT OF PRINCIPAL AND INTEREST BY SECRETARY.—With respect to any obligation guaranteed under this section, the Secretary may enter into a contract to pay, and pay, holders of the obligation, for and on behalf of the non-Federal borrower, from funds appropriated for that purpose, the principal and interest payments that become due and payable on the unpaid balance of the obligation if the Secretary finds that—

(1)(A) the non-Federal borrower is unable to meet the payments and is not in default;

(B) it is in the public interest to permit the non-Federal borrower to continue to pursue the purposes of the project; and

(C) the probable net benefit to the Federal Government in paying the principal and interest will be greater than that which would result in the event of a default;

(2) the amount of the payment that the Secretary is authorized to pay shall be no greater than the amount of principal and interest that the non-Federal borrower is obligated to pay under the agreement being guaranteed; and

(3) the borrower agrees to reimburse the Secretary for the payment (including interest) on terms and conditions that are satisfactory to the Secretary.

(d) ACTION BY ATTORNEY GENERAL.—

(1) NOTIFICATION.—If the non-Federal borrower defaults on an obligation, the Secretary shall notify the Attorney General of the default.

(2) RECOVERY.—On notification, the Attorney General shall take such action as is appropriate to recover the unpaid principal and interest due from—

(A) such assets of the defaulting non-Federal borrower as are associated with the obligation; or

(B) any other security pledged to secure the obligation.

SEC. 206. OPERATIONS, MAINTENANCE, AND REPLACEMENT COSTS.

(a) IN GENERAL.—The non-Federal share of operations, maintenance, and replacement costs for a project receiving Federal assistance under this title shall be 100 percent.

(b) PLAN.—On request of the non-Federal borrower, the Secretary may assist in the development of an operation, maintenance, and replacement plan to provide the necessary framework to assist the non-Federal borrower in establishing rates and fees for project beneficiaries.

SEC. 207. TITLE TO NEWLY CONSTRUCTED FACILITIES.

(a) NEW PROJECTS AND FACILITIES.—All new projects or facilities constructed in accordance with this title shall remain under the jurisdiction and control of the non-Federal borrower subject to the terms of the repayment agreement.

(b) EXISTING PROJECTS AND FACILITIES.—Nothing in this title affects the title of—

(1) reclamation projects authorized prior to the date of enactment of this Act;

(2) works supplemental to existing reclamation projects; or

(3) works constructed to rehabilitate existing reclamation projects.

SEC. 208. WATER RIGHTS.

(a) IN GENERAL.—Nothing in this title preempts or affects State water law or an interstate compact governing water.

(b) COMPLIANCE REQUIRED.—The Secretary shall comply with State water laws in carrying out this title. Nothing in this title affects or preempts State water law or an interstate compact governing water.

SEC. 209. INTERAGENCY COORDINATION AND COOPERATION.

(a) CONSULTATION.—The Secretary shall consult with the Secretary of Agriculture before promulgating criteria with respect to financial appraisal functions and loan guarantee administration for activities carried out under this title.

(b) MEMORANDUM OF AGREEMENT.—The Secretary and the Secretary of Agriculture shall enter into a memorandum of agreement providing for Department of Agriculture financial appraisal functions and loan guarantee administration for activities carried out under this title.

SEC. 210. RECORDS; AUDITS.

(a) IN GENERAL.—A recipient of a loan guarantee shall keep such records and other pertinent documents as the Secretary shall prescribe by regulation, including such records as the Secretary may require to facilitate an effective audit.

(b) ACCESS.—The Secretary and the Comptroller General of the United States, or their duly authorized representatives, shall have access, for the purpose of audit, to the records and other pertinent documents.

SEC. 211. FULL FAITH AND CREDIT.

The full faith and credit of the United States is pledged to the payment of all guarantees issued under this section with respect to principal and interest.

SEC. 212. REPORT.

Not later than 1 year after the date on which the eligibility criteria are published in the Federal Register under section 203(a), and every 2 years thereafter, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that describes the implementation of the loan guarantee program under section 204.

SEC. 213. EFFECT ON THE RECLAMATION LAWS.

(a) RECLAMATION PROJECTS.—Nothing in this title supersedes or amends any Federal law associated with a project, or a portion of a project, constructed under the reclamation laws.

(b) NO NEW OR SUPPLEMENTAL BENEFITS.—Any assistance provided under this title shall not—

(1) be considered to be a new or supplemental benefit for purposes of the Reclamation Reform Act of 1982 (43 U.S.C. 390aa et seq.); or

(2) affect any contract in existence on the date of enactment of this Act that is executed under the reclamation laws.

SEC. 214. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title, to remain available until expended.

SEC. 215. TERMINATION OF AUTHORITY.

(a) IN GENERAL.—Subject to subsection (b), the authority of the Secretary to carry out this title terminates on the date that is 10 years after the date of enactment of this Act.

(b) EXCEPTION.—The termination of authority under subsection (a) shall have no effect on—

(1) any loans guaranteed by the United States under this title; or

(2) the administration of any loan guaranteed under this title before the effective date of the termination of authority.

TITLE III—REPORT ON TRANSFER OF RECLAMATION FACILITIES

SEC. 301. REPORT.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that describes any impediments and activities that significantly delay the ability of the Secretary to complete timely transfers of title to reclamation facilities to qualified non-Federal entities under laws authorizing the transfers.

(b) CONSULTATION.—In preparing the report under subsection (a), the Secretary shall consult with any appropriate non-Federal parties, including reclamation water and power customers.

The SPEAKER pro tempore (Mr. PRICE of Georgia). Pursuant to the rule, the gentlewoman from Virginia

(Mrs. DRAKE) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia.

GENERAL LEAVE

Mrs. DRAKE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material in the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. DRAKE. Mr. Speaker, I yield myself such time as I may consume.

Senate 895, introduced by Senator PETE DOMENICI, strengthens the Bureau of Reclamation rural water supply program to ensure that new projects are cost effective and efficient. The bill also gives water users access to a loan guarantee program aimed at strengthening water delivery infrastructure while improving the process to transfer many Federal projects to local entities.

At this point, I include in the RECORD an exchange of letters with Chairman BARTON of the Energy and Commerce Committee on this bill, and thank him for his cooperation in scheduling it.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, December 6, 2006.

Hon. JOE BARTON,
Chairman, Committee on Energy and Commerce, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: The Committee on Resources wishes to schedule for floor consideration S. 895, a bill authored by Senator Pete Domenici to direct the Secretary of the Interior to establish a rural water supply program in the Reclamation States to provide a clean, safe, affordable, and reliable water supply to rural residents. This bill was passed by the Senate on November 16, 2005, by unanimous consent and referred exclusively to the Committee on Resources. The House companion measure is H.R. 4418.

Based on discussions with the Parliamentarian, it appears that the definition of "rural water supply project" contained in the bill is broad enough to encompass drinking water facilities of the type which are regulated under the Safe Drinking Water Act, a program under your committee's jurisdiction. While this is not the intended focus of the bill, and the Bureau of Reclamation, the implementing agency for the program under the bill, does not normally deal with drinking water projects, I agree that the Committee on Energy and Commerce would have a jurisdictional interest in the bill as written.

Therefore, I ask you not to seek a sequential referral of the bill so that it may be considered by the House of Representatives before we adjourn the 109th Congress later this week. This agreement in no way affects your jurisdiction over the subject matter and it will not serve as precedent for future referrals. In the very unlikely event a conference committee is convened on S. 895, I would support your request to have the Committee on Energy and Commerce represented on that conference. In addition, I would be pleased to include this letter and any response you might have in the Congressional Record when the bill is debated.

Thank you for your consideration of my request, and for all your cooperation and assistance during our mutual times as chairmen. I look forward to bringing S. 895 to the floor soon.

Sincerely,

RICHARD W. POMBO.

HOUSE OF REPRESENTATIVES, COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, December 6, 2006.

Hon. RICHARD POMBO,
Chairman, Committee on Resources, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN POMBO: I write in regards to S. 895, a bill authored by Senator Pete Domenici to direct the Secretary of the Interior to establish a rural water supply program in the Reclamation States to provide a clean, safe, affordable, and reliable water supply to rural residents.

Given the importance of moving this bill forward promptly, I do not intend to object to its consideration in the House. However, I do so only with the understanding that this procedure should not be construed to prejudice my Committee's jurisdictional interest in S. 895 or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to my Committee in the future.

Finally, I ask that you include a copy of our exchange of letters in the Congressional Record during the consideration of this bill. If you have questions regarding this matter, please do not hesitate to call me. I thank you for your consideration.

Sincerely,

JOE BARTON,
Chairman.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

The majority has already explained the bill, Mr. Speaker, and I would add that it presents an exciting opportunity to solve critical water problems for rural communities with unreliable or contaminated drinking water supplies.

Mr. Speaker, we support adoption of S. 895.

Mr. Speaker, I yield back the balance of my time.

Mrs. DRAKE. Mr. Speaker, I have no other additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. DRAKE) that the House suspend the rules and pass the Senate bill, S. 895, as amended.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill, as amended, was passed.

The title of the Senate bill was amended so as to read: "An Act to authorize the Secretary of the Interior to carry out a rural water supply program in the Reclamation States to provide a clean, safe, affordable, and reliable water supply to rural residents.".

A motion to reconsider was laid on the table.

NATIONAL HISTORIC PRESERVATION ACT AMENDMENTS OF 2006

Mrs. DRAKE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1829) to repeal certain sections of the Act of May 26, 1936, pertaining to the Virgin Islands, as amended.

The Clerk read as follows:

S. 1829

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—SACRAMENTO-SAN JOAQUIN DELTA

SEC. 101. CALIFORNIA DELTA SUBVENTION.

(a) AUTHORITY.—The Secretary of the Interior, acting through the Commissioner of Reclamation, shall deposit within 30 days of receipt, all funds under this title into the Fund established by Cal. Water Code section 12300(a), to be used for project reimbursement under Cal. Water Code section 12300(b)(1), as in effect before July 1, 2006.

(b) ADMINISTRATIVE COSTS.—The Bureau of Reclamation may use not more than 1 percent of appropriated funds to cover administrative and overhead costs.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to carry out this section $10,000,000 for each of fiscal years 2007 through 2012. Any amounts expended under this subsection shall be considered to be nonreimbursable Federal expenditures.

TITLE II—NATIONAL HISTORIC PRESERVATION ACT AMENDMENTS

SEC. 201. SHORT TITLE.

This title may be cited as the "National Historic Preservation Act Amendments of 2006".

SEC. 202. HISTORIC PRESERVATION OFFICER RESPONSIBILITIES.

Section 101(b) of the National Historic Preservation Act (16 U.S.C. 470a(b)) is amended by adding at the end the following:

"(7) The State Historic Preservation Officer shall have no authority to require an applicant for Federal assistance, permit, or license to identify historic properties outside the undertaking's area of potential effects as determined by the Federal agency in accordance with the regulations implementing section 106.

"(8) If the State Historic Preservation Officer, Tribal representative, or Tribal Historic Preservation Officer fails to respond within 30 days after an adequately documented finding of 'no historic properties affected' or 'no adverse effect' as provided in the regulations implementing section 106, the Federal agency may assume that the State Historic Preservation Officer or Tribal Historic Preservation Officer has no objection to the finding.".

SEC. 203. ADDITIONAL CRITERIA FOR CERTIFICATION OF LOCAL GOVERNMENTS TO CARRY OUT NATIONAL HISTORIC PRESERVATION ACT.

Section 101(c)(1) of the National Historic Preservation Act (16 U.S.C. 470a(c)(1)) is amended—

(1) by striking "and" at the end of subparagraph (D);

(2) by redesignating subparagraph (E) as subparagraph (F);

(3) by inserting after subparagraph (D) the following new subparagraph:

"(E) agrees that it shall not use any eligibility determination regarding the inclusion of any property or District on the National Register to initiate local regulatory requirements unless the entity provides full due process protection to the owner or owners of the property or District through a hearing process; and"; and

(4) in the matter below the subparagraphs, by striking "through (E)" and inserting "through (F)".

SEC. 204. HISTORIC PRESERVATION FUND.

Section 108 of the National Historic Preservation Act (16 U.S.C. 470h) is amended by striking "2005" and inserting "2015".

SEC. 205. ADVISORY COUNCIL ON HISTORIC PRESERVATION.

(a) MEMBERSHIP.—Section 201 of the National Historic Preservation Act (16 U.S.C. 470i) is amended—

(1) in subsection (a)(4), by striking "four" and inserting "seven";

(2) in subsection (b), by striking "(5) and (6)" and inserting "paragraph (6)"; and

(3) in subsection (f), by striking "Nine" and inserting "Eleven".

(b) FINANCIAL AND ADMINISTRATIVE SERVICES.—Section 205(f) of such Act (16 U.S.C. 470m(f)) is amended to read as follows:

"(f) Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel and procurement) shall be provided the Council by the Department of the Interior or, at the discretion of the Council, such other agency or private entity that reaches an agreement with the Council, for which payments shall be made in advance or by reimbursement from funds of the Council in such amounts as may be agreed upon by the Chairman of the Council and the head of the agency or, in the case of a private entity, the authorized representative of the private entity that will provide the services. When a Federal agency affords such services, the regulations of that agency for the collection of indebtedness of personnel resulting from erroneous payments, prescribed under section 5514(b) of title 5, United States Code, shall apply to the collection of erroneous payments made to or on behalf of a Council employee, and regulations of that agency for the administrative control of funds under sections 1513(d) and 1514 of title 31, United States Code, shall apply to appropriations of the Council. The Council shall not be required to prescribe such regulations.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 212(a) of the Act (16 U.S.C. 470t(a)) is amended by striking "for purposes of this title not to exceed $4,000,000 for each fiscal year 1997 through 2005" and inserting "such amounts as may be necessary to carry out this title".

SEC. 206. EFFECTIVENESS OF FEDERAL GRANT AND ASSISTANCE PROGRAMS IN MEETING PURPOSES AND POLICIES OF THE NATIONAL HISTORIC PRESERVATION ACT.

The National Historic Preservation Act is amended by inserting after section 215 (16 U.S.C. 470v–1) the following new section:

"SEC. 216. EFFECTIVENESS OF FEDERAL GRANT AND ASSISTANCE PROGRAMS.

"(a) COOPERATIVE AGREEMENTS.—The Council may enter into a cooperative agreement with any Federal agency that administers a grant or assistance program for the purpose of improving the effectiveness of the administration of such program in meeting the purposes and policies of this Act. Such cooperative agreements may include provisions that modify the selection criteria for a grant or assistance program to further the purposes of this Act or that allow the Council to participate in the selection of recipients, if such provisions are not inconsistent with the statutory authorization and purpose of the grant or assistance program.

"(b) REVIEW OF GRANT AND ASSISTANCE PROGRAMS.—The council may—

"(1) review the operation of any Federal grant or assistance program to evaluate the effectiveness of such program in meeting the purposes and policies of this Act;

"(2) make recommendations to the head of the Federal agency that administers such program to further the consistency of the program with the purposes and policies of this Act and to improve its effectiveness in carrying out those purposes and policies; and

"(3) make recommendations to the President and the Congress regarding the effectiveness of Federal grant and assistance programs in meeting the purposes and policies of this Act, including recommendations with regard to appropriate funding levels.".

TITLE III—REPEAL OF CERTAIN LAWS PERTAINING TO THE VIRGIN ISLANDS

SEC. 301. REPEAL OF CERTAIN LAWS PERTAINING TO THE VIRGIN ISLANDS.

(a) REPEAL.—Sections 1 through 6 of the Act of May 26, 1936 (Chapter 450; 49 Stat. 1372–1373; 48 U.S.C. 1401–1401e), are repealed.

(b) EFFECTIVE DATE.—This section shall be deemed to have taken effect on July 22, 1954.

TITLE IV—NATIONAL PARK SYSTEM SPECIAL RESOURCE STUDY, NEWTONIA CIVIL WAR BATTLEFIELDS, MISSOURI

SEC. 401. NATIONAL PARK SYSTEM SPECIAL RESOURCE STUDY, NEWTONIA CIVIL WAR BATTLEFIELDS, MISSOURI.

(a) SPECIAL RESOURCE STUDY.—The Secretary of the Interior shall conduct a special resource study relating to the First Battle of Newtonia in Newton County, Missouri, which occurred on September 30, 1862, and the Second Battle of Newtonia, which occurred on October 28, 1864, during the Missouri Expedition of Confederate General Sterling Price in September and October 1864.

(b) CONTENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) evaluate the national significance of the Newtonia battlefields and their related sites;

(2) consider the findings and recommendations contained in the document entitled "Vision Plan for Newtonia Battlefield Preservation" and dated June 2004, which was prepared by the Newtonia Battlefields Protection Association;

(3) evaluate the suitability and feasibility of adding the battlefields and related sites as part of Wilson's Creek National Battlefield or designating the battlefields and related sites as a unit of the National Park System;

(4) analyze the potential impact that the inclusion of the battlefields and related sites as part of Wilson's Creek National Battlefield or their designation as a unit of the National Park System is likely to have on land within or bordering the battlefields and related sites that is privately owned at the time of the study is conducted;

(5) consider alternatives for preservation, protection, and interpretation of the battlefields and related sites by the National Park Service, other Federal, State, or local governmental entities, or private and nonprofit organizations; and

(6) identify cost estimates for any necessary acquisition, development, interpretation, operation, and maintenance associated with the alternatives referred to in paragraph (5).

(c) CRITERIA.—The criteria for the study of areas for potential inclusion in the National Park System contained in section 8 of Public Law 91-383 (16 U.S.C. 1a-5) shall apply to the study under subsection (a).

(d) TRANSMISSION TO CONGRESS.—Not later than three years after the date on which funds are first made available for the study under subsection (a), the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study; and

(2) any conclusions and recommendations of the Secretary.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. DRAKE) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia.

Mrs. DRAKE. Mr. Speaker, with time quickly running out in the 109th Congress, the Committee on Resources has amended this bill to package several bills for consideration in the Senate.

Title I is the text of H.R. 6014 authored by Congressman RICHARD POMBO, which aims to protect levees in the highly vulnerable Sacramento-San Joaquin Delta in Central California. This bill passed the House in September.

Title II is the text of H.R. 5861, authored by Congressman STEVAN PEARCE, which strengthens and improves the operation of the National Historic Preservation Act. This bill also passed the House in September.

Title III, authored by Senator PETE DOMENICI and Congresswoman DONNA CHRISTENSEN, amends the Organic Act which applies to the U.S. Virgin Islands. The language, as reflected in both H.R. 59 and S. 1829, as passed by the Senate on September 29 of this year, will allow the Virgin Islands to control its property tax system. Currently, all other States and territories have this ability, and for the many residents of this territory it is important that we are able to move this provision forward.

The last title includes the text of H.R. 5978, authored by Congressman ROY BLUNT. That bill authorizes the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including the battlefields and related sites of the First and Second Battles of Newtonia, Missouri, during the Civil War, as part of Wilson's Creek National Battlefield or designating the battlefields and related sites as a separate unit of the National Park System. All of these bills are worthy of our consideration, and I ask for your support.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of S. 1829, companion legislation to one

I introduced to repeal an outdated 1936 Federal statute which limits the authority of the Virgin Islands government to assess and collect real property taxes in the territory. I will note that the Senate approved this measure as a stand-alone piece of legislation, but certain extraneous matters such as titles 1, 2, and 4 have been added to this bill by the Republican leadership which will require it to be reconsidered by the Senate.

Mr. Speaker, it is crucial that we pass S. 1829, now title III, and have it enacted into law before we adjourn for the year to prevent some of my constituents from facing the very real risk of losing their homes because the Virgin Islands government would not be able to provide them protections from the sky-high property tax bills because of the 1936 statute.

That statute was enacted to address the tax policies of the Danish era in the Virgin Islands. It was generally thought to have been repealed by the enactment of the Revised Organic Act of 1954, which created a comprehensive system within the local government with sufficient legislative powers to resolve local property tax issues without the need of Federal intervention.

S. 1829 and H.R. 59, which I introduced in the House, became necessary because 2 years ago the Third Circuit Federal Court of Appeals revived the 1936 statute, which requires that all real property be taxed at the same rate without regard to classification or use.

This decision, among other things, struck down a local statute capping the amount of any increase in the assessment of residential real property and, therefore, any increase in the property tax owed in any assessment period. It also prevents any exemptions for veterans and other groups who ought to have such a benefit.

If the 1936 law is not now repealed by Congress, it will hinder the exercise of the Virgin Islands government as conferred by the Revised Organic Act to assess, administer, and collect real property taxes in the Virgin Islands. Indeed, the 1936 statute puts at risk longstanding government policies designed to develop the economy, promote social welfare, and protect home ownership in the Virgin Islands. Without the authority to limit such increases by capping such assessments or similar methods commonly used by other jurisdictions, the now revived 1936 statute may have the anomalous result of pricing land and home ownership beyond the reach of many Virgin Islanders. It has long outlived its usefulness and now interferes with the Virgin Islands' ability to perform an essential government function.

The assessment and collection of real property taxes is fundamentally a local government issue with no Federal impact. No other State, territorial or local government is subject to such Federal restrictions.

Mr. Speaker, I would be remiss if I didn't point out my deep disappointment of the fact that we are not voting on S. 1829 as a stand-alone bill. By including additional items in the bill, it becomes possible that the repeal of the 1936 statute could not become law before Congress adjourns because of procedural complications in the other body. I hope that is not the case, because it would be extremely lamentable if, because of that result, many of my constituents would receive very high tax bills this coming January and there would be no way that they could afford to pay, and that could in fact mean the loss of their homes. So I am calling on my colleagues, whose bills were added to this otherwise simple but very significant measure, and the leadership to work with me in the remaining day or days of this Congress to save the American dream for their fellow Americans living in the Virgin Islands who have, alongside citizens from all of the other districts, served this country at every level, even to the ultimate sacrifice in every war this country has fought.

Mr. Speaker, I yield back the balance of my time.

GENERAL LEAVE

Mrs. DRAKE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. DRAKE. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. DRAKE) that the House suspend the rules and pass the Senate bill, S. 1829, as amended.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill, as amended, was passed.

The title of the Senate bill was amended so as to read: "An Act to repeal certain sections of the Act of May 26, 1936, pertaining to the Virgin Islands, and for other purposes.".

A motion to reconsider was laid on the table.

UNITED STATES-MEXICO TRANSBOUNDARY AQUIFER ASSESSMENT ACT

Mrs. DRAKE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 214) to authorize the Secretary of the Interior to cooperate with the States on the border with Mexico and other appropriate entities in conducting a hydrogeologic characterization, mapping, and modeling program for priority transboundary aquifers, and for other purposes, as amended.

The Clerk read as follows:

S. 214

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States-Mexico Transboundary Aquifer Assessment Act".

SEC. 2. PURPOSE.

The purpose of this Act is to direct the Secretary of the Interior to establish a United States-Mexico transboundary aquifer assessment program to systematically assess priority transboundary aquifers.

SEC. 3. DEFINITIONS.

In this Act:

(1) AQUIFER.—The term "aquifer" means a subsurface water-bearing geologic formation from which significant quantities of water may be extracted.

(2) IBWC.—The term "IBWC" means the International Boundary and Water Commission, an agency of the Department of State.

(3) INDIAN TRIBE.—The term "Indian tribe" means an Indian tribe, band, nation, or other organized group or community—

(A) that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians; and

(B) the reservation of which includes a transboundary aquifer within the exterior boundaries of the reservation.

(4) PARTICIPATING STATE.—The term "Participating State" means each of the States of Arizona, New Mexico, and Texas.

(5) PRIORITY TRANSBOUNDARY AQUIFER.—The term "priority transboundary aquifer" means a transboundary aquifer that has been designated for study and analysis under the program.

(6) PROGRAM.—The term "program" means the United States-Mexico transboundary aquifer assessment program established under section 4(a).

(7) RESERVATION.—The term "reservation" means land that has been set aside or that has been acknowledged as having been set aside by the United States for the use of an Indian tribe, the exterior boundaries of which are more particularly defined in a final tribal treaty, agreement, executive order, Federal statute, secretarial order, or judicial determination.

(8) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the United States Geological Survey.

(9) TRANSBOUNDARY AQUIFER.—The term "transboundary aquifer" means an aquifer that underlies the boundary between a Participating State and Mexico.

(10) TRI-REGIONAL PLANNING GROUP.—The term "Tri-Regional Planning Group" means the binational planning group comprised of—

(A) the Junta Municipal de Agua y Saneamiento de Ciudad Juarez;

(B) the El Paso Water Utilities Public Service Board; and

(C) the Lower Rio Grande Water Users Organization.

(11) WATER RESOURCES RESEARCH INSTITUTES.—The term "water resources research institutes" means the institutes within the Participating States established under section 104 of the Water Resources Research Act of 1984 (42 U.S.C. 10303).

SEC. 4. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—The Secretary, in consultation and cooperation with the Participating States, the water resources research institutes, Sandia National Laboratories, and other appropriate entities in the United States and Mexico, and the IBWC, as appropriate, shall carry out the United States-Mexico transboundary aquifer assessment program to characterize, map, and model priority transboundary aquifers along the United States-Mexico border at a level of detail determined to be appropriate for the particular aquifer.

(b) OBJECTIVES.—The objectives of the program are to—

(1) develop and implement an integrated scientific approach to identify and assess priority transboundary aquifers, including—

(A) for purposes of subsection (c)(2), specifying priority transboundary aquifers for further analysis by assessing—

(i) the proximity of a proposed priority transboundary aquifer to areas of high population density;

(ii) the extent to which a proposed priority transboundary aquifer would be used;

(iii) the susceptibility of a proposed priority transboundary aquifer to contamination; and

(iv) any other relevant criteria;

(B) evaluating all available data and publications as part of the development of study plans for each priority transboundary aquifer;

(C) creating a new, or enhancing an existing, geographic information system database to characterize the spatial and temporal aspects of each priority transboundary aquifer; and

(D) using field studies, including support for and expansion of ongoing monitoring and metering efforts, to develop—

(i) the additional data necessary to adequately define aquifer characteristics; and

(ii) scientifically sound groundwater flow models to assist with State and local water management and administration, including modeling of relevant groundwater and surface water interactions;

(2) consider the expansion or modification of existing agreements, as appropriate, between the United States Geological Survey, the Participating States, the water resources research institutes, and appropriate authorities in the United States and Mexico, to—

(A) conduct joint scientific investigations;

(B) archive and share relevant data; and

(C) carry out any other activities consistent with the program; and

(3) produce scientific products for each priority transboundary aquifer that—

(A) are capable of being broadly distributed; and

(B) provide the scientific information needed by water managers and natural resource agencies on both sides of the United States-Mexico border to effectively accomplish the missions of the managers and agencies.

(c) DESIGNATION OF PRIORITY TRANSBOUNDARY AQUIFERS.—

(1) IN GENERAL.—For purposes of the program, the Secretary shall designate as priority transboundary aquifers—

(A) the Hueco Bolson and Mesilla aquifers underlying parts of Texas, New Mexico, and Mexico;

(B) the Santa Cruz River Valley aquifers underlying Arizona and Sonora, Mexico; and

(C) the San Pedro aquifers underlying Arizona and Sonora, Mexico

(2) ADDITIONAL AQUIFERS.—The Secretary may, using the criteria under subsection (b)(1)(A), evaluate and designate additional priority transboundary aquifers which underlie New Mexico or Texas.

(d) COOPERATION WITH MEXICO.—To ensure a comprehensive assessment of priority transboundary aquifers, the Secretary shall, to the maximum extent practicable, work with appropriate Federal agencies and other organizations to develop partnerships with, and receive input from, relevant organizations in Mexico to carry out the program.

(e) GRANTS AND COOPERATIVE AGREEMENTS.—The Secretary may provide grants or enter into cooperative agreements and other agreements with the water resources research institutes and other Participating State entities to carry out the program.

SEC. 5. IMPLEMENTATION OF PROGRAM.

(a) COORDINATION WITH STATES, TRIBES, AND OTHER ENTITIES.—The Secretary shall coordinate the activities carried out under the program with—

(1) the appropriate water resource agencies in the Participating States;

(2) any affected Indian tribes;

(3) any other appropriate entities that are conducting monitoring and metering activity with respect to a priority transboundary aquifer; and

(4) the IBWC, as appropriate.

(b) NEW ACTIVITY.—After the date of enactment of this Act, the Secretary shall not initiate any new field studies or analyses under the program before consulting with, and coordinating the activity with, any Participating State water resource agencies that have jurisdiction over the aquifer.

(c) STUDY PLANS; COST ESTIMATES.—

(1) IN GENERAL.—The Secretary shall work closely with appropriate Participating State water resource agencies, water resources research institutes, and other relevant entities to develop a study plan, timeline, and cost estimate for each priority transboundary aquifer to be studied under the program.

(2) REQUIREMENTS.—A study plan developed under paragraph (1) shall, to the maximum extent practicable—

(A) integrate existing data collection and analyses conducted with respect to the priority transboundary aquifer;

(B) if applicable, improve and strengthen existing groundwater flow models developed for the priority transboundary aquifer; and

(C) be consistent with appropriate State guidelines and goals.

SEC. 6. EFFECT.

(a) IN GENERAL.—Nothing in this Act affects—

(1) the jurisdiction or responsibility of a Participating State with respect to managing surface or groundwater resources in the Participating State;

(2) the water rights of any person or entity using water from a transboundary aquifer; or

(3) State water law, or an interstate compact or international treaty governing water.

(b) TREATY.—Nothing in this Act shall delay or alter the implementation or operation of any works constructed, modified, acquired, or used within the territorial limits of the United States relating to the waters governed by the Treaty Between the United States and Mexico Regarding Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande, Treaty Series 994 (59 Stat. 1219).

SEC. 7. REPORTS.

Not later than 5 years after the date of enactment of this Act, and on completion of the program in fiscal year 2016, the Secretary shall submit to the appropriate water resource agency in the Participating States, an interim and final report, respectively, that describes—

(1) any activities carried out under the program;

(2) any conclusions of the Secretary relating to the status of priority transboundary aquifers; and

(3) the level of participation in the program of entities in Mexico.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act $50,000,000 for the period of fiscal years 2007 through 2016.

(b) DISTRIBUTION OF FUNDS.—Of the amounts made available under subsection (a), 50 percent shall be made available to the water resources research institutes to provide funding to appropriate entities in the Participating States (including Sandia National Laboratories, State agencies, universities, the Tri-Regional Planning Group, and other relevant organizations) and to implement cooperative agreements entered into with appropriate entities in Mexico to conduct specific authorized activities in furtherance of the program, including the binational collection and exchange of scientific data.

(c) CRITERIA.—Funding provided to an appropriate entity in Mexico pursuant to subsection (b) shall be contingent on that entity providing 50 percent of the necessary resources (including in-kind services) to further assist in carrying out the authorized activity.

SEC. 9. SUNSET OF AUTHORITY.

The authority of the Secretary to carry out any provisions of this Act shall terminate 10 years after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. DRAKE) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia.

GENERAL LEAVE

Mrs. DRAKE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. DRAKE. Mr. Speaker, I yield myself such time as I may consume.

S. 214, introduced by Senator BINGAMAN and supported by our Arizona colleague Congressman JIM KOLBE, authorizes the Secretary of the Interior to cooperate on a study on the Mexican border of transboundary aquifers.

As the population in this arid region continues to grow, the importance of water cannot be overstated. This legislation will help provide the scientific foundation necessary for Federal, State, and local officials to address pressing water resource challenges. This includes researching, mapping, and modeling of these aquifers along our shared border. Because these aquifers do not recognize international borders, it is essential that any research involve the cooperation and participation of both countries. I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker I yield myself such time as I may consume.

Mr. Speaker, the majority has already explained this bill. I would simply note that we share more than a long border with our neighbors in Mexico. We also share very scarce surface water and groundwater supplies. Rapidly growing cities along the border need to understand these water supplies so that they can make decisions about how best to use them now and to preserve them for the future. We strongly support the adoption of S. 214.

Mr. Speaker, I yield back the balance of my time.

Mr. REYES. Mr. Speaker, I rise today in support of S. 214, the United States-Mexico Transboundary Aquifer Assessment Act of 2005.

The U.S.-Mexico border region presents us with one of our Nation's most challenging sets of policy priorities. We read headlines everyday about the issues of migration, national security, illegal drug trafficking, and trade and commerce, all of which are centered on our southern border. However, the nation often forgets about other issues by which we are affected on the border that are complicated by the binational nature of the communities in which we live.

S. 214 will help border communities in Texas, New Mexico, Arizona, and California as they approach an issue that will determine the viability of their communities to prosper indefinitely into the future: water. On the border, the question of water is not only one of negotiating resource allocation between countries, but also one of geography and scarcity. As we enter a century in which, according to many experts, wars between nations will be fought over water, not oil, S. 214 will offer an essential assessment tool to policymakers making strategic decisions about resource allocation.

Currently, although the U.S. and Mexico share information about surface water and other resources, no bilateral mechanism exists for cooperation and the sharing of information with regards to ground water. This lack of communication makes it difficult to ascertain the limitations and capabilities of those groundwater resources shared between the U.S. and Mexico.

The bill would provide for that mechanism by establishing a United States-Mexico transboundary aquifer assessment program to evaluate and model groundwater resources along the border. The program will develop an integrated approach to assess transboundary groundwater resources, prioritizing the aquifers for further analysis, and creating a geographic information system database for each priority aquifer. The bill would expand existing agreements between the U.S. Geological Survey, border states, the research institutes, and U.S. and Mexican authorities to conduct joint scientific investigations and produce scientific reports that will assist technicians and authorities in managing our most precious resource.

Located in the Chihuahua Desert, the vitality of my district of El Paso, Texas depends on the prudent management of our water resources. S. 214 will help us provide sustainable water resources for generations of Americans to come.

I urge my colleagues to join me in supporting S. 214.

Mrs. DRAKE. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. DRAKE) that the House suspend the rules and pass the Senate bill, S. 214, as amended.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

MICHIGAN LIGHTHOUSE AND MARITIME HERITAGE ACT

Mrs. DRAKE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1346) to direct the Secretary of the Interior to conduct a study of maritime sites in the State of Michigan.

The Clerk read as follows:

S. 1346

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Michigan Lighthouse and Maritime Heritage Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) STATE.—The term "State" means the State of Michigan.

SEC. 3. STUDY.

(a) IN GENERAL.—The Secretary, in consultation with the State, the State Historic Preservation Officer, and other appropriate State and local public agencies and private organizations, shall conduct a special resource study of resources related to the maritime heritage of the State.

(b) PURPOSE.—The purpose of the study is to determine—

(1) suitable and feasible options for the long-term protection of significant maritime heritage resources in the State; and

(2) the manner in which the public can best learn about and experience the resources.

(c) REQUIREMENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) review Federal, State, and local maritime resource inventories and studies to establish the potential for interpretation and preservation of maritime heritage resources in the State;

(2) recommend management alternatives that would be most effective for long-term resource protection and providing for public enjoyment of maritime heritage resources;

(3) address how to assist regional, State, and local partners in increasing public awareness of and access to maritime heritage resources;

(4) identify sources of financial and technical assistance available to communities for the preservation and interpretation of maritime heritage resources; and

(5) identify opportunities for the National Park Service and the State to coordinate the activities of appropriate units of national, State, and local parks and historic sites in furthering the preservation and interpretation of maritime heritage resources.

(d) REPORT.—Not later than 3 years after the date on which funds are made available to carry out the study under subsection (a), the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that describes—

(1) the results of the study; and

(2) any findings and recommendations of the Secretary.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. DRAKE) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia.

☐ 1815

GENERAL LEAVE

Mrs. DRAKE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. DRAKE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1346, introduced by Senator STABENOW, is a companion to H.R. 3532 introduced by our colleague, Mr. CAMP of Michigan. The bill would direct the Secretary of the Interior to conduct a study of Michigan's maritime heritage resources to determine suitable and feasible options for their long-term protection. I urge adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, our colleagues from the Wolverine State, including our Resources Committee colleague, Mr. KILDEE, and the dean of the House, Representative JOHN DINGELL, have worked diligently to get this measure to the House floor today, and we applaud their efforts.

We have no objection to S. 1346 and look forward to the results of the study authorizing this bill.

Mr. Speaker, I yield back the balance of my time.

Mrs. DRAKE. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. CAMP).

Mr. CAMP. Mr. Speaker, I thank the gentlewoman from Virginia for yielding me this time, and I thank the gentlewoman from the Virgin Islands for her comments on this bipartisan bill.

I rise today in support of S. 1346, and I was proud to introduce a companion bill in the House.

Michigan owes its rich maritime history to more than 3,000 miles of Great Lakes shoreline. As the largest freshwater body in the world, the Great Lakes are home to a thriving shipping industry, a passenger transport system, and thousands of recreational boaters. It is not surprising, then, that Michigan's shores carry more lighthouses than any other State. These lighthouses are important reminders of the State's maritime prominence.

Michigan is also home to several underwater preserves and the country's only freshwater marine sanctuary, the Thunder Bay National Marine Sanctuary. Thunder Bay contains hundreds of shipwrecks preserved by the icy waters of Lake Huron. Each one provides a unique window into Michigan's maritime history.

In addition, I am proud that my State contains many major maritime museums and a dozen historic ships, including a replica of a wooden schooner in Traverse City, which served as the city's first schoolhouse.

The Michigan Lighthouse and Maritime Heritage Act authorizes a study that directs the U.S. Department of the Interior on the protection and promotion of Michigan's maritime resources. Specifically, it requires the Department to determine how best to preserve these sites and recommend ways the public may better experience them. This effort will undoubtedly benefit Michigan's tourism industry and the State's residents, who hold maritime resources in high regard as symbols of their cultural past.

I thank my colleagues who have helped move this legislation forward, including Mr. PEARCE, chairman of the Resources Subcommittee on National Parks, and Senator STABENOW, the sponsor of the bill in the Senate.

Mrs. MILLER of Michigan. Mr. Speaker, I rise today in strong support of S. 1346, the Michigan Lighthouse and Maritime Heritage Act. I am a proud cosponsor of a similar bill introduced by my colleague Mr. CAMP, H.R. 3532, and I'm glad we are taking a step today towards preserving the great State of Michigan's maritime heritage.

Mr. Speaker, Michigan truly is the Great Lakes State, touched by 4 of the 5 Great Lakes. Helping protect ships on the Great Lakes and the sailors who crew them are the hundreds of lighthouses that dot the Lakes. The State of Michigan alone has 124 lighthouses, the most of any State in the union, and I am proud to have 8 of these lighthouses in my district, including the oldest lighthouse in Michigan, located in Fort Gratiot on the shores of Lake Huron. Built in 1829, this lighthouse is still in use, along with the South Channel Light, Pointe Aux Barques Light, and the Harbor Beach Light, that were all in service before Abraham Lincoln was President.

In addition to having the most lighthouses of any other State, Mr. Speaker, Michigan was the first State to initiate a transfer of authority for lighthouses from the Federal Government to nonprofit groups. The State of Michigan accepted responsibility for lighthouses the Coast Guard previously had jurisdiction over, and then transferred authority to nonprofit groups such as Save our South Channel Lights, which I am proud to have located in my district. Through this process, the people of Michigan have been able to preserve these living landmarks and symbols of our nautical heritage.

Moreover, Mr. Speaker, as Secretary of State in Michigan, I unveiled a "Save our Lights" license plate in 2001, which directed funds to the Michigan Lighthouse Assistance Program, which remains dedicated to preserving the 124 lighthouses dotting the Michigan shoreline and islands. To date, the program has raised over $900,000 through the sale of license plates. With this in mind, it's only fitting that the Federal Government begins to take a look at helping to preserve these treasures, and help the public learn more about them for their own personal enjoyment.

Mrs. DRAKE. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. DRAKE) that the House suspend the rules and pass the Senate bill, S. 1346.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 6099, by the yeas and nays;

H. Res. 1082, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be a 5-minute vote.

UNBORN CHILD PAIN AWARENESS ACT OF 2006

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 6099.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and pass the bill, H.R. 6099, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 250, nays 162, not voting 20, as follows:

[Roll No. 526]

YEAS—250

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Beauprez
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chandler
Chocola
Cleaver
Coble
Cole (OK)
Conaway
Costello
Cramer
Crenshaw
Cuellar
Culberson
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kuhl (NY)
LaHood
Langevin
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Nunes
Oberstar
Ortiz
Osborne
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schmidt
Schwarz (MI)
Sekula Gibbs
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Souder
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—162

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bass
Bean
Berkley
Berman
Biggert
Blumenauer
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Clay
Clyburn
Conyers
Cooper
Costa
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kennedy (RI)
Kilpatrick (MI)
Kind
Kirk
Kolbe
Kucinich
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rangel
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Sires
Slaughter
Smith (WA)
Solis
Spratt
Stark
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—20

Becerra
Bishop (NY)
Brown (OH)
Cubin
Evans
Ford
Gibbons
Gilchrest
Jefferson
Murtha
Norwood
Nussle
Obey
Otter
Oxley
Paul
Strickland
Taylor (NC)
Watson
Weldon (PA)

☐ 1849

Mr. BLUMENAUER changed his vote from "yea" to "nay."

So (two-thirds of those voting having not responded in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

SCHEDULE UPDATE

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker, and my colleagues, I want to give everyone an update on the schedule for the balance of the week. We were attempting to finish our business by late tomorrow. That does not look possible to me at this point. And in order to give everyone as straight a heads-up as possible, I do expect that we will be finished by the end of business on Friday. And so I would suggest to Members that sometime Friday we will be finished. It is only Wednesday, so I can't tell you what time Friday, so don't ask. But for those of you that have big plane reservations, if you want to make reservations for Saturday morning, I think that you will be relatively safe.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

CONDEMNING ST. DENIS, FRANCE, FOR NAMING STREET IN HONOR OF MUMIA ABU-JAMAL

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 1082.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and agree to the resolution, H. Res. 1082, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 368, nays 31, answered "present" 8, not voting 25, as follows:

[Roll No. 527]

YEAS—368

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole (OK)
Conaway
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Gene
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
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Herger
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Hinojosa
Hobson
Hoekstra
Holden
Holt
Hooley
Hostettler
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Hulshof
Hunter
Hyde
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Inslee
Israel
Issa
Istook
Jenkins
Jindal
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Johnson, Sam
Jones (NC)
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Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
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Matheson
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McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
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Melancon
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Millender-McDonald
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Pearce
Pelosi
Pence
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Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sekula Gibbs
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
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Shuster
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Sires
Skelton
Slaughter
Smith (NJ)
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Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
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Tiberi
Tierney
Turner
Udall (CO)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waxman
Weldon (FL)
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Westmoreland
Wexler
Whitfield
Wicker
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Lee
McKinney
Meeks (NY)
Nadler
Oberstar
Owens
Pastor
Payne
Rangel

Rush
Scott (VA)
Serrano
Stark
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Udall (NM)
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Waters
Weiner
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Jackson-Lee (TX)
Lewis (GA)
Miller, George
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Berman
Bishop (NY)
Brown (OH)
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McKeon
Murtha
Norwood
Nussle
Obey
Otter
Oxley
Paul
Strickland
Taylor (NC)
Watson
Weldon (PA)

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Mr. RANGEL changed his vote from "yea" to "nay."

Mr. EMANUEL changed his vote from "nay" to "yea."

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken tomorrow.

EXPRESSING SUPPORT FOR DEMOCRACY IN NEPAL

Mr. LEACH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1051) expressing support for democracy in Nepal that will require the full participation of the people of Nepal in the political process to hold elections for a constituent assembly and draft a new constitution and calling upon the Communist Party of Nepal-Maoist to adhere to commitments it has made and to respect human rights, as amended.

The Clerk read as follows:

H. RES. 1051

Whereas the United States and Nepal have longstanding ties of friendship and good relations, and since contributing as Nepal's first bilateral aid donor in January 1951, the United States has contributed more than $1,400,000,000 bilaterally and multilaterally to Nepal;

Whereas it is the policy of the United States to support sustained peace and democracy in Nepal in order to achieve important United States regional and bilateral goals, including preventing the spread of terror, enhancing regional stability, promoting democracy worldwide, and protecting United States citizens in Nepal;

Whereas the conflict in Nepal has claimed approximately 13,000 lives since 1996, and the insurgency continues to undermine political stability and the prospects for economic development in the country;

Whereas after three weeks of mass pro-democracy protests organized by the Seven-Party Alliance and the Communist Party of Nepal-Maoist, King Gyanendra reinstated the parliament, which reconvened on April 28, 2006; and

Whereas the United States supports the Government of Nepal's efforts to bring permanent peace and democracy to Nepal: Now, therefore, be it

Resolved, That—

(1) the House of Representatives—

(A) reiterates its support for democracy in Nepal;

(B) recognizes that the full participation of the people of Nepal will be required in the political process to—

(i) hold elections for a constituent assembly; and

(ii) draft a new constitution; and

(C) welcomes agreements between the Government of Nepal and the Communist Party of Nepal-Maoist that commit both sides to a free, fair, multi-party, democratic political process; and

(2) it is the sense of the House of Representatives that—

(A) the Government of Nepal should—

(i) continue its role in developing a new democracy;

(ii) hold free and fair elections for a constituent assembly;

(iii) immediately take steps to restore law and order and government presence and service delivery throughout the country; and

(iv) implement the will of the people of Nepal; and

(B) the Maoists must—

(i) lay down their weapons and permanently and publicly give up violence and intimidation for political ends, both in word and deed; and

(ii) strictly honor and implement their commitments to the Government and people of Nepal, including to—

(I) respect human rights;

(II) uphold civil liberties, including freedom of speech, association, and the press;

(III) submit to the rule of law; and

(IV) dismantle parallel governance structures that emerged during the conflict.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LEACH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa.

GENERAL LEAVE

Mr. LEACH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous matter on this resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. LEACH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this timely resolution, which takes note of the recent comprehensive peace agreement between the government of Nepal and the Maoist insurgents and expresses the hope that this process will place Nepal on the path of lasting peace and democracy.

In particular, I want to thank the gentleman from California (Mr. LANTOS) for his thoughtful assistance in this resolution and to commend my good friend, the gentleman from New York (Mr. WALSH), for his leadership on the resolution and his long-standing interest in the welfare of the people of Nepal.

As my colleagues know, sandwiched between China and India and home to the soaring Himalayan Mountains, Nepal has long been known as one of the most beautiful countries on the planet. A constitutional monarchy since 1990, Nepal has long enjoyed good relations with the United States at the governmental level, nurtured in part by the many Peace Corps volunteers, such as Mr. WALSH, who have so ably served in the world's only Hindu kingdom.

Tragically, however, each year since the onset of a ruthless Maoist rebellion in 1966 has seen this country of 24 million ever more starkly challenged, not only by the insurgents, but by a panoply of developmental, governance and human rights problems that have converged to potentially jeopardize the viability of the state itself.

Most recently, popular anger at King Gyanendra's autocratic actions since early 2005 boiled over in April of this year, resulting in massive demonstrations across the country, and public support for a nationwide general strike called by Nepal's seven major political parties. Despite harsh reprisals by the security forces, the resolve of the democracy movement ultimately forced the King to restore sovereignty to the people of Nepal.

On April 24, the King bowed to public pressure and announced the reinstatement of Parliament. On April 28, Parliament convened for the first time since 2002 with G.P. Koirala of the Nepali Congress Party at the helm of a national unity government.

The King's seizure of civilian authority and disdain for the political parties led them to seek a rapprochement with Nepal's Maoist insurgents, based on their mutual rejection of the King's royal coup. This rapprochement led to a formalized 12-point understanding between the parties and the Maoists, the key element of which is a commitment by the parties, now the government, to support elections to a constituent assembly charged with drafting a new constitution, a long-standing Maoist demand in exchange for Maoist commitment to support multiparty democracy.

Under the comprehensive agreement reached this November, the Maoist rebels will join a transitional government, while their weapons are to be put under U.N. supervision. The new agreement also establishes an ambitious timetable for democratic reform with the objective of holding elections monitored by the U.N. to the constituent assembly by mid-June, 2007.

The Government of the United States has welcomed the announcement of this agreement. The administration and Congress hope this step will place Nepal on a path to lasting peace and democracy. All of us hope that the Maoist commitment to peace and multiparty democracy is genuine, and that they have irrevocably abandoned their stated goal of establishing a one-party authoritarian state.

While it is always prudent to judge those who take law into their hands by their actions, not their words, the Congress is committed to giving reconciliation approaches as a fair and reasonable chance. America fully supports any peace process that safeguards the aspirations of the Nepali people.

As the resolution suggests, this means that violence and intimidation and criminal acts, such as forced recruitment of cadre and extortion, should cease forthwith. Nepali people who have lived in fear and insecurity for over a decade deserve not only a chance for peace and prosperity, but to choose their own form of government through free and fair elections.

America is committed to helping the Nepali people build a peaceful, prosperous and democratic future. I urge support for this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I rise in strong support of this resolution and urge all of my colleagues to do so as well.

I would first like to commend my friend and colleague from New York (Mr. WALSH) for introducing this measure and for his long-standing interest in Nepal since his days as a Peace Corps volunteer in that troubled nation.

Over the past decade, more than 13,000 citizens of Nepal have lost their lives in a brutal civil war. More than 200,000 have been displaced. Hopes for peace have been repeatedly dashed, and the poor and impoverished people of Nepal have paid the price. With one of the lowest per capita GDPs in the entire world, the inability of the Maoists and the Nepalese government to negotiate a comprehensive peace agreement has been truly unconscionable.

In their bloody insurgent campaign, the Maoist guerillas have dragged children from their villages to serve as child soldiers. They have assassinated local officials who dare to challenge their authority and Nepalese soldiers trying to keep the peace, and they have repeatedly harassed poor villagers who simply wish to stay out of the civil war.

The Nepalese Government has not been without blame. The government has been hopelessly deadlocked by political divisions between the parties and between Nepal's elected political leadership and the Nepalese King. The Nepalese Army has also been responsible for severe human rights abuses in its efforts to defeat the Maoists.

With this history in mind, the news from Kathmandu last month that the Nepalese Government and the Maoists had finally signed a peace agreement is most welcome. On its face the peace agreement holds great promise to bring peace to Nepal at long last, as well as the restoration of democracy.

The guerillas will be forced to put their personnel and weapons in U.N.-monitored cantonments, and the Nepalese Army will put a similar number of soldiers back in their barracks. Elections for a constituent assembly will be held next year, and the guerillas will come into the government in the interim.

The leadership of the rebels has publicly renounced violence as a means to win political power in Nepal, and the Nepalese Government seems prepared to deal with some of the concerns raised by them.

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While the peace agreement is a very positive step forward, cautious optimism must remain the watchword for American policy towards Nepal. I am not convinced that the rebels have truly renounced violence or have given up on establishing an authoritarian Maoist society. I am very concerned that the peace deal lets the Maoists into the government before the Constituent Assembly elections next year, potentially giving them the ability to influence the election results in a nondemocratic direction.

I am also concerned that Nepal's vibrant political parties have not put aside their deep divisions, nor are they prepared to move toward strong and effective governments. The elected leaders of Nepal must focus on encouraging foreign investment, creating jobs and promoting education, not jockeying for the next government appointment.

Mr. Speaker, the United States has been a strong friend of Nepal over many decades. Our Nation has been a major donor of foreign assistance to the Nepalese people and we have made enormous diplomatic efforts to promote peace and stability in Nepal. In the months ahead, the United States and the United Nations must keep up the pressure on all parties in Nepal to live up to the terms of the peace deal. Any sign that the rebels or the government are returning to the violent and corrupt ways of the past must be met head on by the international community.

With the right amount of international pressure, it is our strong belief that the peace agreement between the Nepalese Government and the rebels will bear fruit. Finally, the impoverished people of Nepal will get the form of democracy, human rights and good governance that they so richly deserve. I strongly support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. LEACH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as we all understand, this body is composed of 435 Members, and one of the unique features of membership is everyone brings a different background. It has been my experience here that the Members that have some of the most helpful backgrounds possible are those that have served in the United States Peace Corps, and this applies both to knowledge of the area of the world that they may have served, but also just in general. Every Peace Corps volunteer that I have known that has served in this body has been of exemplary character and compassion.

Symbolic of it all is the gentleman from New York, Mr. WALSH, one of our most decent, thoughtful Members, who served in Nepal, whose leadership on this issue and whose introduction of this bill is so much appreciated by this body.

Mr. Speaker, I yield such time as he may consume to my good friend, the gentleman from New York, JIM WALSH.

Mr. WALSH. Mr. Speaker, I would like to thank Chairman HYDE, Chairman LEACH and Ranking Member LANTOS for their great service to this country while serving on the International Relations Committee. They bring great honor to this House in their knowledge and the thoughtful approach they bring to our foreign policy, and I am very grateful to them for allowing this resolution to come before the House this evening. Let me thank also the entire International Relations Committee and staff for all the hard work and effort in getting this important resolution to the floor.

It is such a critical time for this beautiful little country in Asia, Nepal. The timing of this resolution could not be more appropriate. The Government of Nepal and the Communist Party of Nepal just signed a comprehensive peace agreement on November 21, bringing an end to the 11-year people's war which has claimed over 13,000 lives.

The 11-page historic document was signed by Prime Minister Girija Prasad Koirala on behalf of the Nepal Government and Maoist Chairman Prachanda on behalf of his party. This ten-point agreement came after a number of earlier understandings and agreements between the Seven Party Alliance and the Maoists.

The agreement states that "After the Nepali Army is confined to barracks and the Maoist combatants to cantonments, possession and exhibition of arms, intimidation, and use of violence and weapons in any form shall be punishable by law."

The agreement bars the government and the Maoists from recruiting soldiers, smuggling or transporting weapons and explosives, carrying out violent activities against each other, intimidating any person and destroying private property or public property. The agreement states no one is allowed to move about or participate in mass meetings and rallies with any type of arms.

The popular uprising for peace and democracy in April was historic. The will of the people of Nepal is what made the agreements of recent weeks between the government and the Maoists possible, and I am hopeful that those agreements will move Nepal further along the path to lasting peace and democracy.

The progress to date is commendable and there is cause for optimism, but there is much work to be done. Agreements are worth little if they go unimplemented, and the Maoists in particular continue to engage in behavior that calls into question their commitment to non-violence and multiparty democracy.

As Richard Boucher, the Assistant Secretary of State for South and Central Asian Affairs, said during his recent visit to Nepal, "You don't walk into Parliament with a gun in your pocket." I again call upon the Maoists and their Chairman Prachanda to permanently end violence, to submit to the rule of law and to compete on an even playing field with Nepal's political parties for a contest of ideas to seek the votes of the Nepalese people in free and fair elections.

There is no place in a democracy for private armies. The parties of Nepal have requested U.N. assistance in monitoring adherence to the peace agreements, particularly the restriction of arms and armies. I welcome that request and the U.N.'s involvement, and I strongly support a robust U.N. monitoring mission in Nepal for the upcoming elections.

I am pleased and encouraged by these developments. The Nepalese people have spoken and expressed their will to have their voices heard. It is time for the political leaders to acknowledge their wishes and fully carry them out.

Mr. Speaker, again it gives me great pleasure to stand before you today to give praise to this historic comprehensive peace agreement as the framework for peace in Nepal and recognize the remarkable progress that has been achieved by all. Nepal can hopefully now travel down the path of peace, stability and prosperity.

I commend the efforts of the leaders of that nation who focused on the greater good of the people of Nepal, and I urge them to continue to move forward.

Mr. LANTOS. Mr. Speaker, I am pleased to yield such time as he may consume to my good friend the gentleman from Oregon (Mr. BLUMENAUER), a distinguished member of the International Relations Committee.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy in permitting me to speak on this and his leadership in bringing it forward with my friend and colleague, the chairman of our subcommittee.

Mr. Speaker, oftentimes there is so much work that transpires in the course of the International Relations Committee dealing with things that are too far removed from the world's viewpoint at any given time.

Mr. Speaker, I appreciate my colleague from New York introducing this legislation. He brings to this debate the experience of somebody who not only was a Peace Corps volunteer years ago, but continues his interest and concern, although not a member of the committee, somebody who has repeatedly brought his attention and expertise and interest. And that is what I think is the strength of what we can do in this Chamber: having the strength that comes from people who have the experience, the concern, use this platform to be able to focus the attention in this country and around the world on these things that seemingly are minor on the world stage. But given the devastation that has been incurred on this small country, the loss of life, the upset, the loss of progress, being able to look at an opportunity like this, it is not just for Nepal, but it seems to me it is a demonstration of taking some of these intractable issues around the world and indicate that there are opportunities for hope.

I just appreciate Congressman WALSH bringing this forward. I know he has had some other experience in the past looking at other modest conundrums, like in Northern Ireland, where his follow-through and his commitment makes a difference, and it is part of the richness of the experience here in foreign affairs.

I hope that this is something as we move forward to a new session, that we will be able to keep the focus, the direction and the attention, because coming out of what we see in Iraq, we are going to need more than ever opportunities to find areas of agreement and to reinforce the positive aspects of diplomacy.

I appreciate again the opportunity to speak in support of this and strongly urge my colleagues to not just support this, but this is something where people think about ways that they can help spread this word for this important work.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have no further speakers, but I wish to take a bit of time to express my own deep admiration for my dear friend from Iowa, whose brilliance and decency and commitment we shall miss more than any of us can express.

During an extraordinarily distinguished, rich, impressive service, Congressman LEACH has brought to this body intellectual equipment, integrity, a passionate commitment to the Congress, and he will be sorely and deeply missed by all of us on both sides of the aisle.

On behalf of all of my colleagues on the Democratic side, I want to express our admiration, our respect and our friendship for him, and wish him the very best in what I am sure will be exciting future endeavors.

Mr. Speaker, I yield back the balance of my time.

Mr. LEACH. Mr. Speaker, I thank very much my distinguished friend, and I wish him every great success as he takes on the leadership of this committee in this coming Congress. We all have a vested interest in the Congress doing well and the country moving forward.

Mr. MILLER of Florida. Mr. Speaker, I rise in support of Nepalese democracy. I would like to commend my colleague from New York, Mr. WALSH, for introducing this important bill and appreciate the opportunity to speak in support of it today.

The Nepalese people, like all people, deserve to live in a country free from conflict and to be represented by democratically elected officials. These elected leaders need to create a professional, non-political military force that can adequately deal with the Maoist rebels who have been destabilizing the country for so long. Currently as a result of the Maoist rule, nearly one third of the Nepalese people live below the poverty line; if the government of Nepal doesn't live up to its moral obligation to effectively govern many more will fall into destitution.

To those citizens who are fighting for democracy through non-violent methods, by standing up grass-roots organizations and educating people on the benefits of a free society, I say keep up the good work. Continue working to ensure freedom of the press and that the rights of all citizens are respected and not abused.

Mr. Speaker, I look forward to working in the future with Mr. WALSH and the other cosponsors of this bill to ensure that Congress focuses on democratic progress throughout the world.

Mr. LEACH. Mr. Speaker, I have no further requests for time, and yield back the balance of my time.

The SPEAKER pro tempore (Mr. WAMP). The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and agree to the resolution, H. Res. 1051, as amended.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mrs. CAPITO, from the Committee on Rules, submitted a privileged report (Rept. No. 109–720) on the resolution (H. Res. 1096) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules and providing for consideration of motions to suspend the rules, and for other purposes, which was referred to the House Calendar and ordered to be printed.

DEMOCRATIC REPUBLIC OF THE CONGO RELIEF, SECURITY, AND DEMOCRACY PROMOTION ACT OF 2006

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the Senate Bill (S. 2125) to promote relief, security, and democracy in the Democratic Republic of the Congo, as amended.

The Clerk read as follows:

S. 2125

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Democratic Republic of the Congo Relief, Security, and Democracy Promotion Act of 2006".

TITLE I—BILATERAL ACTION ON ADDRESSING URGENT NEEDS IN THE DEMOCRATIC REPUBLIC OF THE CONGO

SEC. 101. FINDINGS.

Congress makes the following findings:

(1) The National Security Strategy of the United States, dated September 17, 2002, concludes that "[i]n Africa, promise and opportunity sit side-by-side with disease, war, and desperate poverty. This threatens both a core value of the United States preserving human dignity and our strategic priority combating global terror. American interests and American principles, therefore, lead in the same direction: we will work with others for an African continent that lives in liberty, peace, and growing prosperity."

(2) On February 16, 2005, the Director of the Central Intelligence Agency testified, "In Africa, chronic instability will continue to hamper counterterrorism efforts and pose heavy humanitarian and peacekeeping burdens."

(3) According to the United States Agency for International Development, "Given its size, population, and resources, the Congo is an important player in Africa and of long-term interest to the United States."

(4) The Democratic Republic of the Congo is 2,345,410 square miles (approximately ¼ the size of the United States), lies at the heart of Africa, and touches every major region of sub-Saharan Africa. Therefore, a secure, peaceful, and prosperous Democratic Republic of the Congo would have a profound impact on progress throughout Africa.

(5) The most recent war in the Democratic Republic of the Congo, which erupted in 1998, spawned some of the world's worst human rights atrocities and drew in six neighboring countries.

(6) Despite the conclusion of a peace agreement and subsequent withdrawal of foreign forces in 2003, both the real and perceived presence of armed groups hostile to the Governments of Uganda, Rwanda, and Burundi continue to serve as a major source of regional instability and an apparent pretext for continued interference in the Democratic Republic of the Congo by its neighbors.

(7) A mortality study completed in December 2004 by the International Rescue Committee found that 31,000 people were dying monthly and 3,800,000 people had died in the previous six years because of the conflict in the Democratic Republic of the Congo and resulting disintegration of the social service infrastructure, making this one of the deadliest conflicts since World War II.

(8) In 2004, Amnesty International estimated that at least 40,000 women and girls were systematically raped and tortured in the Democratic Republic of the Congo since 1998, and nearly two-thirds of ongoing abuses against women and girls are perpetrated by members of the security forces, particularly the Forces Armes de la Republique Democratique du Congo (FARDC) and the Police Nationale Congolaise (PNC).

(9) According to the Department of State, "returning one of Africa's largest countries [the Democratic Republic of the Congo] to full peace and stability will require significant United States investments in support of national elections, the reintegration of former combatants, the return and reintegration of refugees and [internally displaced persons], establishment of central government control over vast territories, and promotion of national reconciliation and good governance".

SEC. 102. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to help promote, reinvigorate, and support the political process in the Democratic Republic of the Congo in order to press all parties in the Transitional National Government and the succeeding government to implement fully and to institutionalize mechanisms, including national and international election observers, fair and transparent voter registration procedures, and a significant civic awareness and public education campaign created for the July 30, 2006, elections and future elections in the Democratic Republic of the Congo, to ensure that elections are carried out in a fair and democratic manner;

(2) to urge the Government of the Democratic Republic of the Congo to recognize and act upon its responsibilities to immediately bring discipline to its security forces, hold those individuals responsible for atrocities and other human rights violations, particularly the rape of women and girls as an act of war, accountable and bring such individuals to justice;

(3) to help ensure that, once a stable national government is established in the Democratic Republic of the Congo, it is committed to multiparty democracy, open and transparent governance, respect for human rights and religious freedom, ending the violence throughout the country, promoting peace and stability with its neighbors, rehabilitating the national judicial system and enhancing the rule of law, combating corruption, instituting economic reforms to promote development, and creating an environment to promote private investment;

(4) to assist the Government of the Democratic Republic of the Congo as it seeks to meet the basic needs of its citizens, including security, safety, and access to health care, education, food, shelter, and clean drinking water;

(5) to support security sector reform by assisting the Government of the Democratic Republic of the Congo to establish a viable and professional national army and police force that respects human rights and the rule of law, is under effective civilian control, and possesses a viable presence throughout the entire country, provided the Democratic Republic of the Congo meets all requirements for United States military assistance under existing law;

(6) to help expedite planning and implementation of programs associated with the disarmament, demobilization, repatriation, reintegration, and rehabilitation process in the Democratic Republic of the Congo;

(7) to support efforts of the Government of the Democratic Republic of the Congo, the United Nations Peacekeeping Mission in the Democratic Republic of the Congo (MONUC), and other entities, as appropriate, to disarm, demobilize, and repatriate the Democratic Forces for the Liberation of Rwanda and other illegally armed groups;

(8) to make all efforts to ensure that the Government of the Democratic Republic of the Congo—

(A) is committed to responsible and transparent management of natural resources across the country; and

(B) takes active measures—

(i) to promote economic development;

(ii) to hold accountable individuals who illegally exploit the country's natural resources; and

(iii) to implement the Extractive Industries Transparency Initiative by enacting laws requiring disclosure and independent auditing of company payments and government receipts for natural resource extraction;

(9) to promote a viable civil society and to enhance nongovernmental organizations and institutions, including religious organizations, the media, political parties, trade unions, and trade and business associations, that can act as a stabilizing force and effective check on the government;

(10) to help rebuild and enhance infrastructure, communications, and other mechanisms that will increase the ability of the central government to manage internal affairs, encourage economic development, and facilitate relief efforts of humanitarian organizations;

(11) to help halt the high prevalence of sexual abuse and violence perpetrated against women and children in the Democratic Republic of the Congo and mitigate the detrimental effects from acts of this type of violence by undertaking a number of health, education, and psycho-social support programs;

(12) to work aggressively on a bilateral basis to urge governments of countries contributing troops to the United Nations Peacekeeping Mission in the Democratic Republic of the Congo (MONUC) to enact and enforce laws on trafficking in persons and sexual abuse that meet international standards, promote codes of conduct for troops serving as part of United Nations peacekeeping missions, and immediately investigate and punish citizens who are responsible for abuses in the Democratic Republic of the Congo;

(13) to assist the Government of the Democratic Republic of the Congo as undertakes steps to—

(A) protect internally displaced persons and refugees in the Democratic Republic of the Congo and border regions from all forms of violence, including gender-based violence and other human rights abuses;

(B) address other basic needs of vulnerable populations with the goal of allowing these conflict-affected individuals to ultimately return to their homes; and

(C) assess the magnitude of the problem of orphans from conflict and HIV/AIDS in the Democratic Republic of the Congo, and work to establish a program of national support;

(14) to engage with governments working to promote peace and security throughout the Democratic Republic of the Congo and hold accountable individuals, entities, and countries working to destabilize the country; and

(15) to promote appropriate use of the forests of the Democratic Republic of the Congo in a manner that benefits the rural population in that country that depends on the forests for their livelihoods and protects national and environmental interests.

SEC. 103. BILATERAL ASSISTANCE TO THE DEMOCRATIC REPUBLIC OF THE CONGO.

(a) FUNDING FOR FISCAL YEARS 2006 AND 2007.—Of the amounts made available to carry out the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 454, chapter 469), and the Arms Export Control Act (22 U.S.C. 2751 et seq.) for fiscal year 2006 and 2007, at least $52,000,000 for each such fiscal year should be allocated for bilateral assistance programs in the Democratic Republic of the Congo.

(b) FUTURE YEAR FUNDING.—It is the sense of Congress that the Department of State should submit budget requests in fiscal years 2008 and 2009 that contain increases in bilateral assistance for the Democratic Republic of the Congo that are appropriate if progress is being made, particularly cooperation by the Government of the Democratic Republic of the Congo, toward accomplishing the policy objectives described in section 102.

(c) COORDINATION WITH OTHER DONOR NATIONS.—The United States should work with other donor nations, on a bilateral and multilateral basis, to increase international contributions to the Democratic Republic of the Congo and accomplish the policy objectives described in section 102.

SEC. 104. ACCOUNTABILITY FOR THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF THE CONGO.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Government of the Democratic Republic of the Congo must be committed to achieving the policy objectives described in section 102 if the efforts of the United States and other members of the international community are to be effective in bringing relief, security, and democracy to the country;

(2) the Government of the Democratic Republic of the Congo should immediately exercise control over and discipline its armed forces, stop the mass rapes at the hands of its armed forces, and hold those responsible for these acts accountable before an appropriate tribunal;

(3) the Government of the Democratic Republic of the Congo, in collaboration with international aid agencies, should establish expert teams to assess the needs of the victims of rape and provide health, counseling, and social support services that such victims need; and

(4) the international community, through the United Nations peacekeeping mission, humanitarian and development relief, and other forms of assistance, is providing a substantial amount of funding that is giving the Government of the Democratic Republic of the Congo an opportunity to make progress towards accomplishing the policy objectives described in section 102, but this assistance cannot continue in perpetuity.

(b) TERMINATION OF ASSISTANCE.—It is the sense of Congress that the Secretary of State should withhold assistance otherwise available under this Act if the Secretary determines that the Government of the Democratic Republic of the Congo is not making sufficient progress towards accomplishing the policy objectives described in section 102.

SEC. 105. WITHHOLDING OF ASSISTANCE.

The Secretary of State is authorized to withhold assistance made available under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), other than humanitarian, peacekeeping, and counterterrorism assistance, for a foreign country if the Secretary determines that the government of the foreign country is taking actions to destabilize the Democratic Republic of the Congo.

SEC. 106. REPORT ON PROGRESS TOWARD ACCOMPLISHING POLICY OBJECTIVES.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the progress made toward accomplishing the policy objectives described in section 102.

(b) CONTENTS.—The report required under subsection (a) shall include—

(1) a description of any major impediments that prevent the accomplishment of the policy objectives described in section 102, including any destabilizing activities undertaken in the Democratic Republic of Congo by governments of neighboring countries;

(2) an evaluation of United States policies and foreign assistance programs designed to accomplish such policy objectives; and

(3) recommendations for—

(A) improving the policies and programs referred to in paragraph (2); and

(B) any additional bilateral or multilateral actions necessary to promote peace and prosperity in the Democratic Republic of the Congo.

SEC. 107. SPECIAL ENVOY FOR THE GREAT LAKES REGION.

Not later than 60 days after the date of the enactment of this Act, the President should appoint a Special Envoy for the Great Lakes Region to help coordinate efforts to resolve the instability and insecurity in Eastern Congo.

TITLE II—MULTILATERAL ACTIONS TO ADDRESS URGENT NEEDS IN THE DEMOCRATIC REPUBLIC OF THE CONGO

SEC. 201. PROMOTION OF UNITED STATES POLICY TOWARD THE DEMOCRATIC REPUBLIC OF THE CONGO IN THE UNITED NATIONS SECURITY COUNCIL.

The United States should use its voice and vote in the United Nations Security Council—

(1) to address exploitation at the United Nations Peacekeeping Mission in the Democratic Republic of the Congo (MONUC) by continuing to urge, when credible allegations exist, appropriate investigation of alleged perpetrators and, as necessary, prosecution of United Nations personnel responsible for sexual abuses in the Democratic Republic of the Congo;

(2) to conclude at the earliest possible date a Memorandum of Understanding relating to binding codes of conduct and programs for the prevention of sexual abuse and trafficking in persons to be undertaken by the United Nations for all countries that contribute troops to MONUC, to include the assumption of personal liability for the provision of victims assistance and child support, as appropriate, by those who violate the codes of conduct;

(3) to strengthen the authority and capacity of MONUC by—

(A) providing specific authority and obligation to prevent and effectively counter imminent threats;

(B) clarifying and strengthening MONUC's rules of engagement to enhance the protection of vulnerable civilian populations;

(C) enhancing the surveillance and intelligence-gathering capabilities available to MONUC;

(D) where consistent with United States policy, making available personnel, communications, and military assets that improve the effectiveness of robust peacekeeping, mobility, and command and control capabilities of MONUC; and

(E) providing MONUC with the authority and resources needed to effectively monitor arms trafficking and natural resource exploitation at key border posts and airfields in the eastern part of the Democratic Republic of the Congo;

(4) to encourage regular visits of the United Nations Security Council to monitor the situation in the Democratic Republic of the Congo;

(5) to ensure that the practice of recruiting and arming children in the Democratic Republic of the Congo is immediately halted pursuant to Security Council Resolutions 1460 (2003) and 1539 (2004);

(6) to strengthen the arms embargo imposed pursuant to Security Council Resolution 1493 (2003) and ensure that violators are held accountable through appropriate measures, including the possible imposition of sanctions;

(7) to allow for the more effective protection and monitoring of natural resources in the Democratic Republic of the Congo, especially in the eastern part of the country, and for public disclosure and independent auditing of natural resource revenues to help ensure transparent and accountable management of these revenues;

(8) to press countries in the Congo region to help facilitate an end to the violence in the Democratic Republic of the Congo and promote relief, security, and democracy throughout the region; and

(9) to encourage the United Nations Secretary-General to become more involved in completing the policy objectives described in paragraphs (1) and (2) of section 102 and ensure that recent fighting in North Kivu, which displaced over 150,000 people, as well as fighting in Ituri and other areas, does not create widespread instability throughout the country.

SEC. 202. INCREASING CONTRIBUTIONS AND OTHER HUMANITARIAN AND DEVELOPMENT ASSISTANCE THROUGH INTERNATIONAL ORGANIZATIONS.

(a) IN GENERAL.—The President should instruct the United States permanent representative or executive director, as the case may be, to the United Nations voluntary agencies, including the World Food Program, the United Nations Development Program, and the United Nations High Commissioner for Refugees, and other appropriate international organizations to use the voice and vote of the United States to support additional humanitarian and development assistance for the Democratic Republic of the Congo in order to accomplish the policy objectives described in section 102.

(b) SUPPORT CONTINGENT ON PROGRESS.—If the Secretary of State determines that the Government of the Democratic Republic of the Congo is not making sufficient progress towards accomplishing the policy objectives described in section 102, the President shall consider withdrawing United States support for the assistance described in subsection (a) when future funding decisions are considered.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in describing American foreign policy after World War II, General George Marshall said, "Our policy is directed not against any country or doctrine, but against hunger, poverty, desperation and chaos. Its purpose should be the revival of a working economy in the world so as to permit an emergence of political and social conditions in which free institutions can exist."

Mr. Speaker, the Democratic Republic of the Congo has seen more than its fair share of hunger, poverty, desperation and chaos. Since 1998, an estimated 4 million people have died as a result of war, famine and disease, and thousands more die each and every day. More than 40,000 women and children have been systematically raped and tortured at the hands of the armed forces of the Congo, perpetrators of genocide from neighboring Rwanda and an increasing intricate array of militia groups.

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Life expectancy in Congo has plummeted to 49 years, and years of war and rampant corruption have decimated an economy that should have been one of Africa's strongest.

Fortunately, hope for an end to the constant conflict and chaos that have plagued the Congo since independence has been raised following the historic elections that took place in July and October of this year. An estimated 70 percent of eligible voters turned out to vote in the face of great difficulties, and international monitors agreed that the election results were uncompromised by irregularities.

But the conduct of elections represent only an initial step towards normalcy. A legitimate result in the October runoff that is accepted by both parties and the population at large is vitally important. Further, the establishment of inclusive political institutions, the restoration of critical infrastructure and essential public services, and the creation of viable economic opportunities for development will be critically important if Congo is to flourish.

During a recent visit to Kinshasa earlier this month, U.N. Under Secretary of Humanitarian Affairs Jan Egelund asserted that "the Congolese people were still suffering one of the world's worst humanitarian crises." Unfortunately, this is a fact that has largely escaped the attention of many of us, particularly as we focus on other well-deserved crises such as that which is occurring in Darfur and northern Uganda and, as a result of U.S. policy towards Congo, really has gone adrift and needs to be re-energized.

S. 2125 recognizes the importance of a coherent, forward-leaning U.S. policy toward the Congo. It identifies key U.S. policies in Congo, including the promotion of free, fair and democratic elections in the future; support for security sector reform and disarmament; demobilization, repatriation, reintegration and rehabilitation programs; and the promotion of accountability for those who have committed atrocities and gross human rights violations.

It also asserts that the United States will work to ensure that a stable Congolese government is committed to the principles of good governance and resource management, rule of law, and peaceful coexistence with its regional neighbors. The bill suggests that the U.S. partner with other governments with similar goals for the Congo.

Finally, it compels the U.S. to work to strengthen the mandate of the United Nations peacekeeping force in the Congo, MONUC, to include specific authority to prevent and effectively counter imminent threats, protect civilians, enhance intelligence gathering capabilities, and monitor arms trafficking, and of course, also to look into the terrible problem of child soldiers.

S. 2125 further authorizes $52 million for fiscal years 2006 and 2007, an increase of $5 million, to carry out these objectives and expresses support for additional funding in future years. However, the bill makes it clear that U.S. assistance to Congo cannot continue in perpetuity. It calls on the Secretary of State to withhold such assistance if the government is not making sufficient progress towards accomplishing the stated U.S. foreign policy goals.

Mr. Speaker, this is a timely bill. While providing a road map for U.S. policy towards Congo during this critical stage in its transition, it rightly places the burden of success on the Congolese themselves. After all, solutions for Congo's ills cannot be imposed from the outside. The Congolese themselves must seize the opportunity for peace and prosperity that is before them. Still, this bill helps support them in that effort.

Mr. Speaker, I reserve the balance of our time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of this legislation.

I would first like to thank my good friend Senator BARAK OBAMA for introducing this important and timely measure. I would also like to congratulate the people of the Congo for successfully holding their first free and fair elections in four decades, as well as the victor of this election, Laurent Kabila.

While the elections were a historic milestone, the euphoria is sobered by the painful and disastrous wars of the past. In fact, for the past 40 years, the people of the Congo have known nothing but dictatorship, tyranny, corruption, poverty and war.

Congo is one of Africa's poorest countries. It is the eighth poorest country in the entire world based on gross domestic product. Congo, a country the size of all of Western Europe, has less than 300 miles of paved road. Most of the country has no electricity, proper sanitation and, most importantly, no safe water.

The United Nations estimates that 4 million people died in the past 8 years as a direct result of war. To give you another stark look at the situation in the Congo, Mr. Speaker, the International Rescue Committee reports that 31,000 people are dying each month, or about 1,000 human beings every single day.

The Congo is in the midst of a humanitarian catastrophe that has not yet received the high-level attention or the adequate resources it desperately deserves. The United Nations announced recently that it was running out of money to feed some of the 1.7 million displaced Congolese who urgently needed aid.

Mr. Speaker, the children of Congo have suffered immeasurable pain as a result of war, poverty and disease. Children as young as 10 were recruited as child soldiers into the ranks of the guerrilla forces. Unprotected children as young as 5 or 6 work in some of Congo's most prosperous mines for about $1 a day.

According to UNICEF, more than 600 Congolese children die every single day, and even more are displaced, sexually abused or victimized by abduction as child soldiers.

An estimated 1 million Congolese are living with HIV/AIDS, but no one can realistically know for sure. The country has only seven doctors per 100,000 people, and life expectancy is in the low 40s.

Mr. Speaker, Congo has a long and difficult road to recovery, but with their commitment and our support they can make it.

The country has enormous natural resources. In terms of its untapped mineral wealth, it is one of the richest countries in the world. Its soil is expected to contain every mineral listed on the periodic table. Large deposits of gold, copper, cobalt, diamond, gas and oil still remain untapped.

The Congo River has the second largest flow on Earth after the Amazon and is the second longest river in Africa after the Nile. The estimated hydroelectric potential has the capacity to provide electrical power to the entire continent of Africa.

Congo is home to the world's second largest tropical rain forest, with nearly 20 percent of the planet's remaining rain forests. The Congo Basin represents 70 percent of the African continent's plant cover, with over 600 tree species and 10,000 animal species.

In short, Mr. Speaker, Congo has the potential to turn that enormous natural wealth into a rich and prosperous nation, if properly managed under the stewardship of a free economy and a transparent, noncorrupt and stable democracy.

The bill that we are voting on today is an important step on the long road towards bringing peace and prosperity to the Congo.

Our bill establishes 14 core principles of U.S. policy across a wide range of issues. It authorizes a 25 percent increase in U.S. assistance for the Congo. It calls for a special envoy to help resolve the situation in eastern Congo, and it urges the administration to use its voice and its vote at the United Nations Security Council to strengthen the U.N. peacekeeping force that is providing some security in parts of the Congo.

Major faith-based and humanitarian nongovernmental organizations, including some with extensive field operations in Congo, have endorsed our legislation, including CARE, Catholic Relief Services, Global Witness, International Crisis Group, International Rescue Committee, and Oxfam America.

Mr. Speaker, I want to stress that we are under no illusion that enacting the policies in this bill will be a panacea for Congo's many ills. But we know that we cannot accept the status quo, particularly not for Congo's children.

Mr. Speaker, the Congo, Africa's heart of darkness, need not languish forever in its current state, decades of poverty, death and grief, midst an enormous amount of natural wealth.

We can help move them on the path towards a bright and prosperous future.

I urge all of my colleagues to vote in support of this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Rules Committee.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding, and I want to congratulate my classmate and dear friend from New Jersey and also the gentleman from California, my friend and neighbor, soon-to-be-chairman of the International Relations Committee.

I also want to start by doing exactly what my friend from California did, and that is extend congratulations to Senator BARAK OBAMA, who really authored and has been pushing S. 2125 for a long period of time. I have had numerous conversations with him about this, and we talked about the need to ensure that as we look at the military challenges that we face, the promotion of democratization, political pluralism, the rule of law, the building of these democratic institutions, while at the same time we focus on the very important security needs, is a priority for the Democratic Republic of the Congo.

This is, as Mr. LANTOS has said, a country that for four decades has gone through a tumultuous history. Nearly 2 decades ago, I had the opportunity to visit with President Mobuto Sese-Seko in Kinshasa, and then went to Boundji, which was his birthplace. I will never forget how horrified we were seeing the tremendous resources about which my friend spoke utilized to basically build a shrine to this man at his birthplace.

It is a country that has gone through tremendous human rights violations. As section 102 of this act points out, since 1998 40,000 women and children have been brutally raped in large part by those involved in security for the country. I believe that it is essential for us to take this very small amount of money and do everything that we can in our quest to make sure that that four-decade history is history and that it never repeats itself at all. I believe that this measure which enjoys strong bipartisan support can send a signal.

I am very pleased to work closely with my colleague from North Carolina (Mr. PRICE) with our House Democracy Assistance Commission. I am going to be speaking about that on the next measure we bring forward, but I happen to believe as we look at the House Democracy Assistance Commission in its effort to build up parliaments in emerging, new and reemerging democracies, it is important for us to look at countries that will be natural partners of ours in this quest to build these parliaments. I think that the Democratic Republic of the Congo, along with Kenya, which we are working with on the continent of Africa, and Liberia will potentially be a prime candidate for us to partner with in building that, and I know I will be working with Mr. PRICE on that in the coming months.

This measure is a very important first step, and I join in congratulating the people of the Democratic Republic of Congo for taking that step towards free and fair elections and look forward to their continued success and obviously this multilateral approach which the act calls for, getting other countries involved, will I believe go a long way towards helping them.

I thank my friend for yielding.

Mr. BLUMENAUER. Mr. Speaker, I rise in strong support of S. 2125, the "Democratic Republic of the Congo Relief, Security, and Democracy Promotion Act of 2006."

Three years after the end of "Africa's World War" and having conducted the most logistically complicated election in history, the Democratic Republic of Congo, DRC, faces its best chance for peace and progress since independence. However, credible mortality studies estimate that over 1,000 people continue to die each day from conflict-related causes, mostly disease and malnutrition, and pervasive state weakness threatens backsliding and a return to wide-spread violence. The international community has played a critical role in supporting the DRC until this point, and with the inauguration of the new democratically elected government, such support will be even more important going forward.

I am particularly proud of the role played by Lisa Shannon, a constituent of mine and the founder of Run for Congo Women. After learning about the Congo on Oprah, Lisa decided to do a solo, 31 mile run on Portland's Wildwood Trail to raise money for Women for Women International's work in Congo. Just over a year later, Run for Congo Women has blossomed into a global effort to raise awareness and support the women of the DRC. Lisa has tirelessly walked the halls of Congress to promote the bill we're passing today and is a shining example of the difference that one committed individual can make.

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Mr. LANTOS. Mr. Speaker, we have no additional requests for time. We yield back the balance of our time.

Mr. SMITH of New Jersey. Mr. Speaker, we likewise yield back the balance of our time.

The SPEAKER pro tempore (Mr. WAMP). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the Senate bill, S. 2125, as amended.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

EXPRESSING SUPPORT FOR LEBANON'S DEMOCRATIC INSTITUTIONS

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1088) expressing support for Lebanon's democratic institutions and condemning the recent terrorist assassination of Lebanese parliamentarian and Industry Minister Pierre Amin Gemayel.

The Clerk read as follows:

H. RES. 1088

Whereas on November 21, 2006 Pierre Gemayel, a Member of the March 14 parliamentary coalition, was assassinated in New Jdeidé, north of Beirut, Lebanon;

Whereas a series of targeted attacks and killings of public leaders working to promote democracy and autonomy in Lebanon has placed a heavy toll on Lebanon's intellectual and democratic freedoms;

Whereas the prosecution by the proposed International Independent Investigation

Commission of persons accused in the assassination of former Prime Minister Rafik Hariri could deter future assassinations;

Whereas Pierre Gemayel was born on September 24, 1972 into a prominent Lebanese family;

Whereas Pierre Gemayel was first elected to the Lebanese Parliament in 2000;

Whereas Pierre Gemayel was named Minister of Industry in the Lebanese Government in 2005;

Whereas Amine Gemayel, the father of Pierre Gemayel and former President of Lebanon, has urged the Phalange party supporters and all Lebanese citizens to promote cooperation and solidarity and hamper attempts to instigate civil strife;

Whereas, on November 21, 2006, following Pierre Gemayel's assassination, President George W. Bush stated that "the United States remains fully committed to supporting Lebanon's independence and democracy in the face of attempts by Syria, Iran, and their allies within Lebanon to foment instability and violence";

Whereas supporting the development of democratic institutions in Lebanon is critical to promoting the interests of the United States in the Middle East region, building upon the momentum of the March 14, 2005 "Cedar Revolution," fighting terrorism, and supporting negotiations for peace in the region; and

Whereas the House Democracy Assistance Commission has worked in partnership with the Lebanese Parliament to strengthen its institutional capacity, and met with Pierre Gemayel during the Commission's delegation to Lebanon in July 2006: Now, therefore be it

Resolved, That the House of Representatives—

(1) Expresses its condolences for this heinous crime to the people of Lebanon and to the members of Lebanon's Cabinet in which Pierre Gemayel served with distinction;

(2) Affirms its support for the international tribunal to try suspects in the 2005 assassination of former Prime Minister Rafik Hariri;

(3) Urges that the perpetrators of the assassination of Pierre Gemayel be brought to justice;

(4) Conveys concern regarding the increasing polarization of Lebanon's religious sects and calls on the Government of Lebanon to actively pursue electoral reform as a first step in reducing confessional tensions;

(5) Recognizes that a regional peace in the Middle East will greatly contribute to Lebanon's long-term security and stability; and

(6) Reaffirms the commitment of the United States to support and promote the development of autonomous, effective democratic institutions in Lebanon, including an independent Parliament and a strong central government that represent and serve the interests of the Lebanese people.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. ROS-LEHTINEN. Mr. Speaker, I rise in strong support of House Resolution 1088, expressing support for Lebanon's democratic institutions and condemning the recent assassinations of Lebanese parliamentarian and Industry Minister Pierre Amin Gemayel.

Mr. Gemayel's brutal murder serves as yet another example of the Syria regime's pattern of assassinations of Lebanese dissidents and political figures who seek full Lebanese sovereignty and independence from nefarious. outside forces as Syria and Iran.

This resolution appropriately urges those responsible for Mr. Gemayel's murder to be brought to justice and expresses condolences to the people of Lebanon for his death.

The resolution reiterates our commitment for a fully sovereign independent Lebanon, and calls on the Lebanese Government to implement the necessary electoral reforms for Lebanon to achieve such autonomy, develop its democratic institutions, and help reduce the increasing sectarian divisions.

Mr. Gemayel's murder was a deplorable act of cowardice aimed at undermining Lebanon's sovereignty and destroying its democratic institutions. It should move the United Nations to once and for all hold Syria accountable for the 2005 assassination of former Lebanese Prime Minister Rafik Hariri. Responsible nations must realize that Syria and Iran kill, destroy, and seek instability in places like Lebanon so that they may gain yet more power and influence in the region. We must not allow this to continue.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I rise in strong support of this resolution, and I yield myself such time as I might consume.

Mr. Speaker, this resolution reflects our sorrow, our anguish, and our resolve following the recent assassination of Lebanese Minister of Industry. Pierre Gemayel.

I felt this loss personally. Pierre was the son of former Lebanese President Amin Gemayel and the grandson of one of the most significant figures of modern Lebanese history, his namesake, Pierre Gemayel, our friends.

Mr. Speaker, it is a coincidence that we are considering this resolution on the day when the Iraq Study Group has released its much anticipated report. As we all know, the Iraq Study Group calls for the United States to engage with all regional parties, including Syria and Iran. I have been in the forefront of those urging that we engage even with our enemies. That is why I have met repeatedly with the leaders of Syria and North Korea, and that is why I have consistently, if unsuccessfully, sought a visa to visit Iran, and that is why I applauded the successful example of our engagement that resulted in Libya's peaceful divestment of its weapons of mass destruction materials.

As former Secretary of State James Baker said in a briefing for our leadership this morning, the policy of isolating states like Syria, and I quote, "has brought us nothing."

Nevertheless, Mr. Speaker, Damascus and Tehran should not misunderstand the intentions of those of us who support dialogue. We are not going to stray one iota from our core commitments. There will be no compromise on terrorism or nuclear arms, or the security of the State of Israel or on Lebanese sovereignty and democracy, or on the international tribunal to investigate the shameful assassinations of Hariri, Gemayel, and other Lebanese patriots in recent years.

For those of us who support dialogue, the message of this resolution is that dialogue does not mean capitulation. By passing this resolution, Mr. Speaker, our body will make clear that we staunchly oppose the sinister designs of Iran and Syria to destabilize Lebanon, particularly through the bloodthirsty instrument of Hezbollah.

Syria will pay a heavy price if it does not cease its relentless campaign of intimidation and destabilization in Lebanon and if it refuses to cooperate with the Hariri investigation and the international tribunal.

This most recent Gemayel assassination was a crime against a man and his family, but most of all against the Lebanese nation. As our resolution makes clear, the perpetrators must be brought to justice. We don't know who pulled the trigger, but we have the strongest of suspicions about who gave the orders.

The Gemayel murder is one of more than a half a dozen political assassinations or attempted assassinations in Lebanon since the tragic killing of former Prime Minister Rafik Hariri along with his compatriots last year. All the victims, Mr. Speaker, share a common profile: They supported democracy, and they outspokenly opposed Syrian and Iranian designs on their nation.

Mr. Speaker, I visited Lebanon just some weeks ago. I met with Prime Minister Fuad Siniora and many of his colleagues who are members of the March 14th Movement, which forms the core of his government. While we did not agree about every issue regarding Lebanon and the region, this much I can tell you: These people have made a courageous commitment to the sovereignty of their nation. They have done so in the face of threats to their lives and the loss of their comrades, and they are stalwart democrats. I came away convinced that this government deserves our strongest support.

Mr. Speaker, by adopting this resolution, we can firmly declare support for the democratically elected Lebanese Government and for all democratically thinking Lebanese. I urge that we do so. I urge all of my colleagues to support our resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, at this time I am pleased to yield such time as he may consume to the author of this resolution, Mr. DREIER of California.

Mr. DREIER. Mr. Speaker, I want to express my appreciation to the very distinguished subcommittee chairman as well as to my friend from California (Mr. LANTOS) again, as soon-to-be chairman of the International Relations Committee.

This resolution I am very pleased to have introduced along with my colleague DAVID PRICE with whom I serve as cochair of the House Democracy Assistance Commission.

As I look across the aisle, I see my friend ALCEE HASTINGS with whom I sit on the Rules Committee, and I am reminded of the first trip that we made to Beirut. It was a year ago this past spring, shortly after the March 14th Movement and the Cedar Revolution began. We had the chance to visit the widow of former Prime Minister Rafik Hariri, and Mr. HASTINGS and the rest of our delegation placed a wreath at the grave of Rafik Hariri in Martyr Square in Beirut, a spot that has gotten a great deal of attention on television just in the past few weeks, very tragically. And as has been pointed out, we have seen now the 16th assassination take place with the tragic murder of Pierre Gemayel, and that is in the last 2 years.

Mr. Speaker, as we look at this challenge, it underscores the fact that the United States of America must, as Mr. LANTOS has just said, reaffirm its strong commitment to the future of Lebanon.

One of the greatest challenges that the Lebanese people have faced in its relationship with the United States of America has been the issue of uncertainty. In 1983, when we saw the tragic bombing of the Marine barracks, the United States of America withdrew from Lebanon. They have gone through a quarter century of civil war, and they have great challenges in the region. As Mr. LANTOS correctly said, we don't agree with every single policy in Lebanon, and obviously there have been real challenges on their southern border as we know very well. But at the same time, it is absolutely essential that we remember that this is a reemerging democracy.

This past July, Mr. PRICE and I had the privilege of leading a delegation of our Members representing the House Democracy Assistance Commission. This is a commission that I am very proud was put together by Speaker DENNIS HASTERT and soon-to-be Speaker NANCY PELOSI, and it was established a year ago this past March, and the goal was to take new and reemerging democracies and work directly with those parliaments that have just been elected.

Now, we all have the privilege of participating in important work in interparliamentary exchanges, the European Union, the Bundestag, the DIAG in Japan. I have been part of the U.S.-Mexico interparliamentary conference. But the unique thing about the House Democracy Assistance Commission, we now have a dozen countries with which we are working very closely on this. We have been able to take these newly elected parliamentarians and do as Mr. PRICE and I and our delegation did in Lebanon for 2 days: work with them on the building of their committee structure, their very important oversight of the executive branch, the building of their libraries, putting into place a budget process.

And that is exactly what we were doing this past July in Lebanon. And we, of course, since our trip in July, have seen a very tragic time in Lebanon. In fact, it was just days after we left that we saw Hezbollah engage in the kidnapping of those Israeli defense forces troops in southern Lebanon, and we all know what happened after that. And there was a sense that a degree of stability was coming to Lebanon within the past several weeks and the last couple of months; and then, of course, we got the tragic news that led to Mr. PRICE and my authoring this very important measure, underscoring how important it is as we look at the tragic assassination of Minister Gemayel that we need to do all that we can, all that we can, to make sure that Lebanon's future is a bright one.

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Mr. Speaker, I urge my colleagues to support this measure. I thank again Mr. PRICE and all of the Members of our Democracy Assistance Commission for the fine work and effort that they put into this, and to say again that we are going to reaffirm with this resolution our commitment to the future of Lebanon.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield to my distinguished friend from North Carolina, Mr. DAVID PRICE, who serves as the ranking member of the Democracy Assistance Commission, as much time as he may consume.

Mr. PRICE of North Carolina. Mr. Speaker, I thank the gentleman and am proud to add my voice of commendation in support of House Resolution 1088, which I have cosponsored with the gentleman from California, chairman of the House Democracy Assistance Commission.

In July, I traveled with the commission to Beirut to initiate a partnership with the Lebanese Parliament. While there, I had an opportunity to have lunch with Pierre Gemayel. I was struck then by his charismatic personality and his enthusiasm over the prospects for real reform in Lebanon.

In many ways, Pierre Gemayel represented the promise of Lebanon's future. A strong advocate of democratic governance in Lebanon, he shook off the constraints of confessionalism to battle side by side with Christians, Sunni and Shia Muslims to guarantee Lebanon's sovereignty against the persisting threat of Syrian domination.

Pierre Gemayel was named to lead the Industry Ministry in the wake of the Cedar Revolution demonstrations of March 14, 2005 and the subsequent national elections which brought to power a cross-sectarian coalition of pro-democracy politicians, determined to reform the Lebanese Government to make it strong and effective and to resist foreign domination.

Our Nation celebrated the courage of the Lebanese people in registering their demand for democratic government in these elections, but we have not done enough since the elections to support the democratic institutions and leaders like Pierre Gemayel have worked to strengthen.

This resolution before us sends a clear signal that the United States must do more to support these institutions if we hope to help the Lebanese people achieve their dreams.

I thank my colleague, DAVID DRIER of California, for his strong leadership as chairman of our House Democracy Assistance Commission. This commission, as he has stated, has allowed Members of this body to work colleague to colleague to strengthen the Lebanese Parliament and other parliaments in emerging democracies. I look forward to joining with him in the next Congress to continue this important work.

And I join my colleagues in expressing condolences to the Gemayel family and the people of Lebanon on their tragic loss. We must also acknowledge that Mr. Gemayel is but the latest in a succession of leaders recently martyred in Lebanon because of their fight for democracy, beginning with former Prime Minister Rafik Hariri. We must fight to bring justice to the perpetrators of these crimes and to bring fulfillment to the goals these pro-democracy leaders have sought.

Mr. Speaker, I urge my colleagues to support the resolution and to support efforts to strengthen democratic institutions in Lebanon.

Mr. LANTOS. Mr. Speaker, I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill, H. Res. 1088.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those voting have responded in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 5385. An act making appropriations for the military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 5385) "An Act making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007, and for other purposes", requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints

Mrs. HUTCHISON, Mr. BURNS, Mr. CRAIG, Mr. DEWINE, Mr. BROWNBACK, Mr. ALLARD, Mr. MCCONNELL, Mr. COCHRAN, Mr. STEVENS, Mrs. FEINSTEIN, Mr. INOUYE, Mr. JOHNSON, Ms. LANDRIEU, Mr. BYRD, Mrs. MURRAY, Mr. LEAHY, and Mr. HARKIN, to be the conferees on the part of the Senate.

CONDEMNING IRAN'S COMMITMENT TO HOLD INTERNATIONAL HOLOCAUST DENIAL CONFERENCE

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1091) condemning in the strongest terms Iran's commitment to hold an international Holocaust denial conference on December 11–12, 2006, as amended.

The Clerk read as follows:

H. RES. 1091

Whereas Iranian President Mahmoud Ahmadinejad has expressed his intention to hold an international Holocaust denial conference entitled "Study of Holocaust: A Global Perspective", to begin on December 11, 2006, in Tehran;

Whereas in August 2006, Iran staged an international contest of cartoons on the Holocaust, endorsing and promoting prevailing anti-Semitic and anti-Israeli stereotypes and Holocaust denial;

Whereas Mahmoud Ahmadinejad wrote in a letter in July 2006 to German Chancellor Angela Merkel, "Is it not a reasonable possibility that some countries that had won the war (World War II) made up this excuse to constantly embarrass the defeated people . . . to bar their progress.";

Whereas on October 26, 2005, in a conference entitled, "The World without Zionism", President Ahmadinejad stated in a speech that "Israel must be wiped off the map.";

Whereas thereafter, these anti-Semitic comments were broadly condemned by the United Nations and others, including in a measure passed by a unanimous vote of the United States House of Representatives on October 28, 2005;

Whereas Mahmoud Ahmadinejad's current intent to host an international Holocaust denial conference is only the latest in a series of threatening, anti-Semitic, Holocaust denial statements and actions he has undertaken since assuming power;

Whereas to deny the Holocaust's occurrence is in itself an act of anti-Semitism;

Whereas one who denies the Holocaust, denies the greatest modern tragedy of the Jewish people and the most extreme act of anti-Semitism in modern history;

Whereas Ahmadinejad's statements and actions occur in the midst of Iran's relentless defiance of the international community by rejecting nuclear nonproliferation standards and the latest United Nations Security Council demand that Iran immediately halt its efforts to enrich uranium; and

Whereas the longstanding policy of the Iranian regime aimed at destroying the democratic State of Israel, highlighted by statements made by Mahmoud Ahmadinejad, underscores the threat posed by a nuclear Iran: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns in the strongest terms Iran's commitment to hold an international holocaust denial conference on December 11–12, 2006, and any and all anti-Semitic statements made by Iranian President Mahmoud Ahmadinejad and other Iranian leaders;

(2) reaffirms the United States commitment to prevent a nuclear Iran;

(3) calls on the United Nations to officially and publicly repudiate all of Iran's anti-Semitic statements made at such conference and hold accountable United Nations member states that encourage or echo such statements;

(4) calls on the United Nations Security Council to strengthen its commitment to taking measures necessary to prevent Iran from possessing nuclear power;

(5) reaffirms the United States longstanding friendship with and support for the State of Israel; and

(6) vows to never forget the murder of millions in the Holocaust and affirms its commitment to ensuring that such genocide never happen again.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Resolution 1091 authored by my good friend from Florida, Mr. ALCEE HASTINGS.

This resolution does some very important things, Mr. Speaker. It condemns Iran's commitment to hold an international Holocaust denial conference next week.

The Iranian leadership has been the source of vile and appalling anti-Semitic statements denying the Holocaust and calling for Israel to be wiped off the map. Iran's commitment to hold an international Holocaust denial conference reaffirms the radical regime's hateful policy aimed at destroying the State of Israel.

Iran's continued defiance of the international nuclear nonproliferation standards and its unrelenting support of the Shiite insurgents in Iraq as well as terror groups like Hezbollah and Hamas clearly indicates that Iran's reprehensible statements are more than mere rhetoric. The hateful words of the extremist regimes must be taken seriously.

This resolution by Mr. HASTINGS condemns Ahmadinejad's stated intent to hold the Holocaust denial conference and calls on the United Nations to officially repudiate all of Iran's anti-Semitic statements and hold accountable United Nations member nations that promote such hateful statements.

Moreover, Mr. HASTINGS' resolution reaffirms the commitment of the United States to prevent Iran from achieving its nuclear ambitions and vows to never forget the murder of millions in the Holocaust.

To ensure that the atrocities of the Holocaust must never happen again, it is critical that the world community in a united and cohesive manner condemns in the strongest form possible the actions and the statements of those who deny the Holocaust while actively planning yet another one.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of this resolution.

Mr. Speaker, first I want to acknowledge the efforts of the Democratic sponsor of this important measure, my friend and colleague from Florida, Congressman HASTINGS, who is well known as a strong fighter in the battle against all forms of bigotry, including racism and anti-Semitism.

This was particularly evident in his distinguished term as president of the Organization for Security and Cooperation in Europe when a number of conferences on anti-Semitism were held with his support and sponsorship.

Mr. Speaker, the resolution before the House today condemns in the strongest terms Iran's commitment to hold an international Holocaust denial conference next week. The conference, entitled "Study of Holocaust: A Global Perspective," is clearly designed to spread the notion that the systematic state-sponsored murder of 6 million innocent men, women and children, principally Jews and other targeted groups by Nazi Germany and its collaborators during World War II, was either an exaggeration or a fabrication.

As the only Holocaust survivor ever elected to Congress, I am outraged at attempts to deny what I know from firsthand experience to be tragically true.

Let me be very clear: Despite Ahmadinejad's lunatic statements, the Holocaust did happen. Six million innocent Jews and people from other targeted groups were slaughtered in this genocide. I personally suffered through it, and I lost virtually my entire family in this historic horror.

We all remember, Mr. Speaker, George Santayana's famous statement that "those who cannot remember the past are condemned to repeat it." Iran's Ahmadinejad not only wants the world to forget the past, he also wants it to be revised in the hope that history will be repeated with the destruction of Israel and the Jews. He clearly and forcefully demonstrated this at a conference in October 2005 when he stated, "Israel must be wiped off the map."

Last July Ahmadinejad spread more deception and anti-Western and anti-Israel propaganda when he sent a letter to Chancellor Angela Merkel of Germany suggesting that some countries who won World War II might have fabricated the Holocaust to embarrass the German people and bar their progress.

In August, Mr. Speaker, Iran held an outrageous international contest of cartoons on the Holocaust to endorse and promote anti-Semitic and anti-Israeli stereotypes, as well as Holocaust denial. We can see that his hosting this Holocaust denial conference next week is just one more abominable step in Ahmadinejad's ugly journey to undermine the West, promote global anti-Semitism and destroy Israel.

Ahmadinejad's declarations and actions are frightening not only to Israel but to the entire civilized world. Iran supports terrorist groups bent on destroying Israel and the West. Even more serious is the fact that Iran has defied the international community by rejecting nuclear nonproliferation standards and the United Nations Security Council's demand that Iran halt its efforts to enrich uranium. Thus, in the future, we could be facing an Iran prepared to use nuclear weapons to achieve its appalling destructive goals.

Mr. Speaker, this powerful resolution not only condemns these outrageous Iranian actions, it also calls for the United Nations to officially and publicly repudiate Iran's anti-Semitic statements. U.N. member states that echo and encourage such statements should also be held accountable. As we all know, too many U.N. conferences and resolutions have been hijacked irresponsibly to promote the same anti-Israel and anti-Semitic rhetoric and actions. I personally saw this happen in Durban, South Africa during a conference against so-called "racism" 6 years ago which was hijacked by extremists who used that conference to denounce the State of Israel.

Mr. Speaker, we also must continue our efforts to prevent Iran from becoming a nuclear power and to condemn its outrageous and destructive goals of destroying our ally Israel and other Western targets.

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Finally, Mr. Speaker, we must remind the world that in spite of the lies by revisionist historians and Ahmadinejad, the Holocaust in fact did occur, and millions suffered and 6 million died.

As we see from the ongoing atrocities in Sudan, the Holocaust saying of "never again" unfortunately has not proved to be true. Thus we must recommit to do all we can to stop Holocaust denial, remember the past, and in doing so, not be condemned to repeat it. We must do all we can to stop mass murder and genocide whenever and wherever it occurs, as it does today in Darfur.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, at this time I am pleased to yield such time as he may consume to one of our leaders on the International Relations Committee, Mr. BURTON of Indiana.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentlewoman for yielding.

I cannot imagine anybody denying the Holocaust. Anyone who has been to Israel and seen the Holocaust Museum or been to the Holocaust Museum here could have no doubt about the tragic events that took place by Nazi Germany in World War II.

But what I would like to talk about in addition to that right now is some of the things that are going on right now that bother me a great deal, that parallel this. In August of 1939 Soviet Foreign Minister Molotov stunned the world by signing the Nazi-Soviet Nonaggression Pact under the watchful eyes of German Foreign Minister Von Ribbentrop and Soviet leader Joseph Stalin. They signed that nonaggression pact and what it guaranteed was that there would not be a war on two fronts. That was what Hitler wanted. And then Lord Chamberlain went to Munich and signed an agreement saying he would give away the Sudetenland in exchange for peace, and what happened was we had a war that killed 62 million people. Sixty-two million people.

We are now in the Nuclear Age, and this leader in Iran who is denying that the Holocaust did not occur is hell-bent for leather to create another holocaust which, in my opinion, could kill hundreds of millions of people, not 62 million but hundreds of millions of people, by using nuclear weapons. And it is of great concern to me the things that he has been saying. Ayatollah Khomeini referred to the United States when he was alive as the "Great Satan." The current leader and strongman, Ayatollah Khameneh'i, has ruled out any possible kind of relationship with the United States, calling us the "Great Satan." And on October 26, 2005, addressing a conference in Tehran entitled "The World Without Zionism," Ahmadinejad, the President of Iran, said Israel must be wiped off the map, described Israel as a "disgraceful blot on the face of the Islamic world" and declared that "anybody," including the United States, "who recognizes Israel will burn in the fire of the Islamic national fury." He went on to say, "To those who doubt, to those who ask is it possible, or those who do not believe, I say accomplishment of a world without America and Israel is both possible and feasible." And then, quoting the Ayatollah Khomeini, he said, "Israel must be wiped off" the face of the Earth, "from the map of the world, and with the help of the Almighty, we shall soon experience a world without America or Zionism, notwithstanding those who doubt."

Now, today the Baker-Hamilton Commission indicated that we must start talking to Iran and others in the region. I have never been against talking, but it is distressful to me at a time when they are hell-bent to develop a nuclear program, a nuclear weapons program, and the whole world cannot stop them from doing it, that there should be dialogue with them. It is analogous to saying to Adolph Hitler, after he invaded Poland, "We want to deal with you." They tried that. Stalin tried it. Chamberlain tried it. And 62 million people died.

What we need to do right now is do whatever it takes to make sure there is not another holocaust. Whatever it takes. And that means making absolutely sure that people who are hell-bent to destroy Israel and the United States and Europe, if they don't agree with their religious beliefs, that they are stopped from developing nuclear weapons. We must not let them develop nuclear weapons.

This resolution deals with the Holocaust that did occur, and what I am talking about is a holocaust that we do not want to occur. And the best way to make sure that does not happen is to make sure that the President of Iran and the ayatollahs over there do not get nuclear weaponry.

Mr. LANTOS. Mr. Speaker, I am pleased to yield such time as he may consume to the distinguished author of this resolution, my good friend from Florida, Congressman HASTINGS.

Mr. HASTINGS of Florida. Mr. Speaker, I thank my good friend TOM LANTOS, who has been stalwart in fighting not only anti-Semitism but bigotry throughout this world.

I would like to start by saying that I am very grateful for the bipartisan cooperation of many House leaders to ensure that this important legislation was so promptly brought to the House floor. In particular, I would like to thank my good friends and colleagues, the majority leader, JOHN BOEHNER;

Speaker-elect NANCY PELOSI; of course, as I have mentioned, my extremely good friend and mentor, the incoming chair of the House International Relations Committee, the distinguished gentleman from California, TOM LANTOS; the current chair of the Subcommittee on the Middle East and Central Asia; and my fellow Floridian and very, very good friend and colleague and classmate and ally in a number of mutual efforts on behalf of our respective constituencies; and the ranking Democratic member, GARY ACKERMAN from New York.

I sincerely appreciate the assistance of all of these colleagues in allowing me to introduce this legislation and bring it to the floor for a vote on the second-to-last day of the legislative year and, importantly, prior to the occurrence of this nasty conference.

The haste with which this bill was brought to the floor and its bipartisan support is a clear testament to the importance this congressional body places on public condemnation of anti-Semitism worldwide and the desire of congressional leaders to rid the globe of the scourge of anti-Semitism.

The commitment of Iranian President Ahmadinejad and other Iranian leaders to hold a Holocaust denial conference on December 11 of this month is unabashed, reprehensible anti-Semitism at its worst. I learned about this 2 weeks ago at a conference in Malta. And to the man and woman that were there, everyone condemned this action.

More than 70 years ago, a different leader from a different nation rose to power based on his open hatred of a particular group of people. He started by forcing Jews to identify themselves with the Star of David on their clothing and enacting restrictive laws for Jewish shopkeepers. He ended his crusade, "the final solution," with the mass murder of 6 million or more Jews in extermination camps.

I would recommend to Mr. Ahmadinejad that he do as some of us have done in the past, not even requiring of him that he meet in this Congress our only Holocaust survivor, who in fact suffered immeasurably, as did his family and friends and colleagues, at the hands of this kind of hatred. I would recommend to him that he do as I did: visit Auschwitz and Treblinka, and perhaps it would be there that he may come to learn of the horrors that so many people were confronted with.

If "never again" means anything to us now, then we cannot ignore this latest egregious act of anti-Semitism. The world will not turn its back to President Ahmadinejad and Iranian leaders' anti-Semitic, anti-Israel, and anti-U.S. public acts and statements. The same country that spews such hatred towards Jews is also on a determined path towards nuclear weapon possession. But that is a whole different conflict that needs to be discussed on a whole different day.

For today I want to just end and focus on the topic of anti-Semitism. Let Iran's second Holocaust denial conference serve as a wake-up call for the entire international community about the endurance of anti-Semitism in this world. As the president emeritus of the Organization for Security and Cooperation in Europe's Parliamentary Assembly, the world's largest regional security organization, and someone who has traveled extensively across this globe, I am acutely aware of the prevalence of anti-Semitism not only in Iran but worldwide. Combating anti-Semitism fits into my world view of the importance of fighting all types of bigotry. I have dedicated my entire professional life toward eradicating hate spewed by racists, anti-Semites, xenophobes and homophobes.

I greatly appreciate the fact that my colleagues recognize the importance of a unified international condemnation of Iran's commitment to hold another Holocaust denial conference. We have a shared responsibility to promote awareness of injustice and preach tolerance education if we ever are to succeed in combating this widespread epidemic of hate.

I certainly am deeply appreciative that Mr. LANTOS and Ms. ROS-LEHTINEN saw fit to permit this matter to be brought to the body.

Mr. LANTOS. Mr. Speaker, I want to thank my friend from Florida for his eloquent statement.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I also want to thank my good friend from Florida, Mr. HASTINGS, who is a proud defender of human rights and freedom and liberty here and abroad as well. We need more of them.

Mr. GEORGE MILLER. Mr. Speaker, I rise in support of the bill H. Res. 1091, to condemn Iran's commitment to hold an international Holocaust-denial conference.

Recent reports that the Iranian government is sponsoring a Holocaust-denial conference are deeply disturbing and offensive.

Over the course of the last year, the tirades and actions of Iranian President Mahmoud Ahmadinejad and the Iranian government have included calling the Holocaust a myth and holding an international contest for cartoons about the Nazi genocide. President Ahmadinejad has also called for Israel to be "wiped off the map," and his anti-Semitic rhetoric and this conference are clearly part of an ongoing campaign to attack the Jewish people and Israel by any possible means.

We live in a time in world history when we desperately need increased cooperation and understanding between nations and peoples in order to help reduce, not exacerbate, hostilities and tensions that can lead to deadly conflict.

There is no place for these state-sponsored anti-Israel and anti-Semitic provocations. And there is no justification, of course, for a conference on whether or not the Holocaust ever occurred. We all know that it did. To suggest otherwise is a repugnant and inflammatory action that is deeply disturbing to the Jewish people and to all people who had to endure the atrocities of World War II and all genocides that have occurred before and since.

I join my colleagues and the world community in rejecting and denouncing this effort to fan the flames of hatred.

Ms. SCHAKOWSKY. Mr. Speaker, I rise in strong support of H. Res. 1091, which condemns in the strongest terms Iran's commitment to hold an international Holocaust denial conference on December 11–12, 2006. I am proud to be an original cosponsor of this important resolution.

I have the honor of representing one of the world's largest communities of Holocaust survivors in the United States. It is on their behalf, and on behalf of all of their friends and family who perished at the hands ofthe Nazis and their collaborators during World War II, that I make this statement today.

Iranian President Mahmoud Ahmadinejad's current intent to host an international Holocaust denial conference is only the latest abominable act he has taken in a series of anti-Semitic Holocaust denial statements and actions since he rose to power.

Those of us who understand history and humanity will not let President Ahmadinejad's efforts to diminish what was one of mankind's worst disasters go unanswered. No rational person can deny the systematic state-sponsored murder of 6,000,000 Jews and other targeted groups by Nazi Gennany and its collaborators during World War II. The Holocaust happened. It was the worst crime and the largest mass murder of the last century. It is a fact.

President Ahmadinejad's past and present declarations and actions—spewing outrageous anti-Semitic and anti-Israel rhetoric, remaining a primary source of funding, training, and support for terrorist groups, and openly threatening Israel and the United States—prove President Ahmadinejad is on a crusade of hatred and are deeply troubling acts.

I hope other governments, especially those in Middle East and Islamic world, and those on the UN Security Council will join me in speaking out against this hateful and untruthful rhetoric. President Ahmadinejad's assault on the truth is an insult to all.

After the Holocaust the Jewish people vowed to "Never Forget." We will never forget. And the world must never forget. And we will never bow to the ignorance, threats, bigotry and fanaticism of Iranian President Mahmoud Ahmadinejad—a man whose actions and words are an insult to the great Persian people.

I thank my colleagues who will vote unanimously to pass H. Res. 1091.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WESTMORELAND). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 1091, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those voting have responded in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

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SPECIAL ORDERS

The SPEAKER pro tempore (Mr. WESTMORELAND). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

WEYERHAEUSER COMPANY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, I rise today to recognize Weyerhaeuser Corporation and its wonderful community service in assisting in the relief efforts and the rebuilding of the gulf coast that was devastated by Hurricane Katrina in August of 2005. This outstanding company has gone well beyond the call of duty, truly exemplifying what community service is.

The Weyerhaeuser Company was incorporated in 1900, and is one the world's largest integrated forest product companies, headquartered in Federal Way, Washington, employing 5,000 people in over 40 locations in 18 countries. In 2005, they recorded sales of $22.6 billion, and the company manages more than 2.4 million acres of timberlands in three States. I am pleased to note that of the many locations of the Weyerhaeuser Corporation, two are in the Fifth District of North Carolina.

In recognition of their outstanding community service and dedication to helping those who need it most, Weyerhaeuser Corporation has been recognized with the Ron Brown Award. This is the only Presidential award to honor companies, "for their exemplary quality of their relationships with employees and communities." This award is presented to companies that have set forth strong initiatives to strengthen their employees and the community that surrounds them, as well as promote pioneering business initiatives. The Ron Brown Award was originally established by President Bill Clinton after the late Secretary of Commerce, Ron Brown, who believed that "businesses do well by doing good." In my opinion, there is no better choice for this award than the Weyerhaeuser Company for its outstanding work and dedication to our country.

On December 4, 2006, the chairman, president and CEO of Weyerhaeuser accepted the Ron Brown Award from U.S. Secretary of Commerce Carlos M. Gutierrez at a ceremony at the White House. Mr. Rogel accepted the award and dedicated it to Weyerhaeuser's disaster relief coordinator, Katy Taylor, along with the partners and volunteers who attended the ceremony.

Also recognized in the White House ceremony was the North Carolina Baptist Builders, with whom Weyerhaeuser teamed up in the gulf coast relief efforts. The North Carolina Baptist Builders is a faith-based organization that set forth a large mission to rebuild 600 homes along the coast. To the credit of the Baptist Builders, the Weyerhaeuser Company recognized their "smoothly run rebuilding operation to keep projects moving." It is this kind of forward thinking, and teamwork that makes the Weyerhaeuser Company so deserving of the Ron Brown Award.

I am honored to have such a wonderful and dedicated company that operates in North Carolina in places such as Charlotte, Greensboro, Newton and many other places, including Elkin and Winston-Salem in the Fifth District. Weyerhaeuser Company has been operating in North Carolina since 1957 with approximately 3,090 employees.

The dedication of Weyerhaeuser to the community is astounding and sets a shining example to other businesses about the importance of community service and helping the less fortunate. To date, nearly 300 employees and retirees from across the United States and Canada have volunteered more than 42,000 hours of their time and helped rebuild 50 homes. Weyerhaeuser has a truly generous policy of allowing employees 2 to 4 weeks' paid leave to help volunteer in the rebuilding efforts of the gulf coast. Not only does it pay its employees while they are volunteering their time, but it also pays their way and their spouses' way for the rebuilding efforts. Now, over a year later, Weyerhaeuser employees are still participating in reconstruction efforts and have contributed a combined disaster relief to date totaling more than $2.8 million. This is nothing short of extraordinary.

While I can mention some of the accomplishments of Weyerhaeuser Company's contribution, it is the people Weyerhaeuser has touched and the response it has received that truly shows the difference it has made to individuals, families and the community as a whole. As one family wrote in response to the help from Weyerhaeuser volunteers, "Because of all your efforts, we are home! Words cannot truly express the outpouring of love we have received. We are eternally grateful to our Weyerhaeuser family." This shows how the assistance of strangers can surely touch one's life and make their life better and give true meaning for caring in the community.

A sign of the high caliber of individuals Weyerhaeuser employs is some of the comments that went to the gulf coast to help. One man noted, "The days were long and hot, the work was intense, but the rewards were immeasurable. This has been an experience I won't soon forget." Another volunteer employee commented, "This experience was such a blessing. I got so much more from it than I felt I gave." Even Weyerhaeuser's retirees participated and one reflected of the occasion to assist those in need saying, "Having once more the opportunity to work side by side with other Weyerhaeuser employees and retirees made me realize anew why I enjoyed working for Weyerhaeuser so much. It's all about the people and the values the company ascribes to. Thanks again."

Testimonies such as these speak volumes of Weyerhaeuser Company and its dedication to its employees and others. It goes beyond helping those who are under its employment, but it extends a helping hand to strangers to make the world a better place to live.

I am pleased that Weyerhaeuser has had a long standing tradition in North Carolina and especially in the Fifth District. It is without question an admirable and outstanding company that lives up to the highest meaning of community service.

Weyerhaeuser's dedication to helping others is immeasurable and I cannot thank the company enough for the work they have done and continue to do. It is truly deserving of such a prestigious award, and I am delighted to see Weyerhaeuser's efforts have been recognized by the Administration. Their work of its employees and retirees shows that there is no one more deserving.

IRAQ STUDY GROUP REPORT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, today the Iraq Study Group released a reasonable working document that affirms the situation in Iraq, and I quote, "is grave and deteriorating," and, I quote again, "time is running out for a U.S. success strategy." Indeed the report attests that 79 percent of the Iraqi people do not believe that the U.S. presence there is constructive; 79 percent of the people of Iraq do not view our presence as constructive.

I have affirmed many times since the Abu Ghraib prison scandal that the Bush administration policy has forfeited our moral authority in Iraq. Those polling numbers prove it again. On the very day that this report was released, today, another 10 U.S. soldiers have lost their lives in Iraq. Attacks against U.S. forces now total more than 180 a day. And this figure doubles with each passing year.

The report also restates our Nation's financial commitment to the Iraqi war, now soaring over $400 billion a year, sapping strength from U.S. domestic priorities such as health care, education, energy independence, all much needed here at home. Unfortunately, the report begins with this sentence, and I quote: "The U.S. has long-term relationships and interests at stake in the Middle East," but then, amazingly, fails to identify them. Obviously, one of them is oil. And the U.S., again, does not commit itself in this report to a strong effort to restore America's energy independence here at home.

In addition, the report is very iffy on how the oil bounty of Iraq, which has the second largest set of reserves in the entire world, will be handled in the future. Though it makes suggestions on how to manage that oil reserve, the prospects of that being accomplished are quite remote. The report makes many recommendations that apply in Iraq, but not to end America's chief strategic vulnerability, our dependence on imported petroleum surely from the Middle East.

Importantly, the report places the Iraq situation in a regional context, explaining how what is happening in Iraq is operating to harm America's standing throughout the Middle East. It states how tepid international support is for the U.S. engagement in Iraq, despite the President's acclamations that there is a coalition of the willing.

In addition, the report acknowledging that for the United States to draw down forces, Iraqi units must replace them. And then the report details that the 138,000 Iraqi Army troops and 188,000 police units have some state of readiness. Half of them are not up to the task, with many functions infiltrated by the opposition.

The report presents a confusing picture on the issue of how long the United States might need to maintain its presence in Iraq. It recommends unit withdrawal by 2008 at some level. But then, in a different section, the report states that not all U.S. combat brigades would be needed in the future for force protection for backing up Iraqi units, but, of course, says many units would still be needed. At least that is the inference, but it doesn't say how many.

In the end, it fails to address the issue of how many combat units would actually be needed and, therefore, leaves the door open for an extended U.S. presence.

Admitting the difficulty it will entail, the report recommends restoring broken diplomatic relations with nations the administration has publicly ridiculed, such as Syria and Iran, as well as factions within Iraq and throughout the region with which the administration has no dialogue, such as Moqtada al-Sadr's Mahdi faction. The report properly identifies the unresolved Israeli-Palestinian conflict as paramount to reaching a regional peace settlement, stating clearly that neither Democrats nor Republicans would ever abandon Israel, but making strong recommendations on how to restore the peace process.

The report also makes some statements I find implausible. One is that only 5,000 civilian contractors are operating in Iraq, from hired guns to transportation specialists, when in fact that number now exceeds over 100,000, and represents a serious and worrisome departure from past U.S. military operations. If that private presence morphs into a mercenary force that occupies Iraq as the U.S. military withdraws, this would be a first in American history and a development I would not welcome.

Mr. Speaker, I was disappointed to read that at the U.S. Embassy in Baghdad, which was the largest in the world with over 1,000 employees, only 33 Americans speak Arabic. This is shocking and dangerous and another indication of the shocking mismanagement of the U.S. mission in Iraq.

URGING A PRESIDENTIAL PARDON FOR TWO U.S. BORDER PATROL AGENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I am on the floor tonight to bring to the attention of the House a situation involving two U.S. Border Patrol agents. Agent Ramos and Compean were found guilty in a Federal court for wounding a Mexican drug smuggler who brought 743 pounds of marijuana across our southern borders into Texas. These agents never should have been prosecuted for their actions last year, yet they have been sentenced to 11 and 12 years in Federal prison respectively. On January 17 of 2007, both agents will enter Federal prison unless action is taken to overturn their sentences.

Agent Ramos served the Border Patrol for 9 years, and was a former nominee for Border Patrol Agent of the Year.

Agent Compean had 5 years of experience as a border agent. By attempting to apprehend an illegal alien drug smuggler, these agents were simply doing their job to protect the American people. These agents should have been commended for their actions, but instead the U.S. Attorney's Office prosecuted these agents and granted full immunity to the drug smuggler for his testimony against our agents.

□ 2045

The drug smuggler received full medical care in El Paso, Texas, was permitted to return to Mexico, and is now suing the Border Patrol for $5 million for violating his civil rights. Ladies and gentlemen of the House, he is not an American citizen, he is a criminal.

On October 26, an article by Sara Carter of the Los Angeles News Group, quotes two of the drug smuggler's family members who said, "He has been smuggling drugs since he was 14 years of age and would not move drugs unless he had a gun on him, and he has been bragging about the money he is going to get in a lawsuit every time we talk to him."

While this habitual drug smuggler goes free, the families of the two El Paso Border Patrol agents have struggled to cope for almost 2 years with this unjust prosecution and conviction.

On October 18, an article by Sara Carter, she describes the devastation that has fallen upon the Ramos family, stating, and I quote, "They have almost lost their home on several occasions, they no longer have medical insurance, and most of the money raised for them will go to attorneys when they appeal the case."

I further quote, "Threats from associates of . . . [the drug smuggler] have left the Ramoses fearful for their children's safety. The El Paso Sheriff's Department has had deputies monitoring the Ramos family since the threats came by e-mail and phone."

The article reports, "Ramos first thought when the smuggler turned to him was of his wife and three young sons. He shot at the smuggler to save his life and his partner's, he said." Although it is clear that the agents fired shots to defend themselves and the border that they patrol, Ramos and Compean were convicted mainly on the testimony of a drug smuggler who claimed he was unarmed.

A sealed indictment for the drug charges forbade the defense from calling into question the integrity of the drug smuggler as a witness. Despite my repeated requests for an investigation of this case, and a request from dozens of Members of Congress to pardon the agents, this administration has ignored the concerns of countless citizens who have decried the unjust prosecution of these two heroes.

Members of Congress and the American people are outraged and concerned with this administration's indifference to the plight of these two honorable men who have been crucified unfairly by a Federal prosecutor. By using the power of his office to pardon these two agents, the President has the opportunity to immediately reverse a grave injustice. These two agents have given years of their life to service to this Nation, and have been unjustly punished for doing their job to protect our homeland.

Mr. Speaker, in closing, many in Congress and the people of America are asking the President to please consider our request and to pardon these two agents for protecting the American people from a known drug dealer. Please listen, Mr. President, we are asking you to please help.

☐ 2045

TIME FOR A CHANGE IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, it is time for the stubbornness of the White House to end. Today the President received recommendations from the bipartisan Iraq Study Group. This report should serve as a wake-up call that the status quo is simply not working, and that both Democrats and Republicans are now coming to the conclusion that we must take our troops out of Iraq.

The President's strategy of stay the course is not working. In fact, things in Iraq are dramatically worse today than they were 1 year ago. Consider that last year the people of Iraq were experiencing an average of 200 attacks per week. Today those attacks have doubled to more than 400 every week.

Imagine that, Mr. Speaker, living in a country or trying to stabilize a country where 400 attacks are taking place on a weekly basis. The situation is not getting any easier for American troops either. This October was the deadliest month for U.S. troops in more than 2 years, and the war is increasingly a war fought exclusively by American troops. To date 12 countries have pulled their troops out, and six more countries are planning to withdraw in the coming months.

Now, what are our brave men and women accomplishing today in Iraq? They are essentially serving as referees in a civil war between Shia and Sunni militias.

Mr. Speaker, we are also spending billions of dollars in Iraq, money that could be better served on domestic priorities here in the United States or in combating terrorists who are making a comeback in Afghanistan.

Today we are spending $8 billion a month in Iraq, and we are not seeing any change on the ground.

Mr. Speaker, the American people voiced their frustration with the problems in Iraq and demanded with their votes a change of course on election day this year. But instead of listening to the people, instead of listening to Democrats, instead of listening to countless foreign policy experts who have demanded a change of course, President Bush has stubbornly stayed the same course.

He said there will be no graceful exit from Iraq, and that American troops will still be in Iraq when he leaves office in 2 years. This is President Bush's war. He initiated it, and it is now his responsibility to get us out.

Mr. Speaker, we must eliminate the open-ended commitment to keep troops in Iraq indefinitely. The Iraqi Prime Minister stated that his army has reached, and I quote, a good level of competency and efficiency, and that they could be ready to take on the task of securing Iraq by June of next year. We should force the Iraqi security forces to play an increased role in securing their own country. The Pentagon must also redouble its efforts to effectively train the Iraqi security forces.

This past weekend, Mr. Speaker, a classified memo penned by Secretary of Defense Donald Rumsfeld suggested that our course of action in Iraq is not working and the President should reconsider redeploying troops. Now, as Democrats, for months we have proposed this solution of redeploying troops out of Iraq, and the only thing that has happened is that we have been vilified by the President and many of our Republican colleagues in Congress.

I want to say, Mr. Speaker, that I support House Joint Resolution 73 introduced by Congressman JACK MURTHA of Pennsylvania last November 17 in 2005.

I don't want to go through that whole resolution, but I would like to make reference to the last whereas clause and the resolve clause, and it says, Whereas Congress finds it evident that continuing U.S. military action in Iraq is not in the best interests of the United States of America, the people of Iraq or the Persian Gulf region. Now, therefore be it resolved that the deployment of the United States forces in Iraq, by direction of Congress, is hereby terminated and the forces involved are to be redeployed at the earliest practicable date. That is what I believe in. That is what I would like to see us pass here.

Today I think, Mr. Speaker, it is very important to mention and to note that the Iraq Study Group, a bipartisan group, Democrats and Republicans, sent President Bush a strong message, and that is that the President's state of denial about the Iraq war cannot continue. The time has simply come to bring our troops home.

GOODBYE TO FRIENDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, at the end of every election cycle, we say goodbye to a lot of our friends and hello to new Members of the Congress. Tonight, since we are right near the end of our session, our special session, I thought I would take just a moment to say goodbye to some of my friends, whom I am not going to see again, unless they invite me to their House for a steak dinner when I get in their region.

A lot of the Members of the Republican Study Committee, which SAM JOHNSON, JOHN DOOLITTLE and ERNIE ISTOOK and I founded about 10 years ago, were defeated in this elect. We have some new Members, but a lot of them were defeated. I want to say to them you have done a great job for your country and all of you we are going to miss. I can't name all of you, but you know who you are.

I also want to say a fond farewell to some of my colleagues from Indiana who I think fought the good fight and I think did a good job for our Hoosier State, but won't be with us again. MIKE SODREL, who has a great southern Indiana accent, I loved to rib him when he was on the radio. MIKE, we are going to miss you. He was very active on Agriculture Committee, the Science Committee, Small Business and Transportation. I don't know how he did all of that. That must be one of the reasons he wasn't able to win the reelection. He probably worked too hard up here.

Then, of course, CHRIS CHOCOLA, who was on the Budget and also Ways and Means. CHRIS was also from the northern part of Indiana. He did a great job for our State. We will miss CHRIS as well.

JOHN HOSTETLER, who came from what we call the bloody Eighth of Indiana. He carried the Republican mantle of leadership in that district for a very, very long time. He did a great job, but unfortunately this time the bloody Eighth got to him. JOHN, we are going to miss you as well.

ERNIE ISTOOK, who as I said before was one of the founders of the Republican Study Group, we called it CAT, Conservative Action Team. ERNIE ran for Governor and got hit with the tide. So, ERNIE, he didn't make the governorship. We are going to lose him as a Member of Congress. ERNIE, we are going to miss you as well. You did a great job with the Republican Study Committee.

Then I want to say goodbye to some of my buddies from the 98th Congress. There is only one of us left, the last man standing, SHERRY. There were 24 of us that were elected back in 1982 and 1983. SHERRY BOEHLERT, NANCY JOHNSON and MIKE BILIRAKIS were the last four. JOHN MCCAIN was the other four, but he went over to that other body where the air is a little bit rarefied. JOHN and I will be the only two left.

But SHERRY, we are going miss you. I know you are going to go home and really enjoy being with your wife and family and not having to run every time you hear a bell ring. You will probably hear the phone ring and go nuts.

NANCY JOHNSON, you have been a great friend. I will certainly miss you as well.

MIKE BILIRAKIS, fortunately MIKE's son has joined us from his district. We are going to miss MIKE as well. I had some great debates with MIKE about Cyprus. MIKE, I am going to miss you on those debates. Maybe your son will take up the mantle, and we will have those debates just like you and I have.

Anyhow, goodbye to my old friends, the Republican Study Committee members. We will miss you. Hopefully you will come back and see us when you get a chance. As I said before, if I get in your neck of the woods, especially you, SHERRY, I will stop by for dinner.

GENERAL LEAVE

Mr. RANGEL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days with which to revise and extend their remarks and include extraneous material on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

GOODBYE TO COLLEAGUES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. RANGEL) is recognized for 5 minutes.

Mr. RANGEL. Mr. Speaker, my colleagues, I just would like to begin, I guess, where DAN BURTON has left off in saying so long to so many Members of Congress that we have worked with. Because there are so few people here, I think it is an indication of how we have legislated in terms of waiting so late and Members having to leave, but I guess the most important thing that I wanted to say is that this legislative body has been very good to me, and I have been here for well over three decades.

Not only did I have, do I have, an opportunity to serve my district and my country in this Congress, but it allowed me to meet and work with some of the most exciting, intelligent and interesting people that I never would have met had I not had the great honor of serving here.

This has been especially true in the last decade where friendships have been very difficult to maintain, one, because of the legislative schedules that have been so different with the small amount of time that we spent here; two, because we don't travel abroad as a Congressional team; but, lastly, and I guess the thing that hurts the most, is that the group became not just friends, what committee, what part of the country you came from, but it was whether you were Republican or Democrat, and that made the difference.

□ 2100

I do hope that the new Congress will have just as much partisanship as relates to the issues that they believe in, but that we will have the Congress that I came to enjoy; that the partisanship would include friendship and would allow people to differ in the ideologies and their political beliefs, but at the end of the day we can say that we still were able to be friends. I really think that we all have to agree that in part, and perhaps a large part, the American people said that in the last election.

I say that because tonight the epitome of how that works is with my friend of long years, Congressman SHERRY BOEHLERT, a gentleman, a scholar, an American, a Member of Congress; a person who loves his district, his constituents, but loves Congress and his country; a person that stood up to Republicans and Democrats for what he believed in; a person who soared in popularity among those people that were concerned with our country, with our environment; and a person that, no matter how strongly he believed or other people disagreed with him, never lost a friend in that process.

We will miss SHERWOOD. He has fought the good fight. He set an example for all of us. But I think that the best tribute that we can pay to him is that maybe all of us, Republicans and Democrats, would try to find out, how did he do this? How was he able to maintain his convictions, keep his head high, be eloquent in the debate, disagree with so many people, Democrats and even those within his party, and, at the end of the day, everyone is able to say what a true gentleman SHERWOOD BOEHLERT is, what a great gentleman he is, and, I am pleased to say, what a great friend he has been.

So I know that because of the depth of his commitment, that he could never walk away from us in terms of commitment. And so as he follows through in an extension of his life and terminates that legislative part, I just want you to know that the entire delegation felt a sense of friendship for him. We will miss him, and we in the New York delegation, and I hope the Congress, will try desperately hard when we are tempted to do what we think our party label would want us to do, that we can remember that some have come here as friends; they can do their job, they can work hard, they can disagree, and, God willing, we can leave as friends.

Mr. Speaker, my failing eyes allowed me not to see my buddy on the floor when I started this talk, and I just want to say personally, SHERWOOD, you have been a model for me, a model for the New York delegation, and if people had known our delegation, as diverse as it is, perhaps they could go to their delegation and be able to say that, hell, anybody, if we try hard, can be like SHERWOOD BOEHLERT.

We will miss you, but I am so glad that I am in the same State, and I know I will be seeing more of you.

Mr. Speaker, I would like to submit Mr. BOEHLERT's biography for the RECORD.

BIOGRAPHY OF REPRESENTATIVE SHERWOOD BOEHLERT

Utica native Sherwood Boehlert (R–New Hartford), Chairman of the House Science Committee, was first elected to the House of Representatives in November 1982. He is currently serving in his 12th consecutive term representing Upstate New York.

Boehlert has served on the Science Committee since 1983, and was elected Chairman in January 2001. The Committee has jurisdiction over all federal, nonmilitary scientific and technology research and development programs, on which the federal government spends more than $30 billion a year. The Committee has jurisdiction over NASA, the National Science Foundation, and research and development initiatives within the Environmental Protection Agency, the Department of Energy, and the Department of Commerce. In addition, the Committee has jurisdiction over civil aviation research and development and marine research.

Boehlert is a senior member of the House Transportation and Infrastructure Committee, serving as Chairman of its subcommittee on Water Resources and Environment from 1995 to 2000. He remains an active member of that Subcommittee.

Boehlert was a founding member of the House Homeland Security Committee, by appointment of Speaker J. Dennis Hastert. Boehlert was also an eight year member of the House Permanent Select Committee on Intelligence (term limited).

Born on September 28, 1936 in Utica, New York, Boehlert is a graduate of Whitesboro Central High School and Utica College Bachelor of Science, 1961). Before serving as Oneida County Executive (1979–83), he was manager of public relations at Wyandotte Chemical (1961–83), he was manager of public relations at Wyandotte Chemical (1961–64) and served two years in the U.S. Army (1956–58).

Boehlert served as chief of staff for two area Congressmen, Alexander Pirnie (1964–72) and Donald Mitchell (1973–79), where he became intimately familiar with the people, places and issues of Upstate New York. .

An avid New York Yankees fan and movie buff, Boehlert and his wife, Marianne (Willey) Boehlert, make their home in New Hartford, New York. They have four grown children and five grandchildren. When Congress is not in session, he returns to Central New York each weekend to stay in touch with the people who elected him to represent them in Washington.

The 24th Congressional District includes all or parts of Broome, Cayuga, Chenango, Cortland, Herkimer, Oneida, Ontario, Otsego, Tioga, Tompkins, and Seneca counties.

Mr. REYNOLDS. Mr. Speaker, the upstate city of Utica, New York, calls itself the "City of Possibilities;" and I rise today to pay tribute to one of its sons, who saw his service in government not only as that of great possibilities, but of responsibility and achievement.

My friend, my colleague, SHERWOOD "SHERRY" BOEHLERT will retire at the end of this Congress after 12 terms of proud service to his community, his state and our Nation.

Whether it was as a Congressional staff member, U.S. Army veteran, Oneida County Executive, or Member of Congress, SHERRY BOEHLERT saw government as a proud and noble profession, serving others to achieve for them a better quality of life.

His service on the House Science Committee, which began in 1983 and culminated with his election as chairman in 2001, earned SHERRY high marks for his intellect and independence, his ability and his vision.

As a fellow New Yorker, I have been honored to be SHERRY'S friend and colleague for so many years.

I know how committed he has been to the responsibilities of his office and those he serves, and the tremendous devotion he feels to this institution.

Second only to this House is SHERRY's devotion to another great institution, the New York Yankees.

And it was the Yankee Clipper himself, Joe DiMaggio, who once said "there is always some kid who may be seeing me for the first time. I owe him my best."

Mr. Speaker, for more than two decades, SHERRY BOEHLERT has always given us his best.

So I ask that this Body join me in thanking Representative SHERRY BOEHLERT for his service, and that you join me in wishing him, his wife Marianne, and their family our sincerest best wishes for great health and happiness in the year's ahead.

Mr. MARKEY. Mr. Speaker, SHERRY BOEHLERT was my good friend. He was a wonderful chairman and a great environmental champion. SHERRY was a consistent bulwark in the Republican Party against drilling in the Arctic National Wildlife Refuge in Alaska and his outstanding leadership is one of the main reasons why the Refuge remains a pristine wilderness today. In defending this magnificent wilderness, he more than filled the shoes of a Republican General—President Dwight David Eisenhower—who had the foresight to protect the refuge for its unique environmental values and the backbone to resist a storm of pressure to let the drillers destroy this untrammeled corner of America forever. SHERRY was also the leading Republican voice for higher fuel economy standards for our nation's cars, trucks and SUVs. In doing so, he stood tall for our soldiers who fight on the oil fields of the Middle East and for the children of our children who are facing a climate change catastrophe that we are only beginning to fathom. I was fortunate enough to have had the opportunity to work with him often in these fights and his leadership and passion were an inspiration to me and to everyone who knew him.

Mr. EHLERS. Mr. Speaker, I rise to pay tribute to my good friend and colleague, SHERRY BOEHLERT.

It has been my honor to serve on the Science Committee with SHERRY for more than a decade. As the Committee Chairman, his inspired leadership earned the respect of his colleagues on both sides of the aisle. SHERRY's thoughtful approach to policy and commitment to pragmatic, non-partisan solutions to our nation's problems have led to policies that are both sensible and effective. Under his leadership, the Committee has elevated the importance of the federal science and technology portfolio, promoted sound environmental and energy policies, and strengthened math and science education. He also reinforced the scientific expertise of the Committee by adding a number of seasoned scientists to its staff.

SHERRY's unflagging optimism allowed him to plow through adversity and what most of us would consider insurmountable challenges. Through even the most discouraging times, his generosity of spirit and his endless good humor has been contagious to his colleagues—even when they don't share his point of view. I am certain that his endless enthusiasm and constant optimism will be remembered by all who have worked with SHERRY. He has served the public in a manner that is rarely seen today: thoughtfully, carefully, and with great humility. In all, SHERRY will leave this Congress considerably better than he found it, and he will be sorely missed.

It lessens the blow slightly to know that SHERRY will not be going too far away. He will be continuing his service to his fellow citizens in Washington at the Wilson Center on a scholarly appointment. Undoubtedly, science policy will continue to feel the influence of his thoughtful and dynamic approach to problem-solving.

Mrs. MALONEY. Mr. Speaker, the New York delegation is a strong and unified delegation. At the end of the 109th Congress, four of our colleagues and friends will be exiting Congress. Tonight, we honor them.

SHERWOOD BOEHLERT

I first commend my dear friend and colleague SHERRY BOEHLERT on his service to the people of New York and the people of this country. He has developed the reputation as one of the most well-respected Members of this body, and it is well-deserved. Since he came to Washington in 1983, SHERRY has helped make good policy for our nation, and he has made countless friends along the way.

From the minute I set foot in the halls of Congress, it became clear to me that SHERRY was a colleague to whom I could look for honest opinions, respectful dialog and sound advice. It never mattered that he was on the other side of the aisle.

SHERRY's legislative skill is reflected in his record, which includes a rise through the ranks of the Science Committee to the Chairmanship in 2001. On that committee as well as the Transportation and Infrastructure Committee, he has a long list of accomplishments. Clearly, anyone who says "Nice guys finish last" never met SHERRY BOEHLERT.

I am glad that I have had the honor to serve with SHERRY and to be able to call him my friend. I wish my colleague a long, happy and healthy life away from the Congress, and I thank him for his friendship.

SUE KELLY

I want to speak about my friend and colleague SUE KELLY, who has worked with me for many years in the Financial Services Committee, the Women's Caucus, and the Terrorist Financing Task Force, among other things.

Congresswoman KELLY has worked hard for New York. One of the issues on which she has been a strong voice is the renewal of TRIA. I know she shares my view that TRIA is essential for New York's economy and growth and she has advocated vigorously for its renewal.

Like the rest of us who lived through 9/11 in New York she understands the need to provide continuing support as the city continues to recover, and to provide economic security against the possibility of future terrorism.

She has also worked hard for women. As a member of the Women's Caucus she and I have worked together to advance the rights of women in many areas, and I consider this a very important part of her service.

Perhaps my favorite memory of something that SUE and I did together was our visit to Qatar in 1999 to observe and celebrate its first democratic elections, and the first time that women of any of the countries in the Gulf Cooperation Council had the right to vote and run for office.

Allowing women to vote and giving them the opportunity to run for office was a major step forward in the democratic transformation of Qatar and I know we both felt that it was a truly momentous occasion.

I thank Congresswoman KELLY for her service to New York and for her support for these issues that are dear to me as well.

MAJOR OWENS

I would like to wish a very fond farewell to my good friend and colleague MAJOR OWENS. The residents of our city, our state and our nation are better off for his service, and on a personal level, I am better off for his friendship.

MAJOR has done a tremendous job for the working men and women of this country, most recently serving as ranking member of the Subcommittee for Workforce Protections and helping lead on such important issues as raising the minimum wage and protecting OSHA. His work on civil rights has been vital, and his work on behalf of New Yorkers has been tireless. We have worked closely together to ensure that the recovery from 9/11 is followed through, and he has shown himself to be an insightful and hard working legislator.

I will certainly miss my colleague from Brooklyn. We have served together for my entire time in Congress, and I cannot imagine this place without him. I wish MAJOR nothing but the best, I thank him for his dedicated work for the people of New York, and I will always treasure our friendship.

JOHN SWEENEY

I honor my colleague and fellow New Yorker JOHN SWEENEY for his service. Together, we have collaborated on a number of issues vital to our state, including the recovery from 9/11 to the fight for fairer homeland security funding for high-threat areas.

JOHN has always been an impassioned advocate for his beliefs, and I have very much enjoyed and appreciated our work together.

I wish JOHN nothing but the best, and I am proud to have served with him and to call him my friend.

Mr. CROWLEY. Mr. Speaker, I rise today to respectfully acknowledge and pay tribute to the distinguished careers of the four retiring Members of the New York delegation, SHERWOOD BOEHLERT, MAJOR OWENS, JOHN SWEENEY, and SUE KELLY.

Representative BOEHLERT has served the people of his upstate New York district with pride for 12 consecutive terms and leaves us now as the Republican dean of our delegation. His tenure in the House will be reflected upon with admiration and he will be remembered in particular for his successful efforts at bipartisan compromise. Reaching across the aisle numerous times, SHERRY has delivered results which have benefited not only the people of his native New York but which have also enhanced the welfare of the entire Nation. As long-time Chair of the House Science Committee, he has worked on a number of issues ranging from fuel efficiency and researching environmentally-friendly energies to improving the quality of math and science education programs for our Nation's youth.

Congressman OWENS leaves behind a distinguished record as a legislator who has devoted special attention to labor and education. His commitment to social issues as a member of the Congressional Progressive Caucus has also led to a number of far-reaching improvements for the American people. Since his election in 1982, MAJOR has fought for school modernization and, most recently, has been an advocate for increased No Child Left Behind funding. Additionally, he has promoted initiatives to increase the minimum wage and create a system of universal health care.

Congressman SWEENEY is someone whom I had the fortune to know in Albany and deserves recognition for his tireless service to the citizens of New York State. His accomplishments are felt from his northern upstate district down to the five boroughs of New York City. As Vice-Chairman of the Transportation, Treasury, and HUD Appropriations Subcommittee, JOHN has always been a reliable source of support for the state's small business owners and has championed projects facilitating growth and job development. As a Member representing Queens and the Bronx, I am also personally indebted to JOHN for his successful fight to secure over $21 billion in recovery aid for the people of New York City in the aftermath of the September 11 terrorist attacks on our city.

I also wish to highlight the achievements of Representative KELLY, and in particular, her work as a colleague of mine on the House Financial Services Committee. She has made large contributions to significant pieces of legislation such as the Sarbanes-Oxley bill that ensures greater corporate accountability and has led the battle to enforce corporate diligence by heading initial hearings into fraud cases involving Enron and WorldCom. Mrs. KELLY also merits appreciation for her efforts to achieve justice for Holocaust survivors by leading hearings regarding WWII restitution. I wish Representative KELLY well in future endeavors.

Mr. Speaker, I thank these Members for their distinguished service to this Congress and I wish them the sincerest of luck on their upcoming projects. New York State and this Congress are richer as a result of their contributions.

Mr. MCNULTY. Mr. Speaker, as our colleague, the Honorable gentleman from New York, SHERWOOD BOEHLERT, prepares to retire from the Congress, I want to join the entire New York delegation in wishing SHERRY a fond farewell and in commending him for a job very well done.

SHERRY BOEHLERT has served the people of the 24th Congressional District, which includes all or parts of Broome, Cayuga, Chenango, Cortland, Herkimer, Oneida, Ontario, Otsego, Tioga, Tompkins, and Seneca counties, for 12 consecutive terms. He has been my congressional neighbor to the west for as long as I have been in Congress. We have had the opportunity to work together on many issues, such as the Tech Valley initiative in upstate New York, the FAIR Alliance for transportation funding, and, of course, rooting on our beloved New York Yankees.

With expertise and leadership in so many different fields, from the environment and the sciences, to transportation and homeland security, SHERRY has not only capably served the people of his district, but also every citizen of New York and the United States.

SHERRY has earned the opportunity to spend more time with his wife, Marianne, their four grown children and five grandchildren.

Mr. Speaker, I am proud to call SHERRY BOEHLERT a respected colleague and a dear friend. His presence and strong voice will be missed during the coming debates. There is no doubt, however, that his proud legacy of committed public service and bipartisan achievement, will live on for generations.

Mrs. LOWEY. Mr. Speaker, I rise today to honor four of my distinguished colleagues and to pay tribute to their dedicated work on behalf of the people of New York.

I have been honored throughout my time in Congress to call SHERWOOD BOEHLERT, MAJOR OWENS, JOHN SWEENEY and SUE KELLY my colleagues and my friends, and their hard work and passion will be sorely missed by our great institution.

SHERRY BOEHLERT has been fighting for the people of the Mohawk Valley and Central New York since 1964, first as chief of staff to Congressman Alexander Pirnie and his successor Donald Mitchell and, for the last 24 years, as the representative of the 24th Congressional District of New York. SHERRY has been a staunch advocate for environmental and science priorities including the space program, protection of the Arctic National Wildlife Refuge, and research into global warming and cyberterror issues, and he has fought on the Transportation and Infrastructure Committee to secure New York's fair share of Federal funds.

SHERRY BOEHLERT epitomizes what a Member of Congress should strive to be—an independent, bipartisan consensus builder with loyalty not to outside interest groups or to party leadership, but to the constituents who sent him to Congress for over two decades.

New York and the U.S. Congress have benefited for nearly as long from the service of MAJOR OWENS. Since succeeding the late Shirley Chisholm in 1982, MAJOR OWENS has successfully fought in Congress for increased educational opportunities, a higher minimum wage, equal opportunity for those with disabilities, and aid for historical black colleges. MAJOR's voice will be missed, but his New York colleagues will remember him as we carry forward these important initiatives.

It has also been my privilege to work with JOHN SWEENEY since his election to the House in 1998. As my colleague on the Appropriations Committee, as my co-chair of the Hudson River Caucus and as a leading voice for a risk-based approach to distribute Homeland Security funds, JOHN SWEENEY has proven himself not only dedicated to the people of his district, but to all the citizens of New York.

We will miss Mr. SWEENEY's lively spirit and the passion and expertise he displayed throughout his tenure.

The New York delegation also wishes our colleague SUE KELLY well as she leaves the U.S. Congress. Through her roles on the Small Business and Financial Services Committees, SUE KELLY has successfully pushed to increase small business access to capital. As the chair of the Oversight and Investigation Subcommittee, she has paid careful attention to the efforts of law enforcement to crack down on terrorist financing and money laundering.

SUE and I have stood united on many issues affecting our region, including Hudson River preservation activities and the proposed shift in services away from the Franklin Delano Roosevelt Montrose Campus of the VA Hudson Valley Healthcare System which serves veterans in both of our districts.

Mr. Speaker, while SHERRY, MAJOR, JOHN and SUE may not know yet what the future holds for them, there are two things I know for sure—the people of New York will miss them, and the House of Representatives is better for their service.

I wish them all success and happiness in the days and years to come and am thankful for the opportunity to work with them and call them my friends.

TRIBUTE TO REPRESENTATIVE SHERWOOD BOEHLERT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Delaware (Mr. CASTLE) is recognized for 5 minutes.

Mr. CASTLE. Mr. Speaker, I also want to rise to extol the virtues of SHERRY BOEHLERT. I worked very hard on trying to write something out here. It took me a while to get this together. I am not quite as glib as the distinguished other gentleman from New York who spoke earlier, and I had to think long and hard about really good things to say about SHERRY as well. But I would just like to start by saying a few things.

One, he is I think the most affable person in the House of Representatives. There are a lot of us here, but he always did things with goodwill, with a good sense of humor. I am not remotely surprised that he didn't make enemies when he spoke or he took opposite positions, because he didn't do that with a vindictiveness, and he usually did it with facts behind what he was saying. So for that he deserves tremendous credit.

He has been an incredible advocate for centrist Republican positions. He and I have worked together on a variety of those issues, going to the highest levels in this House, sometimes to extend funding in certain circumstances, other times to fight legislation which was coming forward, and for that I will be eternally grateful.

He also is an environmentalist extraordinaire. He probably excels in that field as much as anybody in the House of Representatives, Republican or Democrat. He is knowledgeable. He had tremendous staff support. He carried out his convictions on the floor. He articulated the issues well.

I don't know of a single issue involving the environment in which probably 25 or 30 of us did not go to SHERRY and say exactly what do you think about this, and usually we voted the way he was thinking because of his extraordinary knowledge.

Now, I am saying nice things about him, but I should point out some downside. He is a Yankee fan. I don't know how that happens. I think people become Yankee fans because they are winners, and that is the reason he is a Yankee fan instead of a Mets fan or something of that nature. But he is there, and we will have to forgive him that.

He comes from a region of New York State, up around Utica. He lives in New Hartford, New York, which happens to be an area in which I spent 4 years going to Hamilton College. He and I graduated in the same year from different colleges; he, from Utica College, which we realized soon when we came down here together on the floor of the House of Representatives. But he has been my agent, telling me about Hamilton College all these years, and I appreciate that a great deal.

He also dedicated a science building there, as the head of the Science Committee recently, to great acclaim by the people at Hamilton and has a warm spot in his heart for that.

Moves significantly. He has a good part of his family, of his children, have now moved to Rehobeth Beach, Delaware, and he and Marianne are hopefully going to spend more time in the southern part of Delaware, which I consider to be very important. It is a beautiful spot. Everybody here should consider that, as a matter of fact, as part of their future. I hope that SHERRY will come there often and spend time there and we can enjoy his company at that spot.

I can't tell you how fair he has been. If you go to SHERRY with something, he will describe it to you, go back and forth, and, if he is with you, he is going to be on your side and he is the single greatest advocate you can possibly have.

There are many, many other things he has achieved, particularly as head of the Science Committee, dealing with the American Competitiveness Initiative, which he was slightly ahead of the President in terms of that area. In nanotechnology, he was a force in making sure that we have proper regulation in that area. The same thing is true of cybersecurity. He has been concerned about NASA all these years.

He has just done a wonderful job of representing the mid-part of New York State, an exceptional job over all of these years he has been in the Congress of the United States.

But I think far beyond that, for those of us who had a chance to know SHERRY and to work with him, to know his family, to know Marianne, to know what they stand for and how they are, he has the warmest embrace he could possibly have from all of us. He is an exceptional human being. And I am sure, since he is in good health and that he will be in Washington from time to time, that we will hear from him on a variety of issues. And I look forward to that moment, being able to hear from SHERRY as to what he is thinking, as to what is going on, keeping us informed on the outside and keeping us informed on the inside as to what we should be doing in minding our P's and Q's.

To a wonderful Member of the Congress of the United States, to a wonderful individual in the United States, I pay all the acclaim possible to my good friend SHERRY BOEHLERT.

TRIBUTE TO DEPARTING FLORIDA MEMBERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. YOUNG) is recognized for 5 minutes.

Mr. YOUNG of Florida. Mr. Speaker, I rise this evening to pay tribute to four of our Florida colleagues who will depart at the end of this 109th Congress.

CLAY SHAW, MIKE BILIRAKIS, JIM DAVIS, and KATHERINE HARRIS have all served our great state and our great Nation with passion and with pride. They have all left their own individual mark on this House as an institution, and I know they will be missed by all of our colleagues.

MIKE BILIRAKIS was my immediate neighbor as he represents the Ninth Congressional District of Florida just to my north. There is no member more beloved by his constituents than MIKE BILIRAKIS as they respect him as a man of character and integrity.

MIKE was not a member who scheduled press conferences or spoke often on the House floor. He did his work behind the scenes and was tenacious when seeing matters through to their conclusion. You only need to look at his efforts to provide concurrent receipt payments for our Nation's veterans who retired from military service with a disability. After more than a decade, his legislation was signed into law to solve this terrible inequity for so many veterans. Likewise, he fought tirelessly for veterans with spinal cord injuries to expand the spinal cord treatment unit at the Haley VA Hospital.

This is how he worked on the many other issues that were of special interest to him including health care, Medicare, seniors issues, or medical research. He took his work as Chairman of the Veterans Affairs Subcommittee on Oversight and Investigations and the Energy and Commerce Subcommittee on Health seriously and spent considerable time on the many legislative matters that fell within their jurisdiction.

Mr. Speaker, MIKE BILIRAKIS is a patriot and statesman and we will miss the quiet grace with which he and his wife Evelyn served the people of Florida. For me, I will especially miss him as a friend and confidant. They are a special couple who I wish all the best in their retirement years. And I know it is with great pride that they will watch as their son Gus is sworn-in next month to establish a new legacy of service in this House.

Mr. Speaker, I also rise to pay tribute to CLAY SHAW, the Chairman of our Florida delegation. He has done outstanding work over the past few years in keeping the 25 members of our delegation communicating and focusing on the needs of our large and growing state.

CLAY also has a distinguished record of legislative success in this House. He chaired three Subcommittees of the Ways and Means Committee, leaving behind an indelible stamp of success in many divergent areas. It was under his chairmanship that we passed and enacted sweeping welfare reform. He was a voice of reason as chairman of the Social Security Subcommittee as the Congress and our Nation has wrestled with the best approach to sure up the financial integrity of the Social Security Trust Funds. And in his latest assignment, he has advanced the issues of global trade and competitiveness as chairman of the Trade Subcommittee.

He has also been an unquestioned champion for our environment as he has been a leader in the restoration of the Everglades, the renourishment of Florida's beautiful beaches, and in fighting to prevent drilling for oil off Florida's coastline.

Mr. Speaker, in addition to his legislative successes, CLAY is also a personal inspiration as he and Emilie have worked together to represent our Nation, our state, and the 22nd district of Florida with great energy and integrity. Even two battles with lung cancer never slowed CLAY's drive to serve in this House as he never missed a step.

Our colleagues from Florida, those who served with him on the Ways and Means Committee, and all those who have come to know him over the past 26 years will miss CLAY and his easygoing yet thoughtful manner.

Mr. Speaker, KATHERINE HARRIS is one of our delegation's most junior members but quickly established herself as one of the hardest working members of this House. She has devoted her career to public service, having been elected to serve Florida as a State Senator, Secretary of State, and member of the House for the past 4 years representing the people of the 13th Congressional District.

Among her many legislative accomplishments in that short period of time were bills to create more affordable housing opportunities, to provide funding for a veterans cemetery in Sarasota, to restore equity in disability payments for veterans, and to spur free trade. Mr. Speaker, I want to thank KATHERINE for her service here and to wish her all the best in her future endeavors.

Finally, Mr. Speaker, I want to pay tribute to JIM DAVIS, my colleague from the 11th District of Florida whom I share the City of St. Petersburg with and who has proudly represented the people of the Tampa Bay area for 10 years.

From his first days in office, JIM has always kept his focus on fiscal responsibility through his work on the Budget Committee. He also established himself as a leader on education issues, particularly in the recruitment in response to severe shortages in Florida and throughout the Nation.

As much as I will remember JIM for his legislative work, I will always remember the care with which he balanced his work here with his passion to spend time with his wife Peggy and their sons Peter and William. JIM found a way to manage the hectic schedule of the House with the need to be with his young sons as they have grown during his five terms here.

Mr. Speaker, the Florida Congressional Delegation has always worked well together in the best interests of the people of Florida. We may have had differences of opinion on national legislation, but we put those differences aside to work on Florida issues. With the departure of CLAY SHAW, MIKE BILIRAKIS, KATHERINE HARRIS, and JIM DAVIS, we lose four Members who have devoted themselves to this House and to our State. We will miss their service and their friendship but we will continue to carry on their commitment to serve with honor and distinction. In closing, I join with all my colleagues who will follow me this evening in wishing each of these Members the very best as they leave the people's House.

IN APPRECIATION OF DEPARTING FLORIDA MEMBERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MARIO DIAZ-BALART) is recognized for 5 minutes.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I rise today to express my appreciation for departing members of the Florida Congressional Delegation.

I am especially saddened that I will not see CLAY SHAW walking these halls or voting on this esteemed Floor next year. He is a class act, a true public servant who always demonstrated grace and decency. He has been a great mentor to me, and I can only hope that I can serve in Congress with the same honor CLAY SHAW did for 26 years. I know he will now have more time for his wonderful wife and his lovely family, but I also know that I will miss him dearly.

MIKE BILIRAKIS has earned his retirement from public service and I wish him well. Proverbs states that "A wise son maketh a glad father," and MIKE BILIRAKIS should be a very glad dad. I had the great pleasure of serving with his son Gus in the Florida State Legislature, and I look forward to working with him again in the 110th Congress.

No one can doubt that KATHERINE HARRIS loves Florida. Her family roots run deep in the Sunshine State, and no one is more proud of our great State than her. I am honored to have served with her both in the Florida Statehouse and in this distinguished Chamber. I wish her all the best.

FAREWELL TO FELLOW FLORIDA MEMBERS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I join my esteemed colleagues this evening in paying tribute to the Members of the Florida Congressional Delegation who will be departing this body at the end of this week—Representatives CLAY SHAW, MIKE BILIRAKIS, JIM DAVIS, and KATHERINE HARRIS.

It has been an honor and a privilege to work with such fine Americans throughout my tenure in Congress.

Therefore, it is with great sadness that I begin by paying homage to one of our greatest leaders in Congress, CLAY SHAW.

During his 25 years as a Member of Congress, CLAY has demonstrated outstanding service, dedication, hard work, devotion, and love for the American people and our wonderful State of Florida.

As dean of the Florida delegation, CLAY has been a confidant and trusted advisor to many of us.

From offshore drilling, to insurance regulation, to hurricane relief, CLAY has led the Delegation to ensure that we work together on the issues important to Floridians.

Our delegation will never be the same without CLAY at the helm.

We can only hope that our next leader will be of the same caliber and possess equal skills and resourcefulness.

It has been a true pleasure to serve with CLAY, and I know that the legacy of his contributions to this distinguished body will serve as an example for Members both present and future.

I would also like to take this opportunity to thank my dear friend and colleague MICHAEL BILIRAKIS for his 24 years of service to our Nation.

During his time in Congress, MIKE has been a terrific spokesperson for his constituents, and they should be proud that he has served them with honor and distinction.

I have been fortunate to work with MIKE on many different topics affecting our communities locally and abroad.

Together we formed the Congressional Hellenic Caucus, a forum to promote the domestic interests of the Greek-American and Hellenic communities, and we have tackled issues of importance to the Hellenic community such as the just reunification of Cyprus and the appropriate name for the Former Yugoslav Republic of Macedonia.

I am privileged to call MIKE my friend, and I look forward to our continued friendship for many years to come.

I also look forward to working with his son Gus in continuing all the good work MIKE has done for Florida.

I would also like to recognize the Representative from Tampa, Florida, JIM DAVIS.

Upon arriving to Congress in 1996, JIM was elected as President of the incoming freshman class by his Democrat colleagues, an early indication of his keen leadership abilities.

While we have differed on issues, we have been able to come together and work for the good of Florida and our constituents.

JIM has served this body for over a decade, and his colleagues from both sides of the aisle will miss him.

Lastly, KATHERINE HARRIS has been integral part of the Florida delegation and her presence will be sorely missed.

In her time here, KATHERINE has made a tremendous impression on all those she came in contact with.

Not only will her constituents miss KATHERINE, but she will be missed by her colleagues for the central role she had on all her committees, especially the International Relations Committee, where I was fortunate to have her as an ally on Middle East issues.

I also had the opportunity to travel to Iraq with KATHERINE, and meet with Iraqi officials, women Iraqi leaders, and our brave troops.

Her incredible optimism and keen understanding will be deeply missed by our closeknit Florida family.

In closing, I would like to offer my warmest wishes to CLAY, MIKE, JIM, and KATHERINE for their dedicated service to our country.

Whatever your next vocation may be, I am certain that you will all continue to serve the citizens of Florida and our great Nation with dignity and I look forward to working with you all again.

TRIBUTE TO VARIOUS MEMBERS OF THE NEW YORK CONGRESSIONAL DELEGATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WALSH) is recognized for 5 minutes.

Mr. WALSH. Mr. Speaker, I rise today to pay tribute to a number of New Yorkers who have served so well in this Congress, some of whom are retiring, some of whom were defeated in the last election, all of whom have served our State ably. I regret, unfortunately, that some members of our very own delegation worked for the defeat of some of these, and unfortunately that does affect the comity and collegiality of our delegation, but we have to resolve that in the coming days.

But I would like to talk about my travel partner, SHERRY BOEHLERT, a man whom I have had the pleasure of getting to know over the last 18 years in my service here. He is a great guy. He is loved in his home. He is loved in Washington by all, as you have heard tonight, people on both sides of the aisle. He is a great baseball fan, a Yankee fan. People love the Yankees because they are the Yankees. They are New York. They are our brand name.

He has served as a congressional staffer for 20 years. He served for former Congressman Alexander Pirnie. So he started at the bottom and worked his way to the very top.

He is possibly the biggest baseball fan in the Congress. He is known as a centrist, a moderate.

He served on the Science Committee since 1983 and became its chairman in 2001. In that capacity, he has been the leading Republican environmentalist in the House, a remarkable title and one that certainly is fitting.

He is recognized as a champion of Federal investment in science and technology. He authored amendments to the Clean Air Act that have changed the way we breathe in this country. He authored the conservation title in 1996 on the farm bill, which changes the way we drink our water. So many things, so many contributions to our community.

Perhaps the greatest contribution that someone in the Boehlert family made was his wife, Marianne, for the time that she spent away from him while he did his job here. We are deeply grateful to Marianne for that. I know SHERRY looks forward to his move to MIKE CASTLE's district and working in the Woodrow Wilson International Center, and he will serve us well there and his country.

I would also like to pay tribute to my colleague and friend, SUE KELLY. SUE was elected in 1994 and is finishing her sixth term in the Congress. She represents the West Point District of New York. Prior to coming to Congress, she had a professional career that ranged from teacher, to small business owner, patient advocate, rape counselor, PTA president and biomedical researcher. What a resume.

She was appointed chairman of the House Financial Services Oversight Investigations Subcommittee, was a coauthor of Sarbanes-Oxley, and made her subcommittee a leading force in Congress to improve the Federal Government's ability to track and disrupt terrorist financing. She also served on the bipartisan Congressional Anti-Terrorist Financing Task Force.

SUE has also been a great advocate for the Hudson River and worked hard to enact the Hudson River Habitat Restoration Act. She is also a chief sponsor of the Women's Health and Cancer Rights Act, enacted in 1998.

She is a good friend, we will miss her, but I know she will continue to serve her country and her community.

My good friend and colleague, JOHN SWEENEY, also a member of the Appropriations Committee, represents New York's 20th Congressional District in Clifton Park, New York. JOHN served as executive director and chief counsel for the New York State Republican Party. JOHN served 2 more years as the New York State commissioner of labor under Governor Pataki.

He is a fellow appropriator and serves as vice chairman of the Transportation-Treasury Subcommittee and HUD Appropriations Subcommittee for Homeland Security and Foreign Operations. He is a dedicated, hardworking public official. His dedication to New York is unchallenged.

He worked very hard to restore the Albany International Airport and the Capital Region, which is a booming airport today. He helped ensure that I-87 was designated a high-priority corridor to receive Federal highway resources, and he led the charge to ban dangerous steroid drugs in professional sports and throughout our society.

Significantly, JOHN played an important role in the $21 billion appropriation for New York City after September 11.

Lastly, my colleague and longest serving Member to retire is MAJOR OWENS. MAJOR OWENS has served New York in so many ways, representing New York's 11th District in Brooklyn. Before coming here, he served as public library community coordinator, community action executive, New York city commissioner, Columbia University professor, and New York State senator.

What a remarkable public servant he has been. During his tenure in Congress, Congressman OWENS gained notoriety for his role as chairman of the Subcommittee on Select Education and Civil Rights in the 1980s, for his role in the passage of the Americans with Disabilities Act, a strong supporter for the minimum wage, strong support of Davis-Bacon legislation and a strong supporter of workers rights to organize into labor unions.

All of these men and women have given their all for the State of New York. We owe them much. They have asked little other than to serve. They have been given that award by the people of New York. Now they are going on to something else. We wish them all the best. Godspeed, and thank you deeply from the bottom of our hearts.

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REPUBLICAN STUDY COMMITTEE TRIBUTE

The SPEAKER pro tempore (Mr. MCHENRY). Under the Speaker's announced policy of January 4, 2005, the gentleman from Indiana (Mr. PENCE) is recognized for 60 minutes as the designee of the majority leader.

Mr. PENCE. Mr. Speaker, before he leaves the floor I would echo the sentiment of my gratitude for the friendship, the public service and the example of integrity of the gentleman from New York, and his leadership and his kindness will be greatly missed here as well as his passion for public service. Mr. BOEHLERT, I congratulate you and thank you.

We gather today in a caucus known as the Republican Study Committee in this leadership hour to do what my colleagues from New York have just completed doing, Mr. Speaker, and that is really taking a moment to both speak of and hear from some of our cherished colleagues who will be moving on to other careers, some voluntarily, some involuntarily, but all of them ending time, short and long, here on Capitol Hill that have been marked by a commitment to principle and a commitment to integrity.

I sometimes will say, Mr. Speaker, that my ambition in Congress is to get out of this place with my family and my reputation for commitment to principle intact, and all of those that we will hear from tonight have accomplished that.

I served as the chair of the Republican Study Committee in this Congress and will be joined this evening with an assist from the newly-elected chairman of the Republican Study Committee, JEB HENSARLING from Texas, who will be helping me introduce and also extol the careers of those individuals who will be leaving the employ of the people of the United States of America at the end of the 109th Congress this week.

I want to begin by introducing for a few remarks the gentleman from Minnesota's 1st Congressional District. GIL GUTKNECHT represents the peak of the baby boom generation in his career in public service. After serving in the Minnesota House of Representatives for 12 years, GIL GUTKNECHT was elected to Congress in 1994, part of a storied class that brought a new majority to Capitol Hill. He has served as the chairman of the House Agriculture Subcommittee on Operations, Oversight, Nutrition and Forestry, but more than that he has earned a reputation nationally as a deficit hawk for his service while on the House Budget Committee.

He has also throughout his career earned many awards as a friend of the farmer, a friend of the taxpayer, and if I may say so, as I yield time to the gentleman from Minnesota, one of simply the most plain spoken, eloquent Members of the House of Representatives.

GIL GUTKNECHT has often said that he believes, "Words have meaning, ideas matter and actions have consequences," and he set an example of that throughout his 12 years here on Capitol Hill. It is with great pleasure that I recognize a colleague and a friend and inspiration for the Republican Study Committee, Minnesota's 1st Congressional, GIL GUTKNECHT.

Mr. GUTKNECHT. Mr. Speaker, I want to thank the gentleman from Indiana for having this Special Order.

Woody Allen once observed that he was not afraid of death. He just did not want to be there when it happened, and it was a little like that on Tuesday night about 10 o'clock for some of us. We were there when it happened.

But I did want to reflect. I have been so blessed to serve in this great body for the last 12 years. I wanted to reflect a little bit about what it was like when I first ran for Congress, what it was like during those heady days, some of the highs and lows, some of the accomplishments.

The Congress itself is a living, breathing organism, and every 2 years we have an election, and in some respects every 2 years we have an entirely different Congress. A lot of the faces stay the same, but the dynamic is different. There will be different leaders. There will be different issues, and I was so fortunate and I really do mean blessed that, first of all, I had a chance to serve in the Minnesota State Legislature.

In that capacity, I served as what we would probably call here the whip. I was the floor leader, and every day it was my job to help organize the debate. I made sure that, and the years that I was in the position we were in the minority, but every year, every day I made sure that the other side was held accountable for what they said and what they did and what they proposed and how they voted. I really enjoyed that job. We had real debates in the legislature, unlike the Congress.

But it was really time for me to move on, and so I decided to run for the U.S. House of Representatives in 1994 and I was very fortunate. I picked a good year. The issues favored us. The wind was at our back.

I will never forget. It was kind of a cloudy day, and Members probably remember that as well, but it was a cloudy day when we all gathered here in Washington that fall to sign the Contract with America, and just as we went on the western steps of the U.S. Capitol Building here, just as we walked out there, the clouds parted and the sun came out. It was almost like it was a divine message that the sun was going to shine on the Republican Party that year and it did.

Most of us that day believed we were going to win, and most of us did. I came here with one of the largest freshman classes in the history of Republican Party, and I will never forget, when we came here we were the toast of the town. The Republican freshmen that year, we spent our days at orientation and looking for apartments and doing all the other things that freshmen have to do when they come here, but the evenings we were wined and dined by almost everyone.

I will also never forget one particular story. We were waiting outside the hotel, some of us, and a sweet little lady came by. I guess it is not politically correct to say a sweet little old lady, but she had kind of blue hair, and anyway, she looked at us and sort of gave a double take. Perhaps she recognized Sonny Bono, and she said, You are the Republican freshmen, aren't you? And we said, yes, and we started to introduce ourselves. Then almost with a tear in her eye, she said, you know, I have been waiting 40 years for you because it had been 40 years since the Republicans had been in the majority in this House of Representatives.

In fact, going back just a little bit before that, one of the first trips I made to Washington as a candidate for Congress, I was invited to a leadership meeting. I was star struck. Pretty soon HENRY HYDE came into the meeting room. I sat in the corner, and there was a big pile of the best cookies I had ever since, and they had flasks of coffee, and so I sat in the corner and thought I am just going to watch this like a fly on the wall and drink coffee and eat these cookies. Pretty soon HENRY HYDE comes bouncing in and those who remember HENRY in his earlier days had quite a bounce to his step. I was in awe of HENRY HYDE. I had watched him on C-SPAN. I had heard his speeches. I was a big fan of all that he had done to protect the unborn.

I am sitting in the back of the room and Dick Armey comes in, and pretty soon Newt Gingrich comes in, and I am just sitting there, my eyes are big, and I am watching all this. And then Bill Paxon walked into the room and he spotted me. He said, oh, hey, we have got GIL GUTKNECHT over here, he is going to win that seat back in the 1st Congressional District back in Minnesota; stand up and say a few words, GIL.

I was like a deer in the headlight for longer than I want to admit. Finally, when I gained my senses I said, you know, I was born in 1951, and when I was a child, a very small child, a baby, Republicans were in the majority in this House. I said I believe like Haley's Comet our time is coming again, and you know, I have been to auction college. One of the things they teach you in auction college is to read people's eyes. As I looked around the room at the leaders of the Republican Caucus that day, I could read their eyes. Some of them were saying, yeah, right, kid, but one of them, and I will never forget, Newt Gingrich, his eyes said, yes, we are going to be in the majority. Ultimately, Newt was right.

So we came to Washington. I think about that little lady who had been waiting 40 years for us, and I thought about her often. I hope we have not let her down too much. I think maybe in the last couple of years, maybe we did, but those were heady days, and we made enormous progress.

I remember coming down to the floor of the House with one of my colleagues, Congressman Mark Neumann from Wisconsin's 1st Congressional District, and Mark came to town with charts. He was the first person that I know that actually used charts on the Special Orders. Part of the reason he used charts is there had been a study done at the University of Wisconsin that said you are 40 percent more believable if you use charts, and so we all started using charts. But it started I think with Mark Neumann.

He had this simple chart about what it was going to take to balance the Federal budget and it was not complicated. You have to slow the rate of the growth of spending, so that the Federal budget does not grow at a faster rate than the average family budget. Now, that is not rocket science, but you know what, we did it and it worked.

I remember in, and Ernie will remember this, too, when we locked horns with former President Clinton, and in December of 1995 we shut the government down. I remember also when it was all over, when we finally, and if I can say this, when Bob Dole capitulated and ended the government shutdown, I remember what Newt said to me. He said, you know, it was a dumb fight dumbly fought, and I think a lot of people thought that, but it was an important turning point because we sent a message not only to the President and the administration but to the American people that we were deadly serious about controlling Federal spending, the growth in Federal spending and, more importantly, allowing Americans to keep more of what they earned.

We did a lot of important things. It was not just about the Contract with America. We marched through those in the first 100 days, and I remember something that HENRY HYDE said when it was all over. He said, you know, it was not a 100 days that was so tough, it was the hundred nights.

We literally were in session almost from Monday morning early, working most evenings till 8, 9, 10, 11 o'clock at night, but it was a wonderful time. We reformed the welfare system. We cut the welfare rolls in half, and we reinforced those time-tested values that I think have made America the special place that it is.

So I was so privileged to have been here as part of that, and we did make some enormous progress on so many fronts, and we literally went from a $250 billion deficit, and deficits for as far as the eye could see, to something people had even forgotten and that is by September 11, 2001, when we had a Budget Committee meeting that morning on September 11, 2001, the issue we were talking about was what are we going to do with this big surplus. We were looking at surpluses of trillions of dollars.

So it has been a very special time to be here. I really do think we lost our way a bit once we got into the surplus situation, but as I think about all of the areas where we were able to have an influence on the course of events, yes, we made a lot of mistakes. I made a lot of mistakes, but this has been a very special time in American history.

I never thought when I ran for Congress that I would vote in effect to declare war. I never thought that I would be called to vote on articles of impeachment. I did believe that we would have a chance to vote for a balanced budget agreement.

The high point perhaps, during my entire tenure here in Congress, was when the President of the United States, William Jefferson Clinton, joined us and he issued those immortal words that the era of big government is over. It may have been a bit premature because the empire has struck back in the last number of years, and as I say, we have made a lot of mistakes on the way.

I hope we have not let people down, but it has been a wonderful privilege for me to serve in this very special place. This is the people's House, and you know, sometimes when the slings and arrows of outrageous fortune, of electoral ups and downs do not necessarily break our way, it is easy for us to blame the voters, but in the end I believe that the voters have a right to be wrong, even if they are wrong, but I also believe for the most part the voters are right. I think we lost our way in the last several years, and so they began to wonder were we still the party of reform, were we still the party that battled big government or that defended big government?

□ 2130

Were we the party that was trying to change Washington or had Washington changed us? And my only wish for all of you and particularly the Members of the Republican Study Committee is that you return to those time-tested principles and values, because in the end that is what this is all about. Government will either reinforce time-tested principles and values or it will undermine them. When government grows, freedom declines.

And I am sorry, I should remember who said it, and now I have even forgotten the quote. But I think our founders really understood that those who would trade liberty for security will lose both and deserve neither. Those words were true 220 years ago and they are true today.

And I know that we had an interesting debate this afternoon about the rights of the unborn. If you look at what our founders said and what they wrote, even Thomas Jefferson, who was not necessarily considered a religious man in the sense that a lot of our folks who were our founders, but he was a deeply religious man. And he said that the same God who gave us life gave us freedom.

Those rights and those inalienable rights that were talked about so much in the early days of our Republic need to be talked about again. And I think it really falls upon the Republican Study Committee and the people who are here, regardless of what the numbers are, regardless of what the polls may say today, those time-tested values and principles will win out.

And I don't believe the American voters voted against our values, I don't think the voters voted against our principles. There were other cross-currents. And even if they did, we simply need to do a much better job of telling our story.

I was privileged to come to Washington with J.D. HAYWORTH and that freshman class, and so as I leave I will have both some sad memories about how things ended, or at least they ended for me, but I will have mostly incredibly fond memories of golden days and golden nights and ways that we made a difference.

I will close by saying this. When I go to high schools and visit with students, I tell them a couple things. First of all, I always tell them I am one of the luckiest people that they will meet that day, and I say that because every day I felt like I made a little difference in somebody's life. And it didn't necessarily make the papers. A lot of times people talk about, well, what is said in the Washington Post and did it make the CBS News and did Fox News do something about it. A lot of the things that we do every day don't make the news.

It may be a woman who calls and her daughter is stuck at a New Jersey airport and she has lost her passport, and she is frantic and she says, "Congressman, my daughter is stuck at this airport. Can you help get her passport?" And that is a true story. And we were able to get that young lady a passport through the State Department in a matter of about 3 hours and get her on the next plane. Now, to this day that mother thinks I am the greatest guy who ever lived. And there are a lot of other things, whether it is a veteran's benefit, to helping people plug into the right administrative issue. There all kinds of things that people in Congress do every day that don't make the news but we are making a difference in people's lives.

And I do believe in that expression that you used earlier: If you want to change the world, you have got to first change your neighborhood. And if you can't change your neighborhood, at least be a good example. And I think the responsibility of the Republican Study Committee is to be that beacon of light, but most importantly, to be a good example. Because both America and I think many Members of Congress want to follow it, and they are looking for leadership.

So thank you very much for having this little event tonight and thank you for giving me one last chance to visit with the folks here in the House Chamber. As I say, it has been a wonderful experience. I want to thank all the folks who I worked with through the years, including, and especially, Mark Newman from Wisconsin's First Congressional District for getting us started using charts. Thank you very much.

Mr. PENCE. Mr. Speaker, I yield such time as he may consume, as we see other outgoing Members arriving, to the newly elected chairman of the Republican Study Committee for the 110th Congress, JIM HENSARLING from Texas.

Mr. HENSARLING. I certainly thank my friend for yielding time, and I did not want to let my dear friend and colleague from Minnesota depart without at least adding my thoughts as well.

I did a little homework this evening to discover that, even though my own heritage is German, I know little about it, that GUTKNECHT means good hired hand in that language. And we have a good hired hand amongst us, Mr. Speaker.

I had the honor and privilege of first meeting this man back in 1996 when we were both involved in the Phil Graham for President Campaign. Senator Phil Graham is my dear friend and mentor; and although that battle perhaps did not end well, for me it cemented an admiration for the gentleman from Minnesota. And although, as you can see and the American people can see, he certainly has a folksy Midwestern way about him that really belies the fact that I believe him to be one of the deepest thinkers that we have in this United States Congress, and I know that his principle compass always points in one direction. And I have seen this man take many, many tough votes, and I have seen this man go against his own party when he thought he was right. He is a man who puts country above career, and I have seen him do it time and time again.

I believe, Mr. Speaker, that his departure from this body is not only a loss to him, but as I have the great honor and privilege in the future to follow my dear friend from Indiana and chair the conservative caucus of the House, the Republican Study Committee, that certainly his wisdom, his insight, his leadership will be sorely missed. He is a great leader. He has done great for the people of Minnesota, he has done great for the people of America, and I am proud to always call him my friend.

Mr. PENCE. ERNEST ISTOOK began his career in Congress in November of 1992, serving as a distinguished Member of the House Appropriations Committee where he served as the chairman of the Transportation and Treasury Appropriations Subcommittee.

Before arriving in Congress, he served as a city councilman in Oklahoma City, and during that time also sat on the board of many local interests. He also served in the State legislature there in the Sooner State, beginning in 1986. ERNEST ISTOOK leaves us after 14 years of service in the United States House of Representatives, and he takes with him not only an optimistic, cheerful conservatism that was the source of mentoring to me and other conservatives in the Republican Study Committee for many years, but he really takes his greatest asset, which is his wife Judy, who, while she did not become the first lady of Oklahoma this year, she was I think the first lady of the Republican Study Committee for many years and will always be so in our hearts.

I recognize the gentleman from the Fifth Congressional District, ERNEST ISTOOK, for such time as he may consume, with the deepest gratitude and admiration of his junior colleagues in the Republican Study Committee, an organization, I might add, Mr. Speaker, that Congressman ERNEST ISTOOK founded during his 14-year tenure in the United States House of Representatives, the largest caucus in the Congress of the United States today. I yield such time as he may consume.

Mr. ISTOOK. I thank my friend from Indiana, and I thank everybody for having a little bit of time this evening to talk about the importance of the Republican Study Committee, the importance of conservative principles. And I really enjoyed hearing my friend GIL GUTKNECHT recount some of the things during his years here. Myself, I don't choose to try to talk about the things that have happened during the 14 years, because really I don't think service in the Congress is about me, and it is not about us as individuals; it is about what do we do to carry on the principles upon which this country was founded, the self-government, the ideal, the understanding that God made us as people able and capable to govern ourselves; and not only that, to live our lives without having to be controlled by government.

So I would like to spend my time this evening talking a little bit about what I believe, as a principled conservative, as somebody who believes, yes, in economic conservatism and social conservatism. But it is really based upon the premise that God made each of us as capable individuals, and that we have the free agency to make decisions for ourselves. And conservative principles enable us, enable us, to fulfill that destiny rather than having our lives dictated to us by government.

I fear, of course, that the pendulum has gone too far in the United States. Government is too big, it spends too much. And, of course, any government that is big enough to give you everything that you want is powerful enough to take everything that you have got. And I know the year that I was born, which was 1950, the typical American family, in Federal income taxes, paid something like 2 or 2½ percent of their annual income in Federal income taxes. Today, on average, it is closer to 10 times that amount. Now, that tells you something about what is going on.

And when you look at what has happened here in Washington, DC, and the voters sent a message if people here will just listen to it. And what is the common factor, whether you are talking about the level of spending, the amount of earmarks, the bridge to nowhere, whether you are talking about campaign finance issues, ethics issues, lobbying issues, it all happens because big government creates big problems, big government creates big lobbying, big government creates a big need to defend yourself against it. So everything that we have that I think has caught the attention in a negative way of the voters this year traces back to the fact that we haven't controlled the size of government.

Now, I was really happy when we had some years during my time in Congress when we actually balanced the budget. Boy, that was important. But you know, when 9/11 happened it became an excuse not just to spend more money on defense and homeland security to meet the security needs, but it was, what is the old adage, "in for a dime, in for a dollar." And we saw that. I remember back during the Vietnam era the catch phrase was "guns and butter." If you are going to pay for guns, you don't have enough money to pay for butter. You can't be expanding social programs at the time that you are trying to take care of the defense and the security needs of the country.

Well, we saw that some people said even though 9/11 created some spending requirements to take care of the security of Americans, we still spent too much in other ways, and we are paying the price, the consequences.

I was asked when I was first elected to Congress, if there is one thing, one thing that you could accomplish, what would it be? And I said the adoption of a balanced budget amendment, because I think that is what constricts and controls the size of government. You know, we haven't even had a vote on a balanced budget amendment here in this House in 11½ years. I have become the principal author of the balanced budget amendment, but unfortunately the people in charge of bringing things through committee and to the floor haven't brought it here in 11½ years.

□ 2145

I think that is one of the reasons that we have the difficulties that we do: We don't require government to live within its means as all of us have to do when we sit around the kitchen table and try to balance the family budget. Maybe we need to install a kitchen table here in the Congress so we can sit around it and actually have to balance things.

I certainly hope that if the people that are here in the 110th Congress don't do anything else, bring back the balanced budget amendment. It was the number one item in the Contract With America in 1994, and it is a sad travesty that it hasn't even been voted on in this body in some 11 and a half years.

We have been entrusted with the power to govern, and where much is given, much is expected. We have to be more in tune with the American people, and we have to talk to the American people about correct principles.

Too often we hear there is a problem; therefore, government needs to step in and be the solver of problems rather than the creator of problems. What was the Ronald Reagan line, too many people that if something moves, tax it; if it keeps moving, regulate it; if it stops moving, subsidize it. We have seen that too much.

We need to stress personal responsibility more than government programs. That is what we have gotten away from.

The most important thing that each of us will do happens with our families. I am so grateful for my wife, Judy, and for my five children, Amy, Butch, Chad, Diana, and Emily, and what they mean to me. But no wife could have been more supportive than my wife Judy has been. I am eternally grateful to her, and want her to know how very much I love her.

You see, I believe the most important work I ever do, or any of us will ever do does not happen within the halls of Congress but within the walls of our own home. We need that principle. We need to remind Americans that they are given God-given blessings.

As was stated in the Declaration of Independence, we hold these truths to be self-evident that all men are created equal, that they are endowed by their creator with certain inalienable rights. Among these rights are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men.

What did they say: Government exists to protect the rights that were given to us as a gift from God. We need to remember that truth. We need to follow that principle. We need to abide by that as the Founding Fathers taught us to do.

So I am grateful for the people in this body who hold true to those beliefs, who believe in the capabilities, the dynamic abilities of the American people. I believe America rests upon four pillars that we must keep strong and solid: Freedom, free enterprise, faith, and family. It is my prayer that we will each strengthen each and every one of those pillars. Thank you for letting me speak this evening.

Mr. PENCE. I thank the gentleman from Oklahoma's Fifth Congressional District for his service, his founding service to the Republican Study Committee, and would recognize our nearly elected chairman for a few brief remarks.

Mr. HENSARLING. I thank the gentleman for yielding, and I wish to add my own meager voice to those who celebrate the career of Ernest Istook, truly one of the great leaders in the conservative movement in the last decade.

Certainly his vision, his forethought, his courage to help found the modern Republican Study Committee has been critical to any progress that the conservative movement has achieved in this House. And, Mr. Speaker, it has been much. It has been much.

So as a Texan, I will certainly miss my colleague from north of the Red River. Again, as the incoming chairman of the Republican Study Committee, I will certainly miss the wisdom and leadership that he has to provide. But I know that he hopefully will not go far and be available to us at all times.

I want to say again how proud I am to know this man and celebrate his work to try to balance the Federal budget as families have to balance their budget every single day.

And even more importantly, Mr. Speaker, for the work that he has done to ensure that in this Nation that it is truly one Nation under God because we know that our unalienable rights are granted to us by our creator, and that unless we champion the cause of public affirmation of faith, we cannot preserve liberty unless we know and allow people to affirm their faith in public that these rights are given by God himself, and that is the work of Ernest Istook, and I am proud to know him.

Mr. PENCE. I thank the gentleman from Texas.

Mr. Speaker, this was a time of transition in particular for my home State, the Hoosier State. Indiana this year will bid farewell to the extraordinary service of Congressman JOHN HOSTETTLER of southwestern Indiana and to a two-term congressman from the land of Notre Dame in South Bend, Indiana, Congressman CHRIS CHOCOLA.

Throughout both of their careers, they have been men of integrity, commitment to their families, and in the case of Congressman HOSTETTLER and Congressman CHOCOLA, they are both men who throughout their career in Congress were active members of the Republican Study Committee and they brought the principles of their conservative values day in and day out to committees and to this floor.

Another example of that is Congressman MIKE SODREL who joins us on the floor today. Mike and his wife, Keta, who most members of the Republican Study Committee have come to know well since he was sworn in as the congressman for the Ninth District of Indiana in January of 2005, have made an extraordinary impression on the heart of our caucus and the heart of this Congress in a relatively short period of time.

MIKE SODREL served in the Army National Guard from 1966 to 1973. In 1976, Congressman MIKE SODREL and his wife Keta scraped together a few dollars and bought a truck and turned it into one of the most prolific and successful transportation companies in the Midwest.

A veteran Indiana political reporter called MIKE SODREL, upon his election Congress, "the closest thing to Mr. Smith goes to Washington as I think you will find in Congress."

MIKE SODREL and I come dialectically from a very different part of our State. Pronunciation of words is a little different farther south of Highway 40. I hope however long the Lord permits to serve the people of Indiana in this place, that I will serve with the integrity every day to principles and family and to conservative values that the gentleman from Indiana served.

I yield to the congressman from the Ninth Congressional District of Indiana.

Mr. SODREL. Mr. Speaker, I thank the gentleman for those kind words, and for his commitment to the Republican Study Committee. I will be short. In fact, a reporter accused me when I first arrived here of being laconic. I have to admit I had to go look that up. It means being relatively stingy with your words. He asked me two questions, and I said "yes" and "yes," not realizing it was the job of a Member of Congress to elaborate on all of these things.

As I listened to the previous speakers, if you want to know what happened in this election, you can walk over to the Science Committee. In the hearing room one of the first things I noticed in the wood paneling behind Members in gold-leaf lettering was Proverbs 29:18: Where there is no vision, the people perish. We failed to give the people vision; not the fault of the Republican Study Committee, but it was our fault generally, failure to give the people vision.

I know the RSC has a vision, and I encourage you to not only keep the vision, communicate the vision, and insist that others listen to the vision.

It has been my distinct honor to serve in this body, serve my district and my State and my country for the last 2 years. I had the privilege of visiting my former unit, the 151st Infantry when they were deployed in Afghanistan. They are fine people and represented our State and country well, and acquitted themselves well in the field.

And in typical Hoosier fashion, and I would like to recognize them here tonight, their mission, according to the military was security and training. They couldn't go home in the evenings, so they took on a third mission which was humanitarian. In partnership with Graceland Baptist Church in New Albany, they provided money and classrooms and blankets and virtually anything that the people of Afghanistan needed that they could supply.

They also had a skill set that you don't find in a typical infantry battalion. The commanding officer, Lieutenant Colonel Grube, was a 6th grade schoolteacher. Sergeant First Class Scott Hamm was manager of the Silver Creek Water Company. So it didn't matter what the locals needed, if you needed water, you called the 151st. If you needed a classroom built, you called the 151st. They had carpenters, electricians, they had all of these civilian skill sets. And being just one step out of civilian life and being of a higher average age than a normal infantry unit, and a lot of them being married with children, they related well to the local folks. So I had the privilege to visit them in Afghanistan and see what kind of job they did and how they represented the State of Indiana in that theater.

I really have nothing else to add other than it has been my honor and privilege not only to serve in this institution, but to serve with people like my colleague from Indiana, Mr. PENCE, and I appreciate your service as chairman of the Republican Study Committee and I appreciate your integrity and hard work and I hope that you will certainly carry on.

Mr. PENCE. I thank the gentleman for his gracious words. I know that I speak on behalf of all of the people of Indiana when I express my gratitude for your career of service that we know will be ongoing. Just the hours will be better, but we are grateful for your participation in allowing us to embarrass you tonight.

I want to yield to the gentleman from Texas.

Mr. HENSARLING. Mr. Speaker, I want to add my voice to say that Congressman SODREL will be missed. His cheerful countenance will be missed. In getting to know him, I got to know a man of courage who would always vote on principle, who knew what needed to be done and would do the right thing regardless of the consequences, a man who has served his Nation well, and like the other gentleman from Indiana has said, will serve his Nation well again in the future.

Mr. PENCE. I thank the gentleman for his remarks.

Mr. Speaker, before we bring a Member of Congress who is the appropriate clean-up batter tonight in this Special Order celebrating the life and career of members of the Republican Study Committee, I cannot help but feel that we have loaded the bases and the Babe is about to come to bat. At the risk of having to interrupt him, which I have not done in my 6 years in Congress and would not have the courage to do tonight, allow me to do a little housekeeping before that and mention the names of BOB BEAUPREZ of Colorado's Seventh Congressional District, a dairy farmer, community banker, a United States Congressman and a member of the Study Committee.

MARK GREEN of Wisconsin served his fourth term in the United States House of Representatives with impressive, populist leadership.

We have heard from GIL GUTKNECHT tonight.

MELISSA HART, a cherished member of the Republican Study Committee from Pennsylvania's 4th Congressional District, was elected in the year 2000. Her district included southwestern Pennsylvania, and she rose swiftly in this institution to some of its most important committees and most powerful positions in the national party. She is a voice that we will hear and see again soon.

We heard of JOHN HOSTETTLER tonight from Indiana's Eighth Congressional District, and from ERNEST ISTOOK of Oklahoma's Fifth.

ANNE NORTHUP, a feisty, strong, principled conservative who served the

Third Congressional District in Kentucky since 1996 is retiring, and she and her tenacity will be missed.

From California's 11th District, finishing his seventh term in the United States House of Representatives, a man who brought principled conservative reform to American environmental policy, RICHARD POMBO, will be receiving the Congress and our caucus this year.

And a man I might lastly add, JIM RYUN of the Second Congressional District of Kansas, a five-term Member of Congress, a budget hawk, but a man who along with his wife, Anne, have simply been in the business of ministering to families in this institution every day they have been here. JIM RYUN came to global fame as the world record holder in the high school mile, a record that he held for 36 years until one day when we walked from the Capitol together and he received word of a young Virginia teenager who had bested him.

□ 2200

And JIM RYUN in his typical style jumped in the car, drove to meet with that high schooler, and congratulated him. JIM's faith, his integrity, his character, his voice will be missed in this place as will the charm and ebullience of his wife, Anne.

Lastly I would just mention the staff of the Republican Study Committee. During my term as chairman of the Republican Study Committee, we have had not one but two extraordinary executive directors. Sheila Cole served as the executive director during the first year of my tenure, a tumultuous time where the winds of change and circumstances buffeted House conservatives, and our staff led by Sheila Cole, a courageous woman who has gone on to be an at-home mom, we simply would not have been able to achieve what we achieved in impacting the policy of this Nation for fiscal discipline and conservative pro-life values had Sheila Cole not been at the helm.

And if I might also add Dr. Paul Teller, who stepped into her stead and served and led the staff of the Republican Study Committee with equal distinction. Whether it be his passion and guidance on fiscal issues, whether it be his capacity to build coalitions within the Congress or his professionalism in informing Members in a timely way of the issues that we confronted as a caucus, Dr. Paul Teller has provided exceptional leadership to this organization. And I know that his future is so bright that he has got to wear shades, and we thank Dr. Paul Teller.

To Russ Vought, to Joelle, to Derek, to the balance, Mr. Speaker, I would just add to the RECORD tonight my humble and heartfelt gratitude. Anything that we have accomplished as a caucus, we have accomplished because of an extraordinary staff.

With that said, allow me to yield to our last speaker of the evening, Mr. Speaker. He is the gentleman from the Fifth Congressional District of Arizona. J.D. HAYWORTH represented Arizona's Fifth District, which includes Scottsdale, Tempe, and its environs. First elected in 1994. He was the first Arizonian ever to serve on the House Ways and Means Committee, which is one of the most powerful legislative panels in Congress. J.D. also added another key subcommittee assignment to his duties for the 109th session of Congress. He served on the Ways and Means Subcommittee on Health during a particularly crucial time, the debate over the Medicare prescription drug entitlement. He was a key voice in ensuring that there were free market reforms included in that legislation as it moved through the Congress. He also, being a westerner, served on the Resources Committee, which has jurisdiction over public lands, water, Indian affairs. He has been a powerful voice for reform and private property and humanity in the development of those policies.

Since coming to Washington, DC, Mr. Speaker, as anyone looking in tonight might also know, he has become simply the most prominent Republican on the airwaves of the Nation. Whether it was radio talk shows, whether it was television programs on every single network, there has been no more compelling voice for conservative values, no more compelling voice for a strong stand on immigration in America. There has been a no more passionate voice for conservative fiscal and social policies than the gentleman from Arizona.

I yield to Mr. J.D. HAYWORTH.

Mr. HAYWORTH. Mr. Speaker, I thank my friend from Indiana for an overly generous introduction and one that I will cherish and agree with wholeheartedly.

I would also be remiss, as I was listening to his statements earlier and as he very generously offered a sports analogy and spoke of the "Sultan of Swat," the great bambino, George Herman Ruth, for purposes of full disclosure, at least I have lost the Ruthian dimensions here in my midsection, although I have maintained the skinny legs but, alas, not the ability to hit the long ball besides in a metaphorical fashion here on the floor. Mr. Speaker, despite that generous introduction, for purposes of full disclosure, we should point out that to put it delicately, I was involuntarily retired from this body. One who served here before, a great gentleman, Stan Parris of Virginia, when I first met him, he said, "J.D., I retired from the Congress because of ill health.

I said, "Oh, really?"

He said, "Yeah. The voters of my district got sick of me."

So perhaps, again, to be perfectly candid, there was some of that at work as well.

And my friend from Minnesota who preceded me here in the well, along with my friends from Indiana and from Oklahoma, offered varying perspectives, but they are variations on the same theme: What a great honor it is to serve in the people's House. And many take their leave in different fashion.

History notes that the great Davy Crockett of Tennessee, when informed of his election loss by members of the press, invited those gentlemen from the fourth estate to visit a "nether region" as he instead would head for Texas, as the gentleman from Texas remembers.

And again to be perfectly candid, Mr. Speaker, we would be less than human, we would be less than honest if at times during this difficult period of transition we were not tempted to offer the recommendations of Mr. Crockett to those, although I hasten to add to my friends from the Lone Star State I shan't be following them to Texas. And hopefully should I return to the media, Mr. Speaker, I won't be sent to those other nether regions, come to think of it.

There is a saying, Mr. Speaker, that we laugh to keep from crying, and it is not my intent to launch into an overly maudlin remembrance tonight in this valedictory. And while I appreciated my friend from Oklahoma talk about the principles of self-government, I fear that some will hear these remarks and say, well, you have got the first part right because it turns out being about self. Not entirely, but, again, it should be noted that those of us who come here and serve, Republican, Democrat or independent, from across this country do share one basic characteristic: None of us suffer from a shortage of self-esteem.

And during my time here, Mr. Speaker, I have seen incredible things. Yes, I will talk policy. I will get to that, but given my reputation according to Washingtonian Magazine as only the second biggest windbag in Congress, I am bucking tonight to go a little further afield. Now, in all sincerity, Mr. Speaker, I have seen on this floor and in this institution acts of incredible kindness. I have also seen acts of unspeakable pettiness. I have seen policies embraced with foresight and vision, and I have seen actions taken that have wreaked of the expedience of the nanosecond. I have seen the great and good. I have seen the bad and ugly. In short, Mr. Speaker, I have seen here in the people's House the full range of the human experience. Mr. Speaker, my colleagues, that again reaffirms the genius of our Founders in naming this institution the House of Representatives, because just as so many have come from so many different walks of life, we have seen representative behavior that has been of incredibly high standards, and to be candid, we have seen other less desirable traits. But stop and think about what our Founders have wrought. Understanding, as my colleague from Oklahoma talked about, what separated this new experiment in this new world from the monarchies of Europe, from other governments instituted among men, the notion that our Creator endowed us with rights and we the people voluntarily conferred power, political power, on the government: that first God, through the freedoms granted us, gave us that ability to voluntarily confer power on this government.

And in this constitutional republic, Article I, Section 1, "All legislative powers herein granted shall be vested in a Congress of the United States." And in the initial inception of this particular institution, in the inception of our founders, one constitutional office directly accountable to the people, decided by popular vote, and given the fact that events could change a mechanism through a fairly short term of 2 years so that the body politic could make those changes representative of their change in priorities and their change in outlook. And despite all the flaws and the foibles and the pitfalls and pratfalls of the human experience, it has worked remarkably well. Whether the disappointment voiced by one Davy Crockett and others in other ways finishing second in elections, again, a euphemism for losing elections, we have put aside personal disappointment to give thanks that here we settle questions with balance, not bullets.

And as we reflect on all the talk that we have heard during the course of the campaign that there should be a new bipartisanship, a new nonpartisanship, for purposes of full disclosure, let us understand that many items and many actions pass through this institution through unanimous consent, but on major questions, it is inevitable that free people will have different perspectives. And it is well and it is good and it is proper for a free people to freely debate and discuss and advocate different positions, and here with this marvelous mechanism of representation, the people decide.

My friend from Oklahoma spoke of bringing the kitchen table in. Mr. Speaker, I would offer another room in the house. Mr. Speaker, in essence, this hallowed Chamber is America's living room. And here we gather to discuss the challenges we face as a people. And we have our arguments and we have our times of agreement, and despite many challenges and many disappointments, somehow we get it done.

Mr. Speaker, one word in closing. I would be remiss if I did not thank my family. My wife, Mary; my kids, Nicole, Hannah, and John Micah; my parents; so many who have given me much such support. My colleagues who join me here in this Congress with the new majority. But most of all, the people of Arizona, who for 12 years gave me the opportunity to represent them in the Congress of the United States.

I do not know what is next, but I do appreciate the words of the Prophet Jeremiah: "For I have plans for you," sayeth the Lord, "plans to prosper you, not to harm you. Plans to give you hope and a future."

Mr. Speaker, my colleagues, public service is not always defined by public office. And for all the American people, let us join in a prayer that the future of our republic will forever remain bright.

□ 2215

The SPEAKER pro tempore (Mr. DENT). The gentleman from Indiana has 30 seconds remaining.

Mr. PENCE. I would like to yield the balance of that to the new chairman of the Republican Study Committee, Mr. HENSARLING of Texas.

Mr. HENSARLING. I thank the gentleman for yielding.

All I can say, Mr. Speaker, is that God only made one J.D. HAYWORTH. And right now he is saying, "Well done, good and faithful servant." What a powerful orator.

Mr. Speaker, tonight we celebrated the congressional careers of proud sons and daughters of the Republican Study Committee, proud sons and daughters of the Republican Party, proud Members of this body who have served their Nation well.

We thank you, Mr. Speaker.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 854. An act to provide for certain lands to be held in trust for the Utu Utu Gwaitu Paiute Tribe.

H.R. 1472. An act to designate the facility of the United States Postal Service located at 167 East 124th Street in New York, New York as the "Tito Puente Post Office Building".

H.R. 4246. An act to designate the facility of the United States Postal Service located at 8135 Forest Lane in Dallas, Texas, as the "Dr. Robert E. Price Post Office Building".

H.R. 4720. An act to designate the facility of the United States Postal Service located at 200 Gateway Drive in Lincoln, California, as the "Beverly J. Wilson Post Office Building".

H.R. 5108. An act to designate the facility of the United States Postal Service located at 1213 East Houston Street in Cleveland, Texas, as the "Lance Corporal Robert A. Martinez Post Office Building".

H.R. 5736. An act to designate the facility of the United States Postal Service located at 101 Palafox Place in Pensacola, Florida, as the "Vincent J. Whibbs, Sr. Post Office Building".

H.R. 5857. An act to designate the facility of the United States Postal Service located at 1501 South Cherrybell Avenue in Tucson, Arizona, as the "Morris K. 'Mo' Udall Post Office Building".

H.R. 5923. An act to designate the facility of the United States Postal Service located at 29-50 Union Street in Flushing, New York, as the "Dr. Leonard Price Stavisky Post Office".

H.R. 5989. An act to designate the facility of the United States Postal Service located at 10240 Roosevelt Road in Westchester, Illinois, as the "John J. Sinde Post Office Building".

H.R. 5990. An act to designate the facility of the United States Postal Service located at 415 South 5th Avenue in Maywood, Illinois, as the "Wallace W. Sykes Post Office Building".

H.R. 6078. An act to designate the facility of the United States Postal Service located at 307 West Wheat Street in Woodville, Texas, as the "Chuck Fortenberry Post Office Building".

H.R. 6102. An act to designate the facility of the United States Postal Service located at 200 Lawyers Road, NW in Vienna, Virginia, as the "Captain Christopher P. Petty and Major William F. Hecker, III Post Office Building".

H.R. 6151. An act to designate the facility of the United States Postal Service located at 216 Oak Street in Farmington, Minnesota, as the "Hamilton H. Judson Post Office".

The message also announced that the Senate has passed with an amendment a bill of the following title in which the concurrence of the House is requested:

H.R. 864. An act to provide for programs and activities with respect to the prevention of underage drinking.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 4050. An act to designate the facility of the United States Postal Service located at 103 East Thompson Street in Thomaston, Georgia, as the "Sergeant First Class Robert Lee 'Bobby' Hollar, Jr. Post Office Building".

IRAQ

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Washington (Mr. INSLEE) is recognized for 60 minutes as the designee of the minority leader.

Mr. INSLEE. Mr. Speaker, I come to the well of the House today to address America's predicament in Iraq and I do so with the thoughts of my neighbor's son who tonight is serving in Baghdad as many of our proud men and women, sons and daughters, husbands and wives are serving. I am going to have his future in mind during my comments today. I know my colleagues, both Republicans and Democrats, share these views. They have their own kin and neighbors.

My neighbor was one who is the young man I watched growing up playing peewee football in Bainbridge Island, Washington. He was called to service in Iraq. He went. He served proudly for a year. He was ready to return. He was literally on the plane to return when he was called back to go back into Baghdad in the President's effort to send more troops into Baghdad. He has suffered two IED explosions, just about lost his ear in one of them. He is now in continual firefights in Baghdad. And I think of his 1-year-old son who is being raised by his grandparents since the mother is also serving in the United States Army in Iraq at this time. Their lives are in my mind, and Iraq is not an abstraction nor a partisan issue, it is a very personal one for many of us. And those are what my thoughts will be and I would like them to infuse some of my comments tonight.

The reason I have come, of course, is we have had this Iraq Study Group report. It is an amazing document. I hope people who are interested in Iraq will take some time to look at it. It is both accurate in some places and woefully short in others, and I would like to address both places where it is stunningly accurate and amazingly candid and refreshingly real and the places where it falls short in what we really have to do to accomplish our true national interests in Iraq.

Before I do that, though, I think it is appropriate in talking about Iraq and our obligation to our soldiers there, like my neighbor's son, just for a moment to ask how we got in this current predicament in Iraq. We went into Iraq with two goals: One goal was to remove Saddam Hussein, a brutal dictator, from power, to give the Iraqi people the chance to restore some dignity and freedom to their country. That mission was accomplished through the incredible, efficient and courageous act of our military men and women in fairly short order. It was accomplished. It has been now accomplished for over 3 years. That is mission accomplished, truly.

The second reason we went into Iraq was to make sure that there were no weapons of mass destruction in Iraq. Despite scouring Iraq with a fine-toothed comb and literally billions of dollars trying to find any scent, any hint, any fingerprint, any dust of WMDs, that has been eliminated as a threat because it did not exist in the first place. Our two national missions in Iraq have been complete now for some time.

We have had a third national mission in Iraq that comes not out of our self-interest as a Nation but out of our obligation as a fair country to lead the world in caring for our neighbors, and that is to give the Iraqis a fair opportunity to form a government and take control of their own destiny. We now have been at that mission for longer than we were fighting World War II. That mission is accomplished. We have given the Iraqi people every opportunity to form a meaningful government in Iraq at this time. Yet our sons and daughters are still there tonight with the administration still tonight committed to staying as long as the Iraqis decide we are going to stay.

The President has said that our people are going to stay there indefinitely unless conditions that are under control of the Iraqis will allow him to bring them home. I am here tonight to say we should not allow the Iraqis to control when our sons and daughters come home. That should be a decision of the United States of America. That position finds substantial support in the report I will allude to as well as our common sense as Americans.

Now, first I want to say I am glad this report has been issued. Before the election, we heard a President who was bound and determined to stay the course. He was bound and determined to never take off rose-colored glasses. He was bound and determined to stay with his Secretary of Defense, despite the fact that every living human being who had looked at Iraq has seen nothing but a continued evidence of failure of leadership in the civilian ranks in the Secretary of Defense. He was bound and determined to have his Vice President say that we were dealing with dead-enders and that this was just a matter of a short period of time to roll up the opposition in Iraq. Every single one of those statements by the President of the United States was flat wrong.

Then we had Tuesday, November 7 came along and the American people gave a very strong verdict to the President's stay-the-course position. We hope that has been a sobering influence on the White House. Secondly, we had this Iraqi Study Group report come out. We hope that the combination of those two events will knock the White House off its pedestal into a position where it will work with the U.S. Congress to get our troops home. It remains to be seen whether or not those two events have that desired effect.

I would like to allude to this report now. There are things in this report that I think have not been in the news that I have reviewed, that I think it is important to realize in substantial detail, and the reason is that this report is the most categorical, clear, objective, bipartisan and well-reasoned rejection of President George Bush's assessment of the conditions in Iraq that you will find. It was bipartisan, as people know. It had people, I don't think any of whom had been against the Iraq war when it started, I don't believe, wiser heads who had been around policy for many years in this country, and unanimously they rejected the hallucinations of the White House that things were going okay in Iraq. And it is long overdue to have had a pronouncement from Washington, DC to that effect.

So, if I can, let me allude to what their conclusions have been. Number one, and I will quote:

"The situation in Iraq is grave and deteriorating. The government is not adequately advancing national reconciliation, providing basic security, or delivering essential services."

Iraqis have no electricity, they have no functioning police, they have no employment, they have no means to run their army, they have no functioning control over their borders. They have no functioning government. This is a government in name only.

Number two: "Iraqis have not been convinced that they must take responsibility for their own future. Iraq's neighbors and much of the international community have not been persuaded to play an active and constructive role." I want to just focus on that for a moment. Iraqis have not been convinced that they must take responsibility for their own future. Why is that? Why have the Iraqi politicians refused to make an agreement about disposition of oil? Why have they refused to make a disposition about employment practices in the Iraqi government? Why have they refused to make an agreement about how the ministries will be handled?

Well, there is one reason. President George Bush has told them that troops will stay indefinitely in Iraqi. They do not have a real-life incentive to form a true government in Iraq because we have given them a crutch to lean on forever, according to this President. We have got to change that message dramatically, immediately, and I think this report makes that clear.

Quoting: "The United Nations estimates that 1.6 million Iraqis are displaced within Iraq, and up to 1.8 million Iraqis have fled the country." The Iraqis are voting with their feet.

"Iraqis may become so sobered by the prospect of an unfolding civil war and intervention by their regional neighbors that they take the steps necessary to avert catastrophe. But at the moment, such a scenario seems implausible because the Iraqi people and their leaders have been slow to demonstrate the capacity or will to act."

We have not focused their intention on the necessity of reaching agreements to form a true national government in Iraq. We have given them a security blanket at the cost of over 2,800 lives, over 20,000 seriously injured Americans, over 400 billion American taxpayer dollars, and probably over $2 trillion in the long-term costs of this war with no end in sight, with no guarantee to the American people that this war is going to end, and with no requirement by the Iraqis that they act.

For some time I have been bothered by this. I have been bothered that the President has stood on the sidelines and allowed this situation to deteriorate, with rose-colored glasses on cruise control. I picked up the phone a few weeks ago to call one of the administration officials to talk to them about that. I said it was my perception that there is no Iraqi government essentially because there is no agreement about oil. The oil in Iraq is located under the Shiites' territory and the Kurds' territory. It is not located where most of the Sunnis live. And the Shiites to date have been insisting at least on the new oil fields remaining in the regional areas, meaning, bottom line, Shiites get the oil. Sunnis who have run the country for 75 years, if not more, are left out. Therefore, they have had continuing sectarian violence.

So I asked this official, is that assessment a fair assessment of this situation? And he said, yes. And it is interesting because his assessment is the same one as this report as we will talk to in depth.

I said, well, then, I hope to believe that the President has given an ultimatum, at least privately, to Mr. Maliki and all of the other Iraqi officials that we are leaving if they do not form an agreement about oil. And the answer stunned me. He said, no, we have not done that. We haven't put that pressure on the Iraqis. And I said, why not? He said, well, we don't think that's our place.

So while our sons and daughters are dying tonight, and my neighbor's son is in Baghdad when he should be home with his 1-year-old son, the White House doesn't think it is its place to put pressure on the Iraqis to reach an agreement about oil so that they can form a government and we can get our troops home. This is the most callously indifferent, negligent attitude of this administration and it is costing our country dearly and it is wrong. And this report on a bipartisan basis has said it is wrong. It has said very clearly that we need to make a statement.

It goes on to say, "There is no action the American military can take that by itself can bring about success in Iraq." This requires a political resolution. Yet our President has not insisted on a political resolution. He has essentially told the politicians they can diddle, they can squabble, they can bicker, they can disagree, they can create these little deals where the Shiite radicals, al-Sadr gets three ministries and maybe the Sunnis get half a one, and the sectarian violence goes out of control and our kids get killed, with no threat whatsoever that we are bringing our troops home.

□ 2230

That is one of the reasons that we are in the pickle we are in. The report goes on to say, "The United States must not make an open-ended commitment to keep large numbers of American troops deployed in Iraq."

That is exactly what the President has done. He has made a commitment to keep these troops there indefinitely. As long as we have been in Japan or Germany, and apparently people still think that this is like World War II, when the Vice President and Mr. Wolfowitz and the whole group of them essentially said we would be welcomed like we were in the streets of Paris in World War II. They still have that image of what this is all about in Iraq.

As a result, our policy is failing, because they still are essentially saying, we are going to stay there for 50 years like we have in Europe, and that is a policy inconsistent with our national security goals.

Next statement, "While it is clear that the presence of U.S. troops in Iraq is moderating the violence, there is little evidence that the long-term deployment of U.S. troops by itself has led or will lead to fundamental improvements in the security situation."

Now, that is a profound statement. We believe, because we are truly the greatest Nation on Earth, and we are, we have done remarkable things. We have the most efficient, most capable, most dedicated military force the world has ever seen. We have the best soldiers, Air Force and sailors the world has ever seen. They are great people. I know I visited two of them in a military hospital in Landstuhl, Germany, two young men from Bremerton, Washington, on my return trip from Iraq about a year and a half ago.

These two young men had very, very serious leg injuries, and I went and saw them in their hospital beds and they had their legs propped up and tubes and pins and everything in their legs, and they had only been out of Iraq 2 or 3 days. I asked them how they were doing, and both of them said, sir, I just want to get back to my unit as fast as I can, sir.

That was a pretty impressive moment for me that these young men who had such bad injuries, the first thing they could say is they wanted to get back to their unit. Anyone who has dealt with the people, Americans serving in Iraq, you would be so proud of their service and what they are doing. We have incredible talent and dedication there. They have been amazingly dedicated through a very difficult 3 years, many of them serving on their second, third, fourth rotation throughout Iraq, without complaint. It is really pretty amazing.

So we have got the best people, we have got the best equipment, but we do not have the best policy, and a policy that essentially allows the Iraqi government to dawdle and not form an agreement is one doomed for failure. That is the policy of the President tonight unless something changes, and we are calling for strong changes in that regard. There is a real clear reality in Iraq. No deal on oil, no peace. No deal on petroleum, no way for us out, and we have got to insist on that, and that has not happened.

The report goes on to say, the composition of the Iraqi government is basically sectarian, and key players within the government too often act in their sectarian interest.

Now, we are all thrilled when there was voting going on in Iraq. We would like to think that they, in Iraq, were as committed to their government when they voted as we are to ours. We know how government works. We have had a peaceful transition of power here in the United States Congress. The people were dissatisfied with the course of the Nation this November 7, and they spoke, and I think they spoke very clearly that they wanted a change of course in Iraq.

But the fact of the matter is, this is more like sort of a gangs dealing up turf in Iraq than it is a working government. Right now three of the ministries are controlled by Mr. al-Sadr, who runs this brigade of perhaps 60,000 people in a personal militia, and those three ministries of the government we are supposed to be helping and allied with, will not even work with Americans. Three of the major ministries, might be 40 percent of the government in Iraq, won't even talk to us, and these are the people we are trying to help.

This is not a working situation. And have we basically said to the Iraqis, to Mr. Maliki, you must disarm that Sadr militia? You must get access to those agencies of the government? No, we haven't said that. We haven't said that at all. We have said we will just stay there forever if it takes that long. You can just play whatever difficult games you have in the sectarian tensions in Iraq, and we will stay forever. That is the wrong message to Iraq.

We have got to tell them they are going to stand on their own feet very quickly, or they will fall, and only the Iraqis can make that decision ultimately, and we have made a decision, a commitment, and I know a lot of people who are against this war, myself among them.

I was very vocally opposed to this war when we started. I thought that we did not receive proper intelligence. I thought the intelligence was cherry picked. I thought that the threat was vastly overstated. Even though it was popular to be for the war at the time and the war drums were beating, I and 164 other Members of the House voted against the war.

Many of my constituents felt the same way I did. But even though they were very, very strongly against the war, they felt there was some national obligation on our part to give the Iraqis some reasonable chance to form a government. We had destroyed a government, we had some obligation to give them a chance to reestablish security and a government in Iraq.

But that cannot be a never-ending responsibility of the United States, and we have now spent longer in and given the Iraqis longer than the greatest generation took to win World War II. We have to realize that even though that period of time has gone on, the situation according to this bipartisan report isn't getting better, it is getting worse, and we have to recognize that reality. We have to have a major change in Iraq.

It goes on to say the security situation cannot improve unless leaders act in support of national reconciliation. Shiite leaders must make the decision to demobilize militias. Sunni Arabs must make the decision to seek their aims through a peaceful political process, not through violent revolt. The Iraqi government and Sunni Arab tribes must aggressively pursue al Qaeda. None of those things are happening, and we have not insisted on any of those things happening. We have been the patsy while this sectarian conflict has gone on, and we have not insisted that it stop, or we are removing our troops tomorrow.

As a result, these folks have refused to make the very difficult compromises it takes to form a government. I have got to tell you, I know how difficult it is. It is difficult enough around here in peace time, and I know it is difficult for leaders in Iraq. But American sons and daughters cannot be expected to be sent to the streets of Baghdad when Iraqis will not go.

You know what happened when we decided to pull troops out of Al Anbar Province where the insurgency is essentially taking over to send into Baghdad, and we called for six groups to come of the Iraqi forces? Only two of them showed up. We still don't have the troops the plan called for months ago to get security into Baghdad. Why didn't they show up? They didn't show up because they don't have a government to stand up for yet, because the politicians will not make the compromises necessary to do so, because we haven't required it. We have got to have a tough position in Iraq, and the tough position is one of tough love. Tough love is you tell the Iraqis they have got to fish or cut bait, because our ability to sustain this is not unlimited.

This goes on to say the problems of the Iraqi police and the criminal justice system are profound. Significant questions remain about the ethnic composition of some Iraqi units. Specifically they will carry out missions on behalf of sectarian goals instead of agenda. Units lack leadership, equipment, personnel, logistics and support.

I want to take a moment, if I can, to talk about what this administration has not done in the pursuit of its own policy. You know, for 3 years now, the President has said we will stand down as the Iraqi military stands up. But this administration has always wanted to fight this war on the cheap. It has never been willing to commit the resources to what a successful pursuit of this mission would require, and a successful pursuit of this mission, for the last 3 years, would be to equip, arm and train an Iraqi military as rapidly as possible, and we haven't done 40 percent of that effort.

The reason I know that—I went to Iraq, and I talked to the Iraqi forces, and they say we don't have any equipment, we don't have any communications, we don't have any payroll system, we don't have any recruitment system, we don't have any logistics system, we don't have any medical evacuation system, we don't have any communication system with the public. We are some people with AK-47s in pickup trucks who have been given a very short training period by the United States Government.

As a consequence, a difficult situation where you had extremely low motivation anyway to stand up for the government has been made worse. In fact, it was so bad that a year and a half ago, my friends the Republicans limited the amount we were going to spend training the Iraqi army. They wanted to reduce it. I said if the way out of Iraq is to stand up an Iraqi army, it seems to me we should do this as quickly as possible.

So I offered an amendment to the military appropriations bill that was accepted that at least didn't cut the training for the Iraqi army, but the fact of the matter is, any military assessment of the Iraqi army is they can't fight. They don't have the wherewithal to fight. We go into battle with armor, communications, Medevac, howitzers, gunships, F-16s.

We tell the Iraqis to go out with some pickups and AK-47s and no communications equipment. Why is that? Well, it is because the administration has never been willing to ask the sacrifices that are necessary of the American people to complete this mission successfully. It has tried to fight the war on the cheap, and the people paid dearly with both our losses of 2,800 people, 20,000 people who are seriously injured, and goodness knows how many Iraqis who have lost their lives.

You know, maybe we would have a different attitude if we had a chief executive who was committed to this commission enough to ask for sacrifices of the American people, but we don't have that. We have a situation where for 3 years this has been essentially a half-hearted effort, an unwillingness to get tough with the Iraqis and an unwillingness to commit the resources necessary to do the job, and a debacle has unfolded. Probably the largest foreign policy debacle has unfolded in the last of America's history.

So this is a stunningly disturbing report, and I note that it contains many of criticisms that I and my colleagues and what's called the Iraq Watch have been making on the floor of the House now for 2 years. We have come to the floor of the House in the evening. Many, if not all of these criticisms we have espoused. I think they have more reliabilities now that a bipartisan group has essentially been saying what we have been saying about the failure of this administration policy in Iraq. So the question now becomes what should be the change?

Well, the first thing is there has to be a change in the Iraqi government. I will quote this report, the composition of the Iraqi government is basically sectarian, and key players within the government too often act in their sectarian interest. The security situation cannot improve unless leaders act in support of national reconciliation. Shiite leaders must make the decision to demobilize militias. Sunni Arabs must make the decision to seek their aims through a peaceful political process, not through violent revolt. We must insist on this. We must require. We must compel it. Today we have not done so.

Now, what conclusions has this report drawn? It gets a little bit murky reading the report. It is not entirely clear what this group actually said. It is a committee of individuals who signed a report, and most people know the old saying that a camel is a horse designed by a committee, and what this group really recommends is a little bit ambiguous in part. But I would suggest there is one thing that is important and one thing that has a little lacking in this report.

□ 2245

The first thing is it demands a change in our policy, it demands a realistic assessment of our policy, and it demands that we get tough with the Iraqis to demand a political solution in Iraq, because that is a central prerequisite to any progress being made in Iraq. And that is a very import offering of this report, that we have to do that.

Now, the question then becomes, what do we do as far as troop levels and our military mission in Iraq? Their report is a bit of weak tea in that regard. It essentially alludes, and you will hear news reports that this calls for essentially removing our major combat missions by the end of next year, by 2008, by the first quarter of 2008.

The report isn't quite that clear. It says that by the first quarter of 2008, subject to unexpected developments in the security situation on the ground, all combat brigades not necessary for force protection could be out of Iraq. "Could be."

At the time U.S. combat forces in Iraq could be deployed only in units embedded with Iraqi forces in rapid reaction and special operations teams and search and rescue. "Could."

"Could" is not a strong enough word for what this situation demands of American leadership. The word "must" must be in our response from Congress about Iraq. It is time to talk turkey with the Iraqi government. We cannot shade it. We can use polite language, but we cannot use language that is susceptible to multiple interpretations.

We must tell the Iraqi government that their training wheels have to come off, they have to strike the political deals on oil that have to be made, because our troops are coming home at a date, if not certain, that is at least within certain parameters. There is no reason that that process should not start now in a way that is militarily defensible. We have to send that strong message to the Iraqis, and only our actions will do so.

Frankly, language like "could be" I don't think is going to register on the streets of Baghdad, where 100 to 200 bodies are being found every couple of days. We need to send a stronger message.

The question is, how do we do that? I would like to think the President of the United States would have an epiphany reading this report. I would like to think that he will shed those rose-colored glasses that he has worn for 3 years. I would like to think that he will decide not to heed the advice of his vice president, who has been wrong on virtually every single thing in Iraq policy.

I would like to think that he will then come to the U.S. Congress and say, "I am totally changing my statement on Iraq. I now believe we have to start bringing our troops home, because nothing less will result in the Iraqi government having an incentive to form a real government."

If those things happen, Congress will be able in short order to reach an agreement to end this war in Iraq and give the Iraqis what they need, which is an incentive for action on the political front.

I am not all that hopeful that will happen. The President since the election has said some gracious things. The day after the election he said that he wanted to work on a bipartisan basis, and those words were greeted happily by us and we would like to believe that was the case.

Two weeks later, the President sent up six judges that he knew would be rejected by the U.S. Senate because of their entirely right-wing beliefs. Last week he appointed an individual to take care of the contraceptive program of the United States, to give women control over their destiny, and he appointed a person who thinks contraception somehow should be illegal, or at least inappropriate.

So the signs have not been entirely favorable that the President received the message from the American people given him on November 7. Some of my colleagues have. In the earlier discussion here, we had some of my colleagues, Republicans, quite a number of them, doing a valedictorian speech tonight who had come out on the short end in the election. I think they received the message. Many of them I consider friends, and they are good people, and they are credible people and hard-working people, and I know the taste of defeat, so I have some empathy for them.

But the American people have spoken, and we need the President to listen to them, and we need the President to listen to this report, and we need the President to listen to his troops, and those messages are we need a radical rethinking of Iraq policy.

Now, I have a message I would hope my colleagues will also consider tonight, and that is if the President does not heed that message of the American people, we here in the House of House of Representatives have a responsibility to act. We cannot just be folks who give speeches about Iraq, all though that is what I am doing here tonight. We cannot be people who just issue press releases about Iraq. We cannot be Congressmen and women who simply send letters to the White House.

If the President of the United States refuses to change course in Iraq in a meaningful way, this Congress has to use the ability granted to it by the United States Constitution to assure that there will be a change in Iraq, and we have an opportunity to do so through the appropriations process.

This war cannot be fought and the President cannot continue to put these troops in harm's way without funding. The geniuses in Philadelphia established the People's House and gave as its first obligation responsibility for the fiscal condition of the Nation.

No President can continue a war without funding. If the funding stops for the Iraq war, our troops will come home, and this Congress has to have the gumption to take such action if the President does not heed the will of the American people.

Now, people say, oh, isn't that fraught with political risk? You know, it might be. And that is why people in Vietnam waited 3 to 4 years after it became obvious that our policy was wrong, of not removing our sons and daughters at that time, and my friends at that time and my colleagues at that time, from harm's way in Vietnam.

Iraq is not Vietnam. It is dangerous to draw comparisons between Vietnam and Iraq. They are manifestly different in many, many ways, including our national interests and the nature of the threat and the extent of the losses that we have suffered.

But it is similar in this way: If we follow the failure of the Congresses in the early 1970s who refused to stand up to a chief executive to demand a change in course, we will have fallen victim to what they did during the Vietnam years. We have at least 15,000 names on the Vietnam Memorial wall as a result of Congress' refusal to be willing to use the appropriation mechanism to bring our troops home.

That is not a failure of will or courage or backbone that we should suffer. We have an obligation to these kids and not-so-kids in Baghdad tonight, and we should know, we should be willing to do so, and we should say we should be willing to do so, so that the President of the United States knows that we are serious in our discussions.

I am hopeful that is not necessary. I am hopeful we can forge a bipartisan agreement with the President to heed the recommendations of this report and the will of the American people from November 7. But we have to be prepared to do our duty here, and I think that is important for us to say early in this discussion, so that we can move forward.

I want to, if I can, say another thing that I think would be important for the President to do. He can do this tomorrow and he hasn't done it. He can have a statement to the people of Iraq that the United States of America does not intend to have permanent military bases in Iraq. This is a statement that the Iraqi people need to hear.

In polls, 75 percent of the Iraqi people believe we are not a positive influence in Iraq. Sixty percent of the Iraqi people in a poll believe it is appropriate to attack Americans in Iraq. Think about this. These are people that the war was started out, at least in its later chapters, to try to give Iraqis a chance at democracy. We have spent $400 billion, 2,000 lives, 20,000 injured, the honor of the Nation to help Iraqis, and 60 percent of them believe it is okay to attack Americans.

This is not a situation where we are capable of helping them militarily. Our presence there is a reason, at least one of the reasons, for violence in that country. And we lost 10 of our best yesterday and 24 in the last 2 days. It is a recognition that we have to come to grips with.

One of the reasons for that antipathy is a conviction, as much as we don't share it, that the Bush administration wants to have permanent bases in Iraq. But because of stubbornness and willfulness and refusal to show any flexibility to reality, this administration has refused to say that. That would be helpful. That would be a first start, and we hope that that happens.

So we now have an obligation to follow one conclusion of this, and the first phase of this report, if I can in conclusion read. "Current U.S. policy is not working." That is the most powerful statement in the whole report. And we need radical changes, the "radical changes" is my language, not the report.

Quoting the report, "Current U.S. policy is not working as the level of violence in Iraq is rising and the government is not advancing reconciliation. Making no changes in policy would simply delay the day of reckoning at a high cost. Nearly 100 Americans are dying every month. The United States is spending $2 billion a week. Our ability to respond to other international crises is constrained. The majority of the American people are soured on the war. The level of expense is not sustainable over an extended period, especially when progress is not being made. The longer the United States remains in Iraq without progress, the resentment will grow among Iraqis who believe they are subjects of a repressive American occupation."

We need a change, and we need it now, and we cannot dither or dally or wait or have debates amongst ourselves. We have to take action now. And I hope my colleagues will join me in a willingness to do that.

That will be difficult. While we have troops in the field, it is always difficult to talk about the mission. But I am here tonight, proud of my neighbor's son who is tonight in Baghdad. I am proud of the mission he has done and is doing, and I am caring about he and his 1-year-old son.

I believe the U.S. Congress owes an obligation to him and his own to insist that this President come to grips with the reality of Iraq, send a message that our troops are coming home; that this is something the Iraqis have to deal with quickly because they are going to be on their own. We can no longer keep training wheels forever on Iraq at the expense of our sons and daughters.

That statement, I believe, in the long run will be best, with the least possible damage to all concerned. And I don't offer a panacea. I don't offer a silver wand in Iraq. But I can say that the current situation is not acceptable, and we will change it one way or another, and the sooner the better.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. OSBORNE (at the request of Mr. BOEHNER) for December 5 after 2:00 p.m. on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. KAPTUR) to revise and extend their remarks and include extraneous material:)

Mrs. MCCARTHY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. UDALL of New Mexico, for 5 minutes, today.

Mr. RANGEL, for 5 minutes, today.

(The following Members (at the request of Ms. FOXX) to revise and extend their remarks and include extraneous material:)

Mr. KUHL of New York, for 5 minutes, today.

Mr. PRICE of Georgia, for 5 minutes, December 7 and 8.

Mr. YOUNG of Alaska, for 5 minutes, today.

Mr. MARIO DIAZ-BALART of Florida, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, today.

Mr. CASTLE, for 5 minutes, today.

Mr. WALSH, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 4050. An act to designate the facility of the United States Postal Service located at 103 East Thompson Street in Thomaston, Georgia, as the "Sergeant First Class Robert Lee 'Bobby' Hollar, Jr. Post Office Building"; to the Committee on Government Reform.

BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House reports that on December 5, 2006, she presented to the President of the United States, for his approval, the following bills.

H.R. 3699. To provide for the sale, acquisition, conveyance, and exchange of certain real property in the District of Columbia to facilitate the utilization, development, and redevelopment of such property, and for other purposes.

H.R. 4377. To extend the time required for construction of a hydroelectric project, and for other purposes.

ADJOURNMENT

Mr. INSLEE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 59 minutes p.m.), the House adjourned until tomorrow, Thursday, December 7, 2006, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10434. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Fender's blue butterfly (Icaricia icarioides fenderi), Lupinus sulphureus ssp. kincaidii (Kincaid's lupine), and Erigeron decumbens var. decumbens (Willamette daisy) (RIN: 1018–AT91) received November 28, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10435. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Astragalus brauntonii and Pentachaeta lyonii (RIN: 1018–AU51) received November 28, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10436. A letter from the Chairman, National Indian Gaming Commission, Department of the Interior, transmitting the Department's final rule—Minimum Internal Control Standards (RIN: 3141–AA27) received November 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10437. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Gulf of Mexico Recreational Grouper Fishery Management Measures [Docket No. 060322083–6288–03; I.D. 032006C] (RIN: 0648–AU04) received November 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10438. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States; Pacific Coast Groundfish Pacific Coast Groundfish Fishery; End of the Pacific Whiting Primary Season for the Catcher-processor Sector [Docket No. 051014263–6028–03; I.D. 110706A] received November 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10439. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Allocating Gulf of Alaska Fishery Resources [Docket No. 060511126–6285–02; I.D. 050306E] (RIN: 0648–AT71) received November 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10440. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Amendment 18 [Docket No. 060609159–6272–02; I.D. 060606A] (RIN: 0648–AU12) received November 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10441. A letter from the Chief, Trade & Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule—Extension of Import Restrictions Imposed on Archaeological and Ethnological Material from Bolivia [CBP Dec. 0602[illegible] (RIN: 1505–AB74) received November 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10442. A letter from the Acting Director, Regulations & Rulings Div., Department of the Treasury, transmitting the Department's final rule—Establishment of the Shawnee Hills Viticultural Area (2002R-[illegible]P) [T.D.T[illegible]-57; Re: Notice No. 39] (RIN: [illegible]–AA70) received November 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10443. A letter from the Acting Director, Regulations & Ruling Div., Department of the Treasury, transmitting the Department's final rule—Establishment of the Chehalem Mountains Viticultural Area (2002R-214P) [T.D.T[illegible]56; Re: Notice No. 18] (RIN: 1513–AA57) received November [illegible] 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10444. A letter from the Cheif, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Miscellaneous Changes to Collection Due Process Procedures Relating to Notice and Opportunity for Hearing upon Filing of Natice of Federal Tax Lien [TD 9290] (RIN: 1545-BB96) received December 1, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10445. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2006-55) received December 1, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10446. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Miscellaneous Changes to Collection Due Process Procedures Relating to Notice and Opportunity for Hearing Prior to Levy [TD 9291] (RIN: 1545-BB97) received December 1, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10447. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Changes in accounting periods and in methods of accounting (Rev. Proc. 2006-43) received December 1, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10448. A letter from the Chief, Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Methods of Determining Paragraph (e)(1) Wages for Puposes of the Section 199(b)(1) Wage Limitation on the Section 199 Deduction (Rev. Proc. 2006-47) received December 1, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10449. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Changes in accounting periods and in methods of accounting (Rev. Proc. 2006-46) received December 1, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10450. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Changes in accounting periods and in methods of accounting (Rev. Proc. 2006-45) received December 1, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10451. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—TIPRA Amendments to Section 199 [TD 9293] (RIN: 1545-BF88) received December 1, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10452. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Qualified Transportation Fringes (Rev. Rul. 2006-57) received November 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10453. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Permitted disparity in employer-provided contributions or benefits (Rev. Rul. 2006-60) received November 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10454. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2006-61) received November 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10455. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Bureau of Labor Statistics Price Indexes for Department Stores — September 2006 (Rev. Rul. 2006-59) received November 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10456. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Publication of the Tier 2 Tax Rates — received November 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10457. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Procedures for Requesting Competent Authority Under Tax Treaties (Rev. Proc. 2006-54) received November 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10458. A letter from the Director, Office of Regulations, Social Security Administration, transmitting the Administration's final rule—Revised Medical Criteria for Evaluating Visual Disorders [Docket No. SSA-2006-0098] (RIN: 0960-AF34) received November 28, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mrs. CAPITO: Committee on Rules. House Resolution 1096. Resolution waiving a requirement of clause 6(a) with respect to consideration of certain resolutions reported from the Committee on Rules and providing for consideration of motions to suspend the rules, and for other purposes (Rept. 109-720). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. RADANOVICH (for himself, Mr. POMBO, Mrs. NAPOLITANO, Mr. CARDOZA, Mr. COSTA, and Mr. GEORGE MILLER of California):

H.R. 6377. A bill to authorize the implementation of the San Joaquin River Restoration Settlement; to the Committee on Resources.

By Mr. ROGERS of Alabama (for himself, Mr. MEEK of Florida, Mr. KING of New York, Mr. THOMPSON of Mississippi, Mr. PASCRELL, Mr. MCCAUL of Texas, Mr. PEARCE, Mr. SOUDER, Ms. JACKSON-LEE of Texas, Mr. JINDAL, and Ms. HARRIS):

H.R. 6378. A bill to amend the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to ensure all agencies of the Department of Homeland Security that administer Federal assistance develop and maintain proper internal management controls to prevent and detect waste, fraud, and abuse, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FARR (for himself, Mr. CARDOZA, Mr. COSTA, Ms. ZOE LOFGREN of California, Mr. SALAZAR, Mr. RADANOVICH, Mrs. CAPPS, Ms. ESHOO, Mr. FILNER, Mr. GILCHREST, Mr. HONDA, and Mr. NUNES):

H.R. 6379. A bill to provide additional funds for food safety research related to perishable agricultural commodities, to provide emergency financial assistance to producers and first handlers of fresh spinach for losses incurred as a result of the removal of fresh spinach and products containing fresh spinach from the market and other actions undertaken in response to a public health advisory regarding spinach issued by the Food and Drug Administration in September 2006, and for other purposes; to the Committee on Agriculture.

By Ms. CARSON (for herself and Mr. BURTON of Indiana):

H.R. 6380. A bill to amend title XVIII of the Social Security Act to require reporting of quality measures by hospitals in order to reduce medication errors; to the Committee on Ways and Means.

By Ms. MCKINNEY:

H.R. 6381. A bill to repeal Public Law No: 109-366, the Military Commissions Act of 2006, signed into law October 17, 2006; to the Committee on Armed Services, and in addition to the Committees on the Judiciary, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MCKINNEY:

H.R. 6382. A bill to deny Federal assistance to any State or local law enforcement agencies whose officers use excessive force or violence leading to the death of innocent or unarmed citizens, or who fail to establish, enforce and follow transparent and accountable procedures that fully protect the lives and health of citizens during surveillance, interrogation, arrest or imprisonment from torture, excessive physical or psychological abuse and death, and to require a system of transparent legal and public review of such allegations and cases that can result in the sanction, punishment and removal of officers who perpetrate such abuses or their superiors; to the Committee on the Judiciary.

By Ms. BERKLEY (for herself and Mr. PORTER):

H.R. 6383. A bill to direct the Secretary of the Interior to convey the Alta-Hualapai Site to the city of Las Vegas, Nevada, for the development of a cancer treatment facility; to the Committee on Resources.

By Mr. BOUCHER (for himself, Mr. GOODLATTE, Mr. BASS, Mrs. CUBIN, Mr. DEAL of Georgia, Mr. DOOLITTLE, Mr. DOYLE, Mr. HERGER, Mr. RAHALL, Mr. STEARNS, Mr. STUPAK, Mr. TERRY, and Mr. THOMPSON of California):

H.R. 6384. A bill to amend title 17, United States Code, with respect to settlement agreements reached with respect to litigation involving certain secondary transmissions of superstations and network stations; to the Committee on the Judiciary.

By Mr. DEFAZIO:

H.R. 6385. A bill to amend the Internal Revenue Code of 1986 to modify the rate of the excise tax on certain wooden arrows; to the Committee on Ways and Means.

By Mr. FORTENBERRY:

H.R. 6386. A bill to establish the Congressional-Executive Commission on the Socialist Republic of Vietnam; to the Committee on International Relations, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOHMERT (for himself, Ms. BORDALLO, Mr. CARTER, Mr. WILSON of South Carolina, Ms. KILPATRICK of Michigan, Mr. RUPPERSBERGER, Mrs. MCMORRIS RODGERS, and Mr. ROSS):

H.R. 6387. A bill to amend title 10, United States Code, to provide for support of funeral ceremonies for veterans provided by details that consist solely of members of veterans organizations and other organizations, and for other purposes; to the Committee on Armed Services.

By Mr. GOHMERT (for himself and Mr. PORTER):

H.R. 6388. A bill to direct the Secretary of Defense to conduct a study on the feasibility of using military identification numbers instead of social security numbers to identify members of the Armed Forces; to the Committee on Armed Services.

By Mr. GOHMERT:

H.R. 6389. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate income tax overpayments as contributions to the Federal Government on their income tax returns; to the Committee on Ways and Means.

By Mr. HUNTER:

H.R. 6390. A bill to provide a civil action for a minor injured by exposure to an entertainment product containing material that is harmful to minors, and for other purposes; to the Committee on the Judiciary.

By Mr. JEFFERSON:

H.R. 6391. A bill to provide emergency child care in the Gulf Coast Region, and for other purposes; to the Committee on Education and the Workforce.

By Mr. JEFFERSON:

H.R. 6392. A bill to provide for the construction and rehabilitation of child care facilities in areas of the Gulf Coast affected by Hurricanes Katrina and Rita; to the Committee on Financial Services.

By Mr. JEFFERSON:

H.R. 6393. A bill to establish a temporary program under which emergency loans are made to small businesses that are nonprofit child care businesses; to the Committee on Small Business.

By Mr. JEFFERSON:

H.R. 6394. A bill to facilitate the provision of telehealth services, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JEFFERSON:

H.R. 6395. A bill to ensure an adequate supply of public health professionals, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JEFFERSON:

H.R. 6396. A bill to ensure environmental justice in the areas affected by Hurricanes Katrina and Rita; to the Committee on Energy and Commerce, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JEFFERSON:

H.R. 6397. A bill to improve mental health and substance abuse treatment services; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JEFFERSON:

H.R. 6398. A bill to amend title 5, United States Code, to establish a national health program administered by the Office of Personnel Management to offer Federal employee health benefits plans to certain individuals affected by an incident of national significance, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JEFFERSON:

H.R. 6399. A bill to provide services to certain volunteers and workers; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JEFFERSON:

H.R. 6400. A bill to amend title XVIII of the Social Security Act to provide for access to health benefits under the Medicare Program for certain individuals 21 to 65 years of age, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MELANCON (for himself and Mr. ABERCROMBIE):

H.R. 6401. A bill to promote the fair production of oil and gas on the Outer Continental Shelf; to the Committee on Resources.

By Mr. MOLLOHAN (for himself and Mr. RAHALL):

H.R. 6402. A bill to provide for secondary transmissions of distant network signals for private home viewing by certain satellite carriers; to the Committee on the Judiciary.

By Mr. SCHWARZ of Michigan:

H.R. 6403. A bill to amend the Public Health Service Act to provide for Federal funding of a Bridges of Hope for Transitional Health Insurance Program to provide, through State inter-governmental public health authorities, displaced employees with assistance for health insurance premiums for themselves and their families; to the Committee on Energy and Commerce.

By Mr. WICKER:

H.R. 6404. A bill to remove information on salaries paid to employees of the House of Representatives from the public reports on disbursements of the House, and for other purposes; to the Committee on House Administration.

By Mrs. WILSON of New Mexico:

H.R. 6405. A bill to improve long-term care; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GRANGER (for herself, Ms. SLAUGHTER, and Mr. FRELINGHUYSEN):

H. Con. Res. 499. Concurrent resolution recognizing the efforts and contributions of the members of the Monuments, Fine Arts, and Archives program under the Civil Affairs and Military Government Sections of the United States Armed Forces during and following World War II who were responsible for the preservation, protection, and restitution of artistic and cultural treasures in countries occupied by the Allied armies; to the Committee on Armed Services.

By Mr. HOLT (for himself and Mr. GOODLATTE):

H. Con. Res. 500. Concurrent resolution recognizing the 150th anniversary of President Wilson's birth and commending the Woodrow Wilson House, the Boyhood Home of President Woodrow Wilson, the Woodrow Wilson Family Home, Princeton University, and the Woodrow Wilson Presidential Library for leading a national tribute honoring the legacy of President Wilson; to the Committee on Government Reform.

By Mrs. BIGGERT:

H. Res. 1094. A resolution recognizing the 60th Anniversary of Argonne National Laboratory; to the Committee on Science.

By Mr. BOOZMAN (for himself, Ms. ROS-LEHTINEN, Mr. ISSA, Mr. BURTON of Indiana, Mr. MCCOTTER, Mr. SMITH of New Jersey, Mr. MEEKS of New York, Mr. PENCE, Mr. SESSIONS, Mr. MCHENRY, Ms. FOXX, Mr. TIAHRT, Mr. SULLIVAN, Mr. TERRY, Mr. CARTER, Mr. LINDER, Mr. PITTS, Mrs. KELLY, Ms. HARMAN, Mr. SNYDER, Mr. ROSS, Mr. WEXLER, Mr. SOUDER, Mr. CRENSHAW, Mr. BROWN of South Carolina, Mr. BOREN, and Mr. CROWLEY):

H. Res. 1095. A resolution commemorating the one-year anniversary of the November 9, 2005, terrorist attacks in Amman, Jordan; to the Committee on International Relations.

By Ms. BORDALLO (for herself, Ms. HART, Mr. OBERSTAR, Mr. FALEOMAVAEGA, Ms. ESHOO, Mr. DOYLE, Mr. JONES of North Carolina, Mrs. CHRISTENSEN, Mr. MCGOVERN, Ms. KILPATRICK of Michigan, Mr. RYAN of Ohio, and Mr. MCCOTTER):

H. Res. 1097. A resolution honoring the Institute of the Sisters of Mercy on the occasion of its 175th anniversary, and commending its ministry and its efforts in helping individuals, especially women and children, overcome challenges that keep them from living full and dignified lives; to the Committee on International Relations.

By Mr. RYAN of Ohio (for himself and Mr. TIERNEY):

H. Res. 1098. A resolution expressing the sense of the House of Representatives to raise the awareness of alopecia areata; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. HAYES and Mr. FOSSELLA.

H.R. 305: Mr. FORTENBERRY.

H.R. 346: Mr. ANDREWS.

H.R. 687: Mr. LATHAM.

H.R. 968: Mr. OLVER.

H.R. 1040: Ms. SEKULA GIBBS.

H.R. 1233: Mr. FATTAH.

H.R. 1264: Mrs. NAPOLITANO.

H.R. 2369: Mr. LAHOOD and Mr. ANDREWS.

H.R. 2567: Mr. NEAL of Massachusetts.

H.R. 2861: Mr. TOWN and Mr. ROSS.

H.R. 2959: Mr. MCINTYRE.

H.R. 3550: Mr. FATTAH.

H.R. 3559: Mrs. BLACKBURN.

H.R. 4042: Mr. JINDAL.

H.R. 4211: Ms. WASSERMAN SCHULTZ.

H.R. 4238: Ms. SEKULA GIBBS.

H.R. 4360: Mr. MCCOTTER, Mr. MILLER of Florida, and Ms. SEKULA GIBBS.

H.R. 4455: Mr. DAVIS of Illinois.

H.R. 4597: Mr. ALEXANDER, Mr. NUNES, Mr. REHBERG, Mr. SCOTT of Georgia, Mr. GILCHREST, Mr. GOHMERT, Mr. BERRY, Mr. CUELLAR, Mr. DELAHUNT, Mr. MCCAUL of Texas, Mrs. BIGGERT, Mr. DENT, Mr. ROYCE, and Mr. CULBERSON.

H.R. 4727: Mr. BACA.

H.R. 4751: Mr. BRADY of Texas.

H.R. 4769: Mr. MCCOTTER.

H.R. 4904: Ms. MOORE of Wisconsin.

H.R. 4924: Mr. WAMP, Mr. NORWOOD, Mrs. MUSGRAVE, Mr. DOYLE, Mrs. MALONEY, Mr. KUHL of New York, Mr. ROYCE, Mr. BACA, Ms. BEAN, Mr. BOREN, Mr. BOYD, Mr. CRAMER, Mr. DAVIS of Tennessee, Ms. HARMAN, Mr. MATHESON, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Mr. TANNER, Mr. TAYLOR of Mississippi, Mr. LARSON of Connecticut, Mr. LEWIS of Kentucky, and Mr. CASE.

H.R. 5131: Ms. MOORE of Wisconsin.

H.R. 5134: Mr. CONYERS.

H.R. 5396: Mr. RAHALL.

H.R. 5513: Mr. LARSON of Connecticut, Mr. ENGEL, Mr. PITTS, Mr. LEWIS of Georgia, Mr. MORAN of Kansas, Ms. VELÁZQUEZ, Mr. MARSHALL, Mr. MEEHAN, and Mr. DAVIS of Illinois.

H.R. 5642: Mr. WEINER, Mrs. JONES of Ohio, and Mr. MCNULTY.

H.R. 5660: Mr. BONNER.

H.R. 5746: Mr. KUCINICH, Mr. LANTOS, Mr. RAHALL, Mr. PLATTS, and Ms. BALDWIN.

H.R. 5791: Mr. STUPAK.

H.R. 5864: Mr. MCDERMOTT and Mr. BISHOP of Georgia.

H.R. 5866: Mrs. CUBIN.

H.R. 5894: Ms. SCHAKOWSKY.

H.R. 5896: Mr. RENZI.

H.R. 5920: Mr. MARSHALL.

H.R. 6044: Mr. RENZI.

H.R. 6046: Mr. MEEHAN and Ms. NORTON.

H.R. 6093: Mr. CALVERT.

H.R. 6216: Mr. SKELTON, Mr. DAVIS of Illinois, and Mr. KIND.

H.R. 6218: Mrs. TAUSCHER, Mr. LANTOS, and Ms. ESHOO.

H.R. 6221: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 6343: Mr. FLAKE and Mr. ROSS.

H.R. 6344: Mr. TOM DAVIS of Virginia.

H.R. 6353: Mr. JINDAL, Mr. MARSHALL, Mr. NEUGEBAUER, and Mr. CONAWAY.

H.R. 6356: Mr. RAHALL, Mr. LAHOOD, and Mr. SHIMKUS.

H.R. 6358: Mr. DAVIS of Illinois and Mr. ETHERIDGE.

H. Con. Res. 106: Mr. PEARCE.

H. Con. Res. 346: Mr. BERMAN and Ms. FOXX.

H. Con. Res. 410: Mr. MEEHAN.

H. Con. Res. 453: Mr. WYNN.

H. Con. Res. 482: Ms. BALDWIN.

H. Res. 518: Mr. DAVIS of Kentucky and Mr. LEWIS of California.

H. Res. 790: Mr. GEORGE MILLER of California.

H. Res. 1081: Mr. SERRANO, Mr. MEEKS of New York, Mr. FORTUÑO, Ms. JACKSON-LEE of Texas, Mr. MCGOVERN, Mr. PAYNE, Mrs. MALONEY, Mr. SMITH of Washington, Ms. WATSON, Ms. MOORE of Wisconsin, Mr. HOLT, Mr. DAVIS of Illinois, Mr. MCNULTY, Mr. FRANK of Massachusetts, Mr. GEORGE MILLER of California, Ms. SCHAKOWSKY, Mr. CLAY, Mr. SHAYS, Mr. GRIJALVA, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ROHRABACHER, Mrs. TAUSCHER, Mr. OBERSTAR, Ms. MILLENDER-MCDONALD, Mr. HONDA, Mr. BECERRA, Ms. BEAN, Mr. FARR, Mr. PLATTS, Ms. DELAURO, Mr. HOBSON, Mr. HINCHEY, Mr. NADLER, Ms. ROYBAL-ALLARD, Mr. MICHAUD, Mr. GUTIERREZ, Mr. OLVER, Mr. WEXLER, Mr. BOUSTANY, Mr. HINOJOSA, Mr. HASTINGS of Florida, Mr. KENNEDY of Rhode Island, Mr. KUCINICH, Mr. KIND, Mr. TANCREDO, Mr. ISSA, Ms. WOOLSEY, Mrs. NAPOLITANO, and Ms. CORRINE BROWN of Florida.

H. Res. 1086: Ms. BORDALLO, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MCCARTHY, Mrs. MALONEY, Mr. LARSEN of Washington, Mrs. CAPPS, Mr. NADLER, Mr. SCOTT of Virginia, Mr. SCHIFF, Ms. MATSUI, Ms. KILPATRICK of Michigan, Mr. BRADY of Pennsylvania, Mr. BUTTERFIELD, Mrs. CHRISTENSEN, Mr. CLYBURN, Mr. SHERMAN, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mr. WATT, Ms. WATSON, Mr. SHAYS, Mr. GRIJALVA, Mr. FILNER, Mr. FORTUÑO, Mr. LEWIS of Georgia, Mrs. NAPOLITANO, Ms. LEE, Mr. BROWN of Ohio, Mr. MCGOVERN, Ms. DELAURO, Mr. FARR, Mr. CLEAVER, Mr. OBERSTAR, Ms. ZOE LOFGREN of California, Mrs. DAVIS of California, Ms. MOORE of Wisconsin, Ms. SOLIS, Mrs. JONES of Ohio, Wisconsin, Ms. SOLIS, Mrs. JONES of Ohio, Mr. DAVIS of Illinois, Mr. RUPPERSBERGER, Mr. MOORE of Kansas, Mr. BURTON of Indiana, Mr. MCCAUL of Texas, Mr. GENE GREEN of Texas, Mr. CONYERS, Mr. BECERRA, Ms. CARSON, Mr. GONZALEZ, Mr. POE, Mr. CONAWAY, and Mr. AL GREEN of Texas.

H. Res. 1091: Mr. LANTOS, Mr. BROWN of Ohio, Mr. VAN HOLLEN, and Mr. WEINER.

SENATE—*Wednesday, December 6, 2006*

The Senate met at 9:30 a.m. and was called to order by the Honorable CRAIG THOMAS, a Senator from the State of Wyoming.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray:

O God, the fountain of wisdom whose will is good and gracious and whose law is true, order the steps of our Senators. May the words of their lips and the meditations of their hearts please You. Lift them above the claims of political expediency and make them fearless to seek to know and to do right. Keep them from friendships and alliances that lead them from You. As they strive to be faithful, use their example and influence to bless our land. Show them the right road and guide them by Your might.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CRAIG THOMAS led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The assistant legislative clerk read as follows:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 6, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CRAIG THOMAS, a Senator from the State of Wyoming, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. THOMAS thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

SCHEDULE

Mr. ENSIGN. Mr. President, this morning the Senate will conduct a period of morning business until 11:30. A number of Senators will be here to pay tribute to our retiring colleagues. At 11:30 we will proceed to executive session to consider the nomination of Robert Gates to be our next Secretary of Defense. It is the majority leader's hope that we will have a vote on this nomination later today.

The Senate will recess from 12:30 until 2:15 to accommodate the weekly policy luncheons.

Last night the majority leader filed cloture on the nomination of Andrew von Eschenbach to be the FDA Commissioner. Under the regular order, that vote will occur on Thursday morning.

RYAN WHITE HIV/AIDS TREATMENT MODERNIZATION ACT OF 2006

Mr. ENSIGN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor and Pensions be discharged from further consideration of H.R. 6143, and the Senate proceed to its immediate consideration.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

> A bill (H.R. 6143) to amend title XXVI of the Public Health Service Act to revise and extend the program for providing life-saving care for those with HIV/AIDS.

There being no objection, the Senate proceeded to consider the bill.

Mr. KENNEDY. Mr. President, today marks an important milestone in our ongoing national struggle with HIV and AIDS. Twenty-five years ago, the Centers for Disease Control and Prevention issued its first warning about the disease we now know as AIDS. Today, we approve the third extension of the Ryan White CARE Act, the comprehensive legislation first enacted in 1990, for the prevention and treatment of HIV and AIDS.

In those early days, the Nation failed on all levels to recognize the danger posed by this disease. Its victims suffered in silence and stigma. Shamefully, those who had the power to help did nothing.

Then, mid-eighties, a young boy's courage awakened the Nation to the very real tragedy of AIDS. A disease that had seemed distant was suddenly threatening us all, and we could no longer claim that it was someone else's problem. We realized it was a virus that knows no color, religion, political affiliation, or income status. And I think Ryan White would be proud of the effort we are putting forth today with this compromise we have worked hard on for the last few months.

In 1987, Senator HATCH and I introduced bipartisan legislation calling for a comprehensive national strategy of education, prevention, and research to halt the spread of AIDS. We called on government, the public health community, and the media to all do their part in order to prevent the AIDS epidemic from continuing its rampage across America.

We were optimistic that we were poised to handle this challenge more effectively than at any previous point in our history. We would not lose the battle, unless we failed to wage it with wisdom, reason, dignity, and common sense.

Yet the battle continues. We mourn the 500,000 Americans we have lost to the AIDS virus. Each victim is a human tragedy—so much potential lost before its time. But we take heart in the fact that AIDS is no longer a death sentence. Through testing and treatment, people are living long and full lives with HIV. We are identifying victims earlier in the progression of the disease and keeping them healthier longer.

But we still have a long way to go. Many who live with HIV and AIDS do not have insurance to pay for costly treatments. As a result, heavy demands are placed on community-based organizations and State and local governments. For these citizens, the Ryan White CARE Act continues to provide the only means to obtain the care and treatment they need. It doesn't matter where they live.

Americans agree. Seventeen percent of our people name HIV as the most urgent health problem facing the country, just behind cancer and heart disease. Sixty-three percent say the Government is spending too little at home to fight HIV and AIDS. Six in ten believe more spending on prevention and testing will help slow the spread of this disease.

Four in ten say they know someone with HIV. Eighty-one percent say discrimination against people living with HIV or AIDS is a fact of life in America today.

We have far to go in educating people about the disease. Thirty-seven percent of Americans fear the spread of HIV through kissing, 22 percent by sharing a drinking glass, and 16 percent by touching a toilet seat, none of which are true.

We have not finished the job we started 25 years ago.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The Ryan White Care Act began as an emergency response to the crisis in urban areas, but today it represents a national plan to provide care and support for persons living with HIV and AIDS anywhere in America—urban or rural, coastal or inland.

This bill represents a working agreement among States, cities, community-based organizations, hospitals and health providers, and persons living with HIV and AIDS their families and advocates.

It responds to an evolving epidemic that continues to grow in the very cities and States that have long borne the greatest burden of disease. It is expanding into regions of the country that have been historically less affected.

With this bill, we take a major step toward a more effective response. It preserves access to life-saving medications, quality health care, and support services for persons living with HIV and AIDS who have come to depend on publicly-funded systems. It extends this system of quality care to persons with HIV and AIDS who have faced long waiting lists for medications and severe limits on their access to specialty health care. It protects governmental and community-based institutions charged with providing this care, all of whom face growing case loads and the greater challenges of an evolving population of persons with HIV/AIDS. It balances the needs of high-prevalence cities and States with those facing rapidly growing epidemics. It ensures those who have been relying on their local system of care that it will continue to be there for them. It reassures persons seeking tests for HIV that comprehensive care and support will also be ready to serve them. And it authorizes the expenditure of $7 billion over the next 3 years to carry out this mission.

This legislation is good for Massachusetts.

This bill recognizes the added burden facing States like Massachusetts that have increasing numbers of people with HIV and AIDS living in cities like Boston. It ensures sufficient resources to maintain a HIV/AIDS service system strained by a rising case load. It stabilizes funding to the State and stabilizes funding to the city of Boston because a larger portion of their award will be based on a predictable formula.

The bill continues to provide significant Federal support for the State medication assistance program, lessening the possibility of having to create cruel waiting lists for life-saving medications. It eliminates the uncertainty of an untried severity of need index.

Both Massachusetts and Boston benefit from having the State's HIV cases counted for the first time, for next 3 to 4 years. This will allow my State of Massachusetts to continue to focus on providing quality care and support services to people living with HIV and AIDS.

At its best, America has the finest HIV/AIDS care system—one we as a Nation should be proud to hold up as the gold standard of care throughout the world. Our goal in this legislation is to make it also the fairest system of care—with equal access for all, high standards for quality, and guaranteed continuity of care. At last, access to all the benefits of medical science will no longer be the result of geography.

This bill is a product of effective advocacy, creative thinking, a sense of shared responsibility, and a common commitment to getting it done. The Nation is fulfilling the promise of the original Care Act, first created in an era of limited treatment options and uncertain prognosis, to bring hope to persons living with the infection that they may live healthy and productive lives.

It is also complex legislation, and all our committee staff, both Democrat and Republican, deserve great credit for working long nights and weekends over the past several months. In particular, I thank Keysha Brooks-Coley, Lauren Brumsted, Ann Gavaghan, Lisa German, Ann Grady, Elizabeth Hoffman, Bruce Lesley, Tamar Magarik, and Michael Woody. And I give special thanks to Shana Christrup of Senator ENZI's staff for her diligence and desire to make the world a better place for people living with HIV and AIDS.

This was a clear bipartisan effort, by the House and Senate, and I am grateful as well to staff from the House of Representatives, including Melissa Bartlett of Congressman BARTON's staff and John Ford and William Garner of Congressman DINGELL's staff.

On my own staff, I especially commend several who worked so long and hard and well on this legislation—Alice Lam, Megan Gerson, Caya Lewis, Cody Keenan, Ches Garrison, Daniel Dawes and Michael Myers, and above all to Connie Garner, whose passion, counsel, and commitment I value so highly on this and many other issues. She never once let us forget what this debate is truly about.

My hope is that as we continue to improve the Ryan White CARE Act to meet the needs of this disease, the remedies we adopt will continue to come from the bright lights of science, not the dark fears of bigotry. This is an important day for people living with HIV and AIDS and for all Americans. We must do more to provide care and support for those caught in the epidemic. This legislation will give us the time and support we need to accomplish that goal.

Mr. HATCH. Mr. President, I am pleased that the Senate has been able to come to an agreement and adopt H.R. 6143, the Ryan White HIV/AIDS Treatment Modernization Act of 2006.

With this agreement, we finally reauthorize the only Federal program that helps low-income individuals living with HIV/AIDS. We tried to pass this critical legislation earlier this year, and even though this effort has enjoyed large bipartisan support in both Chambers, just a few Members prevented its passage.

We worked to address their concerns in this compromise, and I am very glad to see the success of that endeavor. I would like to thank HELP Committee Chairman ENZI and Ranking Minority Member KENNEDY, and others, for their tireless efforts throughout the reauthorization process. It has taken quite a long time to get here, and I commend everyone for their hard work. No one knows this more than Senator KENNEDY, with whom I authored the original Ryan White CARE Act back in 1990, and I am very proud that our work has been able to help so many people.

This bill may not be perfect, but it will continue a vital program that needs to be continued. Importantly, it will help stabilize the distribution of CARE Act funding in areas of the country where the AIDS epidemic is largest and also increase access to areas that have seen large numbers of new HIV infections.

Many of us in the Senate recently received a letter from 99 AIDS organizations that endorse this reauthorization. These are national and local organizations that provide services to people living with HIV/AIDS—they are the ones out there actually working with them, not sitting here in Washington, just talking about it. They have been involved throughout this entire reauthorization process—they have seen all the proposals and compromises—and they support this legislation.

I thank these individuals for their participation in and contribution to the lengthy reauthorization process because the end product would not be effective without their input.

I am especially thankful for the insight of Jennifer Brown, the State AIDS director in my home State of Utah, who helped me throughout negotiations to understand the possible effects of changes in the program.

I would like to read a portion of the letter sent by the AIDS organizations, which I think reiterates a very important message:

> It is time to put aside regional differences and individual jurisdictional concerns, and act on behalf of all Americans who are living with this terrible disease. If Congress fails to act before adjournment, many of our citizens will lose life saving medical care, drug treatment and the support services necessary for them to lead healthy, productive lives.

This message has been quite clear for some time. We received this message from the HIV/AIDS community, from our constituents, and from the President.

Everyone has urged us here in the Senate to work in the best interests of the entire Nation and pass this reauthorization, and I am pleased that we have been able to do so.

Mr. ENZI. Mr. President, today the Senate affirmed its commitment to ensuring access to quality care for all Americans living with HIV and AIDS no matter their race, gender, or where they live. Today we finally have unanimous consent to pass H.R. 6143, the Ryan White HIV/AIDS Treatment Modernization Act.

Senator KENNEDY and I and our counterparts in the House have worked for nearly 2 years to address the concerns from every State and the hundreds of stakeholders who participated in our outreach efforts. We have reached broad consensus that this is the right policy at the right time.

In the past few weeks, we have received letters of support from more than 100 leading AIDS service organizations calling for us to pass this legislation now.

The Ryan White law must reflect the principle that every American living with HIV/AIDS deserves access to quality care, and this reauthorization is a step toward our goal of just and equitable treatment under this law. Our action today will ensure a more equitable program to provide not only AIDS patients but also HIV-positive Americans with the treatment they desperately need.

The HIV/AIDS epidemic of today affects more women, more minorities, and more people in rural areas and the South than ever before. While we have made significant progress in understanding and treating this disease, there is still much more we must do to ensure equitable treatment for all Americans living with this disease.

The epidemic is shifting, and our Federal programs must shift to meet this need and fight the epidemic where it is today and will be tomorrow, not where it was 10 or 20 years ago. The legislation passed unanimously by the Senate today does just that.

An alarming 1.1 million Americans are living with HIV/AIDS today and the face of the epidemic is rapidly changing. The Kaiser Family Foundation has reported that while the number of AIDS cases in the Nation rose by 1 percent between 2000 and 2001, it rose by 9 percent in the South and fell by 8 percent in the Northeast.

Newly infected people are increasingly likely to be poor, have inadequate access to health care, and be members of a minority community. For example, African Americans make up 19 percent of the South's population but accounted for over 60 percent of new cases in 2003. In addition, the growing number of rural Americans infected with HIV face already overburdened rural health care systems that have too few doctors, underdeveloped support systems, and long travel distances to care.

Rural States and States in the South have a newer epidemic, with more HIV than AIDS cases, while urban areas with a longer history of the disease have a much higher percentage of AIDS cases. Because of old formulas that counted only AIDS cases, more than 100,000 Americans with HIV went uncounted, resulting in drastic funding disparities across the Nation. This has crippled the ability of health systems in rural and frontier States, like Wyoming, to confront this growing crisis.

Today, with the unanimous passage of the compromise bill, the Senate has begun to correct these inequities and ensure that those traditionally overlooked by this program will receive the care and treatment they desperately need. The Ryan White program can now begin to address the epidemic of today, not yesterday, and treat the full spectrum of this disease.

This legislation strengthens and modernizes the Ryan White program to ensure that all Americans with HIV and AIDS are counted, that appropriate funding is provided to those on the ground fighting this epidemic, and that State and city care systems are protected so they can continue providing quality care to their residents with HIV and AIDS.

Senator KENNEDY and I are committed to looking at the overall structure of this program beginning next year. We both want to ensure that when this reauthorization expires at the end of 2009, we have a comprehensive solution to the health disparities created by the current flawed formula for allocating Ryan White funding. This legislation is one step toward a more just and equitable program, and I look forward to continuing to strengthen and improve this program in the future.

In whatever policy we have on Ryan White, I will insist on key principles first, that the money follows the epidemic so that our funding formulas can be responsive to the needs of Americans affected by the epidemic today and in the future. In addition, we need to ensure that we capture the need of an area better by going beyond simply including HIV in the formulas and develop other mechanisms to better account for the need on the ground.

Ryan White is a safety net program, and we need to better understand how much of that safety net is being supported by local, State, and Federal dollars. Finally, I want to be clear to my colleagues that any new funding formula must ensure that we are providing care across the spectrum of the disease—from HIV to AIDS. In doing so, we provide the right incentives for providing lifesaving care as soon as possible.

With that being said, I would like to close by thanking my colleagues and their staff both here in the Senate and in the House for their hard work in passing this critical legislation. I want to thank all the members of the Senate Committee on Health, Education, Labor, and Pensions, especially my friend and ranking member Senator KENNEDY.

I also thank our good colleagues on the House Committee on Energy and Commerce, Chairman BARTON and Representative DINGELL.

This bill is yet another example of the good work that can be done when we put politics aside and work together to improve the lives of Americans. I am proud of the accomplishments I have achieved with Senator KENNEDY in the 109th Congress, and I hope the 110th Congress is just as productive.

I would like to offer special thanks to my colleagues who assisted me on the Senate floor in September when we previously tried to pass the bill. Senators HATCH, BURR, and SESSIONS were all instrumental in getting us to this great victory today. I want to mention their staff: Pattie DeLoatche and Karen LaMontagne with Senator HATCH, Liz Stillwell with Senator SESSIONS, and Jenny Ware with Senator BURR.

I would like to offer a special thank you to Senator COBURN and Roland Foster, Stephanie Carlton, and Katy French of his staff. Senator COBURN helped educate our colleagues of the importance of getting this bill passed.

Vince Vintimiglia, Marty McGeein, Laura Ott, Maury Huguley, Deborah Parham, and Adelle Simmons of the Department of Health and Human Services were crucial in guiding our efforts to help craft reforms to the Ryan White programs. Megan Hauck at the White House was also instrumental in helping us move this legislation forward.

I would also like to thank Marcia Crosse, Martha Kelly, and Suzanne Worth of the Government Accountability Office for their tireless efforts to analyze different proposals and their effect on distribution of funding across the Nation.

Through this entire process, Bill Baird of Senate Legislative Counsel and Pete Goodlowe of House Legislative Counsel have drafted countless legislative proposals and compromises and were invaluable in crafting the final language that reformed this program.

Kathie Hiers of the Southern AIDS Coalition and Bill McColl of AIDS Action have provided critical support from the beginning of this process, without which much of our progress would not have been possible. In addition, there were numerous other individuals and organizations who helped us throughout the process. So as not to leave anyone out, I just want to express my appreciation to all of you who have continually labored with us to craft and pass this bill.

As you can imagine, a process involving Republicans and Democrats in the House and the Senate over a year and a half involved many dedicated staffers and many late nights. I would like to specifically acknowledge Connie Garner and Alice Lam of Senator KENNEDY's staff; Melissa Bartlett, Randy Pate, Ryan Long, and Katherine Martin of Chairman BARTON's staff; and John Ford, William Garner, and Jessica McNiece of Congressman DINGELL's staff for their diligence and determination as we worked together to craft this important and essential bill.

Both the Republican and Democratic leadership in the Senate were incredibly helpful in helping us reach the final compromise. I would like to thank Majority Leader FRIST and Elizabeth Hall of his staff and Minority Leader REID and Kate Leone of his staff for their efforts.

Finally, there are a number of individuals I would like to thank on my own staff for their dedication and determination to pass these critical reforms to the Ryan White CARE Act. First and foremost, I would like to commend Shana Christrup for her leadership, tireless efforts, determination, and unlimited patience. Without her knowledge of the policy and the process, this lifesaving legislation would not have been possible. I would also like to thank Katherine McGuire, my staff director on the HELP Committee. She keeps the trains running on time and keeps my team motivated to search for solutions when solutions seem to be exhausted. I also want to thank Stephen Northrup, my health policy director. He does a great job managing the health issues before the committee. I should also make special mention and thank Aaron Bishop for his expertise and incredible outreach with the stakeholders. He sat through countless listening sessions with stakeholders and staff to ensure their thoughts and concerns were incorporated in the legislation. Thank you also to Michelle Dirst, Brittany Moore, Keith Flanagan, Kori Forster, Todd Spangler, Amy Shank, Ilyse Schuman, Greg Dean, Lesley Stewart, and Megan O'Neil. All these Team Enzi members were instrumental in shepherding this legislation through the process.

In addition, I want to thank chief of staff and anchorman, Flip McConnaughey, for his steady hand and helping us to stay the course.

I urge the House to pass this final compromise this week to ensure justice and equitable treatment under the law for all Americans who struggle with the medical and financial burdens of HIV and AIDS.

Mr. ENSIGN. I ask unanimous consent the Enzi-Kennedy substitute at the desk be agreed to, the bill as amended be read a third time and passed, and any statements relating to the measure be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The amendment (No. 5212) was agreed to.

The amendment was ordered to be engrossed for a third reading and the bill to be read a third time.

The bill (H.R. 6143), as amended, was read the third time and passed.

ACCEPTING AND DISPLAYING A BUST OF SOJOURNER TRUTH

Mr. ENSIGN. I ask unanimous consent the Rules Committee be discharged from further consideration of H.R. 4510, and that the Senate then proceed to its consideration.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4510) to direct the Joint Committee on the Library to accept the donation of a bust depicting Sojourner Truth and to display the bust in a suitable location in the rotunda of the Capitol.

There being no objection, the Senate proceeded to consider the bill.

Mr. ENSIGN. I ask unanimous consent the bill be read a third time, passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD without intervening action or debate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (H.R. 4510) was ordered to a third reading, was read the third time, and passed.

MEASURE PLACED ON CALENDAR—S. 4080

Mr. ENSIGN. I understand that there is a bill at the desk that is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 4080) to amend title 17, United States Code, with respect to settlement agreements reached with respect to litigation involving certain secondary transmissions of superstations and network stations.

Mr. ENSIGN. In order to place the bill on the calendar under the provisions of rule XIV, I object to further proceeding.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

Mr. ENSIGN. I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

IMPROVING AMERICA'S EDUCATION SYSTEM

Mr. FRIST. Mr. President, for 12 years, I have served the people of Tennessee as a U.S. Senator. Before I joined this body, I spent 20 years practicing medicine—as a transplant surgeon.

But I spent even more time—nearly 30 years—getting the education necessary for me to pursue a career at the cutting edge of transplant surgery.

Without that education, I couldn't have pursued my dream of helping people.

The fact is, education is an essential cornerstone in our society. Not just in the United States, but around the world—across the global society.

Not only does a sound education increase the global competitiveness of America's workforce, but it also enables each and every worker to pursue the American dream, in his or her own way.

Here in America, we have a rich history of working hard. We set goals. We visualize dreams. And then we doggedly pursue them, with stubborn perseverance.

But as hard as we work, unless we possess the tools and the knowledge and the "know how," we are not optimizing our resources. That means it is our best interest to pursue the best education possible. It is in our best interest to strengthen our education system so we can better equip future generations.

That is why I have supported a number of measures that enhance America's education system.

Take the President's No Child Left Behind Act, which I proudly cosponsored. It set high standards for schools around the country. It is a comprehensive overhaul of the Federal Elementary and Secondary Education Act based on 4 pillars: accountability and testing, flexibility and local control, funding for what works, and expanded parental options.

We laid the groundwork for No Child Left Behind with ED-Flex, to give States more flexibility in how they use Federal education dollars.

More recently, we passed the first-ever comprehensive reform and improvement of the Individuals with Disabilities Education Act.

We crafted this strongly bipartisan legislation with input from parents, educators, and disability groups—with the primary goal of ensuring disabled students are achieving.

Streamlining regulations, simplifying and improving the integrity of the conflict resolution process, reducing the paperwork burden for special education teachers, improving existing discipline provisions while still ensuring disabled children's rights are protected—with every provision, we helped principals, teachers, and parents better address the needs of disabled students.

Enhancing and strengthening our Nation's education system must occur at every level—primary, secondary, and beyond, in colleges and universities.

My SMART grant legislation took education reform to the university level, and without a doubt, among the education improvements I have supported over the years, SMART grants hold pride of place in my heart.

SMART grants are a new student aid initiative that provide incentives for promoting math and science education and consequently represent a dramatic step toward ensuring America's future global economic competitiveness.

Let me put it in perspective: China and India generate scientists and engineers at a furious pace while America lags dangerously behind.

We haven't reached the crisis point yet. We still have the best research universities in the world. We take home the lion's share of Nobel prizes in the sciences. We lead the planet in most high-tech fields. And we produce more top scientists and engineers per capita than any country with an economy even close to our size.

But for every one engineer we graduate in America, China graduates eight and India graduates four.

SMART grants help America maintain our competitive edge by providing aid to Pell grant-eligible students who maintain a 3.0 GPA and major in math, science, engineering, technology, or foreign languages critical to national security during their third and fourth years of college.

These funds help incentivize more students to major in these time-intensive studies and they help America produce the quality workforce necessary to compete in today's global economy.

But there is still more Congress can do to strengthen our education system and further enhance our America's competitiveness.

Right now, we stand at a crossroads. Unless we continue moving to improve our education system at all levels, we could very well face economic stagnation and a loss of global scientific leadership.

We can't afford to let that happen.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until the hour of 11:30 with Senators permitted to speak therein for up to 10 minutes each.

Mr. REED. Mr. President, I ask unanimous consent at the conclusion of my remarks the Senator from New Mexico, Senator BINGAMAN, be recognized.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HONORING SENATORIAL SERVICE

Mr. REED. Mr. President, this is an opportunity to recognize the service of several of our colleagues who are departing from the Senate. To Senator JEFFORDS, Senator FRIST, Senator DEWINE, Senator TALENT, Senator SANTORUM, Senator BURNS; and Senator ALLEN, let me express my appreciation for their service to their States and their service to the Nation and wish them well. I particularly want to comment, though, on three colleagues with whom I have had the privilege of working very closely.

PAUL SARBANES

The first is my friend and my chairman, ranking member, Senator PAUL SARBANES of Maryland.

PAUL has had an extraordinarily distinguished career in the Senate, and he has been the chairman of the Banking, Housing, and Urban Affairs Committee and the Joint Economic Committee, and in both of those capacities he has made profound and important impacts on the banking system and the economy of the United States. Housing and urban affairs have also been improved dramatically by the efforts of PAUL SARBANES.

When it comes to understanding complex financial matters there is no one more gifted and more knowledgeable than PAUL SARBANES. He has an extraordinary record of legislative achievements. The Sarbanes-Oxley Act of 2002 stands as a testimony both to his skill as a thoughtful observer of the financial scene and as a legislator. It represented major reforms in corporate governance at a time when confidence in our markets was waning dramatically after the implosions of Enron and WorldCom. Through PAUL's efforts, confidence was reestablished in a system of corporate governance which I think will stand the test of time.

In addition, in 1999 he was instrumental in the Financial Modernization Act, also known as Gramm-Leach-Bliley, and was particularly concerned that the Community Reinvestment Act aspects of the legislation be maintained because he was always committed to serving people and giving them opportunities. He understood that the franchise to operate a financial institution with Federal Deposit Insurance required a concomitant commitment to serve the community, and PAUL SARBANES has done a remarkable job of maintaining that commitment to all the communities of America, particularly those that need an opportunity, need a chance to move forward.

As chairman of the Joint Economic Committee in the late 1980s, he was a thoughtful and careful analyst, someone who I think led the way analytically to the changes in the 1990s that returned us to a balanced budget and a robust economy. PAUL SARBANES in many respects, through his work on the Joint Economic Committee, was the architect of those efforts in the 1990s.

He has long had a concern about our role internationally in economic affairs. He was one of the first Members to raise concerns about Chinese currency and its impact on our trade, our productivity, and our manufacturing base. In the Omnibus Trade and Competitiveness Act of 1988, he mandated that the Treasury Department report semiannually to Congress about international economic and exchange rate policies. I think this is the lever that today is used to rally support, debate and attention to the issue of currency exchange rate policies.

He has also, in his capacity as a leader on the Banking and Urban Affairs Committee, been active in promoting transit throughout the United States. He made sure that our transit systems are supported, and are able to provide greater accessibility, environmental benefits, while reducing the demand on foreign oil. His insights into transit, and his leadership, have benefitted everyone in the country, particularly the 14 million Americans who rely on mass transit every day.

He has also been a champion for affordable housing. He has been the author of the Home Investment Partnerships Program, known as HOME. During the past 16 years it provided funding to our States and localities to improve affordable housing. He was one of the key legislators who offered the Market-to-Market Program, which preserved so much of our affordable housing, making sure low-income people have a chance to live in decent and affordable environments.

He has had the able assistance of Steve Harris, Marty Gruenberg, Pat Mulloy, Johnathan Miller, Dean Shahinian, Sarah Kline, Aaron Klein, Lee Price, Patience Singleton, Jen Fogel-Bublick, Steve Kroll, and Lynsey Graham.

I want to express my best wishes to PAUL, to his wife Christine, and their family. His son, John, is now the new Representative for the United States House in the Third District of Maryland, so the Sarbanes tradition carries on.

Let me conclude by saying there is a word in Greek for integrity and intelligence, and that word is Sarbanes.

PAUL, good luck.

LINCOLN CHAFEE

Let me also recognize my colleague from Rhode Island, Senator LINCOLN CHAFEE. Senator CHAFEE is an individual both with character and sincere devotion to our State and Nation, an honest, decent man who is always respectful, thoughtful, and fair-minded. He is someone with whom we are all proud to have served. He is someone in this House respected for his integrity and for his determination.

He came to the Senate upon the passing of his father, Senator John H. Chafee, and picked up that tradition of service from his father. He was a great model to emulate, and Senator LINCOLN CHAFEE has done that. Like his father, he has concerned himself with issues of the environment through service on the Environment and Public Works Committee. He sought to improve our Nation's water and air quality standards. His pivotal work to provide for the cleanup and redevelopment of brownfields is a commitment and accomplishment that I think will be recognized for many years to come.

He has also tried to preserve our State of Rhode Island's industrial, natural, and cultural history, and he has done it persistently. Let me applaud him for his dedicated service and wish him and his family well in the days ahead.

MARK DAYTON

Finally, let me say a word about my colleague and friend, Senator MARK DAYTON. He is retiring after 6 years in the Senate. He began his public life much earlier, in 1990, as a public school teacher in New York City, and throughout his work he has dedicated himself to help the people of Minnesota and the people of this great Nation. He has placed himself on the front lines to provide better health care for seniors in Minnesota. He has worked closely on the Low-Income Home Energy Assistance Program, LIHEAP. He has a good head and a great heart and he served with distinction. I wish him well as he leaves the Senate.

To all my colleagues who served and conclude their service, let me once again express deep appreciation for their friendship and for their service to the Nation.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that following my remarks, unless a Republican Senator appears wishing to speak, that Senator STABENOW of Michigan be allowed to follow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MEDICARE

Mr. BINGAMAN. Mr. President, I want to speak briefly about two issues, legislative issues, that still require attention before this Congress adjourns. The first is related to Medicare cuts. Effective January 1, Medicare reimbursement to health care providers is scheduled to be cut by 5 percent. I believe it is imperative that Congress step in and prevent that cut from occurring. Failure to do so will lessen access to quality health care for many in this country.

The sustainable growth rate, the SGR, as it is referred to here in Washington more commonly, was implemented in 1998 as a means to annually adjust Medicare's physician fees in line with a set of spending targets. Until 2002, the total physician spending was below the set targets, so physicians received an annual increase in their fees. However, starting in 2002, the trend was reversed. Spending on physician services began to exceed the target. The result was a 4.8 percent reduction in physician fees in 2002 and the realization that the SGR, or this sustainable growth rate formula, was flawed.

This was the beginning of what has become a yearly game of brinksmanship, and we are in that game of brinksmanship again today with Medicare threatening to enact the cuts deemed appropriate by the SGR formula and Congress averting the fee cuts one year after another.

As of January 1 of next year, physician fees will be cut by 5 percent. In my view, this is causing understandable concern in the medical community. I hear on a daily basis from physicians, both within and without my State of New Mexico, that these cuts will adversely affect patient care and access. I have no reason to doubt that statement. The Albuquerque Journal in my home State of New Mexico reports that the proposed cuts will cost New Mexico doctors $12 million in 2007 alone. Presbyterian Health Plan president David Scrase believes the cuts will result in closer to $32 million in cuts.

I believe this chart which was just put up here makes the point I am trying to make very well. It is labeled "Crisis in Medicare Physician Payments." The black line, which is going up, as everyone can see, is the increase we have seen in the cost of medical practice in the last 5 years. We can see very clearly that continues. It is a relentless increase. The red line is physician payment updates under Medicare. We can see those have been declining and are scheduled for a substantial decline in 2007 again.

What I am trying to say is Congress needs to step in and at least keep this line flat, at least hold physicians harmless in this 5 percent cut. I hope we are able to do even more than that. In my view, these reductions will result in access problems for Medicare patients across the Nation. Cuts such as these, along with the yearly uncertainty of whether the reduction will be implemented, make long-term planning for small to medium physician practices almost impossible.

In addition to the financial stresses of potential decreases in Medicare payments, physicians are being asked to adopt expensive health information technologies to improve the quality of medical care. This is a lot to expect from even large health systems, much less smaller physician groups.

If the Medicare cuts go into effect—and all expert advice I have received leads me to believe they will—there will be access problems encountered by Medicare beneficiaries. But what may be even equally problematic are the other measures physicians will be forced to take to compensate for this cut. I am talking about the reduction of staff, forgoing health insurance for their employees, and delaying implementation of new technologies. All of these are substantial new burdens we are putting on physicians operating their medical practices throughout our country.

Where does this leave us? I believe we need to act both in the short term and in the long term. Congress needs to take immediate action to halt the scheduled 5 percent cut. I hope this can occur before this week is over. Over the long term, we need to find solutions to continue to provide quality care to Medicare beneficiaries as well as fair payment to physicians for their work. That is not going to be easy.

Frankly, we are going to have to rethink this whole SGR system we adopted nearly a decade ago, and we are going to have to find ways to have a fair formula that provides a fair level of compensation. In my opinion, this is a priority. It is something that has been the subject of intense negotiations between House and Senate Members in the last few days. I understand that. I hope reason will prevail and that we can come out with a solution that makes sense for seniors in this country and for those who depend upon the Medicare system for their health care.

Finding long-term solutions to continue to provide quality care to Medicare beneficiaries as well as fair payment to physicians for their work will require effort and collaboration between lawmakers and the medical community. Earlier this year I introduced legislation that I believe is part of the solution. Because part of the payment that Medicare makes to physicians is based upon geographic location, physicians in rural parts of the country are paid less than those in more urban areas. This known as the geographic practice cost indices, or GPCIs. Congress determined that such extensive geographic disparities were unfair and, as part of the Medicare Modernization Act of 2003, language from one of my bills was included that brought all geographic areas up to the national average for the calculation of this piece of the Medicare physician payment formula. This year I introduced legislation to extend this law. We should extend this law before Congress adjourns and, at the very least prevent the cuts that are set to occur at the end of the year.

To do less is to fail in our responsibility to the million of Americans who depend on Medicare.

EMERGENCY WILDFIRE SUPPRESSION FUNDING

Mr. BINGAMAN. Mr. President, I would like to speak about the problem of funding for wildfire suppression. This is an issue that particularly affects us in the West. We have a looming train wreck with regard to emergency wildfire suppression funding.

This year, wildfires burned a record of more than 9.5 million acres, most of that in the West. The wildfires are still burning out of control in southern California, where five more houses burned this weekend.

Federal wildfire-fighting expenditures also set a record at nearly $2 billion in fiscal year 2006. That was more than twice what was appropriated for that fiscal year. When the cost of suppressing wildfires exceeds what has been appropriated, the agencies spend what they have been appropriated for the fiscal year and the amount that has been provided to them in emergency supplemental appropriations. This year, they also spent $500 million from what is called the emergency wildfire reserve account and an additional $110 million which they had to borrow from other accounts. Congress has not repaid any of that money as of yet. There is $610 million that has not been repaid to this wildfire reserve account and to the other accounts from which the Forest Service has had to borrow.

Those agencies, particularly the Forest Service, have been left short. They are financially unprepared for even an average wildfire year in 2007. As we begin to look forward into next year, we are faced with a very severe problem. In addition to the proposed 2007 appropriations, the agencies will need about $835 million if they are to maintain recent levels of financial preparedness. If the continuing resolution goes into effect, as we are advised it is likely to, the numbers are likely to get even worse.

I filed an amendment to the Agriculture appropriations bill to begin to address the problem by providing $360 million in emergency wildfire suppression funding for the Departments of Agriculture and Interior. That amendment was sponsored by many of my colleagues on both sides of the aisle. Senator BURNS filed a similar amendment to the Military Construction bill. But it is apparent that neither of those bills will get to the President for signature this year.

We have an enormous need for wildfire suppression funding and no clear way to address it. I urge my colleagues to find a way to address it before we leave at the end of this week. Providing some additional funds to these agencies for this purpose is essential. I believe it will be unfortunate if this Congress adjourns leaving those agencies in the financial straits which they are in. I know there are many agencies across the Federal Government which are going to encounter great difficulty in carrying on these activities if we adopt a continuing resolution, as is being proposed, but this particular area of wildfire suppression funding is one that deserves particular attention.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

PHYSICIAN PAYMENTS

Ms. STABENOW. Mr. President, I rise to speak, as my colleague from New Mexico has spoken so eloquently, about a very serious issue we have to address before we leave for the year. Once again, I rise to speak about the urgency of providing our Nation's physicians with the resources they need to provide high-quality Medicare services to our seniors and people with disabilities. As my colleague indicated, this is something of the utmost importance that needs to be addressed now. There is no reason we cannot address this before we leave.

On September 21, I asked unanimous consent for the Senate to approve S. 1574, legislation that would provide for a 2-percent update to physicians as recommended by the Medicare Payment Advisory Commission, MedPAC. This particular bill was introduced by my colleague Senator CANTWELL, and I thank her for her leadership on this important issue. My Republican colleagues objected to this request, and so nothing has happened in the last 75 days. We are running up to the end of the year, and yet nothing has happened. Nothing has happened to ensure that physicians will receive a modest update to their Medicare payments. Nothing has happened to ensure seniors and people with disabilities will have access to their doctors.

Senator CANTWELL and I each introduced legislation over a year ago to override the sustainable growth rate formula for Medicare physician payments—in other words, a formula that has been putting us on this road to a 5.1-percent cut come January. We knew then that the formula was wrong. It is not sustainable. It doesn't work. It needs to be fixed.

We have known this day was coming. We know physician payments will be cut by over 5 percent on January 1—just a few weeks from now—if Congress doesn't act. We know Congress has only a few short days to complete the business for the year. We know what we need to do to solve the problem. While the clock is ticking down, we have time to address this issue. It is critical that we not leave here without addressing this for our seniors, for our families, for people with disabilities, and for the physicians of this country who are caring for those individuals.

People say we are out of time. Some people buy Christmas presents on the afternoon of December 24, but there are people who run right up to the deadline. There are people who mail their tax returns right before midnight on April 15. We are in one of those situations. We have to decide to get this done because the deadline is here. We are running right up to the deadline. But we have to make this a priority before we leave. I know colleagues are working on both sides of the aisle as well as in the House to find a solution. It is critical that something be done, that it be fair, that it moves us in the right direction, not the wrong direction. It is not going to take long to get this done if people want to get it done.

In less than 1 month, payments to physicians will be cut by 5 percent. Under current law, while costs continue to increase, physicians will actually be paid less than they are paid today. As I mentioned in September, we know from the recent survey conducted by the AMA that if the scheduled cuts go into effect, 45 percent of doctors will decrease the number of Medicare patients they accept. Almost half of physicians will decrease the number of Medicare patients they can accept.

Fifty percent of doctors will defer purchase of health information technology, which is another critical issue that I am pleased to be working on with colleagues on the other side of the aisle. We have a bipartisan consensus that we need to move forward on health information technology to save both money and lives. Yet we can't say to physicians: We are cutting the income coming in, we are cutting your payments for serving people, and by the way, we want you to spend money on new hardware and software and training people for a system that is critically important for the Federal Government to save money. That doesn't make any sense, and that is not going to happen.

We also know that 37 percent of doctors practicing in rural communities—and Michigan has many rural communities—will be forced to discontinue rural outreach services. This is unfortunate for the people of Michigan as well as around the country. And 43 percent of physicians will decrease the number of TRICARE patients they serve.

We are talking about people in the military and their families. This doesn't have to happen, if we can act and act quickly.

Further, MedPAC considers the Medicare SGR formula to be flawed. It is an inequitable mechanism for controlling the volume of services. They recommended repeal of it in 2001 because it is not working. It is not working mostly for patients, and it is not working for physicians. Since that time in 2001, they have consistently recommended repealing the formula. MedPAC has stated that the cuts will be particularly devastating for primary care doctors—the very doctors many Medicare beneficiaries rely on for important health care management.

This doesn't have to happen. We have the power to make sure it doesn't. While the problem is clear, fortunately so is the solution.

MedPAC is an independent Federal body established by Congress in 1997 to advise us on issues affecting the Medicare Program. In addition to advising Congress on payments to providers, MedPAC is also tasked with analyzing access to care and quality of care. In carrying out their charge, MedPAC has recommended a 2-percent physician payment update to keep them moving forward for next year. The change is one that I have advocated, and in fact 79 of my colleagues have joined me in seeking and directly tracking MedPAC's recommendations. In fact, 80 Senators have said that physicians must be provided with a positive Medicare payment update for 2007 before we adjourn.

Eighty Members have signed a letter to the two leaders of the Senate. Senator REID has indicated his full support in moving forward with this. Eighty Members have said yes, we know the problem, we know the solution. The will should be there. Eighty out of 100 Senators have said this needs to get done. I joined these 79 other Senators in sending a letter in July to our leaders. Senator REID has positively responded. I thank him for that.

We have less than 3 days to get this done. My colleagues working on this need to know we want to get this done, get this done in the right way, and that we will not leave until it is completed. We know if we do not provide some kind of modest update to Medicare physicians payments, our seniors and people with disabilities will lose access to their doctors. That is what this is all about. Shame on us if this happens.

I am very proud of the work that over 20,000 MDs and DOs in Michigan each day provide 1.4 million seniors and people with disabilities in Michigan high quality medical services under the Medicare Program. I want them to be able to continue to do that. There is no way they can if, while their costs are going up, their time with patients goes up because of the complexities of dealing with many older citizens and people with disabilities, yet at the same time their reimbursements for those services are going down.

Beginning January 1, the average cut for a physician in Michigan would be $34,000 per year. How can we ask them to increase their level of care to support and expand what they are doing as more and more people enter the Medicare Program while we are making those cuts every year? It is not sustainable. It does not make any sense that at a time when medical costs are going up, the payments and reimbursements are going down.

I have had many opportunities to hear from physicians in Michigan. Let me mention a couple of them. I will read a letter I received from Dr. Gela Pala, geriatrician and resident of Oakland County, MI. She puts the problems in words that make the situation we face very clear.

> As a resident of Oakland County, Michigan and practicing geriatrician I believe cutting further Medicare physician reimbursement will be a mistake.
>
> Most of my patients are above 70 years old and they come to the office with a list of 10 to 20 medications and 10 or more diagnoses. I routinely spend 1 hour or more with a patient and family to discuss options of care, realistic goals/expectations and coordinate care.
>
> As medicine is becoming more and more complex I anticipate we, patients and doctors, will need to increase the time we spend together.
>
> I doubt an 80 year old cognitively impaired grandmother will need less medical attention in the future. I doubt that she will be able to navigate the complexities of the medical system alone or with help from brochures, computers, etc.
>
> I can see my patient getting lost in the shuffle of "cost effective" medicine.
>
> I can see the doctors ordering more tests because nobody had the time to discuss the prognosis. I can see my patient going from one office to another trying to understand what is wrong, how to fix things and how to differentiate between what is fixable and what is not.
>
> Cutting physician reimbursement will not make our nation stronger, healthier or safer.
>
> I believe that less physician time will mean less health and more healthcare cost.
>
> Please take action to prevent further deterioration of the medical care for the elderly.

I couldn't agree more.

I have heard from so many people regarding this issue. I will read one more statement, from Dr. Thomas Watkins, a DO and family practice physician in Muskegon, MI:

> It will be a travesty for many seniors if doctors stop accepting Medicare due to fund cutting. With our expenses going up 5–10 percent annually and Medicare cutting 5 percent next year it will be very difficult for many of my colleagues and myself to continue to practice medicine for Medicare recipients. Please at least vote to freeze the fee schedule to allow access for all seniors to the physician of their choice, just as you have that privilege.

I simply ask that we act now. We have no more time to wait. People are counting on us.

The PRESIDING OFFICER (Mr. VITTER). The Senator from Tennessee is recognized.

Mr. ALEXANDER. I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING SENATORIAL SERVICE

Mr. ALEXANDER. Mr. President, we are coming to the end of the session and 10 of our colleagues are retiring. I want to say a word about them, especially one of them, my colleague, Senator BILL FRIST, from Tennessee.

BILL FRIST

I can still remember when BILL FRIST came to my office in Nashville in 1994 and said he wanted to run for the Senate. I didn't know what to think. BILL FRIST lived in the neighborhood where I lived in Nashville, but I didn't know him very well. Our ages are a little bit different and he had been away while I was Governor of Tennessee, practicing medicine and honing his skills.

What I did know about him was that he was extraordinary. He was one of the pioneers in our country of heart and lung transplants. He performed the first one in Tennessee, the first one in the Southeast. When he decided to run for the Senate, only a handful of physicians in the world had made as many heart transplants as Dr. BILL FRIST.

He had almost no chance of being elected to the Senate in 1994. However, he was elected. He had almost no chance, after having been elected, to help the Republicans gain the majority in 2002, but he did that. No one expected him to be the majority leader of the Senate, but he has been and he has done it very well.

As we look at the record of the accomplishments over the last 4 years, Senator FRIST can take credit for his leadership in creating an environment where we have had tax cuts that have benefited Americans, where we have confirmed judges who will interpret the law rather than make it up as they go along. His hand was in the Medicare prescription drug benefit which benefits millions of seniors. We would not have had the $15 billion for HIV/AIDS in Africa had it not been for BILL FRIST.

In Tennessee, we have had a sales tax deduction against our Federal income tax and a new governing board for the Tennessee Valley Authority, neither of which would have been accomplished were it not for BILL FRIST. When Lyndon Johnson was majority leader, he often said, having Lyndon Johnson as majority leader is good for the country and hasn't hurt Texas one bit. I would say, having BILL FRIST as majority leader has been good for the country and it hasn't hurt Tennessee one bit.

He has been the perfect colleague. His ego has been completely under control in a body where that is rare and difficult. And one thing is certain: Anyone who knows BILL FRIST won't underestimate him again. History has proven that is a dangerous thing to do. I don't know very many people who have ever been in public life who have as many interesting and important and viable options open to him as he does as he looks forward to the next step in his contributions to public service.

One of the joys of being a Senator is simply the privilege of serving with other Senators. Each one of the Senators has something remarkable and special. For example, Senator FRIST was president of the skydiving club at Princeton when he was there. He spends vacations in Sudan, doing surgery on poor people. He once got up at

4 in the morning and went to the National Zoo to operate on the heart of a gorilla—which I guess is a pretty good way of preparing for coming to the Senate floor and dealing with what he has to deal with here. He is not the only one who is a very special Senator.

CONRAD BURNS

My friend, CONRAD BURNS, who is retiring, was a marine, an auctioneer, had his own radio program and TV program in Montana. He would sometimes pick up hitchhikers on his way in to work in the Senate—a pretty good surprise for a Government employee to be picked up by a U.S. Senator.

MIKE DEWINE

Or MIKE DEWINE, with his eight children and ninth grandchild, whose heart is nearly as big as he is. He lost a child, and he and Fran have gone to Haiti time after time after time to help people there who need help.

GEORGE ALLEN

Or GEORGE ALLEN. I remember vividly the first time I met him, I campaigned for him in Virginia. He was 40 points behind. I went back to Tennessee and I said, I believe he will win, he is such a good candidate. We haven't heard the last of him in public life.

RICK SANTORUM

Or RICK SANTORUM, Karen, and their six children whom they home school, and his Italian heritage—which explains a lot about his enthusiasm and vigor for the things he believes in most strongly.

PAUL SARBANES

Or PAUL SARBANES, who was in the same Rhodes Scholar class with Senator DICK LUGAR.

JIM TALENT

Or JIM TALENT, who was the outstanding political science student at Washington University in St. Louis when he was there. No one would be surprised to learn that.

LINCOLN CHAFEE

Or Senator LINC CHAFEE, also retiring, was a wrestler in college. He spent several years in the United States and Canada as a professional blacksmith before he got into politics.

MARK DAYTON

Or MARK DAYTON, whose interest in the environment in Minnesota has been so exceptional.

JIM JEFFORDS

Or JIM JEFFORDS, a former Navy captain, who has had so much to do with offering legislation for clean air and children with disabilities.

When the most recent class of Senators was sworn into office nearly 2 years ago, in the gallery were three women. One was the grandmother of BARACK OBAMA. She was from Kenya. One was the mother of Senator SALAZAR, a 10th generation American. One was the mother of MEL MARTINEZ, the new Republican National Committee chairman, who, with her husband, put her son on an airplane when he was 14 years old and sent him from Cuba to the United States, not knowing if she would ever see him again.

In a way, each one of us who is here is an accident. None of us knew we would be here. Each of us is privileged to serve, and one of the greatest privileges is to serve with our colleagues. We will miss them and we are grateful for their service.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

REFLECTIONS ON SENATE SERVICE

Mr. ALLEN. Mr. President, as the time for my departure from the Senate draws near, on behalf of the greatest blessings in my life, my wife Susan, and my children, Tyler, Forrest, and Brooke, I wish to thank my colleagues for their many courtesies and friendships forged during these past 6 years, and offer a few concluding reflections on our time here together, and the future of our Republic.

Our foremost senior statesman in Virginia, one who served with particular distinction in this body—Harry Byrd Jr.—has observed that, with the exception of the Presidencies of Abraham Lincoln and Franklin Roosevelt, no time in our Nation's history has been witness to more problems and challenges of great magnitude than these past 6 years.

When I arrived here in January 2001, America was at peace—or so we thought. And then on the bright, blue sky morning of September 11, the skies suddenly darkened with clouds of smoke from the Pentagon, and the horrific collapse of the World Trade Center Towers. And our world changed forever.

When I arrived in this body, accompanying a change of Presidential administrations, our challenges were mostly economic—or so we thought. Our prosperity was already slipping, but most forecasts were for a mild downturn in the economy. That changed on September 11 as well.

A cascade of other great challenges soon followed in rapid succession—issues foreign and domestic, challenges locally and nationally, threats manmade and disasters decreed by nature.

Through all of these unprecedented storms, it was our responsibility to make careful, prayerful decisions for the safety, security and prosperity of the people of our country.

I am particularly grateful to the people of the Commonwealth of Virginia for the opportunity to serve here—to give voice to their values and to fight for their future in this, the world's most distinguished body.

We all understand and respect the will of the people—the owners of the government—in our representative democracy that brings us here and that may, at some point, take us away.

Sometimes winds, political and otherwise, can blow the leaves off branches and break branches off trees. But a deep-rooted tree will stand and grow again in the next season.

And, if Providence accords it the right climate and nourishment, that tree will bear fruit for generations to come, and give life to other trees.

I have been honored, first as Governor and now as Senator, to be a part of important initiatives that have borne fruit for the people of Virginia and America.

As Governor, we worked across party lines to accomplish the honest change that Virginians had desired and deserved. We abolished the deceitful, lenient parole laws, brought truth to sentencing, brought violent criminals to justice, and reformed our juvenile justice laws.

Today, the crime rate is down, and thousands of good people are not victims of crime, have not lost loved ones, have not had their lives shattered, because we stood strong for truth and justice, and our reforms bore fruit.

We also brought high academic standards, accountability and new resources to Virginia's education system. We stopped skyrocketing college tuition rates.

Our education reform initiatives quickly became models for other States, and even for this body in enacting education reform legislation for the nation.

These reforms, too, are bearing fruit today. Virginia students are learning more and performing markedly better on both state and national tests. Our schools are no longer engaging in social promotion.

And with investments in higher education from the coalfields with Appalachian School of Law and School of Pharmacy, to the Institute in Danville, to southwest Virginia and Roanoke HEC's, to the Engineering School of VCU, to new leading-edge research at Virginia Tech, George Mason, Hampton and other universities we are equipping young men and women to succeed in the ever-more-competitive global marketplace.

And we replaced dependency with dignity by reforming Virginia's welfare laws. Now, 11 years later, our welfare rolls are still less than half of what they were when I became Governor. Not only has that saved the taxpayers of Virginia hundreds of millions of dollars—the far more important impact is seen in the eyes of children who watch with admiration and respect as their parents go off to productive, rewarding jobs rather than sit at home, collecting a check.

Nothing was more rewarding for me as Governor than to help ignite Virginia's economic renaissance. We sent a message to the world that Virginia was "open for business"—we lowered taxes, reduced regulations, implemented prompt permitting, and recruited high-technology companies like IBM and Toshiba, Micron and Infineon—now Qimonda—Oracle's east coast campus, and secured billions of dollars in investment in semiconductor fabrication plants for world-class companies.

Before we recruited those companies 10 years ago, there were no computer memory chips manufactured in Virginia. Today, computer memory chips have replaced cigarettes as Virginia's No. 1 manufactured export. We're not just the "Old Dominion" anymore; now we're the "Silicon Dominion!"

When I came to the Senate, my goal was to use this perspective and experience to continue and build on this work. I wanted to bring to our national policies the same emphasis on education and innovation—the same emphasis on economic opportunity—the same emphasis on protecting the safety and security of law-abiding people—the same time-tested values—that had guided my governorship.

I have been able to do that, and I am grateful to many of you for working in partnership with me on so many issues that are vitally important for the lives and safety and prosperity of our citizens.

Our time together has been full of challenge. But despite the broken branches and shattered limbs and lives of 9/11, America has stood strong like a live oak. We have relied on our roots as a freedom-loving nation. Out of these stormy times has grown a new national sense of urgency, resolve and mission. And this new spirit is bearing fruit today, and will for many years to come.

Yes, the people of America have grown impatient with the pace of this progress. It is not easy during prolonged periods of national trial to sustain an attitude of optimism and a sense of purpose. Our foes know this about democracies, and they seek to exploit it. But they will not succeed.

We Americans, of so many faiths and so many backgrounds, share this spirit above all else: We believe in the positive impact that each of us can achieve during our time here on Earth. But our opponents have no such belief. They fear human freedom, and glorify the extinguishing of human life more than the fruitful living of it. They will not succeed in this great struggle because they are only destroyers, and the world belongs to those who create.

The God who gave us life, and who presides over the affairs of all nature and all nations, endowed mankind with a powerful spirit of creation, regeneration, and renewal.

The attackers of 9/11 thought they would kill our spirit, but they only rekindled it. And, despite one of the most unsettled and challenging times in our Nation's history, look at what we have to show for it.

Our economy is displaying unprecedented strength. Unemployment is the lowest it has been in decades. Home values are significantly higher than just a few years ago, and the stock market is at a record high level. The tax burden on our people is at a 20-year low, while Federal tax revenues are at all-time highs, and inflation is under control.

There has not been a single terrorist attack on American soil since 9/11, and numerous major plots have been foiled. The al-Qaida leadership has been decimated, and instead of meeting the enemy here at home, we have taken the fight to them in Afghanistan, Pakistan, and Iraq and in locales that will never be known. Even with the world at war against a lethal enemy of radical terrorist organizations, Americans are safer today than on 9/11.

We must respectfully work with other countries in intercepting finances, creatively collaborating in counterterrorism efforts to thwart and defeat terrorist activity throughout the world.

This war on terror has many fronts. And all of us are deeply concerned about the lack of progress of the war on the Iraqi front. Although our principles and strategic goals have not changed, mistakes have been made and progress has been too slow. We cannot continue to do the same things and expect different results; we must adapt our operations and change our tactics to meet the evolving terrorist threat. And the Iraqi people and their leaders must take control of their destiny.

Let us never forget, however, that our American troops are liberators who have freed a people from a brutal dictator and regime. In so doing, they and their families have made great sacrifices not only for the freedom of Iraqis, but for the security of Americans. They more than anyone understand the consequences of failure in Iraq are far too high. Leaving Iraq as a safe haven for terrorists to launch new attacks will put America in mortal danger. Our troops should come home as soon as possible, but they should come home in victory—not defeat.

This global war on terror is still a work in progress, and much of the work is difficult. But I will leave here in coming days with satisfaction that so many of the crucial steps we took to meet the challenges of the post-9/11 world have worked, and worked well.

The Patriot Act and other new and technologically sophisticated counterterrorism measures designed to protect our homeland are working, and working well.

Our courageous men and women in uniform, an All-Volunteer military that is the most powerful fighting force in the history of the world, is hard at work for us, and working well.

We have also worked well on the domestic front. And I take great personal satisfaction from progress achieved on some major initiatives designed to make this a land of opportunity for all—measures that will help secure a future of expanding opportunity for our children by making America the world capital of innovation.

One area of focus for me has been preserving the Internet as a tax-free individualized opportunity zone. The Internet is the greatest invention since the Gutenberg Press for the dissemination of information and ideas, and one of America's greatest innovations for economic growth and jobs.

So far the Federal Government has taken the right approach when it comes to the Internet—by basically leaving it alone.

The American private sector is the best steward of the Internet. We just need to leave it alone and let it prosper as an engine for economic progress—and with your help, that is what we have done. But the need for action will return next year, and I hope you will extend internet tax freedom so that avaricious State and local tax commissars are blocked from imposing an average 18 percent tax on monthly Internet access bills.

We also made major progress in a realm few Americans understand, but one that will transform their lives—nanotechnology. Teaming up with my hard-working friend across the aisle, Senator WYDEN, we sponsored and you approved legislation launching the National Nanotechnology Initiative. This is the single largest federally funded, multiagency scientific research initiative since the space program in the 1960s, and the revolutionary technology it yields may well rival the space program in its impact on our society and economy.

You have heard me say many times on this floor that they key to innovation is education, and that we need to educate more scientists and engineers because they are the ones who will design and develop the ground-breaking and life-changing inventions, innovations, and intellectual property of the future.

But today America is not tapping its full potential in math, science, research and innovation. Only 15 percent of those graduating from our engineering schools today are women; only about 6 percent are African-Americans, and about 6 percent are Latinos. That is simply not enough, especially when we are competing with countries that have literally six or seven times our population.

That is why I have worked with senators in both parties, Senators ALEXANDER, ENSIGN, BINGAMAN, and others, as well as the independent-minded Senator LIEBERMAN—for the National Innovation and PACE Acts, which will invest in wide-ranging scientific education and research, induce capable students with scholarships, provide incentives for teachers and researchers, and take other steps to keep America on the leading edge of science and technology.

That is why I have been the lead Republican cosponsor of the Partnership Access to Laboratory Science Act with Senator MENENDEZ, which will provide science education and laboratory grants for students in rural and low-income schools.

And that is why I have led the charge for legislation to help remedy the opportunity divide at America's minority-serving institutions—the HBCUs, Hispanic-serving institutions, and tribal colleges. I am grateful for the Senate's support for this initiative and hope it will very soon become a reality.

All these initiatives I respectfully urge you all to pass and stay with them until they become law. For my part, I will continue to advocate for these incentives and this major national commitment to make sure that the U.S. is indeed the world capital of innovation.

Investing in education and innovation is vital for our global competitiveness, and so is achieving energy independence. In fact, not only is energy independence an economic necessity; it's also a national security imperative. Our dependence on Middle Eastern oil limits our foreign policy options for addressing terrorism, tyranny and related geopolitical issues.

We have made some important strides in accelerating the exploration and development of American energy supplies, including American oil, natural gas, clean coal and nuclear power. And we have made notable progress in hastening the research, development and deployment of economically viable alternative and renewable sources of energy. But here we must all agree that there is far more to be done.

The bottom line is we need more energy explored, produced, and grown in America, so that hundreds of billions of energy dollars stay in America and are reinvested in America's economy for American jobs, American competitiveness, and American national security, instead of having to worry about the whims of some dictator in the Middle East, or some other hostile part of the world.

There are so many ways that what we have done here during the last six years has made a positive impact on the opportunities facing citizens all across our country.

In Virginia, whether it is the major port expansion at Craney Island, or funding for the Advanced and Applied Polymer Processing Institute in Danville, or the effort to assure that new development opportunities at Fort Belvoir are matched by adequate transportation facilities whether it is educational research funding, or new resources for roads and mass transit, or grants to make our communities safer, or in hundreds of other ways we have been able to have a major, positive impact on people's lives all across the Commonwealth of Virginia.

We have also broken down barriers to opportunity. My very first speech on the Senate floor was on behalf of Roger Gregory's appointment as a federal judge on the esteemed Fourth Circuit Court of Appeals that sits in Richmond.

Judge Gregory had been nominated at the end of President Clinton's term, but he did not get a vote, and to become a judge he had to be re-nominated by President Bush. So my first speech was to call on my Senate colleagues to rise above partisanship, rise above process, judge Roger Gregory as a person, and give him the fairness of a vote.

You did so, and as a result, Judge Gregory is serving with distinction on the Fourth Circuit Court of Appeals, the first African American to serve on that esteemed appellate court.

For the good of our country, the Judiciary, and this Senate, I urge you—regardless of the party in power here and at the other end of Pennsylvania Avenue—to end the obstructionist practices that deny judicial nominees, or other nominees, the fairness of an up or down vote, and that deny the American people the accountability that the advice-and-consent process should afford.

Miguel Estrada was a victim of this unfair obstructionism, although a majority of Senators supported his confirmation. Let John Bolton be the last victim of these unfair, obstructionist practices.

Our Constitution provides a better way; let's follow it.

Finally, during these times of war, we are all keenly aware of the sacrifice made by the men and women serving in our Armed Forces and their families. Virginia is home to more people serving in uniform than all but a handful of states, and so when a loved one is lost, we feel the pain very directly, very personally. A grateful nation must support the families of those who have fallen in defense of our liberty. That is why I introduced a bill in the first hours of the first days of this 109th Session to increase the military death benefit from the paltry amount of $12,420 to $100,000. I thank you for passing it, and I thank the President for signing it.

At each step of the way, on this measure and so many others, I have never worked alone. Always at my side, as a partner—but even more as a gracious mentor, wise counsel, constant encourager, occasional correcter, and unwavering friend—has been our state's senior Senator, JOHN WARNER.

He has been the epitome of the Virginia gentleman, the model of an honest, hard-working Senator, and most of all, a true and loyal friend. I will leave here enriched immeasurably by this latest and best chapter in our partnership of several decades.

My friends and colleagues, as I prepare to take my leave, I am humbled and so grateful for the tremendous honor and privilege that has been accorded to me by the people of Virginia. I am also full of gratitude for the opportunity to serve with you and for the many courtesies you have extended to Susan and me along the way.

I leave with many new and enduring friendships, with some valuable lessons learned, with unrestrained optimism about the potential of America, about our nation's future, and with pride in our accomplishments together.

My friends, don't let these challenging times along our national journey divert your focus from what truly matters.

The tree of American liberty is as strong as ever. Our roots run deep to a wellspring of values as old as our Republic, indeed much older still.

Four hundred years after our Nation's beginning at Jamestown, we are still in the springtime of our life as a nation. Still planting seeds and bearing fruit. Still growing and creating. Still inspiring and innovating. Still providing light and hope for people around the world seeking to escape the chains of tyranny, and embrace the blessings of liberty.

Indeed, the sun is still rising on a bright American morning!

And if we will keep the faith, no matter the challenges or choices, generations to come will remember and think well of us, for this: We never gave up. We never backed down, and, we always stood strong for freedom.

HONORING SENATORIAL SERVICE

Mr. NELSON of Florida. Mr. President, I see others who wish to speak, and I will make a couple of brief comments.

In the comments of the Senator from Virginia, his final couple of comments recalled for me a statement made in the closing of the Constitutional Convention in Philadelphia, when on the back of the chair of the presiding officer was a sunburst. Someone opined in that Constitutional Convention: Dr. Franklin, is that a rising sun or is it a setting sun? And Franklin ventured to say that with the birth of the new Nation, with the creation of the new Constitution, that he thought it was a rising sun.

Indeed, it is that hope, that optimism of which the Senator from Virginia has just spoken—uplifting words—that are the feelings that generate this Senator from Florida to get up and go to work every day, and to look at this Nation's challenges, not as a Democratic problem or a Republican problem, but as an American problem, that need to be solved in an American way instead of a partisan way.

We have had far too much partisanship over the last several years across this land, and, indeed, in this Chamber itself. And of the Senators who are leaving this Chamber, I think they represent the very best of America, and on occasion have risen in a bipartisan way. It has been this Senator's great privilege to work with these Senators: ALLEN of Virginia, BURNS of Montana, CHAFEE of Rhode Island, DAYTON of Minnesota, DEWINE of Ohio, FRIST of Tennessee, JEFFORDS of Vermont, SANTORUM of Pennsylvania, SARBANES of Maryland, TALENT of Missouri.

As the Good Book in Ecclesiastes says: There is a time to be born and a time to die. There is a time to get up, and a time to go to bed. There is a time for a beginning, and there is a time of ending.

For these Senators who are leaving, it is clearly not an ending. It is an ending of this chapter in their lives, but this Senator from Florida wanted to come and express his appreciation for their public service, to admonish those where admonishment is needed when this Chamber, indeed, this Government, has gotten too partisan, but to express this Senator's appreciation for the quiet moments of friendship and reflection and respect in working together, which is the glue that makes this Government run.

Whether you call it bipartisanship, whether you call it friendship, whether you call it mutual respect, whatever you call it, the way you govern a nation as large and as complicated and as diverse as our Nation is—as the Good Book says: Come, let us reason together—that is what this Senator tries to be about. And that is what this Senator will try to continue to do in the new dawn of a new Congress. So I wanted to come and express my appreciation for those Senators, who will not be here, for the great public service they have rendered.

Mr. President, I am truly grateful for their personal friendship and for their public service.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

FAREWELL TO THE SENATE

Mr. BURNS. Mr. President, I appreciate the words of my friend from Florida as I rise today and say my farewell to this body. I do it with some sadness, but I also do it with some great pride. I also do it with a great appreciation for the Senate and for the people who serve here.

It has always been one of my personal honors and privileges to serve the State of Montana and the country for the last 18 years, and with such distinguished and honorable men and women.

We have seen a lot of changes. I want to answer my good friend from Florida, before he leaves the floor: We have seen some changes come over the body, and I would suggest that we turn off that eye that surrounds this body, turn it off and turn the Senate back into the debating body it was once known for, with collegiality, because the best I have ever seen the Senate operate is in executive session. When you turn off the television and we get to the issues—and we have some marvelous people, dedicated, on both sides of an issue, who can argue the issue—some of us who may not be as disciplined in that particular issue as others could learn and vote more intelligently. I suggest that, but I doubt that will ever happen, being that that is out in the public today. I thank the Senator for his observation. We need to get back to the great debates that were held on the floor of the Senate many years ago.

It was back on January 3, 1989, when I was sworn in the Senate. It was a proud day in my life and, of course, for my wife and our family. I got to thinking during that day that only in America could something like this happen. I was fortunate and, of course, we had both my wife's family, who are Nebraska folks, and my family, who are Missouri folks, in attendance that day. They are just folks, but they are emblematic of those people who were born of the land and in the heart of America—ranchers and farmers.

It was on the prairies of Missouri where I was born and raised on a little old bitty farm of 160 acres—what I call "2 rocks and 1 dirt"—not a very good farm. But I have fond memories of that place. I give thanks every day that I was born to that family and in that old house that still stands on that 160 acres. Of course, in my younger years I gained most of my philosophy in life. I was born of folks who weren't very wealthy, as you would define wealthy. They were a product of the Great Depression and the terrible droughts of the 1930s. They survived by hard work and great pride. The values they passed on to most of us in my generation were the love of this country first, community pride and loyalty to that community, and honesty to the core. Russell and Mary Francis were married 59 years on that day when I was sworn in. And I will tell you, when they witnessed proudly their son sworn into the most prestigious body in the world, only in America can that happen. It is truly the miracle of our country. It was also a proud day for all of our family.

I will say right now that we could not do well in this body without the true support of a wife and family because it is from that source that we draw our strength and, yes, our wisdom, as long as they are by our side. Phyllis, of course, and Keely and Garrett were all here. What blessings God has bestowed upon me personally. One was missing and that was Kate. God called her home back in 1985, but she remains in our memories and hearts forever. Again, one cannot do this job without the support and sacrifice of our family.

We have seen a lot of positive things happen in Montana. Montana has just begun to grow in new directions. Montana is a resource State, with timber, mining, oil, and agriculture. But we have new opportunities now, and they have opened. I am proud to say that it was me and my office that led the way on most of those changes. It is said that it is not bragging if you have done it. I was fortunate enough to attract a staff that shared the same vision of change, and change we did. Montana is not short of visionaries. It was my privilege to know them, work with them, and to move our State forward.

There is one thing about Montanans: They are not afraid to dream. As you know, dreams never die; dreamers do. Our colleges and universities now are national leaders in research and development, agriculture, engineering, and communications. We have telemedicine and distance learning where none existed before. We have seen a real leap forward in our infrastructure and transportation and rural utilities. We have watched an elevated vocational educational system grow. Tribal colleges on our seven reservations are growing and now offer opportunities that have never been available to our Native Americans in the history of our State. More Montanans are working today and owning their own homes than at any other time in the history of our State.

I had the honor of serving with three Presidents, and one could say four, as it was in the closing days of President Reagan's term. They are all honorable men and dedicated to this Nation. I know what it is like to be in the minority, and I know what it is like to be in the majority. One great statement was made: "The majority is more funner."

I have enjoyed my work with some of the best men and women in the Senate who represented both sides of the aisle, from different regions of our country and diverse cultures of our country. I will miss them. But we have welded some friendships that will last forever. The same could be said of nations to which we have traveled and met national and international leaders on all continents.

During my tenure here, we have witnessed the crash of the Berlin Wall, freedom in the market base come to the Eastern block in Europe, and the electricity that was in the House of Representatives when a newly elected President of Poland made his historical speech in a joint session. I will tell you what: It brought joy, tears, and pride to all of us in that Chamber.

Like every Member of Congress, I wept when two of our Capitol policemen died on that summer day protecting this Capitol and us who live and work here. Still, our hearts go out to their families. They will never be forgotten.

I leave with many memories. I ask the Senate to return to the deliberative and collegial body it was designed to be. I know it has that ability because I have seen it firsthand. But the challenges ahead are tremendous for this Government. I can only list about six of them: taxation, regulation, energy, health care, education, and litigation. We must face those challenges if we are to live in this free entrepreneurial and economic country. I suggest that we don't just dwell on the national interests first and all others separate.

Members of this body are just average men and women, but they have the capabilities of rising to any occasion of crisis. They are just average, but they also have a higher degree of dedication to our country. I never underestimated any Member of the Senate, and I regard them as quiet heroes in a time of peace and in a time of turmoil and even in the most stressful time in the process of developing legislation that sets policy for our land.

I shall miss all of you. It has been my great privilege to serve with you. As I leave, I say God bless you all.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

LANCE CORPORAL ROBERT F. ECKFIELD, JR.

Mr. DEWINE. Mr. President, I come to the Senate floor this morning to pay tribute to Marine LCpl Robert F. Eckfield, Jr., from Cleveland, OH. On October 27, 2005, Lance Corporal Eckfield died from injuries sustained in Iraq. He was 23 years of age at the time.

Lance Corporal Eckfield is survived by his father Robert, his mother and stepfather Virginia and Norman Taylor, and younger siblings Nathan, Rachel, and Norman, Jr.

Even from a very young age, Robert knew he wanted to serve in the Marines. He was adventurous, loved being outdoors, and had a strong sense of duty and patriotism. In addition, Robert's family had a long tradition of military service. His grandfather had been a marine and fought in World War II and Korea. His Uncle Bill served in the Marines at Guantanamo Bay, Cuba. And Marine Cpl Derek Wright is Robert's cousin and the two enlisted together after the terrorist attacks on September 11. According to Corporal Wright, Robert wanted to be in the Marines ever since he was 12 years of age.

Robert worked hard for the privilege of wearing the Marines uniform. While working odd, part-time jobs, he enrolled in Cleveland Christian Academy and attended night classes so that he could earn his high school diploma. Immediately after graduating in 2002, Robert joined the Marines. As his mother said:

> Right from the start, he wanted to [fulfill] his duty. He went right into boot camp after graduation.

Virginia was worried about Robert's decision, but she supported him because she knew how important the military was to her son. Their family drove down to Parris Island, SC, to celebrate his graduation from boot camp.

Robert was a truly brave marine. According to his family, he had his mother promise that he would be buried in Arlington if anything ever happened to him in Iraq during his third tour of duty. Robert served willingly and never questioned his duty.

In Iraq, Robert served with the 2nd Battalion, 6th Marine Regiment, 2nd Marine Division, 2nd Marine Expeditionary Force based in North Carolina. Robert was an outstanding marine, someone who always gave it everything he had. He served with passion, honor, and dedication.

Two fellow marines who served with Robert in Iraq wrote the following to their friend on an Internet tribute Web site:

> [Eckfield] was one of the most outstanding marines we had. . . . [We] want everyone to know that Eckfield had something no other junior marine had . . . and that was heart. Eckfield never complained about anything, and he was one of the best we had.

Robert fell in love before he left for Iraq. His girlfriend was Beth Dunkle. She wrote the following words of tribute to Robert:

> Bobby was a great man. We were only together for a short time, but it felt like we knew each other our entire lives. There was a connection the moment we met. Our journey started there, and my love for him will never die. He is a true hero. Words can't express how much I love him and miss him.

Robert and Beth were able to spend some time together before he left on his third deployment. Beth visited him at Camp Lejeune where Robert filled a room with rose petals, champagne, bouquets, and chocolate-covered strawberries. Beth said they talked about everything—from Robert's ambition to be in law enforcement after leaving the service to the future in general and them sharing it together for a lifetime.

In the words of Robert's mother:

> He just fell in love with a wonderful woman named Beth. . . .When he was home in September, they talked about how happy they would be when he could return home for good in April, and they could be together. He sent her roses on Sweetest Day.

When Robert died, although Virginia would have liked to have had her son closer to her in Ohio, she honored his last request to be buried at Arlington National Cemetery. On November 5, 2005, nearly 60 family members and friends traveled there for the service where Marine GySgt Barry L. Baker presented Robert's mother a flag in her son's honor.

Robert was a young man who had a bright future before him. He planned to attend college when he returned from Iraq and aspired to a career with either the Central Intelligence Agency or the State Department.

Robert will be dearly missed by everyone who knew him. Teachers who knew him when he attended John Marshall High School in Cleveland were so proud of his accomplishments as a marine and devastated when they heard of his death.

According to family friend Steve Dever, all activity at Cleveland Hopkins International Airport halted when Robert's body arrived. In Steve's words:

> I'm glad to see he's getting a hero's funeral.

Before he was buried at Arlington, a memorial service was held in Robert's honor at St. Luke Lutheran Church in Cleveland. Robert's cousin, Richard Samkas, said he and Robert grew up like brothers, and that he remembers him as a "fun, outgoing kid [who] always had some things funny to say." After the memorial service, these were Richard's words:

> If there is any way I'd want someone to remember him, it's his honor—the way he honored the military every time he put on that uniform.

The world is a better place because Robert lived among us. He was a young man of courage and compassion, someone who served our Nation with honor and distinction. My wife Fran and I will continue to keep his family in our thoughts and in our prayers.

LANCE CORPORAL JEREMY SHOCK

Mr. President, this morning I come to the Senate floor to honor Marine LCpl Jeremy Shock. This Green Springs, OH, native died on November 19, 2006, when the vehicle he was riding in hit an improvised explosive device near Fallujah, Iraq. He was 22 years of age at the time.

Jeremy had only been in Iraq since mid-September when the incident occurred. He served as a machine gunner while in Iraq and also repaired weapons in the armory.

Friends and family said Jeremy always put others before himself. One of his former roommates Seth Mahon said this of Jeremy's selflessness:

> Jeremy was the greatest guy I ever met. . . . He was the guy who, if he only had $5 and you needed it, he was going to give it to you. He never asked for help. If you were having a bad day, he would make it a good day.

A 2002 graduate of Clyde High School, Jeremy was a lineman on the football team and set an example for his fellow classmates and teammates. During

Jeremy's funeral, his uncles carried his football jersey and a football. The flag hung at half staff at the high school where his brother Zack is a sophomore and his sister Sara is a freshman. Jeremy's High School principal, Joe Webb, said this of Jeremy shortly after his funeral:

> Jeremy was a great kid. He was the type of kid that was a leader through example. He would give you a great effort every time. Whatever you asked him to do, you know he would give his maximum effort and get it done. There's just no better young man who's come through Clyde High School than Jeremy Shock.

That is what his high school principal said.

After graduating from high school, Jeremy enrolled in Tiffin University. His friend Lacey Cherry remembers the first time she met him, a few days after they moved in at school. Jeremy, a large football player, would run around the dorms introducing himself to every person he met. Lacey said, "Ever since then, we had been really, really close."

Jeremy's roommates at Tiffin, Seth Mahon and Jake Tidaback, remember how Jeremy was smart, how he worked hard, and how he always would make them laugh. They recall how important joining the Marines was to him. According to Jake, there was no one who could serve our country better than Jeremy. In his words:

> Jeremy was simply the typical best friend, the kid who would be there whenever you needed him. He was always happy. If you would be having a bad day, he would make it a good day.

Jeremy enlisted in the Marine Corps Reserves prior to his senior year at Tiffin. He decided to join while he was interning for the International Criminal Police Organization in the summer of 2005. He then graduated with a degree in criminal justice in the spring of 2006.

Jeremy always had a positive outlook on life—an attitude he maintained while serving in Iraq. He kept in touch with his former Tiffin roommates Seth and Jake through e-mail. They remember that while Jeremy would say that serving in Iraq had its "ups and downs," he always concluded that things "didn't seem too bad." As Seth said, "Jeremy just wasn't a very negative person."

Last April, Jeremy married Clara, his college sweetheart. The two met while they were both attending Tiffin. They were married while Jeremy was home for a 3-day leave. Bonnie Tiell, former assistant athletic director and tennis coach at Tiffin University, remembers how caring Jeremy was and how he loved Clara completely. Jeremy's family and friends remember how much he was looking forward to returning home so he could spend more time with her.

During Jeremy's funeral, Clara read the last letter she wrote to him, and I would like to read an excerpt from that letter:

> You've made me the happiest woman on Earth. You always give me support when I need it. Even when you're far away, you're here for me. I really don't know yet what I'm going to do without you in my life.

Jeremy will be missed by all who knew him and all who loved him. As his former roommate Seth said:

> He will definitely be missed. He's taking a lot of hearts with him.

Jeremy was a humble man who never wanted to be in the spotlight. He took pride in serving his country, and he was someone full of purpose with a strong sense of duty. The military recognized Jeremy's leadership and his drive. He was honored with a National Defense Service medal and a certificate of commendation.

I would like to conclude my remarks with the words from a prayer that was posted on an Internet tribute Web site in Jeremy's honor, and this is what it said:

> O Lord, into your hands, we humbly entrust our brother. In this life, you embraced him with your tender love; deliver him now from evil and bid him enter into eternal rest.

My wife Fran and I continue to keep Jeremy and his wife Clara, his father and mother, Duane and Sherry, and his brother and sister, Zack and Sara, in our thoughts and in our prayers.

Mr. President, I yield the floor.

Mr. DURBIN. Mr. President, first, I thank my colleague from Ohio. He has taken on a special responsibility for fallen soldiers from his State to come to the floor and pay tribute to each of them. It involves a great deal of work on his part to put together the record of their lives. It also involves a great deal of commitment on his part. He shows again to Members of the Senate that he is a man with great heart, and I know that he speaks not only for himself and his family but for all of us in extending our condolences to the 2,899 American soldiers who have fallen in the war in Iraq. I thank him for doing this on behalf of his State, and I join him in his salute.

IRAQ STUDY GROUP REPORT

Mr. DURBIN. Mr. President, a few moments ago, the Iraq Study Group presented their report. This is an historic document. It is 142 pages long and easily read. Within the confines of this publication is a very important message. I want to salute, first, the members of this Iraq Study Group. These men and one woman have risen to the call of public service in a way that is exemplary for all of us who are involved in public life. Former Secretary of State James Baker, former Congressman Lee Hamilton, Lawrence S. Eagleburger, Vernon E. Jordan, Jr., Edwin Meese, III, former Supreme Court Justice Sandra Day O'Connor, Leon E. Panetta, William J. Perry, former Senator Charles S. Robb, and former Senator Alan K. Simpson have produced a bipartisan report on a war that troubles every single American, and their conclusion in this report is clear. Their conclusion is it is time for the American troops to leave Iraq and begin coming home. Their conclusion is that we are no longer waiting, if we ever were, for the permission of Iraq for this to happen. Instead, we are putting Iraq on notice that it is time for them to stand and make the important decisions for their future that will lead to stability in that nation.

They have shown, with this report, an impatience and frustration which has been shared with the American people. On November 7, Election Day, the American people were very clear. They said overwhelmingly by their votes across America they want a change in our policy in Iraq. It is no longer acceptable to lose so many of our best and bravest soldiers, no longer acceptable to be bringing these brave soldiers home for communities to grieve and to pray over them, as we should, but we must bring this to an end. Twenty thousand or more American soldiers were disabled in this war, some of whom will struggle for a lifetime to rebuild their lives and their futures. It is also time for us to bring an end to the expenditure of money on the war in Iraq; $2 billion to $3 billion a week that we are spending.

At a time when we are cutting back on research at the National Institutes of Health for medical research; at a time when we are unable to fund No Child Left Behind, when we know that our children, our future leaders, need a helping hand and we are unable to provide the resources; at a time when we cannot help working families pay for their health insurance, we are sending billions of dollars over for this war in Iraq, a war that has now lasted longer than World War II.

The report of the Iraq Study Group is a call to action. It is a call for change, and, quite frankly, it is a call on the President, our Commander in Chief, to move forward with new leadership and with a new candor in dealing with the people of Iraq.

They also make a bold suggestion, which I endorse, that we need to open the diplomatic front. We need to bring to the table in the Middle East many countries that we have shunned for a long period of time, countries that, frankly, we disagree with on many basic things. We need to bring to that table Iran, a country which we have very few things in common with but a country we need to bring in and discuss the future stability in the Middle East. We need to bring Syria to the table as well, in the hopes that they will become an agent for positive change in the Middle East and for stability. There are some who will disagree with that, but I am not one of them. I recall, in the darkest days of the Cold War, we would sit down with the Russians, we would sit down with Soviet leaders, we would try to work out differences, try to find ways to bring a peaceful resolution to many contentious problems. That was the American way then, and it should be now in the Middle East.

I salute the Iraq Study Group. They have given us a guidepost. They have given us a roadmap, in terms of our future policy in Iraq, and now, with the American people calling for change, with the Iraq Study Group on a bipartisan basis calling for change, now, the responsibility shifts to the President of the United States. I hope that he will demonstrate his commitment to change by beginning to redeploy American troops out of Iraq starting in January of next year. If we are to meet the goal of this Iraq Study Group of the American combat forces redeployed out of Iraq by March of 2008, then we need to begin that process and begin it as soon as possible. For our soldiers, for their families, for the American people, the President needs to begin this redeployment.

HONORING SENATORIAL SERVICE

JAMES JEFFORDS

Mr. DURBIN. Mr. President, most of us remember the tectonic shift that occurred in the Senate in 2001, in the month of May, when our colleague, JIM JEFFORDS, changed parties. He moved from being a Republican to becoming an Independent Senator and lined up with the Democratic Caucus. Never before had control of the Senate changed on the decision of one Senator.

It wasn't the first time JIM JEFFORDS had followed his conscience and made history. I can recall his alliance with my predecessor, Senator Paul Simon. At a time many years ago, in 1994, when Rwanda was facing a genocide, Paul Simon and JIM JEFFORDS were the two voices in the United States who stood up and called for the Clinton administration to do something to stop this genocide. Unfortunately, it did not occur and hundreds of thousands of people lost their lives. But that call to action by JIM JEFFORDS was just one of the achievements of his public career he can point to with pride.

During that genocide, he was the ranking Republican of the Senate Foreign Relations Subcommittee on Africa. The chairman of that committee, Paul Simon, joined with him in that effort. Five weeks after the slaughter in Rwanda began, Senators Simon and JEFFORDS phoned GEN Romeo Dallaire, head of the U.N. peacekeeping force in Kigali, and asked what he needed. The desperate general said he needed 5,000 American troops to stop the killing. Those two Senators, JEFFORDS and Simon, got on the phone, begging the White House to send the troops. They wrote in their common message:

> Obviously, there are risks involved, but we cannot sit by idly while this tragedy continues to unfold.

Senators JEFFORDS and Simon received no reply, and the killings continued. Hundreds of thousands of innocent men, women, and children were killed or maimed.

Later, Paul Simon would say:

> If every Member of the House and Senate had received 100 letters from people back home saying that we have to do something about Rwanda, when the crisis was first developing, then I think the response would have been different.

So many times I have stood on the floor of the Senate pleading for our Nation to intervene to stop the genocide in Darfur. Each time, I have thought about Paul Simon and JIM JEFFORDS. Had the President listened to them, hundreds of thousands of people in Rwanda could have survived that genocide. It doesn't take a great deal of moral courage to follow your conscience when the world is on your side, but it is when you stand alone, knowing you may lose, and you follow your conscience anyway, that you demonstrate real moral courage.

Time and again in his public career, JIM JEFFORDS, the retiring Senator from Vermont, has shown that courage. He has been an unwavering champion of children and families with special needs, the environment, affordable health care for all Americans, and budget policies that are both compassionate and responsible. He believes in moderation, tolerance, and that the Federal Government be committed to protecting basic individual freedoms.

Three years ago this week, Paul Simon died unexpectedly following heart surgery. At the end of this week, JIM JEFFORDS will be casting his last vote in the Senate. We wish him well in the next chapter of his life. Those of us who have had the privilege of working with JIM JEFFORDS, the new Senators who will join us soon, and those who will follow in years to come would do well to remember the moral courage of Senator JAMES JEFFORDS of Vermont.

PAUL SARBANES

Another retiring colleague is one of my favorites. I have been asked time and again: Who are your favorite Senators on the Democratic side? And I usually came up with two I always look to for wisdom and guidance: PAUL SARBANES and CARL LEVIN. I am glad that CARL LEVIN will continue his Senate career and has announced that he will run for reelection. But PAUL SARBANES is leaving the Senate after many years of fine service.

PAUL SARBANES is the quintessential American success story. His parents were immigrants from the same little town in Greece. They met in America, and what else would Greek immigrants do? They opened a restaurant—in Salisbury, MD. They picked a classic American name for their restaurant. They called it The Mayflower, and PAUL SARBANES started as a young boy working in his family's restaurant and living "above the store," as they used to say.

He graduated from public high school, but a pretty good student and not a bad basketball player, he won a scholarship to Princeton University, studied as a Rhodes Scholar at Oxford, and earned a law degree from Harvard in 1960. He was set to make a fortune as an attorney in private practice but, instead, he listened to President Kennedy's call to public service and took a job as assistant to Walter Heller, who was President Kennedy's Chairman of the Council of Economic Advisers.

PAUL SARBANES won his first election 40 years ago to the Maryland House of Delegates and was elected to the United States Senate 30 years ago. He is the longest serving U.S. Senator in the history of the State of Maryland. It is said that the Senate is the most exclusive club in the world. PAUL SARBANES is a member of one of the most exclusive clubs within it. Of the 1,885 Americans who have had the rare privilege and honor to serve in the Senate, PAUL SARBANES is one of only 27 who have been here long enough to cast 10,000 votes in the Senate.

He is a modest, soft-spoken, hardworking man and one of the brightest people I have ever served with in the House or the Senate.

A Congressional Quarterly profile says of PAUL SARBANES:

> He possesses the intellectual skills to leave his opponents sputtering.

He was a voice of reason in the House Judiciary Committee during the Watergate hearings of 1974 and later in the Senate's Iran-Contra and Whitewater investigations.

It was Senator SARBANES's leadership in the wake of the scandals at Enron and WorldCom that led to the reforms in Sarbanes-Oxley, the most far-reaching reform of accountability standards since the Great Depression.

An interesting thing happened a week ago. On November 30, a group with an impressive and quasi-official-sounding name, the Committee on Capital Market Regulation, released a report arguing that excessive and overzealous regulation was hobbling U.S. capital markets. The report included 32 recommendations, among them to redesign the SEC, the Securities and Exchange Commission, to make it friendlier to business and increase protections against private lawsuits against businesses—in other words, pull some of the teeth out of the Sarbanes-Oxley reforms.

The very next day we learned that the report had been financed by a foundation with ties to what the Washington Post described as "a pair of well-heeled business donors and an executive battling civil charges" in a lawsuit filed in New York by the attorney general.

Some pension watchdogs and consumer advocates they turned out to be.

They were sounding an alarm bell with a real personal interest in mind. So we should take care; before we make any wholesale change in the Sarbanes-Oxley rules, we need to understand that we need to protect the integrity and security of America's financial markets. PAUL SARBANES had the courage to lead that battle. Change can take place, but let's make sure it is reasonable; study the issue and ask the hard questions.

For over 30 years PAUL SARBANES has served Maryland and the Nation. He has earned a reputation for excellence and integrity, winning the Paul Douglas Award for ethics just 2 years ago. He has given America some of the most important legislation, but he has spoken out consistently on the floor of the Senate so many times with the kind of leadership which we ask for in the Senate. I will be sorry to see him retire.

But the Sarbanes name lives on in Congress. On November 7 his son John Peter Styros Sarbanes was elected to represent Maryland's Third Congressional District, replacing Senator-elect BEN CARDIN. In typical Sarbanes fashion, his son won with 65 percent of the vote and will continue the Sarbanes family tradition of serving Maryland and America.

MARK DAYTON

Mr. President, MARK DAYTON served representing the State of Minnesota. Business was his background, not politics. But Senator DAYTON developed a passion for politics at an early age. While his parents supported Richard Nixon in 1960 and 1968, Senator DAYTON found another hero in Bobby Kennedy. As a college student at Yale, he protested the Vietnam war. He began using a share of his family's fortune to support progressives.

In return, he made it on an enemies list. He was investigated by the FBI, targeted by the IRS, and had that dubious distinction of being on Richard Nixon's enemies list, a distinction that he now wears as a badge of honor.

He has devoted his entire adult life to public service, broadly defined. Born into privilege, he fought for those less fortunate from the start, especially for poor children. After college he taught science in New York City and counseled runaway children in Boston. Returning to his Minnesota roots, he served as an aide to Walter Mondale, then as Minnesota's State economic development commissioner, and later State auditor. MARK DAYTON was elected to the Senate 6 years ago on his second try. His first 2 years in the Senate he had that great colleague, Paul Wellstone. For the last 4 years, MARK DAYTON, like many of us, has tried to carry Paul Wellstone's standard, to fight for the people that Paul Wellstone used to call "the little fellers," who don't have expensive lobbyists to watch out for them in the Senate.

MARK DAYTON has been a consistent voice for fairness. He has used his own Senate salary to pay for seniors to travel to Canada to purchase less expensive prescription drugs. He has been a strong advocate for ethanol, renewable energy, strengthening America's energy security, reducing global warming, and boosting the income of family farmers.

Senator DAYTON was one of only 23 Senators who voted against the Iraqi war resolution in 2002. He has used his seat on the Senate Armed Services Committee to ask hard questions of those who planned and are overseeing the war. He has demanded accountability from them while he has continued to show consistent support for the men and women in uniform.

I look forward to seeing how Senator MARK DAYTON will serve America next; and I wish him the very best.

MIKE DEWINE

I also express my best wishes to my colleagues on the other side of the aisle leaving the Senate at the end of this session. I already made mention of Senator MIKE DEWINE of Ohio. So many times over the 10 years that I served in the Senate I walked across the aisle searching for an ally and found MIKE DEWINE. Whether it was a fight to put more efforts into the global AIDS effort to reduce the deaths around the world or an effort to reach out and provide assistance to Haiti, a country which my friend MIKE DEWINE has adopted, time and time again he rose to that challenge. Debt reduction in Africa—so many other issues. His speech today on the floor was just another indication of the kind of compassion that he brought to service in the Senate.

Elections come and go but the record that has been written by my friend Senator MIKE DEWINE will endure.

RICK SANTORUM

Senator RICK SANTORUM and I spent most of our time on the floor of the Senate in hot debate, disagreeing on almost everything. But we found some areas of agreement, and one of them was the global AIDS effort. I am glad that he joined as my partner in that effort. The money that we secured that will be spent around the world will save lives and provide hope.

LINCOLN CHAFEE

Senator LINCOLN CHAFEE, a quiet voice of moderation from the State of Rhode Island, followed in the footsteps of his great father, John Chafee, with whom I was honored to serve. Senator LINCOLN CHAFEE time and again would stand independently and express his views and his conscience. He was the only Republican of the 23 Senators who voted against the Iraqi war resolution.

GEORGE ALLEN

Senator GEORGE ALLEN of Virginia and I have worked on a few measures together, including some help for veterans who returned from the war in Iraq with traumatic brain injury.

CONRAD BURNS

Senator CONRAD BURNS and I have served on the Appropriations Committee and are friends from the Senate gym where we get together every morning and find a few things to laugh about.

WILLIAM FRIST

Senator BILL FRIST is our leader in the U.S. Senate. We have had some battles, of course, as you would. But we have also shown respect to one another, and I respect the job that he has done and wish him the very best. I might say of Senator BILL FRIST that his commitment to public service doesn't end with the Senate. He has taken his amazing skills as a heart surgeon to some of the poorest places on Earth, spending spare time which he could have had with his family or relaxing somewhere, instead in some of the most outlying sections of the world helping the less fortunate. That speaks volumes about the heart of BILL FRIST.

I wish all of my colleagues who are retiring well as they begin the next chapters of their careers.

Mr. SALAZAR. Mr. President, I rise today to bid farewell to several of my friends here in Washington. Too often we get caught up here in the back-and-forth of politics and lose sight of the contributions of those with whom we work every day. It is only at moments such as, at the end of a cycle, that we have a moment to reflect on the contributions of our colleagues. And while we may not always see eye-to-eye, this Senate is losing several admirable contributors who have made many sacrifices to serve our democracy.

Mr. President, we are losing one of the great deans of the Senate in my friend Senator PAUL SARBANES of Maryland. As many have already noted, Senator SARBANES helped bring the greatest disinfectant—sunshine—into the corporate boardrooms of America after the fall of Enron, to help investors cull out the few bad apples from the American economy. In his three decades in the Senate, Senator SARBANES has worked with five Presidents, seen the end of the Cold War, the boom of the information age, and even a balanced budget a few years back. Any regular C–SPAN viewer would agree that he is one of the most incisive and skilled questioners in the Senate, and his work has elicited important testimony, bringing valuable information to the public sphere, strengthening our democracy. Through it all, his focus has always been the people of Maryland, and his wisdom and experience will be missed.

I also want to say farewell to my friend from Vermont, Senator JIM JEFFORDS—a true Yankee independent and a real treasure. When I joined the Veterans' Affairs Committee with Senator JEFFORDS, I learned early on that he was an ally in standing up for America's veterans. I was always impressed with his willingness to listen to all sides of an issue, and when he spoke, I was always listening. I have admired his stewardship of the Environment and Public Works Committee, and I know that the Senate, the people of Vermont, and people across our country will miss his leadership and his experience—more than three decades of service.

Then there is my colleague on the Agriculture Committee, Senator MARK DAYTON of Minnesota. For much of his life, Senator DAYTON has dedicated himself to public service, both in Minnesota and in Washington—as a leader on economic development for his home State and later as State auditor before being elected to the U.S. Senate in 2000. The Twin Cities may be cold this time of year, but we all know that Minnesota DFLers will welcome him home warmly after his service in the Senate.

A number of my colleagues on the other side of the aisle will be departing in January, as well. There is our colleague from Virginia, Senator ALLEN, who wears, in my opinion, the second best pair of boots in the Senate. There is Senator SANTORUM of Pennsylvania, whose passion is admirable and whose energy is always enviable. Also leaving us is my colleague in the centrist Gang of 14 that helped bring this Senate back from the abyss; Senator DEWINE of Ohio, who will head back to the Buckeye State with my respect and admiration; and my friend Senator TALENT from Missouri, with whom I spent many hours in the Agriculture Committee working to level the playing field for America's farmers and ranchers. We will miss Senator CHAFEE of Rhode Island's independence and his clear voice for fiscal discipline in Washington. And we will miss Senator BURNS of Montana, who shares my passion for rural America and who is headed home to Big Sky Country, back to the Rockies that I know we both miss so much.

Finally, I wish to thank the majority leader, Senator FRIST, for his service to this body and this Nation. He is a man of remarkable skill and dedication, and he will now return to serving his constituents in the way he knew first—as a healer. I am sure each of his future patients is already grateful for his skill and wisdom returning to touch their lives directly.

America, when held to its finest ideals, is more than a place on the globe or a work in progress. It is the inspiration to those around the world and here at home to seek out excellence within themselves and their beliefs. It has been a pleasure to work alongside each of these gentlemen, who have helped me as I have found my way, sometimes literally, through the halls of the Senate, in the pursuit of these greater ideals that we all share: security, prosperity and an America that we leave better than when we arrived. These ideals will resonate here long after we all are gone and another generation stands in our place making the decisions of its day.

MARK DAYTON

Mr. OBAMA. Mr. President, I rise today to bid farewell to a decent and principled member of this body, MARK DAYTON. Over the past 6 years, Senator DAYTON has proven his dedication to the highest ideals of this body through his devotion to economic justice, education, and health care concerns.

In October 2002, MARK DAYTON voted against the Iraq war resolution, despite the fact that President Bush was presenting fairly convincing evidence that Saddam Hussein had weapons of mass destruction and most of the Nation was supportive of the decision to go to war. MARK DAYTON held to his convictions, and history will judge him favorably because of it.

As a Senator, MARK has donated his entire Senate salary to help his constituents pay for prescription drugs. His salary goes to the Minnesota Senior Federation for "Rx Express" bus trips to help senior citizens buy cheaper prescription drugs in Canada. In the Senate, he has fought to make such trips less necessary by proposing the Meeting Our Responsibility to Medicare Beneficiaries Act to permit the Government to negotiate prescription drug prices with pharmaceutical companies. He has also introduced the Taste of Our Own Medicine Act to require Members of Congress to share the same prescription drug benefits as Medicare recipients.

MARK DAYTON's 6 years in the Senate are a continuation of his lifelong commitment to public service. He previously worked as a teacher on the Lower East Side of New York, as a counselor for runaways, and as the chief financial officer for a social service agency in Boston. He worked for Senator Walter Mondale and campaigned with him during his Vice Presidential bid with President Jimmy Carter. MARK also served twice as commissioner of the Minnesota Department of Energy and Economic Development.

MARK DAYTON has used the economic experience he gained as commissioner, and as Minnesota State auditor to help American workers during his time in the Senate. He has supported extended unemployment assistance and an increase in the minimum wage while opposing outsourcing of American jobs.

Senator DAYTON has been a strong supporter of increased funding for education. He introduced the Nontraditional Student Success Act and the Restore the Dream Act to help students pay for higher education. He has repeatedly insisted that Congress live up to its promise to America's public schools and children by offering amendments to fully fund the federal government's commitment to special education. MARK has also fought for additional career and technical training.

During his time in this body, MARK DAYTON has nobly stood up for the American people. In a speech on the Senate floor, he noted: "A government of the people, by the people, and for the people is a government that tells the truth to its citizens. If it doesn't, it is not a government of them, not by them, and certainly not for them. It is imperative."

Although MARK DAYTON's voice will no longer be heard on the Senate floor, I know that he will continue to do great work for Minnesotans and for all Americans. I am proud to have served with him and wish him all the best.

LINCOLN CHAFEE

Mr. BYRD. Mr. President, in his Pulitzer Prize winning book, "Profiles in Courage," Senator John F. Kennedy extolled the virtues of political courage. "Surely, in the United States of America, where brother once fought brother," Senator Kennedy wrote, "we do not judge a man's bravery under fire by examining the banner under which he fought."

For 7 years I have watched and admired the courage of Senator LINCOLN CHAFEE, who sits on the other side of the aisle, and who will be leaving us at the end of the 109th Congress.

I have watched and admired his firm stands against his own political party, the Senate leadership, and the Presidential administration as he followed the dictates of his conscience. "A man does what he must," wrote Senator Kennedy, "in spite of personal consequences, in spite of obstacles and dangers and pressures—and that is the basis of all human morality." This was the basis of Senator CHAFEE's tenure in the Senate.

Senator CHAFEE was appointed to the Senate in 1999 upon the death of his father, the beloved and respected Senator JOHN CHAFEE. He immediately proved himself to be, to use an old cliche, a "chip off the old block." Senator LINCOLN CHAFEE proved himself to be a Senator of immense integrity, great dignity, and high principle. And, like his father, he proved himself a Senator of incredible courage.

He was the first Senate Republican to oppose the Bush tax cuts in 2001.

He was a Senator who helped preserve the Senate as the institution that was planned and handed down to us by the Framers of our Constitution, and all the great lawmakers who served in this Chamber before us. Senator CHAFEE was one of the seven Republicans who composed the so-called gang of 14 that was ready to block the majority leader's use of the "nuclear option" that would have destroyed the U.S. Senate as a unique and sacred institution by curtailing the ability of the minority to filibuster.

I, of course, will always remember, admire, and appreciate Senator CHAFEE as the only Senate Republican to vote against the Iraqi war resolution. He was one of the immortal 23 Members of this Chamber who stood against popular opinion, stood up to the President of the United States, and threw himself against the forces of war in voting against the resolution to launch an unprecedented military assault on Iraq. If only there had been more Senators like him, we would not find ourselves in a bloody quagmire in Iraq.

In voting against the war resolution, Senator CHAFEE was determined not to hand over to President Bush, or any President, the power to declare war. That power, according to our Constitution, belongs to the Congress. With his firm belief in our constitutional doctrines of the separation of powers and checks and balances, Senator CHAFEE opposed many of the worst provisions of President Bush's efforts to create an all powerful Department of Homeland Security. He opposed, for example, the administration's plan to reduce the civil service protections and dissolve the collective bargaining rights of federal employees in the newly created agency.

Although he will soon be leaving Congress, there is a bright side. Senator CHAFEE will now have more time to spend with his wife Stephanie and their three children and to ride his horse Trapper. I wish all of them happiness and success in their future endeavors, and many happy hours in the saddle.

MIKE DEWINE

Mr. President, with the conclusion of the 109th Congress, Senator DEWINE will be leaving us.

I do not want to say farewell to him, but to thank him for being a congenial colleague and an outstanding Senator, a Senator who truly appreciated this chamber, its traditions, and the way it is supposed to work.

For 12 years, he was an effective Senator, a Senator who built a long, impressive list of legislative accomplishments on a wide range of issues, largely, I believe, because of his willingness to reach out, and to work with Members on this side of the aisle. In a true bipartisan spirit, he worked with my dear friend, Senator KENNEDY, to increase Federal regulation of tobacco.

He worked with Senator DODD for a bill to provide health screening for newborns.

He worked with Senator Paul Wellstone on legislation that revamped job training programs, and with Senator LAUTENBERG on bills to crack down on drunk drivers.

With Senator CLINTON, he promoted legislation to ensure that drug companies do a better job in studying the effects of their products on children.

For nearly a decade, whether in the majority or the minority, Senator DEWINE cooperated with Senator KOHL in running the Antitrust Subcommittee on a bipartisan basis, and in the process, helped provide Americans with cheaper phone service, more choices on television, and direct flights home for the holidays.

He teamed up with my colleague from West Virginia, Senator ROCKEFELLER, in promoting legislation that changed the government's emphasis in child custody cases from preserving family strucure to protecting the best interests of the child.

Indeed, caring for and protecting America's children was a major focus of his tenure in the Senate, and I applaud him for it. His concern for children, among other concerns, led him to successfully push for legislation to improve school bus safety and tougher child pornography laws.

I, of course, know Senator DEWINE best from his service on the Senate Appropriations Committee. He chaired the District of Columbia Appropriations Subcommittee, which I know from personal experience, is no easy chore. It is one of the most difficult and thankless tasks in the Senate, and he did it very effectively. One of his objectives in this position was to reform the District's child welfare system—and, again, I know from personal experience, just how difficult and thankless reforming the District's welfare system can be. Senator DEWINE worked at it, and had some outstanding successes.

Senator DEWINE and I worked together to enact and defend the Continued Dumping and Subsidy Offset Act, a trade law that returns to injured companies and workers the duties that are collected by Customs on unfairly traded imports. He also supported the enactment of the Emergency Steel Loan Guarantee Program—a program that has kept Wheeling-Pittsburgh Steel in business and over 3,000 people employed for decades. It is well recognized that, if the program had not provided Wheeling-Pitt with its loan guarantee, the company would no longer exist.

I will always remember Senator DEWINE as a Senator who took the risk to help preserve the Senate as it was handed down to us by the Framers of our Constitution, and all the great lawmakers who served in this Chamber before us. Senator DEWINE was of the seven Republicans who helped form the so-called gang of 14 to help block the majority leader's determination to use the "nuclear option" that would have destroyed the U.S. Senate as a unique institution.

I know this effort cost him support from Members of his own party, and from folks back home. It reminds me of the words of Senator John F. Kennedy, who wrote:

> If the American people comprehended the terrible pressures which discourage acts of political courage, which drive a Senator to abandon or subdue his conscience, then they might be less critical of those who take the easier road—and more appreciative of those still able to follow the path of courage.

For 12 years Senator DEWINE took the path of political courage.

Mr. President, shortly after coming to this Chamber, Senator DEWINE remarked, "when you go to the Senate, you don't know how long you'll be there. So you want to use your time wisely." In his two terms in the Senate, Senator DEWINE used his time wisely and effectively. As he leaves the Senate, he should take pride in the knowledge that his presence here may well have saved this sacred institution, and from the bottom of my heart, I thank him for it.

I wish him and his wife Fran health, happiness and never-ending success as they begin the next phase of their lives and careers.

CONRAD BURNS

Mr. President, the great State of Montana is Big Sky Country. It is the land of open space, grizzly bears, gray wolves, and ponderosa pines. It is a land of vast grasslands and the magnificent Glacier and Yellowstone National Parks. It is the land of Senator CONRAD BURNS who will be leaving us at the end of this session of Congress.

His service in this Chamber was the capstone of a fascinating, multifaceted career. A Marine veteran, Senator BURNS had worked for two different major airlines, and had worked as a firefighter, a livestock fieldman, commissioner of Yellowstone County, and an auctioneer.

He had also served as a radio announcer, a farm broadcaster on the Northern Agricultural Farm Network. A member of my staff grew up in Great Falls, MT. She remembers, as a child, waking up very early on cold, Montana mornings, going out to feed the horses, and coming in to hear Senator BURNS giving his "ag" report on television, telling the people of Montana the price of pork bellies, hard red winter wheat, and other commodities.

With his boots, wide belt buckles, and folksy mannerisms, few people would have expected that this Montana cowboy would become one of the Senate's leading experts in high-tech telecommunications.

During his service on the Committee on Commerce, Science, Senator BURNS embraced and fostered new communications technologies. He chaired the first interactive hearing on Capitol Hill and cofounded the Congressional Internet Caucus. As chairman of the Communications Subcommittee, he helped bring the Nation's communications laws into the digital age as he helped broaden the use of the Internet. Indeed, he has been praised as "one of the fathers of the modern Internet."

To the relief of, perhaps, millions of American Internet users, Senator BURNS tangled with mass marketers to help secure enactment of antispam legislation.

With his interests in telecommunications, he enhanced 9-1-1 services throughout the country, and worked with Senator CLINTON in sponsoring legislation to upgrade technology on cell phones.

On the Senate Appropriations Committee, he chaired the Interior Subcommittee, and this is where I came to know and appreciate him. As a Westerner, Senator BURNS brought an important perspective, as well as a wealth of experience and knowledge to the diverse and difficult issues that came up in the Interior Appropriations bill that were important to his state, and to his region of the country.

In 2001 and 2002, when I chaired the committee, it was a pleasure to have Senator BURNS serving as ranking member of the Interior Subcommittee and to work with him and his able staff. His dedication to duty, his willingness to work in bipartisan fashion, and his always gracious manner made my work infinitely easier. It was simply a pleasure to work with and to serve with Senator BURNS on this subcommittee.

I must now say good-bye to my good friend and colleague. I wish Senator BURNS and his dear wife Phyllis happiness and success as they now prepare for the next phase of their lives.

In honor of and appreciation for the Senate's Montana cowboy, who was at one time in his career an auctioneer, I offer the following verse:

THE TOUCH OF THE MASTER'S HAND

'Twas battered and scarred, and the auctioneer
Thought it was scarcely worth his while
To waste much time on the old violin,
But held it up with a smile.
"What am I bidden, good folks," he cried,
"Who will start bidding for me?
A dollar, a dollar"—then, "Two!" "Only two?
Two dollars, and who'll make it three?
Three dollars once; three dollars, twice;
Going for three—" But no.
From the room, far back, a gray-haired man
Came forward and picked up the bow;
Then, wiping the dust from the old violin,
And tightening the loose strings,
He played a melody pure and sweet
As a caroling angel sings.

The music ceased, and the auctioneer
With a voice that was quiet and low,
Said, "What am I bidden for the old violin?"
And he held it up with the bow.
"A thousand dollars, and who'll make it two?
Two thousand! And who'll make it three?
Three thousand, once; three thousand, twice;
And going, and gone!" said he.
The people cheered, but some of them cried
"We do not quite understand
What changed its worth?" Swift came the reply:
"The touch of the master's hand."

And many a man with life out of tune,
And battered and scarred with sin,
Is auctioned cheap to the thoughtless crowd,
Much like the old violin.
A "mess of pottage," a glass of wine;
A game—and he travels on.
He's "going" once, and "going" twice,
He's "going" and almost "gone."
But the Master comes, and the foolish crowd
Never can quite understand
The worth of a soul, and the change that's wrought
By the touch of the Master's hand.
—Myra Brooks Welch

BILL FRIST

Mr. FEINGOLD. Mr. President, today I want to pay tribute to Senator BILL FRIST, who has served Tennessee in the U.S. Senate for the last 12 years, the last few in the esteemed and challenging position of Senate majority leader.

Senator FRIST was my partner on the Senate Foreign Relations Committee's Subcommittee on African Affairs for several years in which we both served as chairman or ranking member. I have appreciated his knowledge and passion for issues affecting Africa and the deep commitment he brings to the global fight against HIV/AIDS. I also have great respect for his commitment to bringing his medical expertise to remote areas in Africa. There is no doubt that he has personally made a significant contribution to helping improve the lives of people around the world living with HIV/AIDS.

I have also had the honor of sharing with Senator FRIST the important work of the Center for Strategic and International Studies, CSIS, Task Force on HIV/AIDS. Together, with many distinguished experts, we have been able to contribute to the fight against the HIV/AIDS pandemic. We set course on a bold agenda to help nearly 40 million people living with HIV/AIDS in the world today. Senator FRIST understands the impact of this disease that continues to ravage individuals, families, communities, and entire economies. While we have much work left ahead, Senator FRIST has been pivotal in the efforts we have made thus far in the fight against this devastating disease.

Here in the Senate, we will miss Senator FRIST's dedication to Africa and his hard work to find a cure for HIV/AIDS. I thank him for his service and wish him all the best in his future endeavors.

JIM JEFFORDS

Mr. President, today I want to pay tribute to Senator JIM JEFFORDS, a man who has honorably served Vermont and this country in the U.S. Senate since 1989. The people of Vermont have been fortunate to be represented by a man who is as principled and dedicated to serving our Nation's best interests as JIM JEFFORDS.

Senator JEFFORDS will long be remembered for his courage and conviction and for his bold decision to leave the Republican Party and become an Independent. Never straying from his principles and his commitment to representing the interests of his constituents, Senator JEFFORDS made this decision despite the consequences for him personally. He knew his decision would enable him to better serve the people of Vermont and this Nation. His conviction was also clear when he voted against authorizing the President to use force in Iraq. He has also been an unyielding voice for upholding civil liberties and seeking to eliminate discrimination in the workplace, and I greatly respect him for his outspoken leadership on these critically important issues.

I am proud to have worked with him on other widely ranging issues over the years. I want to particularly thank him for helping to pass the Bipartisan Campaign Reform Act and eliminate soft money. Senator JEFFORDS also played a crucial role in the effort to pass much-needed Army Corps of Engineers reforms. Debate over these reforms was contentious at times, and his work behind the scenes and on the floor was needed to win support for changing the way the Corps does business. In the next Congress we will work to build on Senator JEFFORDS' hard work and commitment to these important issues.

As chairman and ranking member of the Senate Environment and Public Works Committee, he has been committed to reforming our Nation's energy and environmental policies. He is a champion for our environment, and his leadership and expertise will be greatly missed. It is the responsibility of the next Congress to honor Senator JEFFORDS' legacy in this area by redoubling our efforts to protect the environment.

I was proud to work with Senator JEFFORDS on other critical issues as well. As a knowledgeable leader on education issues, having served as chairman of the Health, Education, Labor, and Pensions Committee, he pushed for reforms to the No Child Left Behind law. I was proud to work with him on efforts to support our military families and to cast votes alongside him to force Congress to be more fiscally responsible.

Here in the Senate, we will miss JIM JEFFORDS' thoughtful leadership, his independence, and his friendship. He was a valued ally on so many issues, and I wish him all the best in his retirement.

LINCOLN CHAFEE

Mr. President, today I wish to thank LINCOLN CHAFEE for his 7 years of service in the Senate and to recognize the many contributions he has made during his time in this body. Senator CHAFEE is a soft-spoken man, but he has not been afraid to take courageous stands, even when that meant standing alone in his own party. From the moment he arrived in the Senate, it was clear that Senator CHAFEE would not only honor his father's outstanding legacy but that he would become a respected leader in his own right.

Working with him on so many issues over the last several years, I have come to know Senator CHAFEE well and to appreciate just how dedicated he is to serving the people of Rhode Island and the people of this great Nation.

I don't know anyone in this body more committed to fiscal responsibility than LINCOLN CHAFEE. He is absolutely as tough as they come on that issue, and he was tireless about holding Congress's feet to the fire. On pay-as-you-go legislation, on the congressional pay raise, and on so many issues, Senator CHAFEE demanded that Congress take fiscal responsibility seriously when it counted and not simply pay lip service to the issue when it is convenient. It has been a pleasure to work with him on this issue, and I am grateful for his efforts.

Senator CHAFEE has been a strong supporter of campaign finance reform and of environmental protection and conservation, and I appreciate his work on those critical issues. Before I close, I also want to recognize Senator CHAFEE's vote against the war in Iraq, which is one of the most courageous votes I have seen cast during my time here in the Senate. That was a hard vote for many Members of this body, but to be the only Member of his party to oppose the war must have been especially difficult. But, as always, Senator CHAFEE did what he thought was right, and we have seen just how right he was to vote against this war, which has been so harmful to our national security.

With every vote he has cast and every position he has taken, Senator CHAFEE has conducted himself with the utmost integrity and earned his colleagues' utmost respect. While he and I certainly haven't agreed on every issue, I always appreciate his thoughtful approach to our work here and his strong commitment to the highest ideals in public service. I know that the work he has done here has made a lasting mark on our Nation for many years to come. I will miss serving with him in the Senate, and I wish him all the best.

MIKE DEWINE

Mr. President, I am pleased to pay tribute to Senator MIKE DEWINE, who has served Ohio, and the Senate, with honor and integrity during his 12-year tenure in this body.

I am pleased to have worked with him on a wide range of issues over the years, including reforming children's health care and Medicaid. We also worked together quite frequently on other issues of importance to this Nation, and he has been a valuable colleague on both the Senate Judiciary Committee and the Senate Select Intelligence Committee. Although we did not see eye-to-eye on every issue, we found common ground on several initiatives including passing stricter antitrust legislation.

Together with Senator DICK DURBIN, we introduced the Clean Diamonds Act, a bill to ensure that the United States is not participating in the conflict diamond trade. This bill would prohibit the importation of diamonds from countries that fail to implement a clearly articulated system of controls on rough diamonds. Senator DEWINE believed in the international community's responsibility to stop the trade in conflict diamonds, and I have been proud to work with him in that effort.

I also want to take a moment to recognize Senator DEWINE's dedication to honoring fallen service members from Ohio. By coming to the floor to pay tribute to those who gave their lives in Iraq and Afghanistan, he has reminded all of us of the tremendous debt we owe these brave men and women in uniform.

I thank him for his leadership and his service to Ohio and our country, and I wish him all the best as he moves on to begin a new chapter in his distinguished career.

PAUL SARBANES

Mr. KENNEDY. Mr. President, for many of us on this side of the aisle, there is a feeling of excitement and possibility for the next Congress. But sadly, that Congress will no longer have the wise counsel, extraordinary talent, and perceptive insights of our friend and colleague of many years, the outstanding senior Senator from Maryland, PAUL SARBANES.

Over the course of his 30 years in the Senate, PAUL has been a consistently eloquent voice of reason, compassion, and great intellectual depth. He has brought nothing but dignity to this historic Chamber, and he eminently deserves his place of honor as the longest-serving Senator in the history of the State of Maryland.

As a member of the Banking Committee, he has been a respected leader in expanding and enhancing the economic vitality of America, especially urban America, through his strong support for housing, transportation, and financial policies that make sense for the Nation and its people. In recent years, he guided into law one of the most significant reforms of corporate governance in more than half a century.

As a member of the Foreign Relations Committee, he has been a highly respected voice on many of the most serious challenges we face on foreign policy. He was an opponent of the war in Iraq from the beginning, and he was a leader in the Iran-contra investigation in the 1980s.

He believes deeply in the importance of public service. Drawing on his wide learning, he often speaks about the great importance that the ancient Greeks placed on public service. I understand he tells young students that in ancient Athens, people who involved themselves only in private life were called "idiotes," which is the original source of the word "idiot" in English.

PAUL has always been a strong defender of the highest ideals of the United States at home and for a peaceful world that respects human rights.

Because of his leadership and the policies he has long championed, America's cities are reclaiming their historical role as the heart of American commerce and culture, and today's shareholders have new confidence in the integrity of the stocks and bonds they invest in and depend so heavily on.

It is a record of accomplishment that has improved the lives of millions of our people and has helped to restore faith in American business, at a time when public confidence in corporate America was badly shaken and storm clouds were gathering over the American economy.

It is also the record of a patient, deliberative, and active Senate workhorse, who has dedicated his career to the mastery of complicated, nuanced, and often seemingly insoluble problems at home and in the wider world. It's the record as well of a public servant who responded to the Nation's call to deal with some of the most difficult challenges of corruption and incompetence in our lifetime.

From the impeachment proceedings against President Nixon, to the Iran-contra investigation and the Whitewater hearings, to the way he shone a bright light on the outrageous and predatory lending practices that exploit lower-income Americans and keep so many hard-working citizens mired in poverty, PAUL SARBANES was a Senator who could always be relied on to take the assignment seriously, prepare brilliantly, and make decisions on the facts, on the rule of law, and his firm belief in the need for justice and fairness in public life.

Needless to say, he was a match for even the best of witnesses. I doubt that any other Senator could go head-to-head with a witness in a hearing as skillfully as PAUL SARBANES could do with Alan Greenspan.

PAUL has also been a profile in courage. He voted for what he thought was right, without regard to the political consequences. And as his long and strong support by the people of Maryland made clear, they respected him all the more because of it.

Few Senators we have been blessed to serve with can match PAUL SARBANES when it comes to decency, intelligence, or mastery of policy. It is a privilege to listen to him and learn from him in Senate debate. He can champion a proposal he favors with great skill and eloquence, and he can also utterly dissect a flawed proposal point by point. It can be a very distressing experience to oppose him on an issue and have him do the same thing to your side of the argument.

I am fortunate to have supported PAUL many more times than I opposed him. But regardless of which side you were on, his motivation in debate was always clear—to achieve the best outcome for the public good, and to do so by opening his opponents' eyes and minds, not by harshly attacking their positions.

Author Elizabeth Drew well captured this quality of PAUL in her assessment of life in Washington during Watergate. She wrote of the young Baltimore Congressman who, with just 3 years in Congress, found himself in the thick of the House impeachment proceedings against President Nixon. He won the attention and respect of the Nation when his colleagues on the House Judiciary Committee chose him to be the manager of the first article of impeachment, for obstruction of justice. As Liz Drew wrote:

> History and process lift people, and they have lifted this group—and given the public a chance to see it. PAUL SARBANES would not have looked at all bad at the Constitutional Convention; he might have been one of the great ones.

I certainly agree. As we say farewell to this outstanding Senator of our time, we will forever be grateful to this Greek immigrant son of Maryland for all he has done to make our country and our world a better place, and for consistently elevating the quality of life in the Senate we all love so deeply.

Fifty years ago, PAUL was a young student at Oxford University in England on a Rhodes Scholarship, founded over a century ago by the wealthy British statesman whose goal was to encourage students in the English-speaking world and other countries to be involved in public service and "join the world's fight."

PAUL SARBANES has helped to lead that fight for half a century, and I am sure that Cecil Rhodes would be very proud of him.

We will miss you, PAUL. We wish you and Christine great happiness in the years to come. You are irreplaceable, but we take some comfort in the knowledge that a new young Sarbanes, blessed with the same intellect and commitment to public service, will be joining us in January as a Member of the House of Representatives.

PAUL SARBANES

Mr. AKAKA. Mr. President, I want to express my appreciation for all of the public service efforts of the senior Senator from Maryland, PAUL SARBANES. My friend has served in the Senate since 1977, which makes him the longest serving United States Senator from Maryland.

It has been a pleasure working with Senator SARBANES over the years on a number of issues. In 2001, I was fortunate to be added to the Banking, Housing, and Urban Affairs Committee. At that time, the Senator from Maryland was serving as the chairman of the committee and it was a memorable session to be a part of the committee. In the wake of the accounting failures of Enron and other public companies, Chairman SARBANES conducted a very thorough series of hearings which led to the legislation which is now known as Sarbanes-Oxley. This is landmark legislation that has increased corporate responsibility and resulted in more effective oversight of public companies. Without the vision, courage, and ability of my friend from Maryland, that legislation would not have been possible. Despite numerous obstacles, he brought about comprehensive accounting reform.

In addition, I have enjoyed working closely with the Senator from Maryland in trying to improve the financial literacy of our country. Rising health care costs and insurance premiums and the lack of affordable housing have contributed to making the lives of working families more difficult as they strain to meet their day-to-day needs. The ability of families to meet their increasing financial obligations is hampered by their significant debt burdens, particularly credit card debt, and by predatory lending practices such as refund anticipation loans. A lack of financial literacy makes it harder for families to deal with the difficult decisions they are confronted with daily. Senator SARBANES organized the first set of hearings on the issue of financial literacy and led the creation of the Financial Literacy and Education Commission, the purpose of which is to promote financial literacy and education among all American consumers.

Senator SARBANES has been a champion for Federal employees. Throughout his Senate career, he has fought to ensure that Federal employees and members of the military receive equal pay increases. He understands that the Federal civilian workforce plays a significant role in the support of our Armed Services, and I am honored to join him annually in offering a resolution calling for pay parity between the military and Federal workers.

He has been a leading advocate for consumer protection, increasing access to affordable housing, and improving public transportation in our country. I will miss having my good friend from Maryland in the Senate. He has served Maryland and the country very well. Millie and I wish him and his family the very best.

PAUL SARBANES

Mr. OBAMA. Mr. President, I rise today to bid a fond farewell to my dear colleague and role model, Senator PAUL SARBANES, Maryland's longest serving Senator.

Senator SARBANES represents the greatest traditions of this body and of our country. He is the type of Senator we all imagined in high school civics class—intelligent, diligent, effective, and thoroughly decent. During the course of 30 years in the U.S. Senate and another 10 years in the U.S. House of Representatives and the Maryland House of Delegates, Senator SARBANES defined what it means to be a trusted public servant in America.

PAUL SARBANES grew up on the Eastern Shore of Maryland, the son of Greek immigrants who instilled the values of opportunity and fairness in their child. Motivated and hard working, PAUL attended Princeton University, studied in Oxford as a Rhodes Scholar, and earned a law degree from Harvard.

PAUL first came to the Nation's attention during the Watergate hearings, where as a freshman member of the House Judiciary Committee he introduced the first article of impeachment, which related to obstruction of justice by President Nixon. PAUL's own ethics and integrity are beyond reproach, and he has brought dignity and credibility to every task.

In the Senate, PAUL's legacy reflects his ideals of opportunity and fairness. He has continually fought for legislation to aid veterans, seniors, workers, and indeed, all Americans. He is a tireless champion for his constituents, his country, and the highest ethical standards. As a Princeton alumnus, he has lived Woodrow Wilson's ideal of "Princeton in the Nation's Service." Each and every day, PAUL demonstrates that politics can be an honorable profession. It should be an honorable profession, and I can think of no better model for that ideal than PAUL SARBANES.

In Senator SARBANES' tenure as both chairman and ranking member of the Committee on Banking, he led the fight on behalf of working-class Americans to ensure affordable housing. He was instrumental in developing and enacting the National Affordable Housing Act of 1990, legislation that helps States, local governments, and nonprofit organizations work together to build, buy, and rehabilitate housing that hard-working people can afford. PAUL has also worked to protect Americans from unscrupulous lending practices and discrimination. His hearings and legislation on predatory lending brought this problem to the attention of the Nation, and his work to reduce the cost of private mortgage insurance helped make home ownership a reality for millions of Americans.

After Enron collapsed under the weight of widespread abuse and accounting fraud, thousands of workers woke up to see their jobs and life savings gone, investors lost billions, and the public cried out against corporate malfeasance. The credibility of American business and our financial system was on the line. It was Senator SARBANES who brought his intelligence and concern to bear to restore investor confidence and implement safeguards against Wall Street abuses. He held comprehensive hearings, nurtured a bipartisan coalition, crafted thoughtful legislation and shepherded it through Congress with Representative MIKE OXLEY in the House.

The Sarbanes-Oxley law was the most comprehensive overhaul of corporate oversight laws since the Great Depression. It created a standard of transparency and accountability to assure investors and protect workers. It is a towering achievement that will strengthen the American economy for many years to come.

It has been an honor and a privilege to serve with Senator SARBANES on the Foreign Relations Committee. I have marveled at his keen intellect and commitment to his responsibilities. During committee hearings and committee markups, Senator SARBANES is always well-prepared, asks direct, insightful, and important questions, and makes sure that no stone goes unturned.

He has played a key role in virtually all of the significant foreign policy debates that have occurred during his 30 years of service on the committee. As a freshman, he was involved in the successful ratification of the Panama Canal Treaties. He worked to enact tough antiapartheid laws in the 1980s. And he has developed a long and impressive record on international economics, foreign assistance, and human rights issues.

The American people have been well served by PAUL's leadership, and this institution would be well served if each of us was a little more like him. On behalf of all of us, and for my constituents, I want to thank him for his service and his example.

Let's wish Senator SARBANES and his wife Christine well in this next phase of their lives. But let's also hope that we will continue to hear PAUL's voice on important policy issues. He may be retiring from this body, but I suspect his commitment to strengthening this country and improving the lives of all Americans will continue. For that, as much as for all that PAUL has accomplished through his distinguished career in the Senate, we should be grateful. I know that I am.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GRAHAM). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF ROBERT M. GATES, TO BE SECRETARY OF DEFENSE

The PRESIDING OFFICER. Under the previous order, the hour of 11:30 having arrived, the Senate will proceed to the executive session to consider the nomination of Robert M. Gates, of Texas, to be Secretary of Defense.

The legislative clerk read the nomination of Robert M. Gates, of Texas, to be Secretary of Defense.

Mr. WARNER. Mr. President, I am going to initiate our discussion this morning on this important nomination. My distinguished ranking member, Senator LEVIN, will soon join me.

I urge all Senators to seek an opportunity, if they so desire, to address this very important nomination not just to the executive branch but, indeed, the Nation and, indeed, the world. All eyes are on this nominating process and this extraordinary candidate who stepped forward to offer his services and the wisdom of our President in finding, selecting, and convincing this outstanding American to, once again, serve the Nation—and, indeed, I think the whole world—in this important post.

I want to acknowledge the fact that yesterday, with the strong support of the distinguished ranking member, Senator LEVIN, the Armed Services Committee, in I believe a very commendable way and a very thorough way, held extensive hearings on Dr. Gates, with probably close to 60 hours in public and another close to 2 hours or less maybe in executive session. We thoroughly examined and cross-examined this nominee. He exhibited those extraordinary qualities that he has had throughout his public life—candor, patience, clear and concise answers, no equivocation, no effort to dodge any response which he felt would contribute to the RECORD. I commend this distinguished nominee.

Then I have to say, with a great sense of pride, on behalf of the committee—not myself or Senator LEVIN but on behalf of the committee—the vote was unanimous, even though, in the course of that deliberation there were varying opinions of the members of our committee which I respect—those varying opinions on what has happened and what is happening today in Iraq and in Afghanistan and other troubled parts of the world and what our course of action should be for the future.

The committee came together and, I am proud to say, unanimously adopted the recommendations of the chair to have this nomination go forward to the Senate.

It is interesting. One of the strongest proponents in the course of that deliberation was our distinguished and revered colleague, Senator BYRD. He has been a member of the committee for many years. I asked Senator BYRD if he would like to place before the committee the nomination of Robert Gates. He did so. I seconded it and then followed all members of the committee voting "aye."

Senator LEVIN and his staff and all members of the committee—and, indeed, my staff—were very helpful in the preparation of the very important steps that must be taken for this nomination. We didn't cut any corners. We didn't rush. We did what I say was a very competent job, consistent with the finest traditions of the advice-and-consent role which is especially entrusted to the Senate.

In the brief period since the President announced his intent to nominate Dr. Gates on November 8, and recognizing the importance of this nomination to our national security, we have worked together to compile a thorough record on which the committee and the full Senate can rely with confidence.

Doctor Gates has a long and distinguished record of accomplishments and service to his community and to the Nation. He completed his undergraduate studies at the College of William & Mary in the Commonwealth of Virginia, receiving the prestigious Algernon Sydney Sullivan Award, which is awarded to graduating seniors who have distinguished themselves in service to others and to the community.

He then went on to receive a master's degree in history from Indiana University in 1966, and later, a Ph.D. in Russian and Soviet history from Georgetown University in 1974. I would like to note that in recent years Dr. Gates, among various distinguished academic posts, served as a trustee of the endowment fund for the College of William and Mary, which in 1998 conferred upon him the honorary degree of Doctor of Humane Letters.

Doctor Gates joined the CIA in 1966, but he served on active duty in the Air Force from 1967 through 1969 assigned to the Strategic Air Command. He rejoined the CIA upon his release from active duty and spent over 26 years as an intelligence professional, including a period of nearly 9 years assigned to the National Security Council.

Doctor Gates served as Deputy Director of Central Intelligence from 1986 until 1989, and, subsequently, as Assistant to the President and Deputy National Security Adviser from January 20, 1989 until November 6, 1991, for President George H. W. Bush. Dr. Gates was nominated by President George H. W. Bush, to be the 15th Director of the CIA in June 1991. Dr. Gates is the only person who has ever risen from the ranks to become the Director of Central Intelligence.

Doctor Gates has been awarded the National Security Medal, the Presidential Citizens Medal, the National Intelligence Distinguished Service Medal on two occasions, and three times received the CIA's highest award, the Distinguished Intelligence Medal.

In September and October 1991, the Senate Select Committee on Intelligence under the leadership of Senator David Boren conducted hearings on Dr. Gates's nomination to be the Director of Central Intelligence. The Committee on Intelligence took the testimony of some 21 witnesses, compiled a record of over 2,500 pages of testimony, and favorably reported Dr. Gates nomination to the full Senate.

During the Senate floor debate on Dr. Gates' nomination, on November 4, 1991, I complimented Senator Boren on the thoroughness of his committee's work.

I stated, at that time, I had the privilege—and Dr. Gates was very thoughtful yesterday to indicate that—to introduce him to the Intelligence Committee for that hearing. In the context of that introduction and then on the floor of the Senate, this paragraph summarizes my own personal views of this extraordinary nominee.

I said:

> Bob Gates is a very thoughtful man, an honest man, an experienced official, a good analyst, a non-nonsense manager, and a man with a vision of the future direction of the role of U.S. intelligence.

I reiterate those comments in the context of this nomination again today.

> On November 5, 1991, Dr. Gates was confirmed by the Senate and served with distinction throughout the remainder of former President Bush's term.
>
> Yesterday, at our hearing on this nomination, Senator Boren and our former leader, Senator Robert Dole, testified in support of Dr. Gates's nomination and urged a new spirit of bipartisanship as we wrestle with the problems of national security we, as a Nation, face today.

I ask unanimous consent that Senator Boren's statement and such statement as we hopefully will get from Senator DOLE be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1).

Mr. WARNER. Mr. President, I will quote Senator Boren's remarks of yesterday. Senator Boren stated:

> During the 6 years that I chaired the Senate Intelligence Committee, I watched Dr. Gates effectively work to build a consensus on sensitive issues.

Democrats and Republicans had equal seats at the table. During these 6 years, in no small part because of his bipartisanship spirit and his respect for the oversight and policymaking role of Congress, our committee had only a tiny handful of rollcall votes and none of them was close. We simply worked with each other and with the executive branch, often represented by Dr. Gates, until a consensus was reached.

I believe I am the only current Member of the Senate who was a member of that committee at that time. All have retired from this institution. I remember those days quite well. It was a warming experience to see yesterday. I know full well he won the hearts and minds of all. He is noted for his ability to cross the aisle and work out consensus opinions, reach decisions which are always, in his judgment and the judgment of others, in the best interests of our country. This demonstrates Dr. Gates' qualification for the position of Secretary of Defense. It gives us a clear indication of how he will lead.

I ask unanimous consent to have printed a letter in support of the nomination received from a former chairman of the Committee on Armed Services, with whom I was ranking member for many years, the Honorable Sam Nunn of Georgia.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> NUCLEAR THREAT INITIATIVE,
> *Washington, DC, December 4, 2006.*
>
> Hon. JOHN WARNER,
> *Chairman,*
> Hon. CARL LEVIN,
> *Ranking Member, Senate Armed Services Committee, U.S. Senate, Washington, DC.*
>
> DEAR JOHN AND CARL: I wish that I could attend Tuesday's hearing to help my friend David Boren introduce Robert Gates, whom I believe is immensely qualified to serve as Secretary of Defense.
>
> Unfortunately, my travel schedule prevents me from being with you in person, but I have asked David to submit the attached statement into the Record on my behalf.
>
> Best wishes,
> SAM NUNN.
>
> Enclosure.
>
> ---
>
> STATEMENT OF FORMER SENATOR SAM NUNN ON THE NOMINATION OF ROBERT M. GATES, UNITED STATES SENATE ARMED SERVICES COMMITTEE, DECEMBER 5, 2006
>
> Chairman Warner, Senator Levin, and Members of the Committee, although I am able to join you today, I appreciate the opportunity to share with you my thoughts on the nomination of Robert Gates to be our next Secretary of Defense.
>
> As you know, during my 24 years in the United States Senate, I spent a great deal of time focusing on issues pertaining to the national defense. I had the great pleasure and honor of serving with many of you, including my good friends John Warner and Carl Levin, as we focused on remaining steadfast and prevailing during the Cold War and on helping the Department of Defense meet the challenges involved in transitioning from the Cold War to a new, and vastly different, world. I had the opportunity to work closely with a number of Defense Secretaries and Directors of the CIA.
>
> Even in the best of times, defending our nation while managing a bureaucracy as big as the Pentagon, and at the same time bearing primary responsibility for the lives and welfare of our men and women in uniform, is a monumental task. These are clearly not the best of times. There is no question that our nation faces serious challenges on a number of fronts. Among those challenges is the task of rebuilding our forces, who have met and continue to meet extraordinary demands in Iraq and Afghanistan. The situations in those countries, as well as other global demands on our military, including the new generation of global threats, compound, by several orders of magnitude, the difficulties that will face our next Secretary of Defense. In particular, the Secretary of Defense has a critical role to play in addressing the global threats from nuclear, biological and chemical weapons.
>
> The next Secretary of Defense has been dealt a tough hand of cards. We must have a Secretary who is open to change, who values and gains a realistic and objective assessment of the facts, and who has the experience, judgment, and wisdom to lead the Pentagon during the perilous and challenging times ahead.
>
> I have known Bob Gates for at least 20 years, and I believe that we are fortunate that he is willing to serve as our next Secretary of Defense. Bob Gates is, in my view, an excellent choice to lead the Department of Defense in these challenging times. He has a well-deserved reputation on both sides of the aisle for competency, integrity and objectivity. He is well qualified, having been directly engaged on national security issues for most of his long career.
>
> His years in government have given him an appreciation of the complexity of the issues that he will face as Secretary. He also understands how government works best, and knows that, to succeed as Secretary of Defense, he will need to work cooperatively with others who impact the national security agenda, including our military leaders, both Democrats and Republicans in Congress, and particularly this Armed Services Committee, the National Security Council, the State Department, the Director of National Intelligence and the intelligence community, and also the non-governmental community.
>
> I believe that Bob Gates understands that our national security and military policy cannot remain frozen in time as the world changes around us. He understands that, as the facts change, our policies must be flexible enough to acknowledge those facts and to adapt to those changes. I believe that, if confirmed as Secretary of Defense, Bob Gates will be willing to make the kinds of changes and new approaches that many of us are convinced are needed in the days ahead.
>
> Finally, and perhaps most important at this time in our history, Bob Gates understands that the secret to successful leadership lies in the willingness to accept counsel and advice from many people, both inside and outside of government. When facts and circumstances change or when mistakes are made, we must have a Secretary of Defense who listens, who understands, who corrects errors rapidly, and who adapts to reality. I am confident that Bob Gates will listen, will understand, will adapt, and will make sound recommendations and decisions for our nation's security.
>
> For all these reasons, I am convinced that Bob Gates is an excellent choice to serve as our next Secretary of Defense. Thank you.

Mr. WARNER. Since leaving the CIA in 1993, Dr. Gates served in a variety of academic capacities and as the interim dean of the George Bush School of Government and Public Service at Texas A&M University from 1999 to 2001. On August 1, 2002, he became the 22nd president of Texas A&M, the Nation's seventh largest university.

He referred to his work with that university with a great deal of compassion and sentiment yesterday. He said in a very respectful way that it is going to be difficult to leave that university, but he felt the call of the Nation, the call of the President, had to take priority.

At the hearing yesterday, Dr. Gates was questioned about his past service, about his reasons for returning to Government, and about his views on Iraq, Iran, North Korea, and the tremendous challenges that face the United States today. He acquitted himself remarkably well.

Senator LEVIN and I have been here together for 28 years. My good friend, who will soon follow me, would agree it was one of the more extraordinary nomination hearings we have had in the many years we have served on the Committee on Armed Services, and he was given to unanimous support of each and every member attending that hearing yesterday. I think we had 100-percent attendance except a member attending a funeral.

I commend the President on his decision to nominate Dr. Gates. I am confident he will, indeed, be absolutely fearless in providing expert advice, professional advice, his own innermost personal feelings about the complex issues that face our Nation and, indeed, the world.

For his fellow Cabinet members and to the Congress, he will be an extraordinary new addition, subject to the confirmation of this Senate, to our illustrious role of public servants.

I have served under three Secretaries of Defense when I was privileged to be Secretary of the Navy. Together with CARL LEVIN, we have worked with nine other Secretaries of Defense since that period of time we have been in the Senate.

I conclude on another note which I think is very meaningful. Senator LEVIN and I met with the Iraq Survey Group this morning. I mention that because this volume represents their report. Five very able Republicans, five very able Democrats, drawn from the private sector, now all in the private sector, most all of whom have distinguished public service careers of varying types—it is all a matter of public record—worked on this report as a contribution to the security of this country.

I had a small role with FRANK WOLF and others in helping get the Iraq Survey Group constituted and launched. They did a very fine job for America, indeed, the free world, in reaching a consensus, in reaching a unanimous opinion on a series of issues.

The debate on Iraq, the debate on Afghanistan, the debate on our security matters should always reign in this Chamber with voices which have different views. How well we know the difficulty, particularly in this most controversial war, the difficulty of reaching a consensus.

I am proud to say our committee—which has among its members a strong diversity of viewpoints about the conflicts for which our men and women of the Armed Forces are courageously carrying the torch for freedom—reached a consensus, unanimously supporting Bob Gates.

I mention those two important chapters—temporary chapters—in the history of this institution because I fervently believe we must try and work in the Congress with the President to reach a consensus on the way ahead in Iraq. All have to give up a little bit of some of our fixed views which we have tenaciously held for these years of this conflict, a conflict now that has gone on longer than World War II. In the spirit of trying to reach that consensus, we owe that obligation to the men and women in the Armed Forces who have given so much, who have lost life and limb, who today are on the front lines—whether in Iraq or Afghanistan.

That is why, throughout this nomination process, I have stressed the need to try to reach a consensus. The nominee himself likewise mentioned he hopes to work with a mandate from the Congress and the President which is derived in a bipartisan way, a consensus opinion.

As I look upon the current situation, we have now the Iraq Study Group Report. The President, very wisely, some 2 months ago, directed every person in his administration who has some responsibility in their portfolios with regard to national security, and most specifically the implementation of our Armed Forces overseas and our foreign policy, to sit down and search their minds to come up with ideas and concepts as to how this Nation must move forward in the weeks and the months to come in Iraq—move forward in such a way that we can achieve a stable government, a government in Iraq that can provide the security for its Nation, a quality of life for its people, and a nation that, hopefully, will join other nations in the free world as a strong working ally in the war against terrorism.

This is the first chapter. The next chapter will be the report, presumably within the executive branch.

The chairman of the Joint Chiefs—I spoke with him by phone this morning—is working among his peer group and particularly those combatant officers and men who have served in Iraq, served in Afghanistan, to draw together their views. His work will not necessarily be completed in a finite report. To the contrary, his work must go on every day, every week, to make assessments from the battlefields, make assessments internally from the men and women in uniform, and perhaps some of the counterparts and the civilians who worked so closely with our men and women in the Department of Defense throughout the world.

He will be making a contribution to the President as our President works through deliberations that, no doubt, were comparable to decisions Lincoln had to make in that critical period he served as President.

I remember being with our President in his office quietly one day. I believe it was Memorial Day a year ago. When he pointed to Lincoln, he said he often reflects on the pressures that were upon that great President and how he guided this Nation such that we are the United States, all 50 States of America today are one solid, surviving, strong Republic. Also, as Ben Franklin said when he emerged from the Constitutional Convention and was asked, what did they do at the Constitutional Convention of 1789? He wiped his brow and said, we have given you a republic, if you can keep it.

Part of keeping that Republic is keeping faith in the men and women of our Armed Forces as we ask them to take on these burdens. Therefore, it is my hope that after our distinguished President studies carefully the contributions of the Iraq group, of his own internal assessment, indeed, the chairman of the Joint Chiefs of Staff, that he will come to his own conclusions. But before he makes them public, I hope he consults in a bipartisan way with the leadership of this institution in a private forum and then thereafter at the time of his own selection in an announcement to the public.

In that way I hope we can have a consensus, we can show our bipartisanship in strength. We keep our commitment to the men and women of the Armed Forces that this Government, this executive branch, can work as a team on their behalf as we ask them to take the enormous risks of carrying the torch of freedom wherever they are in the world.

EXHIBIT 1

STATEMENT OF DAVID L. BOREN, PRESIDENT, THE UNIVERSITY OF OKLAHOMA, FORMER U.S. SENATOR (OKLAHOMA), BEFORE THE U.S. SENATE ARMED SERVICES COMMITTEE, DECEMBER 5, 2006

Mr. Chairman and Members of the Committee, thank you for allowing me the privilege of joining with my colleague Senator Bob Dole to formally present Dr. Robert M. Gates, the President's nominee for Secretary of Defense. I sincerely believe that at this critical moment, Dr. Gates is the best possible choice for this position.

In my entire adult lifetime, our country has never been faced with more dangerous challenges. With only 6% of the world's population, we face economic growth in other nations and regions which are likely to bring them into economic parity with the United States in a relatively short time and military parity as well if they decide to use their resources for that purpose. We are militarily spread thin in areas of the world where serious threats exist, and there are no easy options for extracting ourselves from our military involvement in Iraq.

At the end of World War II and the beginning of the Cold War, we also faced threats that could have overwhelmed us. How we responded then provides us with an excellent guide for the present.

First, we brought together people of exceptional talent, like Bob Gates, to serve us without regard to political party affiliation.

Second, leaders like President Truman, a Democrat, and Senator Vandenburg, a Republican, adopted a truly bipartisan blueprint that provided us with a consistent policy for over 40 years without regard to which party controlled the White House or the Congress.

Third, we did not bear all the burdens of leadership by ourselves. We formed strong alliances and partnerships based upon mutual respect. We struck the right balance between diplomacy, dialogue, and military strength. We made sure that we were always strong enough to act alone if we had to do so, but we were wise enough to avoid that situation.

We must do exactly the same thing now. Partisan polarization, if allowed to continue, will destroy our economic, military, social and moral influence in the world and ultimately the fabric of our country.

During his 26 years of service at the Central Intelligence Agency and at the National Security Council, Bob Gates demonstrated his sincere commitment to bipartisanship. He served as Deputy Director and Director of the C.I.A. under Republican presidents with Democratic majorities in both houses of Congress.

During the six years that I chaired the Senate Intelligence Committee, I watched him effectively work to build a consensus on sensitive issues. Democrats and Republicans had equal seats at the table. During these six years, in no small part because of his bipartisan spirit and his respect for the oversight and policy making role of Congress, our committee had only a tiny handful of roll call votes and none of them was close. We simply worked with each other and with the Executive Branch often represented by Dr. Gates until a consensus was reached.

I came to respect Bob Gates as a realist who faced up to the facts and adjusted to changing situations. He rejected inflexible ideological positions and worked hard to fashion practical solutions. We badly need those qualities right now.

More recently, as a fellow university president, I have watched with admiration his leadership n bringing faculty members, students and alumni together to increase the strength and diversity of Texas A&M where he serves as president.

Bob Gates knows how to lead large and complex organizations. He will hit the ground running as Secretary of Defense at a moment when we have no time to waste.

I am here today not only because I believe that Bob Gates has exceptional ability, but also because I have confidence in his personal integrity and his sincere desire to serve our country.

It was my responsibility to chair the hearings which resulted in his confirmation to serve as Director of the Central Intelligence Agency. His nomination came to our committee on June 24, 1991. Our scrutiny of this nominee was not completed until October 18th of that year. All questions which were raised, even those of doubtful credibility were vigorously pursued.

Part of the final committee report read as follows: "By any standard, the consideration of this nomination was the most thorough and comprehensive of any nomination ever received by the committee. Thousands of documents were reviewed. Hundreds of witnesses were interviewed. The nominee testified for four long days in open and closed sessions responding to almost 900 questions and written responses were submitted to almost 100 additional questions."

In short, these thorough proceedings confirmed the commitment of Bob Gates to faithful and honorable public service.

Today we have an opportunity to embark upon a new bipartisan path to protect our national security. The Senate can do its part by quickly and overwhelmingly confirming this talented nominee as Secretary of Defense. But confirmation alone is not sufficient. The President must also do his part by making sure that he gives great weight to the bipartisan spirit and realistic advice which I believe that he will receive from Dr. Robert Gates.

There are those who say it is an impractical and romantic idea that we can replace polarization with civility, cooperation and partnership. To the doubters, I answer that we achieved it in the Senate Intelligence Committee with the help of Bob Gates only 15 years ago. It is not only an option we can achieve with hard work and determination—it is imperative if the United States is to remain a world leader.

STATEMENT OF HON. ROBERT DOLE, FORMER U.S. SENATOR FROM KANSAS

Senator ROBERT DOLE. It is on?

Chairman WARNER. Yes.

Senator ROBERT DOLE: Well, Mr. Chairman, I'm almost—I'm probably here by accident, because the phone rang at home, and I picked it up, and the person on the other end said, "Senator Dole, would you mind introducing me at the hearing? and I said, "Yes.", Then I learned, later, they were calling for Elizabeth. So——

So—

[Laughter.]

Senator ROBERT DOLE:—I appreciate the fact that she's on the committee, but I appreciate this opportunity, and it'll be very brief.

President John Adams once said, "If we do not layout ourselves in the service of mankind, whom should we serve?" Bob Gates truly understands this. Granted, I may be a little biased, owing to his Kansas roots. It was Kansas where he first learned the meaning of service, while growing up in Wichita. His appreciation for the interests of others grew as a student at William and Mary and throughout his years as a career intelligence official and through his subsequent leadership of our intelligence services, and, most recently, in his stewardship at Texas A&M, one of our Nation's outstanding universities. Through it all, Bob Gates has given of himself in this great tradition to our Nation and our people.

Mr. Chairman, as we convene, our Nation's defense policy is dominated by a single issue: the war in Iraq. Even those critics of the war who want us to withdraw soon or cut our forces substantially acknowledge that the stakes are high. I believe we can agree with our President, who has said, "This is a massive and difficult undertaking. It is worth our effort, it is worth our sacrifice, because we know the stakes. The failure of Iraq democracy would embolden terrorists around the world, increase dangers to the American people, and extinguish the hopes of millions in the region."

At this critical hour, Mr. Chairman, you and your committee have gathered for an exceedingly rare act, the confirmation of a new Secretary of Defense in wartime. The last time this happened was in 1968, when President Johnson nominated Clark Clifford to replace Bob McNamara. Make no mistake about it, history is being made here today.

Today, Bob Gates is poised to take the helm at the Defense Department at a time of intense debate over the war. Some contend that, with sufficient time and dedication, victory is assured. Yet, there is no denying that, having overthrown Saddam Hussein, we have not secured the peace, that Iraq's borders remain porous, that the interests and destabilizing involvement and Iran and Syria have not been adequately addressed, and that the current power vacuum creates risk of an even larger scale sectarian conflict. At the same time, those who have been calling for withdrawal or massive date-certain drawdowns should acknowledge that these are tactical shifts, not a radical overhaul of our policies, that the removal of Saddam from power opened the door to democracy, and that to realize these are goals worthy of sacrifice and that defeat is not an option, but the quality of life in many parts of the country is better than it was 4 years ago.

In the American experience, wars that enjoy equivocal support from our people usually end with equivocal outcomes. This is why our country must unite behind a strategy for a successful military mission, a viable exit plan, and a recognizable vision for Iraq's future. I agree with the President that Bob Gates is the man to make this happen. He is a person of uncommon resolve, intellect, and strength of character. He has the force of will to exercise civilian control over the military, but be sensitive to respect the wisdom and counsel of our generals and admirals, and the men under them.

Mr. WARNER. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I support the nomination of Robert Gates to be Secretary of Defense, as did every member of the Committee on Armed Services, under the leadership of Senator WARNER.

Over the last few weeks, I have met personally with Dr. Gates, reviewed his record, his response to written policy questions from the Committee on Armed Services. I listened carefully to his testimony before the committee yesterday. At every stage of the process I have been favorably impressed by Dr. Gates' candor, his forthrightness, and by the direct answers he has provided to our questions.

The American people in November demonstrated their strong desire for two important changes in our Government. One is a change in policy on Iraq. The second is a change in the atmosphere in Washington. On each of these issues, Dr. Gates' performance has been exemplary.

He has also provided a dose of reality and straightforward honesty relative to Iraq. Dr. Gates' willingness to identify past mistakes was notable. He included in a list of those mistakes, when he was asked, inadequate troop levels at the outset of the operation, disbanding of the Iraqi Army, de-Baathification measures that went too far. He acknowledged we are not winning overall in Iraq, with the important caveat that our troops continue to perform superbly and have yet to lose a single battle.

He agreed we need to communicate a sense of urgency to the Iraqis and to pressure them to reach a political settlement that only they can reach, and that without it there will be no end to the violence, regardless of improvements in the Iraqi military.

Dr. Gates stated that a major change in policy is needed and that all obligations need to be on the table.

He made it clear that he intends to consult with the commanders in the field, the Joint Chiefs of Staff, and others before recommending a strategy. He stated he would consult with Members of Congress on a bipartisan basis. He agreed that we need to more clearly identify our objectives and match our forces to those objectives. He spoke favorably about the need for specific benchmarks for those efforts and the efforts of the Iraqis.

On the second issue, Dr. Gates placed a strong emphasis on the need for bipartisan solutions to our problems in Iraq and other national security issues. He spoke in favor of congressional oversight. He expressed his desire to work with Members of Congress in both political parties.

Moreover, Dr. Gates stated that our senior military leaders must be free to speak truth to power, to express their views directly to the President, the Secretary of Defense, and the Congress.

He also stated that intelligence should not be politicized and that intelligence analysts must be free to provide their unvarnished views to leaders of both the Congress and the executive branch. He stated to the extent the Office of the Under Secretary of Defense for Policy prior to the Iraq war provided a separate avenue for the analysis of intelligence information outside of the intelligence community that he has "a problem with that."

We will make significant progress in Iraq only if a new approach is forthcoming. We are not going to make significant progress if we insist on circling the wagons, denying any mistakes have been made, and staying the course. We are not going to make significant progress until the administration comes to grips with what is happening on the ground in Iraq and listens to the views of the Congress, the American people, and others who have had differences with the administration.

Dr. Gates' confirmation as Secretary of Defense will not by itself solve our problems in Iraq. Indeed, as he acknowledged, the key decisions on Iraq will continue to be made by the President of the United States, not by the Secretary of Defense.

On the key issues of Iraq, and the atmosphere in Washington, however, his testimony was very encouraging indeed. Dr. Gates' testimony on other issues was positive as well. For example, he stated his belief that we should engage with North Korea, Iran, and Syria, and that he is open to the possibility of doing so on a bilateral basis, even though, understandably, he does not have any great expectations that such discussions would lead to significant improvements. This kind of willingness to engage in at least discussions with those who disagree with us has too often been hard to find in the administration.

I support Dr. Gates' nomination. I wish him luck as he undertakes these immense challenges facing the Department of Defense.

I want to comment on two other issues, one that Senator WARNER made reference to, and that is the Baker-Hamilton report. That report proposes a welcome change in direction for our policy. It urges the administration and all of us to come together politically on a bipartisan basis. It also suggests that the only way we can maximize the chances of success in Iraq is if the Iraqis come together politically and take over the responsibility for their own country.

The ideas they propose in this report are totally consistent with what a number of us have been urging for a long time: that we have to pressure the Iraqis to take over, that they have to resolve their political differences, and that unless those political differences are resolved by the Iraqis that there is not going to be an end to the violence in Iraq.

The discussion in this report about reduction in forces is a tool of putting pressure on the Iraqis to take responsibility for their own future. We cannot be a security blanket in an unlimited way for the Iraqis. They, and they alone, are going to decide whether they have a nation or whether they have a civil war, and we cannot get in the way of the Iraqis if they are determined to have a civil war.

Finally, I want to say a word about Senator WARNER.

The fact that this nomination is coming to this floor with a unanimous vote is, in part at least, the result of the efforts of Senator WARNER. Obviously, we all have decided that Dr. Gates deserves our confirmation. But, as is always the case with Senator WARNER, the process which was used here was thorough, fair, and consistent with senatorial traditions: that we look at nominees, ask hard questions, be thorough.

His respect for this institution is not exceeded by anybody, as far as I am concerned, in this institution. It is essential to the Senate that we have this kind of respect, not just for each other, as important as that is—and clearly his civility in that regard is also exemplary—but that we also have great respect for the procedures, processes of this institution.

We gave Senator WARNER a little tribute yesterday as we were voting in executive session, a little plaque that had three gavels on it. Those three gavels represented the three times actually that Senator WARNER has been the chairman of the Armed Services Committee; one of which was kind of unique just because for 17 days in 2001, when the Vice President of the United States was Al Gore because the President had not been sworn in until January 20, and the Congress was 50-50 on January 3, I actually was chairman for 17 days and Senator WARNER was ranking member for that short period of time before he took over again as chairman of the Armed Services Committee. Because of the rules of his caucus, which are totally the business of the Republican caucus, Senator WARNER will now take on other responsibilities in this institution. But his civility, his sense of this institution, his bipartisanship—which is again reflected in the remarks which he made today, and reflected in what he has urged the President to do and what he urged Dr. Gates to do in terms of discussions with Members of the Congress—that effort on his part is so totally typical of him as a human being and him as a leader, who senses that when it comes to national security policy and defense policy this country requires bipartisanship.

Maybe in other areas the danger is less of excessive partisanship. Maybe in other areas besides national security and defense we can get away with being partisan, even though we should not. But in this area we cannot, in good conscience, be partisans. We have to be patriots. We are going to have different views. Those different views are not necessarily going to be divided by this aisle, but those different views are respected, they are welcome.

Senator WARNER again expressed the importance of different voices being added to a chorus. But at the end that chorus, hopefully, will be singing the same song about the security of this country, with different voices from different places but talking about the same goal, which is the national security of the Nation.

Another goal which he has championed is the support for the men and women of the Armed Forces. They never had a greater champion. They have had great champions in this body, on the Armed Services Committee, off the Armed Services Committee. They have had great champions. They deserve great champions. They have had a great champion in JOHN WARNER.

The men and women of the military who put their lives on the line for this Nation deserve the kind of support they get from JOHN WARNER. He is an example that all of us follow, I hope, or at least try to follow when we look at what the needs are of the men and women of the Armed Forces in uniform, and out of uniform, who take the risks for us and whose families take the tragic losses and have to face those losses every moment of every day in that their loved ones are in harm's way.

So I just want to—as we bring, I guess, this last nomination to the floor, which is brought to the floor by Senator WARNER as chairman of the committee—pay him tribute on behalf of the whole committee. We all, in our own way, speak to him about it, sometimes privately and personally, other times very publicly, like this is. But I just want to let him know that he has not only been one great friend, his wife Jeannie and Barbara and I have been great friends, and we will continue to be.

As he frequently points out, we came here together, which is a special bond between us—which it is for all Members of the Senate. Members of their class are usually the ones they are closest to, just like in high school. That has nothing to do with party labels or affiliations. That has everything to do with relationships, going through the same process together and going through the same hoops and jumping the same hurdles together.

We have done it together. I relied on him more than he will ever know, and I will continue to rely on him as a member of the committee. But as I undertake my new responsibilities, I, again, not only will continue to cherish his advice and friendship, but I will be relying on it almost as much as ever.

I thank him, I know, on behalf of all the members of the committee.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Virginia.

Mr. WARNER. Madam President, I am deeply touched by my colleague's comments. We have stood toe to toe on this floor. How many times have we walked right out here and looked each other in the eye, and sometimes with a great deal of ferocity disagreed on matters? But I suppose if you ever asked Members of the Senate what their greatest reward for service in the Senate would be, certainly high among those rewards is the personal association with Members.

I have calculated, I say to the Senator, in the time we have been here these 28 years there have been 241 different Senators we have come to know and shared the work of this great institution. We have shared it with them. But you have been very special, a good friend. We do not always agree, but that is all right. That is one of the foundations of this country. But I do hope perhaps together we can work on forging this consensus which I feel so strongly about, and you feel so strongly about, because this is one of the most unusual chapters of the history of America.

I say to the Senator, you mentioned my association with the men and women of the Armed Forces. I was privileged to serve as a 17- or 18-year-old sailor in the last year of World War II and later in the Marines during the Korean conflict. I mention that only because my military active duty is of no great consequence. I just did what millions of others have done—no great valorous contribution, but I did my duty. But I got to know those people and what it is that inspires a young person to volunteer.

Then my work as Secretary of the Navy in the final years of that turbulent period in Vietnam, we emerged with the All-Volunteer Force, which is the most extraordinary military force in the world today. Nothing comparable.

If you look back in military history, there used to be not only conscripts, but they used to go out and lock them up. It is noted in the Navy, they would go back and hijack innocent civilians and put them onboard ships, and the Navy would keep them there for 2 years. They never got off the ships. But today we have this All-Volunteer Force. And decisions in the military are made around the dinner table—we say, the families—and therefore they are a vital part of it.

So I am so proud to work with you and the members of the committee. And I say to the Senator, you are going to do a fine job as chairman. You had that briefly for a while, and now you have it again. We are there to support you in your capacity as chairman and do everything we can.

I hope one of the earliest challenges out of the box, as we say, in January 2007—just weeks away, surprisingly—will be that we can work on a consensus in the supporting of our President and supporting the men and women of the Armed Forces as we chart the future direction for Iraq and other conflicts.

I mentioned the report of the Baker commission, I say to Senator LEVIN. I am just looking through it. We were both in there this morning. But they said the following on the first page:

> Our country deserves a debate that prizes substance over rhetoric, and a policy that is adequately funded and sustainable. The President and Congress must work together. Our leaders must be candid and forthright with the American people in order to win their support.

The reason I urged the President to come and visit privately with the leadership of the Congress before his final decisions was a reflection of the mandate of the people in this most recent election. I believe they spoke very loudly. This war was heavily influencing the judgment they made when they went to those polling places.

This report stresses the need for that public support. The young men and women who go out and take these burdens on want to feel that every American citizen is behind them as they perform their duties.

Further, this report says, on the next page:

> What we recommend in this report demands a tremendous amount of political will and coöperation by the executive and legislative branches of the U.S. Government.
>
> It demands skillful implementation. It demands unity of effort by government agencies, and its success depends on the unity of the American people in a time of political polarization. Americans can and must enjoy the right of robust debate within a democracy. Yet, U.S. foreign policy is doomed to fail—as is any course of action in Iraq—if it is not supported by a broad, sustained consensus. The aim of our report is to move our country toward such a consensus.

We have had two chapters. We have had this and the vote of the committee yesterday. I do not wish to predict the vote that will take place, but in my heart of hearts, I think there will be a strong consensus when, hopefully, the vote on Mr. Gates is taken in the Senate.

I thank my colleague for his strong effort to make all of this possible.

I believe our colleague from Texas wishes to address the Senate.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Madam President, I have a motion which is in order, but I need to hold off because another person involved is not here. I have given him my word that I would wait. So if Senator LEVIN has something to proceed with, I suggest that Senator LEVIN proceed.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, Senator KENNEDY is here. I ask unanimous consent that after Senator KENNEDY has completed, Senator HUTCHISON be recognized again in the event she is prepared to go at that time.

Mrs. HUTCHISON. Madam President, I just ask how long does Senator KENNEDY expect to speak?

Mr. KENNEDY. Probably 6, 7 minutes.

Mrs. HUTCHISON. I thank the Chair.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Massachusetts is recognized.

Mr. KENNEDY. Madam President, before making these comments on the Baker-Hamilton report and on the nominee for Secretary of Defense, I join with my colleagues on the Armed Services Committee in paying tribute to an extraordinary friend and incredible Senator and a magnificent leader, the chairman of the Armed Services Committee. I think all of us who have been on that committee know of its importance in terms of its responsibilities for the security of our country. It has been a place of extraordinary leadership historically for this Nation at very challenging times.

Having had the greatest public honor of representing the people of Massachusetts and being on that committee now for some 25 years, I join my friends in the unanimous acclamation to a very extraordinary individual, our chairman, JOHN WARNER. I thank him so much for his service to our country over a long and very distinguished career. I grew up in a family that believed that individuals can make a difference, and JOHN WARNER has made an extraordinary difference to this Committee, to the Senate, and to the country. I consider myself fortunate to have served on the committee and to call him my friend.

Mr. WARNER. Madam President, from the depth of my heart, I express my appreciation to the Senator and others who have reflected those sentiments.

Mr. KENNEDY. Madam President, this morning the Iraq Study Group issued a stunning indictment of the administration's policy toward Iraq.

The study group has concluded that the "situation in Iraq is grave and deteriorating" and that "sectarian conflict is the principal challenge to stability."

The group's report explicitly rejects the strategy of staying the course. As it states, "Current U.S. policy is not working, as the level of violence in Iraq is rising and the government is not advancing national reconciliation. Making no changes in policy would simply delay the day of reckoning at a high cost. Nearly 100 Americans are dying every month." Truer words were never spoken.

The study group calls for "new and enhanced diplomatic and political efforts in Iraq and the region, and a change in the primary mission of U.S. forces in Iraq that will enable the United States to begin to move its combat forces out of Iraq responsibly."

Significantly, this group of distinguished leaders has called unanimously for change in our military mission of engaging in combat directly to a new mission of supporting the Iraqi army and beginning to withdraw our combat troops. The report sets a clear goal for achieving this shift in mission and beginning the redeployment of our forces by the first quarter of 2008. The report states clearly that "the United States must not make an open-ended commitment to keep large numbers of American troops deployed in Iraq."

Instead, the report calls for clear commitments from the Iraqi government on reconciliation, along with clear consequences for our military, political, and economic assistance if the commitments are not met.

The report also calls for talks that include all of Iraq's neighbors in the region, especially Iran and Syria, and for a new diplomatic initiative to resolve the Israeli-Palestinian conflict.

The American people are demanding change in Iraq. Robert Gates, the nominee for Secretary of Defense, has agreed we need change, and now the bipartisan Iraq Study Group recommended a clear change in the way forward in Iraq.

The verdict is in. There can no longer be any doubt that the violence and chaos in Iraq are getting worse, that our current strategy is failing, and that we need to work together on a new strategy that will make it possible for us to bring our troops home. The only question is whether the White House will heed this clarion call and agree to change the perilous course we have been on in Iraq since Saddam Hussein fell and the chaos began.

More of the same failed policy that depends on an open-ended commitment of our military will not bring America closer to success. It will not stop the violence. It will only continue to undermine our own national security interests.

Iraq is the defining issue of our time, and the person who will have a major voice in meeting the enormous responsibility of recommending the new course will be the new leader we are confirming today as the Secretary of Defense.

The American people are demanding far more than a change of faces at the Pentagon. They are demanding—and they deserve—a comprehensive change in our policy so that we finally have a policy on Iraq that is worthy of the enormous sacrifice, commitment, and valor of our men and women in uniform.

Although I voted against the nomination of Robert Gates to head the CIA in 1991, I support his nomination to be Secretary of Defense, because he assured the committee that he would be an independent thinker and give candid and frank advice to the President about a way forward in Iraq.

During the confirmation hearing yesterday, Dr. Gates spoke with candor—a candor that has been sorely missing from the Department of Defense under this administration. He recognized the high price that our troops are paying for the current policy.

He clearly stated that we are not winning in Iraq and that all options for a way forward are on the table.

He assured me personally that he would speak candidly, frankly, and boldly to people at both ends of Pennsylvania Avenue about what he believes and what he thinks needs to be done. He told me that he is not coming "back to Washington to be a bump on a log." He assured me that he will be "independent" and that he "will consider all of the options."

He said that he is open to dialogue with Iran and Syria.

We all hope the administration will quickly set a new course that will enable our troops to begin to come home. We need more than a new face—we need a new policy.

Our men and women in uniform who are making the ultimate sacrifice in Iraq deserve no less, and I look forward to working with Dr. Gates on these important issues in the months and years ahead as he assumes the responsibility of Secretary of Defense.

I yield the floor.

Mr. WARNER. Madam President, I thank our colleague for his distinguished participation on our committee for these many years. He was with us all day yesterday in regard to the hearing. The Senator's questions were very pointed. I am delighted to hear of his support.

At this time, I think the Senator from Texas is ready.

Mrs. HUTCHISON. Madam President, we are still in negotiation on the point. If no one else is here, may I make my statement on behalf of Bob Gates?

Mr. WARNER. Absolutely. Now would be the time to do it.

I wish to inquire of the Presiding Officer, is there not an order to stand in recess at 12:30?

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. I hope at that time we can make a unanimous consent to take such time as the Senator needs.

Mrs. HUTCHISON. Madam President, I ask unanimous consent that we be able to move that adjournment time until after the motion I wish to make is done and Senator DEMINT has a chance to respond.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mrs. HUTCHISON. Madam President, I would like to take this opportunity to speak on behalf of Dr. Robert Gates to become the next Secretary of Defense. I am very pleased to stand in support of this great man. I have gotten to know him, working with him as president of Texas A&M University and, before that, as the head of the Bush Library there. I have found him to be a thoughtful, visionary leader who is a perfect fit for what we need in the Department of Defense at this crucial time.

I was very pleased to see the Senate Armed Services Committee overwhelmingly and unanimously approve his nomination and bring it to the floor. I thank Chairman WARNER and Ranking Member LEVIN for acting expeditiously on the nomination because, of course, when there is a transition in place, you need to have the leader confirmed.

American military personnel are bound by the core values of duty, honor, and country. GEN Douglas MacArthur articulated this during his famous address to cadets at West Point in 1962.

Dr. Bob Gates certainly understands the meaning of these values. Dr. Gates had not anticipated returning to Government service. He said he has never enjoyed any position more than being president of Texas A&M University. That makes me proud in itself. But in wartime, he said he could not refuse the President's request.

Over the last 40 years, Dr. Gates has gained experience that makes him uniquely qualified to serve as our 22nd Secretary of Defense. He stands ready to provide leadership that America needs to achieve victory in the war on terror. He has been a commissioned officer in the Air Force, serving in the Strategic Air Command. He holds a Ph.D. in Soviet history from Georgetown University. He has held numerous positions within the intelligence community, including Director of the CIA and Deputy National Security Adviser. In 2002, he became president of Texas A&M, our Nation's sixth largest university.

Most recently, he was also a member of the Iraq Study Group that has just made its report today. He was a member until his nomination as Secretary of Defense. I believe that also has provided him with a good background on what is needed on the issue he faces so starkly right now; that is, what we do in Iraq, what do we do that allows the Iraqi people to have a government that is stable, a government that cannot be overrun by outside forces, and a government that will be stabilized itself for the good of its own people?

Dr. Gates' background is going to be perfect also at this particular time because he has worked across the aisle. He has worked in intelligence, which is not a partisan issue. So I believe his experience and his ability—acknowledged by all—to work with others is the right formula for leading our Department of Defense and working as one of the President's closest advisers.

I am very pleased that he has accepted this huge challenge. Texas A&M is a great university. It is a university that has a unique spirit, and it is a military spirit. So many of our heroes from past wars have graduated from Texas A&M University. He has kept this military connection, his intelligence connection, and his ability to work with others, all making him the very best choice for the President.

I, for one, know this man and am very confident that he is the right choice. I look forward to working with him to make sure we are doing the right thing in the war on terror, which is bigger than just Iraq. It is Afghanistan. It is all over the world where terrorists are harming people and are taking away part of the freedom for which we stand. And we don't want that to happen. We have to beat the terrorists, and I want to beat them where they are, not have them come to America ever again and hurt American citizens and people who live and work in America.

I think Bob Gates is the right person to advise the President, to work with the President, to implement the President's policies and bring this war to a conclusion with only one thing to be said, and that is, a conclusion that is a victory.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—H.R. 5385

Mrs. HUTCHISON. Madam President, I rise today to speak on behalf of the brave men and women who are defending our country around the world and for those valiant veterans who have served and are now home.

On November 14, this Senate passed the Military Construction and Veterans Affairs appropriations bill. I was on the Senate floor for 5 hours, and every Senator had ample time to debate any part of this bill. Several Senators spoke. In the end, this bill was agreed to by the entire Senate by a unanimous vote. It is a good bill. It is a bipartisan bill. It is one that we have worked on together for months.

We are at war. We have to care for the men and women fighting this war, and we have to take care of them when they return. This bill funds the vital infrastructure our brave soldiers, sailors, and airmen and women need to defend our country. They must have the funding to operate bases with sufficient facilities and protection so they can fulfill the mission we ask of them.

The bill also provides critical dollars to care for those veterans who were injured in battle. This bill provides funds for medical services and mental health treatment for veterans suffering from the wounds they received in battle. They are not only suffering from obvious wounds, thousands are suffering from traumatic shock and mental anguish. Thousands are suffering from diseases for which we don't even have a treatment. This bill funds the research for that treatment.

As a nation, we ask our men and women to defend and protect us. We owe it to them. We have an obligation to care for them. It is a moral obligation and one that I feel is my responsibility to fulfill.

If we adjourn without completing our work on this bill, we will let those men and women down. We will let down every American they swore an oath to protect and serve.

Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5385, the Military Construction appropriations bill; that the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees.

The PRESIDING OFFICER. Is there objection? The Senator from South Carolina.

Mr. DEMINT. Madam President, reserving the right to object, let me say that I strongly support this legislation that will maintain and improve the quality of life for our military personnel. I believe that the Senator from Texas, the chairwoman of the subcommittee, has done an excellent job with the bill.

I am also pleased that the Senator from Texas obviously feels there is still time to conference this bill, since the House committee has been saying in the newspapers that there is not enough time. I agree with Senator HUTCHISON that if we appointed conferees today, with some hard work, this bill could get finished.

I, also, add that the Senator from Texas is committed to keeping this bill clean in conference, which we greatly appreciate. I agree with her that we are at war, but those of us who sent our troops to war should not be back home selling out the country for which they are fighting. It is my understanding that the chairman of the Appropriations Committee has refused to make the assurances that we need to keep this bill clean in conference and, therefore, if I consent to letting this bill go to conference, there is a risk that it will return to the Senate as a foot-tall Omnibus appropriations bill, with thousands of earmarks in an unamendable form. Therefore, Madam President, I object.

The PRESIDING OFFICER. Objection is heard. The Senator from South Carolina.

Mr. DEMINT. Madam President, over the last several weeks, I have made it clear that I believe this bill, which is a good bill, needs to stay clean of additional appropriations and earmarks if it is to go to conference. I was asked by the members of the Senate steering committee to protect their interests in keeping these appropriations bills clean.

I informed the leader that the steering committee did not believe it was wise to send a bill to conference without an understanding of what the conference agreement would look like. I have made it clear that all we want is a commitment from the leadership and the Appropriations Committee that this is what will happen. I am not looking for anything extraordinary, a unanimous consent agreement or anything like that. We would be satisfied with a commitment from the chairman of the committee or the leadership that this is what will happen.

At one point, it appeared that we had such an agreement. Leader FRIST asked me to put on paper what our specific concerns were to avoid any confusion. I did so.

I ask unanimous consent that a copy of this letter from myself, Senator COBURN, and Senator INHOFE be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
Washington, DC, December 4, 2006.

Hon. BILL FRIST,
Majority Leader U.S. Senate, Washington, DC.

DEAR MR. LEADER, We share your commitment to addressing the needs of our veterans, service members, and their families, while protecting the interests of hard working American taxpayers. As we have said from the beginning, we will support a clean Military Construction, Military Quality of Life, and Veterans Affairs conference report, as long as it is not used as a vehicle for a pork-laden omnibus.

Therefore, we hereby reiterate our support for a conference if, and only if, it is limited to producing a military construction and veterans spending conference report and potentially a clean continuing resolution for the remaining unfunded appropriation bills to ensure the uninterrupted operations of the Federal government.

Additionally, with respect to the military construction and veterans spending legislation—

1. Each spending provision or directive language in either the text of the final legislation or the statement of the managers must meet one of the following criteria—

a. it is authorized in current law, and the amount in the conference report does not exceed the authorized level;

b. it was requested in the President's Budget, and the amount in the conference report does not exceed the amount in the President's Budget;

c. it is listed on the Future Years Defense Plan and the amount in the conference report does not exceed the amount in the Future Years Defense Plan.

2. Each spending item contained in the conference report must be contained in either the House or Senate bills and must not exceed the higher of the two amounts for that specific provision.

3. The total spending level in the Military Construction and Veterans Affairs and Related Agencies Appropriation Bill shall not exceed the current 302(b) allocations.

Thank you for your leadership and willingness to do the right thing for American taxpayers.

Sincerely,

JIM DEMINT.
TOM COBURN.
JIM INHOFE.

Mr. DEMINT. Madam President, the leader then told me he wanted to talk with Senator HUTCHISON and the chairman of the Appropriations Committee before he responded to the letter. Senator HUTCHISON agreed to the parameters of the letter. The chairman of the committee, however, felt that he could not agree to the request we made in the letter. Unfortunately, that means the Military Construction bill will have to wait until next year.

I take my colleague from Texas at her word when she says she will keep the bill clean. I know she will keep the bill clean. However, when the chairman of the committee says he will not make such a commitment, I must take him at his word as well. I believe the veterans and military projects need to be funded and should not be used as a vehicle for unrelated, wasteful earmarks.

Let me explain how we got to this point. In the November 7 elections, one of the top issues for the voters was wasteful spending. While we have done some things to control taxes and spending, we have not done nearly enough; and the voters are right. Earmarks have gone up in numbers every year and are now at an all-time high. If this does not end, we will never regain the trust of the American people.

When the military construction and veterans spending bill passed the Senate, I strongly supported it. However, it was clear that the intent was to use the bill as a shell to carry the Omnibus appropriations bill and other add-ons. Because the scope of the conference rules has become so relaxed, the conferees, under our rules, would have the ability to put into the bill any projects they please, with no opportunity for us to amend them or even vote, except on final passage of the bill, which would be overwhelmingly approved.

The conference process has rendered the Senate floor consideration of bills almost irrelevant. Nothing we do in this Chamber matters until a bill goes to conference. When a bill goes to conference, conferees may remove provisions that are in both the House and the Senate bills, even if they were approved by both Houses overwhelmingly. Conferees may add provisions that are unrelated to either bill.

Through this process, a clean Military Construction bill could grow into a foot-tall Omnibus appropriations bill, with thousands of earmarks and wasteful spending. The process is flawed, and it cannot continue this way. When a bill comes back that funds the entire Government and we are forced to vote for the bill or shut down the Government, that bill is going to pass. This means that if I consent to letting this bill go to conference, I am essentially consenting to enact whatever the conferees want to insert in the bill unamended.

We put a lot of trust in our conferees, and all I was asking was for an understanding from the committee that we know, at least in general, where the conference will be headed. I have not been able to get this commitment. I was given no information and no assurances.

Therefore, I am compelled to do what I think is right to protect the taxpayers and to provide integrity and accountability in the spending process.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, let me say right upfront, I hope this objection will go away sometime today. I think we are talking about whether something is done in writing or whether it is semantics. I didn't have to agree to what was in the letter that was written to the leader because our Military Construction bill meets all of the criteria they set forth. I didn't have to agree to their letter because everything in our bill is authorized or it is in the President's bill or it is in the future years' designations of priority by the Department of Defense. That is called a FYDP. It meets those criteria. We don't put provisions in our military construction conference committee reports that are not in the House or Senate bill.

All I can do is give my word that this is not going to turn into an omnibus. I am giving my word it is not going to be an omnibus. It is going to be the Military Construction and Veterans Affairs bill that was passed unanimously by the Senate.

I hope that all of the relevant parties will be able to sit down because I can't call this up for a vote. It would be spread out for so long as to lose the ability to go to conference. The House is planning to go out of session at the end of this week. I would stay here for 2 weeks to finish this bill because there is so much in it that is important. It is all new starts. This bill is filled with the priorities that the Department of Defense has in facilities on military bases all over this country, including quality-of-life housing for our military men and women. It has veterans affairs priorities and increases in funding for mental health and for research into post-traumatic stress syndrome. There are many items in this bill that will not be covered in a continuing resolution.

I hope we will all be able to sit down together. I hope the House will cooperate if we send this conference committee request to them. I am prepared to work all night and all day tomorrow to try to fit all of the timeframes.

Let me end by saying that we are very close between the House and the Senate. I think we can work out the differences between the House and the Senate. I am saying right now this will not turn into an omnibus appropriations bill. It will be a bill that funds military housing and quality of life for our men and women in the military and their families, and it will have the new starts that cannot be covered by a continuing resolution. We certainly meet the criteria or the Senate wouldn't have passed the bill unanimously.

So I am not saying the Senator from South Carolina is wrong in his statements about what happens in conference committee reports in many other areas and in the history of the Senate. He is right. Sometimes a conference report will turn into an omnibus, and sometimes you find things that are not in either the House or Senate bill. But I am saying today that would not be the case in our bill, nor has it been the case that I can remember in past bills. Maybe I am forgetting something. But by and large, our bill is straightforward. And by and large, our bill is supported by the entire Senate. It is not very far from the bill that the House passed, and I think if we all put our minds to this and put away—I don't think our leadership would be required to sign a letter and I don't think the chairman of the Appropriations Committee should be required to sign a letter. I think we should be good for our word around here. If we are not, then we have lost the spirit of this institution.

So I am saying today that I am going to go back to the drawing board. I am going to work with the Senator from South Carolina and the Senators from

Oklahoma. I am going to work with my counterparts on the House side, and I am going to try to get a bill through here, and I am not going to stop trying for the rest of the time that one of our Houses is in session. I think we owe it to our men and women in the military, we owe it to the veterans who have already served. We owe it to those people who are coming back here without limbs that we are funding at additional levels, not only the prosthetics but also the training on how to be proficient in using those artificial limbs. Madam President, I think we can do it. I am committed to trying, and I hope everybody who is involved in this process will also try.

Let me also add that my counterpart, Senator FEINSTEIN, who is the ranking member of this subcommittee, is in full support of this bill. I have talked to her about the issue I am trying to address, and she is ready to go to conference. I do believe that if we will sit down and talk with everyone who is interested, everybody would be satisfied that we will keep our word and we will do what we intended to do, anyway, which is conference a bill that is going to take the differences in the House and Senate bills and resolve those differences. That is what we are supposed to do, and that is what I am committed to do.

Madam President, I yield the floor.

Mr. KENNEDY. Madam President, I know we have the call for party luncheons. I have some comments which are heartfelt about a colleague of ours, PAUL SARBANES, and I wonder if the Chair would indulge us for a few minutes to be able to make these comments now. We are debating the Secretary of Defense, but we have set that aside until after the conferences of our parties. Would it be permissible with the Chair if I made some brief comments?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I thank the Chair for her courteousness and understanding.

(The remarks of Mr. KENNEDY are printed in today's RECORD under "Morning Business.")

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m. today.

Whereupon, the Senate, at 12:56 p.m; recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. SUNUNU).

NOMINATION OF ROBERT M. GATES—Continued

Mr. THOMAS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. DOMENICI. Mr. President, on behalf of the leader, I ask unanimous consent that at 2:30 p.m. tomorrow the majority leader be recognized to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico is recognized.

THE APPROPRIATIONS PROCESS

Mr. DOMENICI. Mr. President, I come to the floor here today to share with my colleagues and my constituents my frustration with the inaction of Congress on its most basic responsibility, to enact bills to make appropriations for the Government for the coming year.

> No money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

That is the Constitution of the United States. There is no responsibility more fundamental than the one I have just read. The American people pay taxes and they expect the Congress to do something with those taxes every year. Part of it they expect to be spent on the operations of Government—for the payments of the Defense Department, for the payments of the Treasury Department, for all things that go on in the Energy Department. All of those functions of Government are put together and handled in appropriations bills that have a committee chairman and a ranking member, and each year, under our system, where it is annual, they are supposed to produce an appropriations bill that goes from House to House and becomes a final product when it has been passed in both Houses and gone to conference between the two Houses and comes out as a final bill, which goes to the President of the United States. That is the format.

There are 13 of those that cause the Government of the United States to function. Can you believe that many publications have scorned Congress? Some have blamed the House of Representatives, some have blamed the Senate, some have blamed the administration for sending an unrealistic budget last February. The blame game doesn't interest this Senator. We all share in this quiet conspiracy to duck fulfilling the most fundamental responsibility that we have and that is to vote on appropriations bills, to confer between the House so they are the same bill, the same package of requirements, requests, expenditures that we ultimately call a bill.

Some media analysts contend that the Senate was afraid to cast votes on appropriations bills, thinking these votes might be used against incumbent Senators in recently held elections. All sorts of reasons emerged that justified laying aside this appropriations bill or that one. Some feared that amendments to the bills might take too long, too much time. Amendments might be painful choices for Senators. Some of the votes might slow down the process and some might show up later in campaign commercials or propaganda.

This Senator has cast more than 12,000 votes, more than almost any other Senator in the Senate history. There are maybe five or six who have cast more. My votes may be characterized by my opponents in a campaign, using commercials and whatever else they would like. They can find almost any vote I have taken over the years I have been here.

I took this job knowing full well I would have to vote to decide, to choose, and that these decisions would absolutely be second-guessed by a whole host of people. So I reject the notion that the Senate saved itself by avoiding so-called hard votes. We had not and we did not take the votes, did we? And look at the results in November. If it were our Republican approach to save ourselves, we lost ourselves.

Now we have the end of a Congress and here sit the appropriations bills unattended, sitting over there on the various clerks' desks. All the work has been done except the final work where they have to come to each House and get approved.

What we will do, for and to the people of the United States, from this day forward is terrible. Since we do not have the bills passed on both sides, we will have a continuing resolution, named for another document where we will pass the Government spending for a period of time and say we will spend, and then we relate it to something. We normally do it for 20 days out of the year. This time we will have a continuing resolution with the bills that have not been passed. That should be used very seldom, this continuing resolution, and it is getting to be like apple pie around here. We use it all the time. Rather than do our work, we do a continuing resolution. We continue it by resolution, equating it most frequently to the work that has been completed by the House, for they have done their work first. Therefore, the Senate has little or no input into what the continuing resolution ultimately says we are going to spend money on.

It used to be that a continuing resolution was not watched very well and it was a way of putting all kinds of things on. That doesn't happen much anymore. So what we are getting out of this as Senators is nothing. We are getting little or no input into the appropriations process. The bills we handle, if we are chairmen or ranking members, are not going to get adopted at any time or even referred to at any time unless we decide, in the next 6 or 7 weeks, to do something together that will change that by reference or by adopting some new bill.

There is much to be done and clearly we are not on the right course at this point. We are not going to pass many of these bills except perhaps a military construction bill, which is no longer a construction bill, but it is a bill for the health and welfare of our soldiers, and for many other things, and it is for building many new things that have to be built here at home for them and, therefore, that Military Construction bill will probably be a must and it will be around, and people will be talking about it and the fact that it has to be done.

From my standpoint, this week, if this 109th Congress slinks into history, as seems to be scheduled, it will have completed work on only two appropriations bills, Defense and Homeland Security, and maybe the one I have just referred to as Military Construction. In place of the completed bills, we will have a continuing resolution through February 15, next year, about the time the President will send us a 2008 final fiscal year budget. We will be getting a new one before we have done anything about the old one. We will be getting a brandnew budget—imagine—and we will not have done anything about all of those that are sitting on the desks of clerks, waiting to do their part in appropriately spending our money.

Next year, we will look at the remaining 2007 bills, the much anticipated $100 billion Defense supplemental request that we all expect the President to suggest, and all 13 of the 2008 bills.

Does someone think this kind of procedure serves the public interest or some political interest? I believe it serves neither of the two.

For those Senators who are glad to see a continuing resolution because they think it saves money, think again. Not only will this continuing resolution not save money, but it will give reordering of priorities to the 110th Congress. I predict that we will spend more, not less, as a result of the strategy adopted by the Congress this year. The upshot will be that we have both failed to fulfill our constitutional responsibility and have spent more money.

What an outcome.

Who is to blame, then? Not the Senate Appropriations Committee, which reported every single appropriations bill by the end of July, the earliest such bills had been reported in 18 years. Not the subcommittee chairman, of which I am one, who worked to meet the deadlines set by the chairman and ranking member.

Those highly motivated members who wanted a full and open debate on the appropriations bills certainly cannot be blamed, although the outcome of their efforts will probably disappoint them by the middle of next year. Each Senator has the obligation to pursue what he or she believes is the correct policy, using any parliamentary means appropriate. I cannot condemn my colleagues who, for one reason or the other, find the appropriations process objectionable.

Here is what I suggest for the future. Let's vote. Let's report the individual bills, as Chairman COCHRAN did this year, on time. Then, let's bring the bills up on the floor. If members want to filibuster, that is their privilege. We vote on that. If cloture prevails, we have post cloture debate, and then vote again. Yes, it is time consuming, but it's our job. Let's vote.

Let me close by discussing briefly my own Energy and Water appropriations bill, which has awaited Senate action for almost 5 months now.

It is almost ludicrous that at this time in history, the 109th Congress failed to act on this bill. We read daily about the growing nuclear threat in North Korea; millions of words are written and spoken on the threat of an Iran with a nuclear capability. Six Arab, Sunni nations have now petitioned for a nuclear program through the International Atomic Energy Agency, including Saudi Arabia, contending that they need such programs for domestic energy purposes. Many analysts believe that the Arab nations observe the growing threat of a Shia Iran, with the potential for a nuclear weapon, and want nuclear programs for weapons purposes. We listen to witnesses tell us of their fears of nuclear terrorism and the failures of the present nonproliferation programs.

For more than two decades now, these subjects have been the focus of much of my work as a Senator. And much of the good work that this Nation has done to address nonproliferation and nuclear terrorism is funded by the Energy and Water appropriations bill.

Yet at this dangerous time, the 109th Congress couldn't find time to take up the Energy and Water appropriations bill. In addition to hundreds of millions, almost billions of dollars for disposing of weapons grade nuclear material, and funding to try to stop nuclear material from shipment to this Nation, the bill funded alternative energy sources. It funds weatherization grants for Americans. It funds a brand new approach to handling nuclear waste here and abroad.

Let me close by discussing several important items in the bill, which languishes.

First, in the area of nuclear nonproliferation, the administration has given careful thought to how to handle the growing Iran and North Korea nuclear threat. Yet under the strategy adopted by this Congress on my bill, the Nonproliferation and International Security Account will be $53 million less than the House passed bill and the Senate committee-reported bill recommend. Think about that, shortchanging that nonproliferation account because we were afraid to vote.

Second, and even more serious, one of the largest non-proliferation projects ever will be delayed. The Fissile Materials Disposition program, located in South Carolina, I add for the benefit of those two Senators, is known by the short hand of MOX. That program now has stopped construction, because the House passed bill eliminated all funding. And, since we have no Senate-passed bill, we cannot even negotiate levels on the continuing resolution. Think about this: the United States and Russia have spent the last 10 years negotiating a deal to eliminate 34 tons of plutonium from the nations' stockpiles and now the future of this effort is in limbo because Congress couldn't find the time to do its job.

As chairman of the Energy and Water subcommittee I was excited about the new initiatives proposed by the President including energy independence and to increase funding for science research in the Fiscal Year '07 request.

The Fiscal Year '07 budget took bold steps and made significant investment in nuclear power and alternative energy. Unfortunately, enactment of a CR will delay our investment in to alternative energy and maintain our increasing level of dependence on foreign energy sources.

Building on Energy Policy Act passed in 2005, the President supported increased funding for the research on cellulosic biomass, solar, hydrogen and advanced battery research. The Senate also restored funding geothermal development a renewable resources in the west with great potential.

The Senate Energy and Water bill supported the implementation of a loan guarantee program that was included in the Energy Policy Act of 2005. This is an innovative financial solution, which would not cost the Federal Government a dime in appropriated funding.

The backing by the Federal Government supports the commercial deployment of first-of-a-kind energy production technology. Without the language in the Senate bill, this program will not go forward and our Nation will not get closer to energy independence.

The Senate Energy and Water bill also fully funds the President's request for the Department of Energy's Office of Science. Our future economic growth and security will require our schools to train the next generation of scientists and engineers. We haven't done enough and are losing ground in scientific research. This budget will reverse that trend with investments in basic scientific.

The Senate fully funds the President's request for the Office of Science.

The Senate bill also provides important funding to support the licensing of a new nuclear power reactor that will met our growing energy demand without increasing greenhouse gases.

The bill closes the funding shortfall for the Nuclear Regulatory Commission in order to hire and train additional technical staff that will be needed to review the new license applications being developed by utilities. These priorities will not be recognized with continued delays with a CR.

This year the President outlined his plans for the Global Nuclear Energy Partnership. This program invests. makes a large investment in addressing spent fuel stored at reactors all across the country by recycling. As Yucca Mountain continues to face delays, the Senate bill supports the administration's efforts to reduce, reuse and recycle commercial spent fuel.

I understand the challenges the leadership of Congress faces. Any of us who have served a chairman of the Budget Committee certainly understand the cross-currents in this Chamber. But, putting aside hard choices almost never leads to good results. We should remain in session this month until we fund the 2007 bills. After all, that's our job.

Since it appears there are no Senators wishing to speak, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT OF CONFEREES—H.R. 5385

Mrs. HUTCHISON. Mr. President, as in legislative session, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5385, the Military Construction appropriations bill, that the Senate insist upon its amendments, request a conference with the House, and the Chair be authorized to appoint conferees.

The PRESIDING OFFICER. Is there objection?

Mr. DEMINT. Mr. President, reserving the right to object. If the Senator from Texas would allow me to discuss with her our conversation with Leader FRIST. As we talked about earlier today, both the Senator from Texas, myself, and I believe the entire Senate and Congress want this bill to pass.

Senator HUTCHISON and myself have had the opportunity to meet with Leader FRIST to talk about the importance of passing this bill, as well as the importance of not adding additional appropriations and additional earmarks which were not part of the Senate or the House version of this bill or were not part of the President's budget.

If I could ask the Senator, is it her understanding that it is our general agreement and also leadership's that this bill will be kept to the basic bills which have been passed by the House and Senate and that it will return to the Senate floor as a bill that we have discussed with Leader FRIST?

Mrs. HUTCHISON. Mr. President, there was never any other intention. I have discussed this with Senator COCHRAN, chairman of the committee. I discussed it with Senator FRIST, our leader. I have discussed it with the ranking member, Senator FEINSTEIN. And most certainly we will bring back a conference report that has either material in the President's budget request, something that has passed the House or the Senate in this bill, and all of the projects will be duly authorized on the military construction side.

On the Veterans' Administration side, we worked very closely with the authorization committee, Senator CRAIG, Senator AKAKA, and others to assure that we have the approval of the committee leaders for all of the veterans' expenditures.

I have to say to the Senator from South Carolina that there are some very important initiatives in the Veterans bill that would not be covered in a continuing resolution. And there are very important commitments for new starts in the Military Construction bill that are necessary for us to keep pace with the BRAC project and with other military housing and quality-of-life projects that are included in the bill. It is going to be a Military Construction and Veterans Affairs bill with the priorities of the Senate. This bill passed unanimously in the Senate. We would go forward with the clear understanding that this is going to be a military construction and veterans affairs and military quality-of-life conference report.

Mr. DEMINT. Mr. President, I wish to thank the Senator for her openness and tenacity in helping to get the agreements we need to keep this bill clean and focused on the needs of our military. I do not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Presiding Officer (Mr. DEMINT) appointed Mrs. HUTCHISON, Mr. BURNS, Mr. CRAIG, Mr. DEWINE, Mr. BROWNBACK, Mr. ALLARD, Mr. MCCONNELL, Mr. COCHRAN, Mr. STEVENS, Mrs. FEINSTEIN, Mr. INOUYE, Mr. JOHNSON, Ms. LANDRIEU, Mr. BYRD, Mrs. MURRAY, Mr. LEAHY, and Mr. HARKIN conferees on the part of the Senate.

Mrs. HUTCHISON. Mr. President, this is a major step forward. I have been working with Senator FEINSTEIN to try to get conferees appointed for our bill. There is time in this session for the House and the Senate to come together and put a bill forward in the conference report that will do what is right by our military who are serving our country and protecting our freedom, who are in harm's way as we speak. There is time for us to take care of those good people. There is most certainly time for us to take care of our veterans and to make sure that the priorities which we have set this year, for heaven's sake, are passed in this session of Congress.

If anyone says to me we don't have time to have a conference, they are wrong. It is 12:40 in the afternoon. It is Wednesday. I will work all night, if necessary, and so will our great staff working with the House, if the House will sit down with us. Our military personnel and our veterans deserve what is in this bill. It is a bill which passed unanimously. The House passed a bill overwhelmingly as well. It will move our military quality of life up. That is certainly our intent.

This could not have been done without everyone's cooperation. I think that is what the people of America expect from the Congress. They deserve it. That is what we are going to give them.

I want to particularly say that Senator FRIST and Senator COCHRAN have been instrumental in allowing us to go forward. There has been a lot of emotional talk and rhetoric around what we do in these last few days of this session of Congress. I think everyone, including the Senator from South Carolina and the Senators from Oklahoma, have all risen above certain emotional feelings and have said: Yes, we are going to work together. I am very pleased that we are.

I am going to yield the floor in one minute and roll up my sleeves and try to get the Military Affairs, Quality of Life, Military Construction and Veterans Affairs bill in shape for us to pass this session of Congress and send a good conference report to the President of the United States, who I know will sign the bill.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I ask consent that the vote on the pending nomination occur at 5 p.m. today, with the time until the vote equally divided between the chairman and the ranking member or their designees; further, that 20 minutes of the chairman's time be allocated to Senator SPECTER; provided further that immediately following the vote, the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I ask unanimous consent to be recognized in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DURBIN are printed in today's RECORD under "Morning Business.")

Mr. DURBIN. Mr. President, it has been my honor twice to sit down in my office with the nominee to be our next Secretary of Defense, Robert Gates. Both meetings have been very positive. The last was this morning.

When Dr. Gates came in early this morning, I congratulated him on his appearance before the Committee on Armed Services yesterday. He said: It is amazing what a little candor will do. That is what endeared him to the committee and resulted in this unanimous, bipartisan vote bringing his nomination to the floor. Dr. Gates was honest with members of the Committee on Armed Services. He will be honest with the American people. He understands that our efforts in Iraq are not going well and we need to change. He is a person who is dedicated to the kind of change which will be consistent with our values in foreign policy.

He told me honestly he didn't know what we should do in Iraq, but we need to examine the two primary missions we now face: establishing conditions of security on the one hand, training and supporting the Iraqis on the other. He said we may need to shift the balance between the two missions. That is not unlike the recommendations of the Iraq Study Group which were released today.

That commission delivered to the President a series of recommendations.

In just a short time, in about 2 hours, the Senate is expected to confirm Dr. Gates as the new Secretary of Defense with an overwhelming bipartisan vote.

Those two developments today provide an opportunity to change the course in Iraq. Of course, the ultimate responsibility is on our Commander in Chief, the President of the United States. On November 7, the American people spoke out clearly of the need for change.

Dr. Gates was an original member of the Baker-Hamilton group and agrees that change is necessary. Today, that group confirmed the need to change our policy and lay out a framework to redeploy American forces. Redeployment means basically removing them from the dangers of Iraq, placing them nearby to be called on if necessary but, more importantly, starting to bring them home. Only the Commander in Chief can make that happen.

The President has said he is not looking for a graceful exit from Iraq. I would have to say that America should be looking for the right exit from Iraq. The President was asked a few months ago: When will American troops come home? He said he would have to leave that decision to future Presidents. I don't believe America wants to see troops in Iraq facing the dangers of war for the next 2 years and for many years beyond. We believe we have done a great deed for the Iraqi people in removing their dictator and giving them a chance to have their own constitution and their own government. Now it is time for the Iraqis to stand and defend their own nation.

According to the Iraq Study Group, the most professional and proficient military in history has been stretched to the breaking point because of repeated deployments to Iraq. As of today, I have been given an updated figure: 2,907 American service men and women have been killed and 21,000 have been wounded. We have about 140,000 troops in Iraq today. We certainly owe it to these soldiers, these brave men and women and their families to initiate this redeployment process as quickly as possible.

The war in Iraq impacts our defense posture worldwide. Because of Iraq, we have fewer options to respond to emerging threats in this dangerous world.

In thinking about the war in Iraq recently, like many others I was struck by how many comparisons there are to the situation of Vietnam four decades ago. There are many differences, but there are many parallels.

In October of 1964, running for President, Lyndon Johnson said:

> We are not about to send American boys nine or ten thousand miles away from home to do what Asian boys ought to be doing for themselves.

In 1969, 5 years after that statement, there were over half a million American troops in Vietnam.

That same year, Johnson's successor, President Nixon, who had run on a campaign that he had a secret plan to end the war, said:

> I'm not going to be the first American president to lose a war.

Well, both Presidents made a series of decisions that prolonged and expanded that war at enormous cost to our Nation. We have only to walk just a few blocks from this Capitol to the Vietnam Memorial to see the real cost of that war.

Perhaps like Presidents Johnson and Nixon, the Bush administration has gone through several phases on this war. First was the time of deception, when we were told there were weapons of mass destruction that did not exist, a link with al-Qaida that did not exist, and other claims about nuclear capabilities that did not exist.

Next came the phase of denial, where the President and some of his key advisers refused to recognize or adapt to the realities on the ground, dismissing the first signs of insurgency. You recall, I am sure, as I do, Vice President CHENEY saying the insurgency is in its last throes, and denying its growing strength as we have seen the casualties in Iraq mount by the day. Then they downplayed and denied the outbreak of sectarian violence that now seems, for all intents and purposes, a real civil war.

The third phase has been delusion. The President apparently continues to delude himself about Iraq. I hope this Iraq Study Group will be a turning point in his thinking.

For example, in a phrase that cannot help but remind us of Katrina and FEMA Administrator Brown, President Bush recently said of Prime Minister al-Maliki: He is the "right guy for Iraq." What a contrast from the memo by the President's National Security Adviser, Stephen Hadley, which said:

> The reality on the streets of Baghdad suggests al-Maliki is either ignorant of what is going on, misrepresenting his intentions or that his capabilities are not yet sufficient to turn his good intentions into actions.

When asked in October if we were winning in Iraq, President Bush said:

> Absolutely, we're winning.

When Robert Gates was asked that question yesterday in his confirmation hearing, he said very clearly: No.

That gives me hope that with this Gates nomination and with this Iraq Study Group report we may have turned the corner. The Nation cannot afford deception, denial, or delusion when it comes to the situation in Iraq. Certainly, our soldiers and their families deserve better. They deserve change.

We will now have a much needed change in the Pentagon. I know Members on both sides of the aisle are eager to work with the new Secretary to make more changes. But, ultimately, it is the President's responsibility. The buck truly stops in the Oval Office. If the President recognizes the urgent need for a new direction in Iraq, we will see it happen, and soon.

The Baker-Hamilton commission has given the President a call to action, a roadmap to engage in broader diplomacy, to transfer responsibility to the Iraqis, and to redeploy American combat forces.

I hope President Bush, with the assistance of his new Secretary of Defense, Mr. Gates, will begin that redeployment process this January.

Consider our challenge. The Baker study group said we should have, basically, the combat forces of America gone by April 1 of 2008. With about 140,000 or 150,000 15 months before that date, we need to start seeing redeployment happen, and happen soon. Nothing could send a clearer signal to the Iraqis, the American people, and the world that we are truly moving down a new road in Iraq.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MARTINEZ). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I wish to take a few minutes to speak on the nomination of Robert Gates to be Secretary of Defense. It is my honor to serve under Chairman JOHN WARNER on the Senate Armed Services Committee. We are particularly proud of the fact that 1 out of every 10 persons in uniform in this country, or serving around the world, calls Texas home. So we are very proud of the military. We are promilitary. We believe in doing everything we can to support our men and women in uniform and particularly their families.

So it is with great joy that I say the President has chosen someone who currently serves as President of Texas A&M University to be the next Secretary of Defense. Even though Bob Gates is from Kansas originally, he has most recently become a Texan—at least we claim him because he has been living in College Station as President of Texas A&M these last few years.

I particularly commend the President for his selection and Mr. Gates for answering the call, once again, to public service. He is not a new face in this town. Having served as Director of the CIA, having served on the National Security Council, he has a distinguished record of public service. He has written extensively on military intelligence and matters of diplomacy.

My meetings with Dr. Gates, preliminary to the hearings we had this week on the Armed Services Committee, gave me great confidence that he is of the temperament and ability to lead the Department of Defense in what has to be the second most difficult job in Washington, DC; that is, to deal with an agency with the budget of about a half-trillion dollars a year and to perform what is the most important priority of the Federal Government: provide safety and security to the American people. That is a responsibility not only here at home, obviously, but literally all around the world.

On the matter of Iraq, which was the subject matter of most of the questions and comments of the committee during Dr. Gates' confirmation hearing, I think he understands the challenges that face us in Iraq and why it is that we must succeed. As he told me, and as he testified at the hearing, a failure in Iraq would lead to increased activity by al-Qaida, as well as regional instability in the Middle East. It could even lead to a regional—I think he used the term "conflagration," where additional States that are not currently involved in the conflict in Iraq could find their interests at stake and could resort to military force. First, dealing with al-Qaida, and the result of a failed state in Afghanistan after the Soviet Union left there in 1989, ultimately led to the rise of the Taliban and gave Osama bin Laden a place to plot, plan, train, and then export terrorist attacks around the world, including in Washington, DC, and New York City on September 11. Beyond the terrorist threat, it is also clear that Iran has aspirations that will very much put the future of Iraq in jeopardy and our own safety in America as well.

As is widely known, Iran is primarily a Shia majority population. Iraq is composed of roughly three ethnic divisions—Kurds, Shia, and Sunni—and, clearly, Iran is taking advantage of the instability in Iraq to consolidate its position with the Shia in the south, which happens to be an oil-rich region of that nation. But, in effect, if our precipitous withdrawal from Iraq would leave a failed state and leave opportunities for Iranian hegemony, it would create further de facto partitions of Iraq which could perhaps cause the Saudis, as some leaders have suggested, to have to go into Iraq to defend the Sunni minority against ethnic cleansing by the Shia majority, perhaps in combination with Iran, and it would create an opportunity, perhaps, for the Kurds to create, in effect, a separate state in northern Iraq which would cause Turkey a lot of concerns, as has been frequently expressed.

I am pleased that Dr. Gates understands the seriousness of this challenge that confronts our Nation. This is one that is certainly bigger than any election or any political party because, as I said at the outset, it represents the single most solemn responsibility those of us who serve in the Federal Government have, and that is to provide for the safety and security of our own people at home.

Today, as everyone knows, the Iraq Study Group issued its report, and I am hopeful we can work together in this body with a new course in Iraq, working with the White House. Clearly, this is a job for the Commander in Chief. He has expressed a willingness to work with this bipartisan Iraq Study Group and work with Democrats and Republicans in the Congress to achieve victory in Iraq.

I hope Robert Gates' confirmation, his manner and temperament, one that earned him the support of a unanimous vote on the Armed Services Committee, will serve him well as he works on behalf of the President and the executive branch to deal with what is certainly the most significant challenge of our time.

I do want to, however, point out a couple of items in the bipartisan Iraq Study Group report because, obviously, there is a lot of public interest in it. This volume is 142 pages, and not many people have read every single page in it. So we have a number of people highlighting different portions of this 142-page document, perhaps a point they want to emphasize. I have a couple of points I want to emphasize because I think they are entirely consistent with what Dr. Gates has said during his confirmation hearing, and these points should be made clear.

On page 66 of the Iraq Study Group report—sometimes called the Baker-Hamilton commission report—the study group says this:

> The presence of U.S. forces in Iraq is a key topic of interest in a national reconciliation dialog.

And this is the point I want to emphasize. They go on to say:

> The point is not for the United States to set timetables or deadlines for withdrawal, an approach that we oppose . . .

I think it is important to make the point that the Baker-Hamilton study group, the Iraq Study Group, opposes timetables or deadlines for withdrawal.

They go on to say:

> The point is for the United States and Iraq to make clear their shared interest in the orderly departure of U.S. forces. As Iraqi forces take on the security mission, a successful national reconciliation dialog will advance that departure date.

I think what the Baker-Hamilton commission is saying is that withdrawals ought not to be based upon an arbitrary timetable, in effect, based on domestic political considerations but, rather, ought to be based upon security considerations—how can we best provide for the Iraqi people to be able to stand on their own to defend themselves and to allow the political process in Iraq to go forward where people can trade ballots and votes for bombs and bullets.

One other point I wish to raise. I am glad to see the Senator from South Carolina on the floor because there is a point that I know he agrees with and certainly one I think Senator McCAIN and others have advocated which I happen to believe is an option the President ought to consider at the top of his list in terms of the course forward in Iraq.

We have heard the study by the Chairman of the Joint Chiefs of Staff, General Pace, at the Pentagon summarized into three options. I believe this was done by a newspaper or perhaps within the Pentagon itself. They summarized for the course forward to go big, go long, or go home.

Clearly, one can tell from my comments that I believe we all want our troops to come home. We are unified and of a single mind on that point. The question is, based on what criteria? Is it based on politics in the Congress or is it based on security, our long-term security, not just the Iraqis' but our security at home, lest Iraq become a failed state and a launching pad for future terrorist attacks.

The alternative "go long," I believe, was explained as reducing the size of our forces in Iraq but basically making a multiyear commitment, a long-term commitment to have our troops there; frankly, an alternative that I don't think holds out much hope for success.

The American people are clearly anxious to see the situation in Iraq be stabilized, to see some improvement, and I think that brings us to the last choice that has been mentioned as a result of these Pentagon discussions: Go big. Let me explain what I mean.

I mean we need to surge American troops into the capital city of Baghdad for a temporary period of time—not a long-term or open-ended engagement—to provide the ability to back up the Iraqis to do what we need to do to clear, to hold, and then to build on that effort in Baghdad, to demonstrate not only that we can provide the security backing up the Iraqi forces, but also to create the basic security conditions that are necessary for the Iraqis to have that national reconciliation process to work out their differences the best they can, and then to provide for their own defense so we can bring our troops home.

But I want to make sure—because this is an important point—some, I believe, have represented this Iraq Study Group Report as an endorsement of a withdrawal of troops not based on security conditions, and I say this report does not endorse that approach, as I indicated.

With regard to the surging of troops in Baghdad on a temporary basis, as advocated by the Senator from South Carolina and the Senator from Arizona, and one that I find is the only really viable alternative we have in Iraq, the Iraq Study Group says this on page 73:

> We could, however, support a short-term redeployment or surge of American combat forces to stabilize Baghdad or to speed up the training and equipping mission if the U.S. commander in Iraq determines that such steps would be effective.

My hope is the President of the United States, the Commander in Chief, having this worthwhile report which makes clear that every option has been looked at without regard to ideology or partisan politics, that the report of the Chairman of the Joint Chiefs of Staff, consulting with the leadership at the Pentagon, together with even Secretary Rumsfeld's memo that was recently printed, a classified memo of all the alternatives that was recently printed in the newspaper, that the President has all of these various options available to him to go forward in Iraq.

I think Secretary-to-be Gates was correct yesterday when he said there are not any secret options. Basically, we know what the choices are with this report and the other reports that have come out. Simply stated, there is going to be a time for choosing. That choice and the consequences of that choice are very important because, clearly, what we are doing now is not working in Iraq and, clearly, there are dangers in terms of terrorist activity, in terms of Iranian ambitions, a country that is attempting to build, in defiance of the civilized world, a nuclear weapon.

There are tremendous risks and consequences of not getting this done right, and the American people deserve to know not only what the risk is, what the threat is, and the consequences of failing to live up to this challenge, but that we are doing everything we can in a bipartisan fashion as a nation, looking to the best minds and the best experience this Nation has to offer, to come up with a plan or an assortment of choices and then to give the President the opportunity to make the very best decision he can as Commander in Chief, a position conferred upon him by the Constitution, to lead this course change in Iraq so we do not have a failed state which would further endanger not only that region, but would endanger us at home.

In conclusion, those who think America can simply pull the covers over its head and the problem will go away or they simply think we can withdraw our troops—even in a precipitous fashion—and there will be no consequence to it, I cite the comments of GEN John Abizaid, the head of Central Command; who acknowledged that, yes, we could bring our troops home before security is established in Iraq, but the enemy would follow us here.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent that I be permitted to speak on an unrelated subject for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. And that the distinguished Senator from South Carolina be the Senator who follows.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY SECURITY

Mr. DOMENICI. Mr. President, just last week the price of natural gas was at $7.79 per million Btu's. That is nearly double the price it was 2 months ago. In October, natural gas was selling for $4.01 on the spot market. This kind of price instability it brings harms consumers, harms businesses, is devastating to manufacturers, and is a threat to our economy.

On August 1, 71 Senators in this Chamber cast what I consider one of the most important bipartisan votes of the year. We voted for the Gulf of Mexico Energy Security Act, a bill that will open 8.3 million acres in the Gulf of Mexico for oil and gas exploration. The exploration could bring an estimated 1.26 billion barrels of oil and 5.8 trillion cubic feet of natural gas to market over the next several years.

That oil and that gas will be American. It will be extracted from American territorial waters, will be extracted by American companies and American workers, and will be on the coast of the Gulf of Mexico and will also share the royalties with the adjoining States, which has not been done before, sharing in a different way where they get much more of the proceeds.

That is a precedent which we have never accomplished before and which will do us good as we look around our other States to see if we can't do more like this effort.

The support for this bill came from my colleagues from the Northwest, the Southeast, and the Southwest, from the Northeast and the Midwest, from both coasts, from areas in between, and from both parties. We all acted to stem the rising tide of energy prices—something good for our country.

Those who voted for it and helped us with it know that the prices continue to rise for natural gas in our homes and our businesses, and we are awaiting the passage of this bill to stabilize prices for the next few years as this fountain full of natural gas descends upon the United States as a result of this new proposal and proposition in the Gulf of Mexico between our sovereign States and the U.S. Government to proceed with drilling. We cast that vote for families worried about high costs of energy. We cast that vote for American businesses, large and small, which have been hit hard by rising energy costs. We cast that vote for manufacturers who have been forced to shut down hundreds of U.S. plants in the last several years and for millions of American workers who lost their jobs when their plants closed. We heard the stories of all of these in our Energy Committee as we proceeded on this bill.

Occupying the chair is the distinguished new Senator from Florida. He remembers this testimony and these facts, and he anxiously waits, as I do as chairman and he as an active Member, for the House to take up this bill and pass it. They have a few alternatives. They can lose the bill and drop it and let it become dead; yes, indeed. But that seems to me to be the worst option of all. They also can pass it just like we sent it to them, and they will have a completed bill, and nothing further. They can affix it to any bill they choose to pass over there—the tax extenders—and send it to us, and, of course, if that is the case, we will have to do further work on it as it gets here.

But that will be the rule as it applies to a bill which is not exactly the same as the one we sent them.

So we cast our votes, as I said, in the manner I have described.

Natural gas prices climbed 400 percent from 2002 to 2005. In that time, the chemical manufacturing industry alone closed 70 plants in these United States and plans to close 40 more, largely because of skyrocketing prices of natural gas. We joined together, Republicans and Democrats, to tackle that problem, and we passed, by strong bipartisan vote, a bill that is as important a step toward tackling our energy challenges as we have around us anywhere in either body, a small but meaningful step toward reducing our reliance upon foreign oil.

This week I hope, and I am confident, that the House will take up our bill. I anticipate equally strong bipartisan support from the House. This legislation is critically important for our consumers and our economy, for housewives and homes, and as we go down the line, we know natural gas is the life of America, and we will add a very significant inventory to America's large inventory, and it will be American, it will not be imported.

The legislation is critically important. The oil resources in this region are impressive, but vast reserves of natural gas are the real bonanza. We believe there is natural gas in lease sale 181 and lease sale 181 south to heat 6 million homes for 15 years—6 million homes for 15 years. Largely because of these gas services, the Wall Street Journal has called this bill an "easy victory" for the U.S. economy. On the other side of the political spectrum, the New York Times wrote: "This bill meets an immediate need and is a reason to drill in the gulf." How can you get more than those two ends of the spectrum agreeing and 71 Senators from both sides of the aisle voting for it?

Now I cry out today to the House: Don't go out of session without passing the bill I have just described to you which awaits action from you. It is simple action: just an "aye" vote for a simple majority, and that is it. It will be done. This rather gigantic resource will then become available. It is in America, sitting there waiting for somebody to use it. It will be usable with that vote.

As I just told my colleagues, for purposes of an explanation and elaboration, 6 million homes—6 million homes—will have their gas for their full season for 15 years just from what we are going to do there. What an astounding achievement if we will just complete the work by having a vote in the House.

I was saddened to read that we continue to lose businesses because natural gas prices are too high. The National Association of Manufacturers estimates that 3.1 million high-wage manufacturing jobs have been lost since 2000, largely due to inadequate supplies of natural gas. This week, the House can join us in doing something about that, and I urge they do whichever they see as the best way to pass it. If they think it is best to do it freestanding and send it to us as we sent it to them, I wish them the best. If they choose to put it on the tax bill, I hope it will not just make it more difficult and cause the bill to be lost in the transit to the Senate, which appears simple but becomes cumbersome, at least once it hits the House and hits the Senate. It is nice and easy just coming over as it is walked over, but it is very cumbersome once it gets here. That is what would happen. It would then be discussed and perhaps debated, and it would have to have a vote. That is the second approach and far less desirable.

But the House can see the writing on the wall—do it now or perhaps never do it. What a shame. Do it now and you get the benefits I have indicated or, believe it or not, it could be that you won't get it ever. That is just not a good way to leave for this Christmas, as I see it, and I hope it isn't.

I thank the Senate for permitting me to speak today.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. GRAHAM. Mr. President, I want to echo what the Senator from New Mexico said. He has a very good idea, and I hope the House will act on his recommendations.

Very briefly, I rise in support of the nomination of Dr. Bob Gates for Secretary of Defense. I believe he is the right guy at the right time. He has the background to be successful. I know this body will overwhelmingly confirm him. I wish him well in his very difficult but important task that lies ahead for the country and particularly for Dr. Gates.

Very briefly, here is what I expect from Dr. Gates and really everyone involved in the war on terror: a winning strategy. He said at the hearing in one of the answers to one of the questions I posed to him that he believed the war in Iraq was one of the central battlefronts of the war on terror. If you believe that, as he does and I do and the President stated, then you have to throw everything you have at winning because the outcome in Iraq really will affect the outcome of the war on terror. If you believe that, you fight it to win. He also said something I thought was equally true and very candid: We are not winning. Our military has won every battle, but the extremists are trumping the moderates, and extremism is winning out over moderation in Iraq because we don't have enough security in place to allow moderation to flourish.

My question to the country is, If we all agree we are not winning, can we all agree that we must not lose? I hope the country will rally around the concept that losing in Iraq will be devastating to our efforts in the war on terror. It will be devastating to forces of moderation in the region. It will empower extremists, religious extremists, al-Qaida, and others who have as their goal to topple all forms of moderation in the Middle East, to drive us out of the region—not just Iraq—and one day destroy the State of Israel. If you believe it is the central backbone of the war on terror, I hope we can come together as a people in this country to make sure we have the resources on the ground to win.

Dr. Gates said that we did not have enough troops after the fall of Baghdad to bring about security. I think everybody believes that now. If General Shinseki was right and we needed 200,000 to pacify the country and secure the country after the fall of Baghdad, what has happened in the intervening months and years to require less troops? Nothing. It is far worse today in Baghdad than it was a year ago when I last visited. I was there on election day in December. People were walking around voting, very happy, very upbeat. Now people are afraid to go outside, and their children are under attack when they go out for the most simple things.

So I do hope that not only will he take over this job and start over with the Congress and the American people, that he will commit himself to winning this war, and the way to win, in my opinion, is to provide security so the political process can be successful. No Prime Minister, no historical figure or great politicians of the past could bring about a democracy in Iraq with this level of violence. It is chicken-and-egg stuff to me. You cannot have a political solution until you control the violence. When you have a high-crime neighborhood, you don't send in less police, you send in more. Our mistakes in the past have come back to haunt us. We have never had enough troops. The situation on the ground has gotten out of control. I do believe we can control it with a surge of American troops.

The goal is to come home, but the goal is victory. History will judge us not by when we left but what we left behind. The consequences of winning or losing in Iraq are central in the war on terror, and we have no other option, in my opinion, other than to win. The way to win over extremists is you stand boldly with moderates, and the way you win against people who could care less about humanity is to embrace the better parts of humanity and show the people who are trying to drive us out of Iraq that their agenda will lose to a better agenda, that their idea is second to ours.

People in the Mideast are dying for their freedom. People in Iraq are dying for their freedom. If you become a judge in Iraq, they try to kill your family. If you are a politician in Iraq, they don't say bad things about you, they try to kill your family. Let's stand with the moderate forces in Iraq. Let's make sure we win this war which is central to the war on terror, and the only way I know to win a war is to fight it with overwhelming force.

Mr. President, I yield the floor.

CHANGE OF VOTE

Mr. STEVENS. Mr. President, I wish to correct my vote on rollcall 271, the motion to waive the Congressional Budget Act point of order on Senate amendment No. 5205.

I am recorded as "yea" to waive the Budget Act point of order. It was my intent to uphold the point of order. Therefore, I ask unanimous consent that the record be changed so I will be recorded as voting against the motion to waive the budget point of order. The record should reflect my vote as "nay" on amendment No. 5205. It would not change the outcome of the vote.

The PRESIDING OFFICER (Mr. COBURN). Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MARTINEZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MARTINEZ. Mr. President, I ask unanimous consent to speak in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MARTINEZ. Mr. President, I rise this afternoon first of all for the purpose of agreeing with my colleague from South Carolina and previously my colleague from Texas, both distinguish Senators who spoke in favor of the nomination of Dr. Gates to be our next Secretary of Defense.

I intend to support his nomination. I believe he has served our country well in the past, and we are fortunate that he is willing to step into a difficult position at a very difficult time in our history. I intend to support him. I commend the Armed Services Committee for their show of unity and bipartisanship in unanimously supporting his nomination. I hope there will be a strong vote in support of Dr. Gates as he heads into this very difficult assignment.

I think it is important we note today two other things—one, the need for us to look at this problem in Iraq with a sense of bipartisanship, with a sense of unity as Americans, putting aside the stripes we usually wear as Democrats and Republicans and looking at this problem as Americans concerned about a difficult problem, one that has taxed us but one in which we must succeed.

Today the President received the report of the Iraq study commission, a group of distinguished Americans who came together to give us recommendations. I commend the President for not only accepting their report but also highlighting how clear he was and the seriousness that will be given to the recommendations it makes.

Lastly, I wish to also take a moment to commend and thank Secretary Rumsfeld for his service to our Nation. I had the pleasure of meeting Secretary Rumsfeld when I was very inexperienced in the ways of Washington, a person from Florida, and I came here to serve in the President's Cabinet. During the time of the transition into this administration, I met Secretary Rumsfeld as we jointly prepared for our confirmation hearings before the Senate and proceeded to our jobs in the Cabinet. I came to know and appreciate this great American patriot, a man of incredible intellect and talent but also incredibly dedicated to our Nation. I came to truly appreciate his leadership and his skill as he led the Department of Defense initially through the treacherous attacks of September 11 where he, with his bare hands, was helping to dig the injured from the rubble of the Pentagon as that building was attacked on that unforgettable morning of September 11, 2001. I saw him next in our immediately following Cabinet meeting when the President asked all of us to try to pull ourselves together to help lead our Nation at this very difficult moment. He, in a certain and clear way, showed us a way forward and how our military would respond to the threats to our Nation—first of all, to secure the Capitol and New York City but then in a very clear and direct way on how to respond to those who had plotted these attacks in Afghanistan.

He led our country into a very successful and very clear and decisive victory in Afghanistan and then prepared our country and led us into the war in Iraq with a very difficult and still uncertain outcome.

In all of the debate and discussions that have ensued over the last several months about this difficult struggle in which we find ourselves today, I think too often we have been guided by the usual bickering and partisan politics, but not often enough do we stop to recognize a dedicated American who has served our Nation well. I am proud to call Secretary Rumsfeld my friend. But I am equally proud to say today that he has served our Nation with great distinction, that our Nation owes him a great debt of thanks and to his family as well, to his wife Joyce and to his children for the sacrifice that all of them have made so Secretary Rumsfeld could serve our Nation once again. At a certain age when many of us might be looking forward to retirement, he came to Washington once again to serve in a very difficult job and has done it with great distinction.

I thank Secretary Rumsfeld on behalf of Floridians, and I think a grateful nation as well, and the men and women in uniform he has led who I know thought so much of his leadership. I know he has given so much of himself to the transformation of our military to prepare us for the future. I, for one, rise today with a voice of thanks to a great American for his service.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SALAZAR. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, I rise to speak on behalf of the confirmation of Robert Gates as Secretary of Defense. When I looked at the testimony that was offered by Robert Gates yesterday in front of the Armed Services Committee, I was impressed by the qualities that he was proposing to bring to the job. I want to speak to some of those qualities this afternoon before we get to a confirmation vote on his nomination to be the next Secretary of Defense.

First, I was impressed with his candor. I think his sense of what is happening in Iraq and his grasp of the facts, being straightforward with the committee and straightforward with the Senate in terms of how he views the picture of Iraq, is refreshing. I think what it tells all of us is that Dr. Gates will bring in the fresh eyes we need to have on the problem in Iraq so we can hopefully develop a new direction that is one that will work for our country. So I appreciate the candor with which he spoke yesterday in the Senate Armed Services Committee.

Second, I was also impressed with Dr. Gates and his openness with regard to considering all options in respect to questions that were asked of him by members of the committee. What he said, in effect, was that all options are on the table. He did not simply say that he had a specific course of action or that we were going to stay the course, but he said that everything needed to be examined. I think that is a refreshing attitude about this major problem in the Middle East that we have and we share as Americans today.

Third, I was impressed also by the quality of collaboration he talked about. I think in his statement to the committee, as he talked about working with all agencies and working with the Members of Congress, he was saying that this is an issue in Iraq that really is a problem that belongs to all of America. How we move forward with the issue of Iraq is something that is going to require all of us working together to be successful in Iraq. In so doing, I think he was making a statement that this is not just a Republican issue; it is not a Democratic issue; it is an American issue and we need to find a strategy and a direction for us to be successful.

I believe when you look at what has happened in the last 4, 5, or 6 weeks in America, what we see is a growing momentum for a new direction in Iraq. I think that new direction is set forth with a lot of things that are happening, developing a method that will hopefully bring this country together as we look for solutions. But let me say the Iraq Study Group in its own study, which I know is being heralded around the country today, starts out with a very candid assessment of what is happening in Iraq today and is set forth in the first paragraph of the Iraq Study Group Report. It says:

> The situation in Iraq is grave and deteriorating. There is no path that can guarantee success but the prospects can be improved.

When this study group says that the situation in Iraq is grave and deteriorating, there is a sense of candor with respect to what is happening on the ground in Iraq.

I had the honor and privilege of visiting Iraq with my friend from Virginia, Senator WARNER, for whom I have tremendous respect, and Senator LEVIN from Michigan for whom I also have tremendous respect, and that was in March of this last year.

I remember my conversations with my good friend from Virginia when he talked about how things changed in Iraq from the first time he had visited Baghdad to the time we were there in March. The fact is things have gotten worse with respect to the violence we saw on the ground. How we move forward is a very important challenge that we face in America.

I strongly believe we need to move forward in a bipartisan manner in developing new directions for our country with respect to Iraq. I believe we need to succeed in Iraq. I believe that getting the regional interests involved in helping us formulate a solution is very important and we need to continue to send a message to the Iraqi people and the Iraqi Government that they first and foremost have the responsibility to bring about the security that will allow their Government to function and the people of Iraq to have peace and stability, which is something that is very essential.

I believe we have the people and the leadership here in this body of the Senate to be able to chart that future bipartisan direction for the United States of America, not only in Iraq but in the Middle East. As was appropriately pointed out by the Iraq study commission, this is an issue that goes beyond Iraq. It is an issue that involves the entire Middle East and how we deal with this issue.

I will quote again another wonderful friend of mine, former President Bill Clinton, when he says, "The eggs have been broken and now we have to make an omelet out of it." Or Secretary Colin Powell, who made the comment at one point in time that, "We broke it, we bought it."

We have a problem in Iraq and in the Middle East. In order for us to meet the challenges that face us, it is going to take tremendous bipartisanship leadership from all of us here in this body. I look forward to working with my colleagues as we move forward on this agenda.

I yield the floor.

Mr. WARNER. Mr. President, I say to our distinguished colleague from Colorado that I had the privilege of being with the distinguished ranking member, Senator LEVIN, Senator BIDEN, Senator LUGAR, Senator LIEBERMAN—a group of us at the White House—Senator ROCKEFELLER, Senator ROBERTS, counseling with the President on these various issues. It was an extraordinary meeting. I have had the privilege throughout my 28 years in the Senate to be in that Cabinet Room many times, but this was a very historic moment. The President listened very carefully to the perspectives and views of Members of the Senate, and we had an equal number from the House of Representatives. I am encouraged for the future. I am looking forward to our President assessing all of the options related to Iraq. I commended the Baker-Hamilton report during the course of our meeting. We talked about his interim study. We talked about the Pentagon input and the input of the Chairman of the Joint Chiefs. I am optimistic that our President is going to carefully consider all options. But we must wait and see as he, under the Constitution, has to make that final decision with regard to such changes that we may have in our policy.

I thank the Senator.

The PRESIDING OFFICER. Under the previous order, the Senator from Pennsylvania is allotted 20 minutes. We will have to either revise that previous agreement or take time.

Mr. WARNER. Mr. President, I have to say that I think, colleagues, we must maintain the 5 o'clock voting time. A lot of Senators rearranged their schedule. I was unaware because I happened to be away from the floor.

I yield the floor. I thank the courtesy of the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I have sought recognition to express my support for the nomination of Robert Gates to be Secretary of Defense and to use this occasion to comment about the proposed changes in policy of the United States in the conduct of the war in Iraq.

When Robert Gates was nominated to be Director of the Central Intelligence Agency in 1987 and I was serving on the Intelligence Committee at that time, concerns were expressed, including mine, that Mr. Gates had not been forthright in the preparation of the testimony of then-CIA Director Casey in disclosures about what happened in the Iran-Contra affair. Mr. Gates withdrew as a nominee for CIA Director at that time. However, he was again nominated in 1991 by President George H.W. Bush, and at that time I supported his nomination, thinking that whatever mistakes Mr. Gates had made in the past, he had learned from those mistakes.

President George W. Bush has now nominated Robert Gates to be Secretary of Defense. I believe he is well qualified to undertake this position. He has testified before the Armed Services Committee that he does not intend to be a bump on a log, has asserted his independence, told me in a meeting which we had last week on November 30th that he would bring a fresh pair of eyes to the situation and would be open to change. There is no doubt that change is in the wind, considering the memorandum which has surfaced, written by Secretary of Defense Donald Rumsfeld the day before the election, and from comments made by National Security Adviser Stephen Hadley, and comments made by the President himself. It is my view that had we known Saddam Hussein did not have weapons of mass destruction, we would not have gone into Iraq. Once we had made the decision to go into Iraq, I think it not advisable to withdraw and leave Iraq in a condition of instability. But the situation there cannot go on forever, interminably, without some limitation and without change of policy because, as Robert Gates put it, we are not winning there and the situation is not improving there. So there has to be some change. Precisely what that change should be is a matter yet to be resolved, and yet to be considered. But a long list of alternatives has been proposed in a number of quarters.

Today, the commission, led jointly by James Baker and Lee Hamilton, has issued a report calling for some very fundamental changes. The Rumsfeld memorandum outlines a number of alternatives.

One of the important recommendations which was made by the Baker-Hamilton commission is that there has to be involvement by other nations in the region, especially Saudi Arabia, with all of its wealth, maintaining a hands-off position, and they ought to be helping to resolve the problems there. The Baker-Hamilton commission has further recommended that the

United States engage in negotiations with both Iran and Syria perhaps on a multilateral basis.

My own view, which I expressed in an extended floor statement last June, is that the United States ought to negotiate directly with Iran. I also believe we ought to negotiate directly with Syria. In my June statement I also broadened to consideration of direct negotiations with North Korea. As I said at that time and reiterate, as has been pointed out, we need to keep our friends close and our enemies closer; that if we would undertake a dialog showing respect, showing courtesy to our opponents—we do not have to agree with them—I think that diplomacy and dialog have an excellent opportunity to lead to a solution; and, certainly as a matter of first impression, it ought to be what is undertaken.

It is my hope the President will move in the direction cited by the Baker-Hamilton commission and will go even further and engage in direct negotiations with Iran, Syria, and North Korea.

In October, I publicly urged that changes should be made promptly and not wait until after the election because we were sustaining so many casualties on an ongoing basis.

On October 22, during an interview with CNN, I was asked how much time does the Iraqi Prime Minister have to get tough to deal with the death squads and the militias before the United States has to reassess its strategy. I replied that I would say the time is already past.

I was encouraged by a lead story in the New York Times that day that the administration was considering some timetables. President Bush said in his Saturday address the day before that he was prepared to be flexible to make adjustments, if necessary, to be victorious. I said then that I don't believe a shift in tactics ought to wait until after the election; that there are too many casualties; and that if we had a better course, we should adopt it sooner rather than later.

When Senator WARNER came back from a trip to Iraq several weeks before the election and was quoted to the effect that things were going sideways, I called him and suggested to Senator WARNER and to other of my colleagues that it might be useful and appropriate to have a joint statement to the President as to the views that we got from our travels to our States and from our travels generally. It was apparent to me weeks before the election—really months before the election—that there was an ongoing descending pattern in which the American people were not in support of United States policy in conducting the war in Iraq. And the public opinion polls cited in my formal statement, which I will introduce into the RECORD, have shown that. The attitude of the troops in the field—again the specifics of my formal statement had shown that. It was my view that the will of the American people would be expressed at the election, and in no uncertain terms repudiating what the United States was doing in Iraq. And, of course, that did prove to be the case.

I had been concerned back in 2002 before the vote was taken on the resolution for the use of force as to what the United States was prepared to do once Saddam Hussein was toppled. What were the specifics on the evidence of weapons of mass destruction; what will be the costs in terms of casualties; and what will happen? I was speaking in 2002 about the conflicts among the Sunnis, the Shiites, and the Kurds.

Now we have a situation where it is up to the President to make the decision as to what will be done specifically; and that is his role as Commander in Chief. But the Congress also has a very definite, a very precise, and a very important role as we undertake the appropriations process.

From time to time there are comments by Members on a wide variety of subjects that funding should be cut off from executive operations in order to carry out Congress' will. That is done in the appropriations bill. When a Secretary of a given department is about to undertake something which the Members of Congress do not like, we provide that no funds appropriated in the bill shall be used to carry out a specific function. There has been a suggestion that funding ought to be cut off for the activities in Iraq. Certainly we would not cut off funding to leave our troops in harm's way, without adequate resources to carry out their mission. However, there may develop a congressional consensus which would reflect the will of the American people that there needs to be something done in Iraq, perhaps even staged withdrawals. Cutting down funding in stages to effectuate such staged withdrawals could accomplish congressional objectives and not leave our troops exposed, with sufficient planning in advance.

In light of the public opposition to the way we are conducting the war in Iraq, and very significant agreement among Members with that demonstrated public response, there remains the possibility that Congress could act with respect to the appropriations function to effectuate changes. That is certainly a course which I would not like to see happen.

It would be vastly preferable if, as a result of what has happened, including the Baker-Hamilton commission report and what Secretary Rumsfeld has said and the new approach of Secretary-to-be Gates—I think he will be confirmed later this afternoon—that the President will make a sufficient change in policy which will lead us in a better path.

Certainly the continued presence of U.S. troops in Iraq has two major problems—at least two major problems. First, it incites the insurgents to attack U.S. troops; second, it allows the Iraqis to continue to rely upon the United States to provide a defense and to provide military protection. They do not have the motivation to increase their police force and their military to handle the jobs themselves. The public opinion polls cited in my prepared statement are shocking in that the people in Iraq approve of the attacks against U.S. soldiers. We are in a very uncomfortable position.

In essence we may be on a watershed mark today with the confirmation of Robert Gates to be Secretary of Defense on a day when the Baker-Hamilton report has been filed which makes recommendations for changes. Ultimately, the President will have to make the decision.

We debated earlier this year proposals to have a withdrawal by stages in 2007 without a specification as to what there would be. We had a vote on withdrawal by July of 2007 which was decisively defeated, getting only 13 votes. The temper of the country is such that there is widespread public opposition to what is being done by the United States by way of military action in Iraq today. We learned the bitter experience of the Vietnam war, that we cannot conduct a war which is unpopular with the American people, which the American people reject.

In voting to confirm Mr. Gates, we will see the possibilities of a new chapter. But it is up to the President, it is up to the Commander in Chief to structure a change in policy which will ultimately take our troops out of harm's way, which will be done in a way consistent with maintaining stability in Iraq to the maximum extent possible to set the stage for Iraq to continue to develop its incipient democracy and, as per the Baker commission report, perhaps embed troops with the Iraqi military and the Iraqi police so they can undertake their own defense. But that will require the change in policy with all of the options having been presented by the variety of sources which I have cited.

I ask unanimous consent that the full text of my prepared statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PREPARED STATEMENT OF SENATOR ARLEN SPECTER ON THE NOMINATION OF ROBERT GATES TO BE SECRETARY OF DEFENSE AND U.S. POLICY IN IRAQ

Mr. President, I seek recognition to speak about the nomination of Robert Gates to be the 22nd Secretary of Defense and our policy as it pertains to Iraq.

Robert Gates was first nominated to lead the Central Intelligence Agency in 1987 by President Ronald Reagan. At that time, I, along with many of my colleagues, held reservations about his nomination. Specifically, I was concerned about his role as Deputy Director of the CIA in helping to prepare former CIA Director William J. Casey for testimony before the Congress in which he failed to disclose the full details of the Iran-Contra Affair. I was also concerned about Gates' failure to recognize the possible impropriety of diverting funds from Iranian arms sales to the Contras. Reservations expressed by other members of the Senate and myself reportedly led to the withdrawal of his nomination.

In 1991, when Gates was nominated by President George H.W. Bush to lead the CIA, I supported his confirmation. In explaining my support for Gates on the Senate floor, I stated, "To the extent that Mr. Gates has made mistakes, it is my conclusion that he has learned from them. I believe that as a matter of his personal qualifications he is an astute, experienced intelligence officer" and that "Mr. Gates is ready, willing and able to work with the Congress, allowing the Congress its appropriate oversight capacity." The majority of Senators at that time came to similar conclusions, resulting in his confirmation by the Senate. He served admirably as Director of the CIA for fourteen months and is the only career officer in the agency's history to rise from entry-level employee to Director. As was reported in a December 4, 2006 article in the Washington Post, "even his critics describe it as a reasonably successful, modernizing tenure."

At a time when our country is engaged in a world wide war against terror and is searching for answers on how to deal with the simmering civil war in Iraq, President George W. Bush has nominated Gates to replace Donald Rumsfeld as Secretary of Defense. During his confirmation hearing, Gates offered refreshing testimony, stressing he would "listen closely" to various sources of advice, form his "own conclusions", "speak candidly" about what needs to be done in Iraq and that he is not returning to service to "be a bump on the log."

After meeting recently with Robert Gates, I believe he will, as he told me in our meeting on November 30, 2006, bring a fresh set of eyes to the Department of Defense and to U.S. policy towards Iraq. My meeting, in conjunction with my review of his testimony before the Armed Services Committee, has led me to conclude Robert Gates can provide competent leadership at the Pentagon at this critical juncture in our nation's history.

The nomination of Robert Gates to head the Department of Defense is an opportunity to chart a new course. His personal relationships with Secretary Rice, a former subordinate, and his three decade relationship with National Security Advisor Stephen Hadley, will hopefully aid the transition and provide a new dynamic in the Administration's national security team. It is my hope that Gates will not only bring a fresh pair of eyes to our policy in Iraq, but also to our dealings with regional actors such as Syria and Iran.

In 2004, Gates co-chaired a task force of the Council on Foreign Relations that concluded that "it is in the interests of the United States to engage selectively with Iran to promote regional stability, dissuade Iran from pursuing nuclear weapons, preserve reliable energy supplies, reduce the threat of terror, and address the 'democracy deficit' that pervades the Middle East as a whole." In response to a question submitted by the Senate Armed Services Committee on Iran, Gates expressed his belief that "no option that could potentially benefit U.S. policy should be off the table" and noted that "in the worst days of the cold war the U.S. maintained a dialogue with the Soviet Union and China." Most recently, during his testimony before the Senate, he confirmed the position that "our first option should be diplomacy" to deal with the problems Iran poses.

I have consistently urged the Administration to work with Iraq's neighbors, including Iran and Syria, to develop cooperative stabilization efforts. To that end, I have personally met with Iran's Ambassador to the United Nations and Syria's Ambassador to the United States in an attempt to help facilitate such an effort. I have amplified my strong belief that dialogue with nations such as Iran and Syria, most recently in an essay "Dialogue With Adversaries" published in the winter edition of The Washington Quarterly. I ask unanimous consent that it be printed in the record at the conclusion of my remarks.

I have supported the Iraq Study Group, an independent, bipartisan commission led by former Secretary of State James Baker and former Congressman Lee Hamilton which was created by Congress in order to deliver an assessment of the situation in Iraq and recommend strategic options for the future. I expressed my support and interest in the work of group to CNN on October 22, 2006: "Let's consider the alternatives and what Jim Baker and Lee Hamilton and his group are thinking about, sooner rather than later."

The Iraq Study Group report, unveiled today, recommends that, "Given the ability of Iran and Syria to influence events within Iraq and their interest in avoiding chaos in Iraq, the United States should try to engage them constructively." The report also notes that, "The United States cannot achieve its goals in the Middle East unless it deals directly with the Arab-Israeli conflict and regional instability. There must be a renewed and sustained commitment by the United States to a comprehensive Arab-Israeli peace on all fronts: Lebanon, Syria, and President Bush's June 2002 commitment to a two-state solution for Israel and Palestine. This commitment must include direct talks with, by, and between Israel, Lebanon, Palestinians (those who accept Israel's right to exist), and Syria." I am pleased that the Iraq Study Group considered engaging in dialogue with regional actors and I appreciate its recommendations on how to move forward in Iraq.

Today, the Baker Commission concluded that "stability in Iraq remains elusive and the situation is deteriorating." Yesterday, in testimony before the Armed Services Committee, Gates candidly responded "No, sir" when asked if we were winning in Iraq. One month ago to date, Secretary Rumsfeld drafted a memorandum declaring "it is time for a major adjustment." All of these call for a change in U.S. policy.

A shift in policy in Iraq is overdue and I have long-expressed openness to considering any and all suggestions for a change in course. When Senator WARNER returned from Iraq on October 5, 2006, he made a public statement to the effect that things were "drifting sideways" in Iraq. I called him to express my view that I had found in my travels in Pennsylvania and elsewhere that the people were totally opposed to the way the United States was conducting the war in Iraq.

I expressed my concern to Senator WARNER that we were heading for an election debacle in the face of public opposition to the way we were handling the war in Iraq if modifications were not promptly made. I consulted with a number of my colleagues in the Senate about jointly advising the President of such concerns. There was a consensus that we not do so on a joint basis. I then had an extended telephone conversation with Presidential adviser Karl Rove to express my misgivings.

Later that month, I publicly urged that changes should be made promptly and not wait until after the election because we were sustaining so many casualties on an ongoing basis. On October 22, 2006, during an interview with CNN,. I was asked: "How much time does the Iraqi prime minister, Nouri al-Maliki, have to get tough to deal with the death squads, the militias, before the United States has to reassess its strategy?" I replied: "I would say . . . that the time has already passed. I was encouraged by a lead story in the New York Times today that the Administration is considering some timetables. President Bush said yesterday in his Saturday address that he's going to be flexible and would make adjustments if necessary to be victorious . . . We have James Baker saying that there are alternatives besides staying the course and cutting and running. I don't believe that a shift in tactics ought to wait until after the election. There are too many casualties there. If we have a better course, we ought to adopt it sooner rather than later."

I believe that had we known Saddam Hussein did not possess weapons of mass destruction, the Congress would not have authorized the invasion of Iraq. I told CNN on September 24, 2006, that, "By hindsight, we operated on faulty intelligence. And I think, had we known that Saddam Hussein did not have weapons of mass destruction before the war was started, I think the odds are very strong that it wouldn't have been started." However, we entered that country and we must to do everything in our power to not leave it in a condition that will continue to precipitate violence.

Prior to the U.S. invasion of Iraq, I publicly stated my concerns about the potential fallout from such action. On February 13, 2002, I took to the Senate Floor to express my belief that there should be a comprehensive analysis of the threat posed by Saddam Hussein and what an invasion would amount to in terms of U.S. casualties: "We need to know, with some greater precision, the threat posed by Saddam Hussein with respect to weapons of mass destruction . . . There also has to be an analysis of what the costs would be, some appraisal in terms of casualties . . . Then there is the issue as to what happens after Saddam Hussein is toppled."

Eight months later, on October 7, 2002, I returned to the floor to again express my concerns: "What happens after Saddam Hussein is toppled has yet to be answered in real detail."

"What was the extent of Saddam Hussein's control over weapons of mass destruction? What would it cost by way of casualties to topple Saddam Hussein? What would be the consequence in Iraq? Who would govern after Saddam was toppled? What would happen in the region, the impact on the Arab world, and the impact on Israel?"

"In previous briefings, I have sought the administration plan as to what will be done after Saddam Hussein is toppled, and I think that is an area where a great deal more thought needs to be given. The situation in Iraq would obviously be contentious, with disputes between the Sunnis and the Shi'ites, with the interests of the Kurds in an independent state, and it means a very long-term commitment by the United States."

Nonetheless, now that we are there, I feel we should give the Iraqis an opportunity to solidify a democratic government and do our best to establish the capabilities of Iraq's army and police forces to provide adequate security. However, continuing violence and instability have made it apparent that Iraq is in a state of civil war and that the current policies of the U.S. and Iraqi governments need to be reassessed. I believe the recent resignation of Secretary of Defense Donald Rumsfeld and decision by Iraqi Prime Minister Nuri al- Maliki to speed transition of security responsibilities to Iraqi forces signal that the Administration and Iraqi government are ready to make changes.

The United States cannot prosecute a war which does not enjoy the support of the American public. The election results and other evidence demonstrate that the American people do not support the war in Iraq. Support has dwindled with those serving on the front lines. According to a February 28, 2006 Zogby poll, 62 percent of Americans believe that things are going badly in Iraq. Furthermore, 72 percent of troops serving in Iraq favor a pull out within the year. How much longer can we continue to prosecute this war that has become increasingly unpopular both with the American public and our troops? As I warned my colleagues on the Senate Floor on February 13, 2002: “We have seen the bitter lesson from Vietnam that we cannot prosecute a war without the public support.”

There is a broad consensus that our policy in Iraq is not producing the desired results. A change in course is mandated not only because of the events on the ground but by the collective voice of the American people who spoke out during the November elections. The situation has reached a critical mass as we have recently seen the National Security Advisor, the Secretary of Defense and the President all recognizing a change is needed and, furthermore, indicating change will be forthcoming.

I commend President Bush's decision to “look at new ideas” and “broaden the aperture of the debate” as National Security Advisor Stephen Hadley stated on Meet the Press on December 3, 2006. The following day, the President stated that he is “not satisfied with the pace of progress in Iraq.”

Further evidence that change is needed came from the Administration's point person and architect of U.S. action in Iraq. Secretary of Defense Donald Rumsfeld, in a November 6, 2006 memorandum: “In my view it is time for a major adjustment. Clearly, what U.S. forces are currently doing in Iraq is not working well enough or fast enough.”

National Security Advisor Stephen Hadley confirmed that U.S. policy needs retooling when he restated the President's position, “that what is going on in Iraq is not going well enough or fast enough” and that “some of those changes are going to be significant.”

Most importantly, the incoming Secretary of Defense, in response to a question posed by Senator LEVIN, the incoming Chairman of the Senate Armed Services Committee, “Are we winning in Iraq?” Robert Gates responded, “No, sir.”

The Iraq Study Group Report states that the “primary mission of U.S. forces in Iraq should evolve to one of supporting the Iraqi army, which would take over primary responsibility for combat operations. By the first quarter of 2008, subject to unexpected developments in the security situation on the ground, all combat brigades not necessary for force protection could be out of Iraq.” I support this recommendation and I am pleased that President Bush, according to his National Security Advisor, is “looking forward to the report” and that he “wants to listen to Republicans and Democrats in Congress.” I would respectfully suggest that the President heed the work of the Iraq Study Group and the opinions of Congress.

From time to time, there are comments by Members that we should cut off funding for executive operations to carry out Congress's will. Certainly, we would not cut off funding to leave our troops in harm's way without adequate resources to carry out their mission. However, there may develop a Congressional consensus on staged withdrawals if the President does not initiate such a plan himself. Cutting down funding in stages to effectuate such staged withdrawals could accomplish Congressional objectives and not leave our troops exposed with sufficient planning in advance. In light of public opposition to the way we are conducting the war in Iraq and widespread agreement among Members with the public response, there is a significant possibility that Congress would act to curtail expenditures to effectuate staged withdrawals.

During a April 27, 2005 Defense Appropriations Subcommittee hearing, I expressed my concern over federal spending priorities directly to Secretary Rumsfeld: “There is a lot of disquiet out there among the people as to what is happening in Iraq and disquiet as to what is happening to our discretionary budget. I chair a subcommittee which is responsible for education and health care and worker safety, and it's been cut by almost a full percent and with the inflation factor, I'm about $7 billion short. And that makes it very, very tough to sell when you have NIH and health-care program and Pell grants and education.” I reiterated my concern in a May 19, 2005 letter to Sec. Rumsfeld: “There is considerable angst in my state, and I suspect generally in the country, concerning the cost of our military operations in Iraq, especially when compared to the cuts in domestic discretionary spending.”

Giving the Iraq government a virtual blank check on our staying there is counterproductive in at least two important respects: First, it encourages the insurgents to violence against our troops there and against other Iraqis. Second, it encourages the Iraqis to continue reliance on our presence there to defend their stability.

Our presence in Iraq incites violence which results in increased U.S. and Iraqi deaths. On September 24, 2006, I told CNN, “that the war in Iraq has intensified Islamic fundamentalism and radicalism . . . That's the focal point for inspiring more radical Islamic fundamentalism.” According to the Department of Defense's Manpower Data Center, 99 U.S. soldiers were killed in support of operations in Iraq in October 2006. This represents the most U.S. casualties in a month since November 2004.

Not only are U.S. troops being attacked on a regular basis, but such action appears to be acceptable to the very populace we are attempting to aid. According to a September 27, 2006 USA Today article, “About six in 10 Iraqis say they approve of attacks on U.S.-led forces, and slightly more than that want their government to ask U.S. troops to leave within a year, a poll finds.” Further, The Washington Post reported that a survey conducted by the State Department revealed two-thirds of Iraqis in Baghdad favor an immediate withdrawal of U.S. forces.

According to the USA Today article, “About 61 percent approved of the attacks—up from 47 percent in January. A solid majority of Shiite and Sunni Arabs approved of the attacks, according to the poll.” Furthermore, “Three-fourths say they think the U.S. plans to keep military bases in Iraq permanently.” A consolidation of bases, as suggested by Secretary of Defense Donald Rumsfeld, in conjunction with an indication to begin removing U.S. forces from Iraq, would aid in alleviating this concern and potentially reduce attacks.

Our presence, with no indication of departure, has allowed the Iraqis to rely too heavily on the U.S. for security and has not spurned them to stand up an organic security capability. The Administration has deemed the rapid creation of an effective Iraqi fighting force as key to stabilizing Iraq and expediting the eventual withdrawal of U.S. forces. The rationale for this effort is that a well-trained, well-equipped Iraqi army can be effective in quelling the insurgency and can help smooth the process of restoring full and real sovereignty to the Iraqi government.

According to the Congressional Research Service, forty percent of total U.S. appropriations for reconstruction—nearly $14 billion—are aimed at building Iraqi security forces. Most of these funds—$10.5 billion—have been added since September 2004, as the security situation remained unstable and efforts to train forces appeared inadequate. According to the State Department, in mid-October 2006, there were 128,000 trained and equipped conventional Iraqi police and 129,700 army forces. Officials have stated that 325,000 security forces are needed to defeat the insurgency. In all, about 312,400 security forces are currently defined as ready for action.

However, various reports indicate that many fewer could be said to be capable of the most demanding jobs. During the past three years, poorly trained and equipped security forces, no-shows and desertions, dismissals of police for criminal behavior, bribe-taking for obtaining higher rank or for release of insurgent suspects, and infiltration of police and other units by sectarian militia groups have threatened U.S. plans to increase security using Iraqi personnel.

I am optimistic that the Iraq Study Group's report will usher in a new tone in the Iraq debate—one that will move away from the extremes of “cut and run” versus “stay the course.” I am hopeful that the convergence of this report and a set of fresh eyes leading the Department of Defense will produce an atmosphere allowing candid discussions on our policy resulting in a pragmatic shift in our course.

Secretary of Defense Donald Rumsfeld provided the impetus for change. In his November 6, 2006 memorandum “Iraq—Illustrative New Courses of Action” he suggests one option for the President to consider is to “Begin modest withdrawals of U.S. and Coalition forces (start “taking our hand off the bicycle seat”), so Iraqis know they have to pull up their socks, step up and take responsibility for their country.”

On October 22, 2006, I told CNN: “The United States is going to insist on a timetable from Iraq that we're not going to be the guarantors forever . . . I like the report in the [New York] Times . . . that the administration is considering timetables to tell the Iraqis that they're going to have to take a larger role in their own security, that they're going to have to show some progress no sectarian violence, and maybe even further consideration of the option of dividing Iraq into three segments, Shiite, Sunni and Kurd, so these warring factions will be less likely to kill each other”

The report issued by the Iraq Study Group states “the United States should significantly increase the number of U.S. military personnel, including combat troops, imbedded in and supporting Iraqi Army units. As these actions proceed, we could begin to move combat forces out of Iraq. " I concur that a phased withdrawal of combat forces is the best course of action at this juncture.

I am cognizant of what a premature departure may lead to in Iraq. The Iraq Study Group concluded that, "Because of the importance of Iraq, the potential for catastrophe, and the role and commitments of the United States in initiating events that have led to the current situation, we believe it would be wrong for the United States to abandon the country through a precipitate withdrawal of troops and support."

In an interview with CNN on November 12, 2006, I concurred by stating, "We don't want to withdraw if we're going to leave chaos. Troop withdrawals are definitely in the offing, but it's a military decision to determine when there's sufficient military force in the Iraqi army and in their police to maintain stability."

U.S. forces should not remain in Iraq any longer than necessary. Iraqi government forces will ultimately be responsible for securing their country. As ever increasing numbers of Iraqi security forces are trained and able to conduct operations on their own, U.S. forces should gradually redeploy. According to NSA Stephen Hadley, Prime Minister Maliki has said "that his goal is to be able to take responsibility of the security of his country middle of next year." I would suggest that we hold Prime Minister Maliki to his pledge and work to ensure that Iraqis are able to stand up and provide security.

It is my hope that the President will respond to the strong public reaction evidenced in the election results and widespread opposition by Members of Congress to our current military activities, the Baker Commission Report, the Gates testimony and the Rumsfeld memorandum to change the direction of our military efforts in Iraq. As Commander-in-chief under the Constitution, the President has the options and additional information to modify our military action in Iraq to meet these concerns.

It is imperative that the United States change the course in Iraq and I am optimistic that the confirmation of Robert Gates will be the starting point for that action.

I yield the floor.

Mr. SPECTER. I further ask unanimous consent that an essay which Christopher Bradish and I published in the current issue of the Washington Quarterly which goes into some greater detail about my own views as to the advisability of bilateral talks with Syria and Iran, as well as North Korea, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Quarterly, Winter 2006–07]

DIALOGUE WITH ADVERSARIES

(By Arlen Specter with Christopher Bradish)

Facing serious dangers from nuclear weapons from Iran and North Korea, the United States should be willing to negotiate bilaterally with those two nations. Success in diffusing these threats will require multilateral assistance from other world powers, but our willingness to treat Iran and North Korea with dignity and respect could go a long way in disarming those nations militarily and diplomatically.

My Senate assignments on the Intelligence Committee and Appropriations Subcommittee on Foreign Operations have provided me the opportunity to meet with Syrian President Hafiz al-Asad, Palestinian Chairman Yasser Arafat, Iraqi President Saddam Hussein, Cuban President Fidel Castro, Venezuelan President Hugo Chavez, and others.

Those meetings have shown me that people are people, even at the highest levels of government. They are interested in a candid dialogue. They accept differences and disagreements as long as the tone is courteous. Regrettably, the worldwide "ugly Americans" reputation is encouraged, in my opinion, by our unwillingness to at least meet and talk one on one without preconditions.

Sun-tzu's advice to "keep your friends close and your enemies closer" is a good admonition to keep in mind as we approach our relationships in the world. Admittedly, it is difficult to accord respect and dignity to countries such as Iran and North Korea, whom we have branded as part of the axis of evil. President Ronald Reagan invited Soviet leader Leonid Brezhnev to a dialogue weeks after labeling the Soviet Union the "Evil Empire." It may not work, but it is certainly worth a try when the stakes are so high and our other strenuous efforts are not bearing fruit.

Perhaps irrelevant, my first assignment as assistant district attorney in Philadelphia was interviewing inmates for commutation of sentences to life imprisonment from death in the electric chair for first-degree murder. That experience taught me that you can have a meaningful dialogue with anyone.

IRAN

There is no doubt that Iran has been trying to flex its muscles since 1979 when the Shah was deposed. Iran is a proud nation with a rich history. In asserting its right not to be restrained in developing nuclear technology, Iran seeks to be a world power, and its leaders think that status and respect can be achieved by becoming a nuclear power. A good starting point for U.S.-Iranian relations would be to treat them as equals for the purpose of negotiations. It does not give them the same status as being a nuclear power, but it could be a good step forward if mighty America would treat them with respect while negotiating.

I have tried to visit Iran since the Iran-Iraq War ended in 1988. I have not yet succeeded. For many years, however, I have reached out to Iranians such as the former ambassador to the United Nations in New York, Seyed Muhammad Hadi Nejad Hosseinian, and his successor, Muhammad Javad Zarif, in an effort to foster an exchange of visits by Members of Congress to Iran and Iranian parliamentarians to the United States to try to open dialogue between our two countries. I thought my efforts finally came to fruition in January 2004 when plans were made for U.S. Members of Congress to meet with Iranian parliamentarians in Geneva. Unfortunately, Tehran later rescinded the invitation, declaring it was "not on their agenda."

Terrorism, military nuclear capabilities, energy, Iraq, and the Israeli-Palestinian dilemma are all major issues confronting the United States and the world. All of these challenges are intrinsically linked with Iran, and none can be addressed or resolved without an appreciation for Iran's role in each. Undertaking this venture will not be easy, but in the words of Ambassador L. Bruce Laingen, the senior U.S. official held hostage in Tehran for 444 days, "Diplomats should talk, even with our foes. That's what we do. It doesn't make sense for us not to talk to the Iranians. I'm not saying that I would confidently predict a breakthrough, but there must be some sort of dialogue."

THE PROBLEM WITH OUTSOURCING FOREIGN POLICY

The United States has responded to Iran's challenge by correctly recounting Iran's dubious nuclear behavior and disregard for the international community but has avoided direct dialogue with Tehran. I commend the administration's change in course, deciding to deal with Iran through multilateral talks, and view it as confirmation that a change in our tactics is overdue. Prior U.S. policy committed to dealing with Iran via the UN Security Council and the Europeans. Prospects are dim, however, for garnering support from China and Russia for a UN resolution with teeth. Russia's and China's significant energy, military, and political interests restrict their ability to support tough action against Iran and represent a significant barrier to a successful resolution vis-à-vis the UN.

Although the Europeans are supportive of tough action against Iran, some are hesitant to continue down a path on which they feel the United States is not fully committed and not an active partner. Germany, France, the United Kingdom, the International Atomic Energy Agency (IAEA), and UN Secretary General Kofi Annan have all indicated that the United States needs to be directly engaged in the Iranian effort. My colleague, Senator Chuck Hagel (R-Neb.), in his May 8, 2006, Financial Times op-ed, highlighted the importance of U.S. involvement: "U.S. allies will support tough action against Iran only if they are confident the U.S. is serious about achieving a negotiated, diplomatic solution. Continued unwillingness of the United States to engage Iran will make other states hesitate to support, and possibly oppose, these tougher measures."

Periodically, I read that military options are some of these tougher actions that may be considered to confront Iran. Although the option should not be removed from the table, military engagement will do nothing to solve the litany of problems between our nations. We should only consider going to war when we have exhausted all options. Today, we are not there. In that light, I commend President George W Bush for his May 24, 2006, statement that "our primary objective is to solve this problem diplomatically." I believe diplomatic options remain, and it is precisely these options that can prevent conflict.

Why has it taken so long to consider talking to the Iranian regime? Richard Armitage, former deputy secretary of state, told Time in a May 22, 2006, article that "it appears that the Administration thinks that dialogue equates with weakness, that we've called these regimes "evil" and therefore we won't talk to them. Some people say talking would legitimize the regimes. But we're not trying to change the regimes, and they're already legitimized in the eyes of the international community. So we ought to have enough confidence in our ability as diplomats to go eye to eye with people—even though we disagree in the strongest possible way—and come away without losing anything."

To be certain, we find ourselves in this position in no small part due to Tehran's deceit and arrogance toward the international community. Nevertheless, U.S. policy toward Iran has played into the hands of President Mahmoud Ahmadinejad and the hard-line radicals in Tehran. Although the extent of

Ahmadinejad's power remains unclear, the U.S. administration's discussions of regime change and refusal to rule out using nuclear weapons against the Iranian regime have bolstered its position. Such U.S. rhetoric, coupled with other policies, enhances Tehran's ability to tap nationalistic sentiments to solidify support for a nuclear weapons program, effectively taking the focus away from its constituents' discontent with failed domestic policies, most notably Ahmadinejad's poor stewardship of the economy. To some degree, we are the distraction buttressing his position. In this perfect storm, Ahmadinejad's rise on the wave of oil revenues and growing global discontent with U.S. policies has afforded him the forum, confidence, and leverage to challenge the United States and the international community.

DECIPHERING AND REACHING BEYOND TEHRAN

It is still unknown what level of power and influence Ahmadinejad holds within Iran. Some accounts indicate that Iran's elite, and even some hardline officials, are critical of Ahmadinejad's aggressive handling of the nuclear issue, whereas others report that he has amassed significant power. Nevertheless, it is important to remember that much of the power in Tehran does not rest with the president, but with Supreme Leader Ayatollah Ali Khamenei and the mullahs.

Khamenei installed Ali Akbar Hashemi Rafsanjani, an advocate of rapprochement with the United States, as chairman of the Expediency Council, a senior position as arbiter between the legislature and constitutional court. Rafsanjani, Ahmadinejad's adversary in the 2005 election, is thought to have been given the position to act as a counterweight to Ahmadinejad. Some accounts suggest that Rafsanjani has taken an increased profile in Iranian diplomacy, a move not likely done without the coordination and approval of Khamenei.

Despite the many factions within Iran's leadership, Ahmadinejad, former president Muhummad Khatami, Khamenei, and Rafsanjani all advocate a nuclear Iran. In addition, although Rafsanjani is considered to be a relative moderate, he has still labeled Israel as "the most hideous occurrence in history," which the Muslim world "will vomit out from its midst." Regrettably, these are the views held by those with whom we must engage.

Notwithstanding Iran's leadership, we must constantly remind ourselves of those over whom they rule. The United States should effectively communicate our desire for a prosperous Middle East, free of tyranny and oppression, that respects human rights and rule of law and where governments represent and reflect the desires of those they govern. Further, we should be frank when conveying our concerns and those of the world to the Iranian people over specific problems threatening peace and security. Nearly three-quarters of Iran's 70 million people are under the age of 30. Placing our disagreements with Iran's leadership aside, not letting these people know what we stand for and what we value would be irresponsible. The United States should focus on this emerging population and those who yearn for increased freedom and reform.

According to the Washington Institute for Near East Policy, a 2002 poll conducted by the Majlis, Iran's legislature, revealed that three-quarters of Iranians favored rapprochement with the United States and that nearly one-half believed U.S. policy was "to some extent correct." In typical Iranian fashion, the two pollsters were later sentenced to nine years for "publishing nonscientific research." It is precisely examples such as this that fuel disdain amongst Iranians for their leadership. Bush poignantly illustrated the plight and underscored the hopes of the Iranian people in a July 12, 2002, statement: "The people of Iran want the same freedoms, human rights, and opportunities as people around the world. Their government should listen to their hopes. . . . As Iran's people move towards a future defined by greater freedom, greater tolerance, they will have no better friend than the United States of America."

When Ahmadinejad or any Iranian leader calls into question the virtue and value of liberal democracy, we should respond by touting its successes. We should talk about our commitment to rule of law, individual liberties, and freedom of press and speech. Are not freedom of speech, press, and association liberties that the Iranian people would enjoy? Would those incarcerated in Iran for criticizing the government not wish to be freed? Most importantly, liberal democracy has better arguments than theocracy, and we should not shy away from this debate. Perhaps a crash course in the history of authoritarian failures would be the best place to start.

AN OPPORTUNITY FOR DIALOGUE

The concept of dialogue with Iran is not unfamiliar to this debate. Both sides have previously taken one step toward the table and one step back. Reports indicate that, in 2003, Iran, with the blessing of Khamenei, secretly proposed talks with the United States on Iraq and Iranian nuclear ambitions. That same year, the United States offered to send a high-level delegation to Tehran following the earthquake in Bam, only to be rebuffed by Iran. Unfortunately, this tentative shuffle never amounted to anyone sitting down at the table at the same time.

There are some indications, vague as they may be, that Téhran may again be interested in establishing dialogue with Washington. For example, on May 8, 2006, Ahmadinejad sent an 18-page letter to Bush. Following that letter, USA Today reported that Ali Larijani, Iran's top nuclear negotiator, said in a television interview that I "[p]erhaps, it could lead to a new diplomatic opening. It needs to be given some time." Further, according to Time, a senior Iraniah official described the letter as being designed to offer "new ways for getting out of the current, fragile international situation."

Muhammad Nahavandian, a close adviser to Iran's top nuclear negotiator, was reportedly in the United States for a few weeks during that same month. According to Newsweek, he told Robert Malley, a former Clinton administration official, that Khamenei was eager to broaden Tehran's tentative cooperation with Washington on Iraq and other subjects and that he was "putting out feelers." In addition to these developments, I agreed with Bush's decision to authorize the U.S. ambassador to Iraq, Zalmay Khalilzad, to engage in discussions with Tehran, even if they were initially restricted to Iraq. In time, it is my hope that such discussions will lead to a broader dialogue.

What is most significant in our recent dealings with Iran is the offer for dialogue and how the offer in itself outweighs any terms set by either side. Although Tehran responded to our interest in joining talks by dismissing our conditions that enrichment be suspended, the offer clearly had an impact. On June 2, 2006, Saeed Laylaz, an Iran analyst living in Tehran, confirmed these sentiments to the Washington Post: "The fact that [Secretary of State Condoleezza] Rice has announced the United States' willingness to hold talks with Iran is more important than the conditions she set." The administration's decision to consider dialogue has had a great impact in moving our countries closer to resolving our issues. As reported in that Washington Post article, "Javad Vaeidi, the Iranian Supreme Council's deputy head for international affairs, agreed that the United States' overture was, in itself, a positive step."

The consequences of an Iran with nuclear weapons would be grave. Tehran does not seem willing to cease uranium enrichment voluntarily or submit to the IAEA. The Europeans are running into walls in the form of China and Russia in the UN Security Council, and it is apparent that the UN has not been able to alter Iran's behavior. It is precisely Iran's ambitions that may drive regional powers such as Egypt, Turkey, and Saudi Arabia to pursue nuclear ambitions. The Middle East is already a volatile neighborhood. The phrase "adding fuel to the fire" does not approach describing what the introduction of nuclear weapons would mean, not only for the fate of the region but for the world.

The United States is not to blame for Iran's devious and deceptive behavior, nor their arrogance and defiance of the international community. I have called on the international community to act aggressively in dealing with Iran's involvement in the crisis in southern Lebanon. As I stated on the floor of the U.S. Senate on July 20, 2006, "The United Nations ought to call Iran and Syria on the carpet to explain their conduct in backing Hezbollah, in providing personnel to do more than train Hezbollah, more than advisers being integral parts of the military offensive of Hezbollah."

Twenty-seven years of silence broken only by a few whispers, however, has not worked and has left us in the dangerous predicament in which we find ourselves today. All the while, the United States has been watching from the sidelines. Something has to give. Current U.S. policy does not include direct talks with Iran with no preconditions. Perhaps it is time to stop passing notes to Tehran via the Swiss and to sit down and start talking.

NORTH KOREA

Just as the United States has been criticized by its European allies for not dealing directly with Iran, we have encountered similar criticism from Russia, China, and South Korea for not directly engaging North Korea. It is clear, as pointed out by John McLaughlin, former deputy director of the Central Intelligence Agency, that "the North seems sure to engage us. It could be across a table. It could be with the consequences of its negative behavior or its own ability." The United States should focus on the table in hopes of preventing the consequences.

Today, North Korea exists in the dark, both literally and figuratively. The regime of Kim Jong-il actively pursues an unsupervised and unregulated nuclear program. This program and its long-range missiles pose a grave threat to regional security and represent a hostile posture toward the United States. Meanwhile, the 23 million residents of North Korea remain among the poorest and most repressed in the world.

A satellite photo taken of the earth at night reveals lights across much of the populated world. Yet North Korea, with the exception of a tiny dot denoting Pyongyang, is totally black. Ironically, this blank spot is symbolic for just about everything about this country. It is a massive blind spot with very little known in the United States or elsewhere about exactly what is going on inside its borders. Even Kim's nuclear progress was unverified until recently.

What we do know, as Esther Pan of the Council on Foreign Relations observes, is that North Korea has "developed a nuclear arsenal of an estimated six to eight nuclear weapons and continued to enrich nuclear fuel; removed its nuclear program from all international treaties, obligations, and safeguards; decided when to negotiate and when to drop out, and then set the terms for returning to negotiations; [and] steadily increased the amount of unconditional aid it receives from international sources," including more than $1 billion from the United States over the last 10 years. On October 9, 2006, North Korea claimed to have conducted an underground nuclear test. Given this disconcerting state of affairs, it may be appropriate for the United States to deal directly with North Korea.

I commend the administration for enlisting North Korea's neighbors to engage Pyongyang. Regrettably, that regime has refused to return to the six-party talks with China, Japan, Russia, South Korea, and the United States. On May 17, 2006, I was pleased to read in the New York Times that "Bush's top advisers have recommended a broad new approach to dealing with North Korea that would include beginning negotiations on a peace treaty, even while efforts to dismantle the country's nuclear program are still under way." As reported, such a deal would be contingent on North Korea returning to the six-party talks, something I hope the North will do. Regardless, it is possible to address North Korea both in multilateral and bilateral fora.

On June 1, 2006, Pyongyang extended an invitation to the United States for talks, which Washington declined. This may have been an opportunity worth taking. As Kevin O'Neill and David Albright conclude in their book, Solving the North Korea Nuclear Puzzle, "Serious misunderstandings, missed opportunities, and false expectations have often plagued the U.S.-North Korean relationship." In my opinion, dialogue is one way to avoid these pitfalls in the future.

The problems in our bilateral relationship do not end with North Korea's nuclear ambitions. North Korea's human rights record is deplorable. The Department of State reported on March 8, 2006, that "the government's human rights record remained extremely poor, and the regime continued to commit numerous serious abuses. The regime [has] subjected citizens to rigid controls over many aspects of their lives." The report cited extrajudicial killings, arbitrary detention, life-threatening prison conditions, torture, and forced abortions and infanticide, as well as denial of freedom of speech, press, religion, assembly, and association. The North is one of the world's preeminent counterfeiters and has long been suspected of trafficking drugs. While we work to quell the North's desire to be a nuclear state, we must not simply trade resolving the nuclear issue for another nefarious vice. A repressed, corrupt, and hungry North Korea is not a healthy, stable, and secure North Korea.

The complexities in our bilateral relationship with Iran and North Korea are different. On both accounts, however, we have failed to grasp the correlation between U.S. policy and nationalism and how it leads to support those in power. U.S. saber rattling and threats of regime change have permitted unsavory leaders in each nation to incite nationalist sentiments, leading them to strengthen their grip on power. As Henry Kissinger wrote in his May 16, 2006, Washington Post op-ed, "Focusing on regime change as the road to denuclearization confuses the issue." I would go one step further and submit that it hinders our ability to denuclearize either North Korea or Iran. Hostile rhetoric and disengagement will not move us closer to the negotiating table nor a solution.

DIALOGUE, EVEN WITH FOES, CAN BE CONSTRUCTIVE

Involvement in foreign policy matters is a time-honored role for members of the Senate and one in which I have enjoyed participating during my quarter century in this body. Active involvement in these issues by members of the Senate is not meant to supplant the roles of the president, secretary of state, or their designees. Our foreign policy priorities are set by the executive branch.

Yet, my own experiences in this area, even with leaders such as Arafat or Saddam and on issues such as human rights with China, have convinced me that maintaining a dialogue and allowing cooperation in areas of common interest, even with our most pronounced foes, should be one of our nation's priorities because of its potential to yield positive results. I offer my own experiences, having traveled to 95 different countries, including Syria, Cuba, and Venezuela, as examples of why I believe maintaining an active dialogue and open lines of communication preserve the potential to find peaceful solutions to resolve differences with our adversaries.

My first opportunity to promote dialogue in the face of an international crisis came in the spring of 1982 when serving my first term. Following a Saturday radio address by Reagan, which noted that the Soviet Union and the United States had enough nuclear weapons to destroy the other, I proposed a Senate resolution calling for a summit between the leaders of each nation. Relying on the doctrine of mutually assured destruction was not a sufficient way to provide security for either nation. The obvious solution to this standoff was to have a negotiated arms control agreement.

Upon calling for a vote on my resolution during consideration of the annual Department of Defense authorization bill, I was sharply challenged by Senator John Tower (Tex.), a fellow Republican and chairman of the Armed Services Committee. Citing my short tenure, Tower questioned my authority and knowledge on the issue. Senator Paul Laxalt (R–Nev.), one of the first members to vote, supported my resolution. Tower told Laxalt, "Specter's trying to tell the president what to do." He replied, "Well, what's wrong with that? . . . Everyone else is too, but Specter's right." Following a lively debate, after which Tower was confident his position would prevail, my resolution was adopted by a vote of 90–8. It did not produce immediate talks between the United States and the Soviet Union, but it showed the support of the Senate for dialogue and may have given a little impetus for the summits during the 1980s.

SYRIA

I first traveled to the Middle East in 1964. In the intervening 42 years, I have made 24 trips to the region before and after election to the Senate. Since 1984, I have visited Syria 15 times, had nine lengthy meetings with Asad, attended his funeral on the only congressional delegation to Syria in 2000, and met with his son and successor, Bashar al-Asad, on three occasions. I have spent much of my time in the region shuffling between Damascus and Jerusalem, which led me to coin the term "shuffle diplomacy," similar perhaps to Henry Kissinger's "shuttle diplomacy," to describe my efforts to bring resolution to issues confronting these neighbors.

In 1988 I urged Asad to permit Syrian Jewish women to emigrate because the limited number of Jewish men in Syria presented them with limited opportunities for marriage. Asad resisted, citing that Syria was "at war" with Israel and that emigration had the potential to strengthen Syria's enemy. I continued to press this issue in subsequent meetings with him. As I reported in an article I wrote for the New York Post in 1994, after I continued to press the issue, "Asad responded with a romantic offer that he would allow any Jewish woman to leave when a suitor came to Syria and took her to the United States to marry. That offer was relayed to the active Syrian Jewish community in Brooklyn and elsewhere." Ultimately, Syrian policy was altered to permit Jews to emigrate.

As a result of my many lengthy conversations with Asad, we developed a congenial relationship. In August 1995, I told Asad that when Yitzak Rabin, Shimon Perez, and Arafat received the Nobel peace prize for the Oslo accords, if Asad made peace with Israel, he too would be honored. Asad replied by laughing, saying that he might be well received in Stockholm but probably would not be permitted to return to Damascus. Nevertheless, I continued to urge Syria to participate in discussions with Israel in hopes of alleviating tensions between the two neighbors.

Asad had initially rebuffed offers to open talks with Israel, stating that Syria would only participate in talks sponsored by all five permanent members of the UN Security Council. Israel was opposed to this format, believing that only the United States would support Israel in such negotiations. When I pressed Asad on this issue again in 1990, he indicated that he had changed his position on the proposal and that Syria would be willing to participate in meetings organized by the United States and the Soviet Union. As I reported in a floor statement, this change was significant because it appeared to be part of a broader Syrian initiative. "In our January 1989 meeting, I asked on three separate occasions, separated by respectable periods of time, what it would take for Syria and Israel to become friends. President Asad answered, after a third query, that it was not a question of friendship, but that 'normalizing' a relationship between Syria and Israel might be possible under certain circumstances."

I relayed this offer to Israeli Prime Minister Yirzhak Shamir, who was "surprised" and "pleased" with Asad's overture. One year later, in October 1991, Syria participated in the Madrid peace conference cosponsored by Washington and Moscow. Although the three days of talks did not yield a peace agreement, the summit marked the first bilateral talks between Israel and Syria. It is preferable to have the Syrians, Lebanese, Jordanians, Israelis, and Palestinians airing their grievances over coffee at a negotiating table in Spain than through violence in the streets of the Middle East.

Five years later, during my 1996 visit to the region, I served as a line of communication between Jerusalem and Damascus. Prior to my visit, Israeli Prime Minister Benjamin Netanyahu indicated that his government would hold Syria accountable for the actions of Hizballah along the Lebanese border. This caused Syria to realign its troops in a posture hostile to Israel, resulting in a dramatic rise in tensions between the two countries. On one side, Syria's four-million-man army amassed, and on the other side lay Israel's sophisticated and combat-tested military of 1.5 million.

On August 27, 1996, I met with Netanyahu in Israel. During my report to the Senate, I informed my colleagues that "Mr. Netanyahu said he wanted to begin peace negotiations with his Arab neighbors," that he "was eager to get to the negotiation table with Syrian President Asad," and that he "asked me to carry a message to President Asad, whom I was scheduled to meet with the next day." The following day, I traveled to Damascus and met with Asad for three and a half hours. As I reported in a floor statement, "I conveyed Israeli Prime Minister Netanyahu's message that Israel had only peaceful intentions toward Syria, that both sides should move immediately to reduce military tensions, and that Mr. Netanyahu wanted to reopen direct negotiations between Israel and Syria."

Asad did not seem interested in the offer and told me that "Syria would not go back to the table until Prime Minister Netanyahu reaffirms the land-for-peace basis of negotiations, and agrees to pick up where Israel's Labor Government left off." Asad further asked me to convey that Syria's troop movements along the border were routine and not intended to threaten Israel. I returned later that evening to meet with Netanyahu and relayed Asad's comments that the military action on the border was not to be interpreted by Jerusalem as aggressive.

Upon my return to the United States, I met Walid al-Moualem, Syrian ambassador to the United States, to get an update on the situation between Syria and Israel from his perspective. As reported in a floor statement at the time, "Ambassador Al-Moualem told me that his government viewed my August round of talks between Prime Minister Netanyahu and President Asad as having been helpful in deescalating the dangerous tensions . . . and the Ambassador encouraged me to return to the region for another round of meetings aimed at helping the parties find a basis to reopen their peace negotiations." Moualem later told me that I had "gained the trust and confidence and personal relationship with President Asad" because I was "objective" even though "nobody could question [my] support of Israel." I later received a similar suggestion from Netanyahu during a phone conversation.

As a result of this encouragement, I returned to the region three months later, in November 1996. During my November 20 meeting with Netanyahu, he informed me "that tensions with Syria [have] been reduced since the August/September time period and that he wants to continue to de-escalate the saber rattling. He asked me to convey this and specifically that Israel has no aggressive intent against Syria." Netanyahu also told me to tell Asad "that he wishes to [reopen peace talks] as soon as possible and that he is ready, willing, and able to be personally involved in such talks."

I flew to Damascus after my meeting with Netanyahu to transmit the message to Asad. As reported in a floor statement, "President Asad did generally seem to share Prime Minister Netanyahu's desire to continue to ease and avoid military tensions which could lead to unintended hostilities. . . . Asad received this portion of Prime Minister Netanyahu's message positively and reiterated his own return message to the same effect."

Seven years later, on my 2003 trip to the Middle East, Prime Minister Ariel Sharon denounced Syria's harboring of terrorist organizations and its support for Hizballah in Lebanon. I asked him if he would be willing to enter into peace negotiations with Damascus, brokered by the United States, similar to those in which Prime Minister Rabin had participated in the 1990s. He acquiesced with the assurances that there would be no preconditions. I conveyed his response directly to President Bashar al-Asad three days later. Asad responded favorably, saying he was willing to participate in peace talks with Israel. He said he did not think it appropriate to conclude a treaty before Israel and the Palestinian Authority had reached a final settlement but that Syrian-Israeli talks could proceed on a separate track. Although other events in the region have eclipsed this opportunity, I believe we should continue aggressively to advocate peace between these nations so its failure does not become the lead story tomorrow.

CUBA

My experience with Syria provided an opportunity to reduce hostility between a U.S. adversary and one of our allies. My travels have also included three trips to Cuba and meetings with Castro since June 1999, most recently in August 2005. These sessions have given me the opportunity to understand how our nations' confrontational history has been viewed from the perspective of Cuba's leader. They have also proven to me that it is possible to find some areas of common ground, even with our most ardent foes. In time, it is my belief that small cooperative efforts can help to break down the barriers that divide us, leading to expanded cooperation and better relations.

Since the early 1960s, Cuba has been viewed as a Communist stronghold 90 miles off the coast of Florida. The Cuban missile crisis, suspicions of Cuban complicity in the assassination of President John F Kennedy, and rumored assassination attempts on Castro by the CIA have complicated our relationship. As a result, U.S. policy has consisted largely of isolating the island nation through comprehensive economic sanctions. During my first meeting with Castro in 1999, we talked about a number of the issues that have divided our countries for so long. I was particularly interested to hear him speak on the assassination of Kennedy because of my work as an assistant counsel on the Warren Commission. As I reported in a floor statement, Castro "maintained that the Cuban government played no role in the assassination, and that it would have been insane for it to have become involved, given that the United States, by his reckoning, was looking for provocation or pretence to invade Cuba. . . . President Castro was relieved that the Warren Commission concluded Cuba was not involved with Oswald."

On the Cuban missile crisis, Castro related how Premier Nikita Khrushchev had mistakenly revealed to him a promise by Kennedy to withdraw U.S. missiles from Turkey and Italy. As a result, Castro was told, Moscow would breach its agreement with Havana by removing its own missiles from Cuba, leaving the island vulnerable to a U.S. invasion in Castro's view. Castro saw a bright side to the Soviet withdrawal. As I reported in a floor statement, Castro stated, "We preferred the risk of invasion to the presence of Soviet troops, because it would have established [the] image [of Cuba] as a Soviet base."

Prior to that first meeting with Castro, I had examined the records of the Church Committee and found that there was evidence of eight or nine attempts by the United States to assassinate him. When presented with this number, Castro scoffed and said the actual number was more than 300. When asked how it felt to be the subject of so many attempts on his life, he responded by asking if I had a sport. When I told him I was a squash player, Castro retorted that "avoiding assassination is a sport for me."

In all of my three meetings with Castro, I pressed him on Cuba's deprivation of human rights and the failure to have contested elections. I also met with a delegation of human rights activists, many of whom had been jailed for expressing anti-Castro sentiments. As I reported in a floor statement, "Having just come from a meeting with dissidents, I pressed Castro to release the political prisoners in his jails. Castro tried to shift the topic of conversation from his prisoners by bringing up the case of five Cubans convicted of spying in the U.S. whose convictions were recently overturned." In reply, I suggested to Castro that "far from being an example of American wrongdoing, this kind of fair process is exactly the type of justice he should be offering to his own people. I also pressed Castro to open his country to democracy and dissent. He listened, but my exhortations obviously had no effect." I conveyed to Castro that if the Cuban government initiated some reforms on democratization or freedom of speech, U.S. policymakers would be more favorable to modifying trade policy toward Cuba.

These meetings have left me with the conviction that, before giving consideration to any modification of the U.S. embargo, relations between our two countries can be immediately strengthened in areas such as drug interdiction in the Caribbean and medical research. I proposed to Castro the possibility of U.S.-Cuban cooperation in drug interdiction efforts. Cuba occupies a strategic location for combating the flow of drugs from Latin America to the United States and could be very helpful to U.S. law enforcement efforts. In 1999, Castro said, "[W]e are willing to cooperate"; and as I reported in a floor statement, he "suggested a formal relationship with the United States in order to make progress on drug interdiction in efforts in the area." In my view, this remains an offer the United States should not only accept but robustly support.

To that end, I have introduced amendments to provide funding for such collaboration in the foreign operations appropriations bills each year since fiscal year 2001. I have been successful in convincing my Senate colleagues to support the provision. Regrettably, the House of Representatives was insistent on dropping the language because of anti-Cuban sentiment among a number of House members, which was supported by the Speaker of the House. Yet, when there were more material issues involved, such as farm trade, Congress was supportive.

Nonetheless, at my insistence, the FY 2002 Foreign Operations Appropriations Conference Report, H.R. 2506, included a provision directing the secretary of state to report on how U.S. counternarcotics assistance to Cuba would decrease the flow of drugs in the region. In July 2002, the State Department reported that, "should Cuba make increased seizures and arrests, it could help impede the drug traffic through the Jamaica-Cuba-Bahamas corridor."

Another area in which closer relations may be mutually beneficial is medical research.

Scientists in Cuba have shown promise in developing a meningitis B vaccine. During my visit to Cuba in January 2002, I met with a team of researchers at the Finlay Institute in Havana, which entered into a cooperative agreement with GlaxoSmithKline in 1999 to develop this vaccine. Based in part on what I learned from these conversations, I remain convinced that a better relationship with Cuba and the erosion of existing barriers would benefit both countries.

VENEZUELA

After traveling to Havana last year, I had the opportunity to meet with Chavez on August 17, 2005. It is clear that the United States and Venezuela are at odds over many different issues, but there are areas of interest, such as drug interdiction, where our two countries can work together. These common interests can perhaps serve as a catalyst to construct a dialogue on our differences.

On August 7, 2005, 10 days before I arrived, Chavez suspended cooperation with U.S. counternarcotics officials after accusing U.S. Drug Enforcement Administration agents of conducting intelligence operations. Prior to my meeting with Chavez, all efforts by the U.S. ambassador to Venezuela to secure meetings with high-level Venezuelan officials to resolve the dispute had been unsuccessful. After being briefed on the situation by our diplomats in Caracas, I met with Chavez and requested that he direct his ministers to meet with the U.S. ambassador. As I reported in a floor statement, "At the conclusion of our meeting, President Chavez agreed that it would be useful for his Foreign Minister and Minister of Interior to meet with our Ambassador the following week to try to resolve [U.S.-Venezuelan] differences on drug enforcement."

After our discussion on narcotics policy, Chavez further suggested that consideration ought to be given to forging a new drug interdiction agreement. Although the State Department's "2006 International Narcotics Control Strategy Report" determined that Venezuela can no longer be certified as an ally in the war on drugs, the report noted that continued U.S. work with Venezuelan law enforcement: led to record cocaine seizures in 2005. The report also states that the United States is committed to renewing cooperation with its Venezuelan counterparts at all levels in the war on drugs in 2006.

During our meeting, Chavez expressed his concern about statements from the United States portraying Venezuela as a destabilizing force in Latin America. Specifically, Chavez mentioned comments made in Peru by Secretary of Defense Donald Rumsfeld in which the secretary referred to Chavez as "a guy who seemed like a comic figure a year ago [that] is turning into a real strategic menace." I responded by calling on both sides to cease the harsh rhetoric that I believe is counterproductive to enhancing our bilateral relationship. On August 19, 2005, I wrote to Rumsfeld, stating that "I believe there is a window of opportunity at this time to resolve the disagreement on drug interdiction policies" and that "it may well be helpful to, at least, have a moratorium on adverse comments on Venezuela."

TALKING PAYS

These examples highlight but one senator's efforts to forge a dialogue with foreign leaders. The full weight of the White House and our diplomatic corps can accomplish much more. I encourage the administration to authorize more dialogue with those we consider combative or enemies. The United States will be in a better position when it is engaged in long, hard diplomatic slogs than military conflicts.

It is clear that isolation has not been successful on many fronts. It did not prevent Saddam from repressing his people, it has not crushed the government of Castro, and it certainly does not appear to be working in dealing with Chavez, Ahmadinejad, or Kim. It has been my experience that dialogue, even with pronounced foes, can lead to constructive results. This is particularly true if the conversation starts on areas of common interest and works up to the main areas of disagreement. Such an investment takes time and hard work to see results on our most critical national security interests.

The United States should treat each country and its leaders, no matter how horrific their views, with some form of dignity and respect for their sovereignty. The United States, perhaps more than any other nation in history, has a great capacity to serve as a conduit of peace. It is my hope that we take every opportunity to ensure this capacity is not wasted.

Mr. SPECTER. I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise to express my support for Dr. Robert Gates to be the next Secretary of Defense. Dr. Gates is poised to take an extraordinarily difficult job at one of the most dangerous times in U.S. history. He will face a number of pressing problems. Clearly, the most pressing problem facing Dr. Gates is determining the next step of U.S. operations in Iraq.

Today the Iraq Study Group released its report. It begins:

> The situation in Iraq is grave and deteriorating [and] there is no path that can guarantee success.

The study group makes a series of recommendations that are strikingly similar to the Levin-Reed amendment that was offered last June. These recommendations include engaging Iraq's neighbors, including Iran and Syria, encouraging the Iraqi Government to increase their efforts to bring security to their people, reconciliation and governance reforms to their nation, and the transition of the mission of our troops from combat operations to training; also, the recommendation that there be a complete redeployment of most of these combat forces by the beginning of 2008.

These recommendations are realistic but they are also very difficult and, I presume, not well liked—at least initially—by this administration. Evaluating and implementing these recommendations will be the daunting but necessary task of Dr. Gates.

Dr. Gates also needs to focus his attention on Afghanistan, the initial and proper focus on the war on terror. Reports make it increasingly clear that we are losing ground. The Taliban has regrouped and rearmed. This spring, they mounted the toughest resistance since 2001. Suicide attacks, which were once unknown in Afghanistan, have more than doubled this year. Lieutenant General Eikenberry, formerly the commanding general of Combined Forces Command Afghanistan, believes the fiercest fighting yet will be next spring.

NATO'S International Security Assistance Force has assumed control of forces in Afghanistan, but this force is only at 85 percent strength. Almost 5 years after the U.S. invasion of Afghanistan, only half of the money pledged by the international community to rebuild Afghanistan has been delivered and spent. Sixty percent of the country is still without electricity, 80 percent without potable water, and the unemployment rate is 40 percent. Without viable alternatives, residents of Afghanistan return to what ensures they will survive and, unfortunately, in many cases, that is growing poppies.

Last week, the U.N. and World Bank released a report stating that poppy cultivation increased 59 percent and opium production by 49 percent over the last year. It concludes that international efforts to combat opium production, which includes $400 million in U.S. counternarcotics funding, have failed. Dr. Gates will have to pay immediate attention to these issues in Afghanistan, a linchpin in our war against terror.

One of the unintended consequences of U.S. operations in Iraq is the enhanced strategic position of Iran. With the election of Iranian President Ahmadinezhad, the nation has become increasingly belligerent to the United States and Israel, a key ally of the United States. The Iranians continue to press for what they describe as a nonmilitary nuclear program. Despite the threat of international sanctions, they are developing their ability to enrich uranium, a necessary step for both a civilian nuclear program and a military weapon. The fear, which I believe is justified, is that with access to enriched uranium in the context of a nuclear power program, the Iranians would be unable or unwilling to avoid the temptation to use this material to construct a nuclear device.

Then there is North Korea, the actions of which have also become increasingly belligerent over the last 2 years. They have walked away from the agreed upon framework, ejected international inspectors, and now likely have enough plutonium to build 10 nuclear weapons. On the 4th of July they provocatively tested a long-range missile. The test was a failure, but it underscored their determination to challenge the international community. Finally, on October 9, they tested a nuclear device.

I argue that Iranian and North Korean nuclear aspirations raise the most serious strategic issues we face today. If these countries are not checked, then there is a significant probability of a regional arms race.

All of these international engagements, all of these international challenges, are creating enormous strains on our military, particularly our ground forces. Recent studies have shown that two-thirds of our Active-Duty Army and more than two-thirds of the National Guard are rated as "nondeployable" "noncombat ready" principally because of equipment shortages. This is a shocking and scandalous record.

This administration has allowed two-thirds of our Army forces to essentially be denied the equipment—in some cases, the personnel—to be fully represented for combat. Virtually every active brigade not currently deployed is not prepared to meet its mission if called upon.

One of the reasons these brigades are not ready is because of equipment shortages. Over a year ago, the Army estimated that in order to reset equipment being used in theaters of operation, it will require approximately $12 billion in funding every year of ongoing operations until 2 years after operations cease in Iraq and Afghanistan. The Marines have been slowly coming back from a $16 billion reset, but they still need $3 billion to draw even and will still incur annual operating costs.

Besides equipment, the Army and Marines must worry about their personnel. The present Active-Duty Army end strength is approximately 504,000. About 400,000 soldiers have done one tour of combat duty, and a third have deployed twice. In order to meet recruiting goals, the Army has increased the maximum age for enlistment and lowered the physical, academic, and ethical standards. To meet retention goals, the Army has implemented stop loss measures and offered increasingly large reenlistment bonuses. There are presently 184,952 Active and Reserve Marines on duty. Over the past 4 years, 169,558 have been deployed, a significant number of Active and Reserve Marines. This operational tempo simply cannot be sustained. Again, Dr. Gates will have to address this issue or risk the future health of the Army and Marine Corps.

Dr. Gates also faces extraordinary budget challenges. The fiscal year 2007 Defense Appropriations Act was $366 billion, the largest Defense bill in history. Still, it is not enough. The Army's share of the fiscal year 2007 budget was $98.2 billion. Secretary Rumsfeld set the Army's fiscal year 2008 budget at $114 billion, an increase but insufficient. In response, Army Chief of Staff GEN Peter Schoomaker took the unprecedented step of refusing to submit the 2008 budget plan by the August 15 deadline. General Schoomaker has determined in fiscal year 2008 the Army needs $138.8 billion just to continue to operate. Again, it is an unprecedented step in which a Chief of Staff, a uniformed officer, would not submit his budget to the Secretary of Defense.

The Navy, which is not significantly involved in the Iraqi and Afghanistan theaters, is still key to our foreign presence around the world. Today's Navy fleet numbers 278 ships. The Chief of Naval Operations' 5-year shipbuilding plan calls for new ship construction with necessary funding of $14.1 billion beginning in fiscal year 2008 and rising to $19.1 billion in fiscal year 2012. This is a huge number, but without this critical funding our fleet will be in jeopardy. And, again, the Secretary of Defense has to respond to this request by the Chief of Naval Operations.

All of this is in the context of the regular budget. But as we all know, we have been funding operations in Afghanistan and in Iraq through supplementals. To date, $495 billion has been appropriated through these supplementals for our efforts in Afghanistan and Iraq. Press reports indicate that the Pentagon is preparing a new supplemental. The request is in the range of $127 to $150 billion just for an additional year of operations in these theaters of war.

There are several problems with these supplementals. They contribute directly to our Nation's deficit, which is $248 trillion. They do not allow the military to effectively and efficiently plan for the maintenance of troops, equipment, and operations because none of this spending can be counted upon in terms of the exact number and the timing of the passage of the supplemental. The supplementals, as large as they are, still are insufficient. The Army, even with supplementals, is citing billions of dollars in shortfalls, particularly with respect to equipment resets. They will not last forever, since I can anticipate, we all can anticipate, the reaction of the American public to another request for $100 billion or more.

Finally, when the supplementals do cease, either totally or in significant numbers of dollars, the Army and Marine Corps will still have troops and equipment in the field, with no funding. They will face a precipice, if you will: They still have a responsibility, they still have the personnel, they still have the equipment, but where is the funding? These are extraordinary problems that Dr. Gates is facing, most of them a direct result of poor decisions made by the administration and the Department of Defense.

Most of these issues were raised with Dr. Gates in yesterday's confirmation hearing. Although there were some issues that Dr. Gates did not yet have in-depth knowledge of, he was frank in his responses and open to the ideas and open to the advice of all who asked him questions.

For months, I and many of my colleagues have called for a change in our course in Iraq and in the rest of our foreign policy. I believe that Dr. Gates is a signal of that change. I do not believe that he is invested in the decisions, many of them bad, that have been made in the Department of Defense over the last 5 years. I also believe he will have a completely different management style from Secretary Rumsfeld, allowing civilians and military personnel to speak more freely. I believe these differences will allow honest, albeit difficult, discussions to take place and changes to be made.

I have had the opportunity to get to know Dr. Gates over the past 5 years. I have found that he is a thoughtful, experienced, and realistic voice on foreign policy. He is a good listener, and I think he will draw on a cross-section of views when making decisions. I commend him for leaving private life and a job he clearly loved to take on a very public job that will be thanklessly demanding.

Perhaps the most difficult task that Dr. Gates faces is bringing unvarnished reports of bad news to a President and inner circle who do not like to hear such things. However, I believe that Dr. Gates has the stature and the wherewithal and the will to do what needs to be done.

The months ahead are going to be difficult, not only for Bob Gates but also for our military. However, I have confidence that Dr. Gates will be an able leader and, therefore, I will support his nomination and wish him well in a very daunting task.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, while my colleague from Rhode Island is here, I want to ask him a couple questions. He is my friend, and he is one of the truly knowledgeable Members of the Senate on matters having to do with the defense of our country.

With all the things that the Senator has outlined, which are certainly true—the lack of equipment; the wearing out of equipment; the fact that some of our troops went into Iraq and did not have the proper equipment, even body armor; the fact that, as the Senator has stated, the recruitment goals are not being met; the fact that more and more of the load is being put on the Reserves and the National Guard, which is taking particularly the National Guard away from its initial responsibility with regard to the States—my question to the Senator would be, since these two Senators were quite impressed with the candor of Dr. Gates, is he going to be able to make a difference in his advice to the President? Will the President listen?

Mr. REED. Mr. President, I think the Senator from Florida has put his finger on a critical issue, perhaps the most critical. I believe Dr. Gates will give good, sound advice. He will listen. But the real question is, Will that advice be accepted by the President? And will the President be able to redefine policy in such a way that is realistic and achievable? And also, will he be able to articulate this policy and rally the support of the American public as we go forward—and not only the American public but the international community? But my sense, my hope is that Dr. Gates will take that first important step of speaking truth to power, even though it is unpopular truth.

Mr. NELSON of Florida. That is well said. Let me ask my colleague one further question of his opinion, Mr. President.

My question would be that one of the things this Senator was struck with yesterday in hearings, basically all day, was that he came to the table refreshingly open in a nonpartisan way, much more in a bipartisan way. We certainly have not seen a lot of the conduct of this war in the past several years being done in a bipartisan way.

I ask the Senator: How do you think Dr. Gates, as the new Secretary of Defense, is going to be able to involve that process, where those of us on both sides of the aisle will be able to participate and assist him in his role as Secretary of Defense?

Mr. REED. I have always been impressed by the fact that Bob Gates evaluates the quality of the idea, not just the source of the idea. I got to know Bob Gates in that same context of bipartisan foreign policy deliberation at the Aspen Strategy Group with a group of individuals. Some of our colleagues were there, including Senator FEINSTEIN and others. But it is chaired by Brent Scowcroft, who was the National Security Adviser for President George Herbert Walker Bush, and cochaired by Joe Nye, who was in the Clinton administration.

Bob Gates is someone who brings to the foreign policy arena this sense of reaching out to both sides. In fact, as he pointed out yesterday—and I think the Senator heard—one of the tasks he sees that he must perform is to create a bipartisan consensus to sustain the long war against terror beyond Iraq, beyond the current dilemmas we are facing. He will do that by reaching out, by listening, again, ultimately, by evaluating the ideas, not simply the source of those ideas.

Mr. NELSON of Florida. I say to the Senator, thank you. I thank the Senator for his responses. And his responses mirror the feelings of this Senator from Florida.

Mr. President, I wanted to come to the floor and announce that I had voted for Dr. Gates in the committee because I was impressed by a number of these attributes that the Senator from Rhode Island and I have discussed. And among them, clearly, are that this Senator grew up in an era in which it was understood that partisanship stopped at the water's edge. In other words, when it became matters of the defense of this country, that partisanship was over, that we came together in a bipartisan way.

Sadly, I can say that I do not think that is the way this war has been conducted with regard to reaching out across the aisle and involving both sides, who all have the constitutional responsibility of reflecting and representing the will of the American people. It is very hard to sustain a war unless you have the support of the American people. If that is not done in a bipartisan way, then sooner or later that good will is going to run out.

That is one of the things I was impressed with and pressed Dr. Gates about yesterday in the hearings: not only what appeared to be refreshing candor from him but also his approach, in a nonpartisan way, to these issues of war and peace. When we talked to him—as in the discussion recently in this Chamber, in the colloquy with the Senator from Rhode Island about the Guard and Reserves—he recognizes that is a problem. And he recognizes that what he is going to have to do is have a more responsible and direct way of utilizing existing forces because, in the short run, he is not going to be able to increase the forces considerably.

And he ruled out, in my question to him, any return to the draft. So that means he has to make the military, particularly the Army and the Marines, attractive in order to get the reenlistments and the enlistments. Certainly, he has his hands full there, while being able to keep the Guard's ability to respond to their respective States in those times of emergency.

Clearly, he had a refreshing candor about the question of what was the size force that was going to be needed, not only in Iraq but around the world. He recognizes that we have a problem right now in Al Anbar Province, that General Abizaid recently had told us he was going to increase the presence there by 2,200 marines in a Marine expeditionary unit, that that is a part of the country that is clearly not under control.

So I found our deliberations with him to be refreshing, direct, with the candor that ought to be forthcoming from a member of the President's Cabinet in his interaction with the Members of Congress. After all, this is a constitutional government, one in which there are shared powers—some powers with the executive branch but some powers with the legislative branch. The way to have this machine humming is to have those branches cooperating with each other. My first impression of Dr. Gates is he is going to be that kind of Secretary of Defense to help us continue to work together.

Mr. President, I yield the floor.

Mr. HATCH. Mr. President, today I rise in support of the nomination of Dr. Robert Gates to become the next Secretary of Defense.

I have had the opportunity to work with Dr. Gates on numerous occasions and must note that he was an excellent member of President George H.W. Bush's national security team during the first gulf war. This was highlighted by the fact he was nominated and confirmed to become Director of the Central Intelligence Agency shortly thereafter. Dr. Gates adds intelligence and diplomatic experience to a war that increasingly requires its leaders to go beyond tactical military expertise. Further, he is a pragmatist, who will work with allies and make necessary changes to our tactics and initiatives.

I was impressed by Dr. Gates' candid assessment of the war in yesterday's confirmation hearing. He asserted, correctly in my view, that the United States is not winning the war, but we are not losing, either. The status quo is not acceptable, and that is why the President has tapped him to do whatever it takes to bring a successful end to our efforts in Iraq. He spoke openly about our failures and our successes so far, and he underscored what is at stake: If we are not successful, it could ignite "a regional conflagration" in the region.

Dr. Gates understands that we need to refine not the objectives of our strategy but how we achieve our goals. The President and Dr. Gates remain committed to a course of action that achieves the goals best articulated by Dr. Zalmay Khalilzad, United States Ambassador to Iraq. He stated: "Our goal is to enable Iraqis to develop a multi-ethnic, multi-sectarian representative democracy . . ." that can fully meet is security obligations.

I appreciate his comments that he is "open to a wide range of ideas and proposals." I know that he is a leader who will review the options and advise the President on what he believes is the best way to proceed.

Some of those innovative ideas will be found in the New Army Field Manual for Counterinsurgency Warfare. This is a vital document that will directly address what I have heard from many returning soldiers, that the Army's culture is one that emphasizes the use of firepower and conventional warfare rather stability and counterinsurgency operations. This new doctrine will immediately begin to transform our tactics and training, thereby being enormously helpful to our troops in Iraq and Afghanistan.

Dr. Gates has my full support. These are trying times for our Nation. Our resolve is being tested. I know that Dr. Gates is the right man to advise the President on the means to achieve our goals and help the Iraqi people usher in a new era in that country.

I yield the floor.

Mrs. FEINSTEIN. Mr. President, I rise today in support of the nomination of Robert Gates to succeed Donald Rumsfeld as the next Secretary of Defense.

I applaud the Senate Armed Services Committee and Senators WARNER and

LEVIN for moving this nomination to the floor in a prompt but thoughtful manner.

I was heartened to see the forthrightness and candidness employed by Dr. Gates at his confirmation hearing yesterday.

He fully admitted the need for a "change of approach" in Iraq, stating his view that we are not currently winning the war and that the "status quo" is unacceptable.

Additionally, he expressed a willingness to use "fresh eyes" in looking for solutions and promised to keep all options on the table.

He committed to cooperating with the Congress in pursuing its oversight responsibilities and said he would always speak boldly and candidly about what he believed.

Finally, Dr. Gates talked about the complexities of the situation in Iraq, acknowledging that a number of major mistakes had been made, including: the lack of appreciation for how "broken" Iraq was economically, socially, and politically, and the costs associated when we invaded and the problems created by the mobilization of the Iraqi Army and the role that our deBaathification policy played in stoking the current insurgency.

It is my sincere hope that Dr. Gates' nomination signals that the administration intends to pursue a new direction in Iraq, and the Middle East region as a whole. The President should see the strong support for Dr. Gates as a call from Congress for moving away from the "stay the course" strategy he has pursued.

I hope that Dr. Gates will work with Congress to establish a clear-eyed and pragmatic approach toward our Nation's defense policy and seek to restore the morale of our military.

I hope Dr. Gates will be open to dissenting views and allow the military personnel around him to share unvarnished, independent advice.

Dr. Gates is a well-qualified candidate for this critical position. His service at the top levels of the CIA and the National Security Council has provided close insights into the Pentagon's operations and policies.

As a former member of the Iraq Study Group, ISG, Dr. Gates understands the complex challenges our Nation faces. He will be in a unique position to implement the recommendations in the ISG report, and other options for pursuing a new strategy.

It is clear to me that during the recent midterm elections the American people voiced their disapproval with this administration's Iraq policies and voted for a change of course.

And the time for changing the course is now.

The Iraq War has now lasted longer than the United States involvement in World War II. More than 2,900 troops have been killed since March 19, 2003. More than 3,000 Iraqis are being killed in sectarian violence every month.

Today our military is stretched thin and its readiness diminished. Some of our troops are now on their third and fourth rotations. And, over in Iraq and Afghanistan, our military's equipment is wearing out or being destroyed at a cost of nearly $20 billion a year.

Ultimately, this war can only be won politically.

Our Nation must make it clear to the Iraqi government that this is not an open-ended commitment. Iraqis must step forward and take responsibility for their own security. Only they can make their country a stable state.

The administration's war planning was shortsighted and ill-conceived. By failing to provide adequate troops to secure Iraq, its infrastructure, its weapons depots, and its streets, this administration placed the entire mission in Iraq in jeopardy.

Dr. Gates has stated that he intends to improve the Department of Defense's planning efforts in regards to postcombat operations—a capability sorely missing from the current leadership.

I am also encouraged by Dr. Gates apparent willingness to involve Iran and Syria in diplomatic dialogue—a stark contrast from the Bush administration's current policy.

I hope that President Bush will accept the advice of the Iraq Study Group and Dr. Gates to engage in diplomacy to solve this crisis.

Additionally, Dr. Gates has expressed concerns regarding the Pentagon's continued expansion of intelligence activities since the September 11, 2001, attacks.

I share these concerns and look forward to working with Dr. Gates and Ambassador Negroponte to ensure that there is an appropriate and transparent division of responsibilities between military and civilian intelligence agencies.

Fifteen years ago, Dr. Gates came before the Senate as President George H.W. Bush's nominee to become the Director of Central Intelligence, DCI.

During 4 days of hearings, a number of questions were raised regarding his involvement and knowledge of the Iran-Contra scandal. In addition, allegations were aired regarding the manipulation of intelligence for political purposes.

These are serious concerns.

But what is critical to me today is that he shows an independent mind and willingness to eschew ideology and partisanship to do what is best for our men and women in uniform.

It is clearly time for instituting new leadership at the Pentagon—something I first called for almost a year ago. But such a change will only matter if the President himself is willing to pursue a different course.

I am looking forward to working with Dr. Gates on defense matters, to address the needs of our troops and their families, and to finally bring about a change in our Iraq policy—certainly the time is far past due.

Mr. DOMENICI. Mr. President, I rise today in support of Dr. Robert M. Gates to be Secretary of Defense.

The position of Secretary of Defense has always been one of the most important Cabinet positions in our country. Never has that importance been more clear than now, as we must decide on a path forward in the global war on terror, including Iraq.

I share my colleagues' concerns about the deteriorating conditions in Iraq. We must carefully assess the current situation in that country as well as our future involvement in Iraq. I am hopeful that Dr. Gates will help us accomplish these goals. He has experience with the current situation in Iraq as a former member of the bipartisan Baker-Hamilton Iraq Study Group. As part of that group, he has traveled to Iraq and met with Iraqi leaders and U.S. military commanders. I am optimistic that he will use this experience and knowledge to help chart a course in Iraq that results in the stabilization of that country.

I also hope that as a former member of the Baker-Hamilton Iraq Study Group, Dr. Gates will carefully review and analyze the Iraq Study Group's report, which was released this morning. I believe that report makes some very good recommendations and can serve as a vehicle for some changes relating to our policy in Iraq. I look forward to discussing those recommendations further in this Chamber.

The report recommends "new and enhanced diplomatic and political efforts in Iraq and the region, and a change in the primary mission of U.S. forces in Iraq that will enable the United States to begin to move its combat forces out of Iraq responsibly." Renewed diplomatic and political efforts in the region make sense so that we can work with Iraqis to stabilize their country in the spirit of reconciliation. As the Baker-Hamilton report points out, "if the Iraqi government moves forward with national reconciliation, Iraqis will have an opportunity for a better future, terrorism will be dealt a blow, stability will be enhanced in an important part of the world, and America's credibility, interests and values will be protected." In my mind, these have always been our goals in Iraq, and I look forward to working with Dr. Gates and my colleagues to accomplish those goals in a responsible way.

There are other recommendations in the report that are equally important. One such recommendation is that "[t]he primary mission of U.S. forces in Iraq should evolve to one of supporting the Iraqi army . . ." While I have never supported setting an artificial timetable for withdrawing U.S. troops from Iraq. I believe the Iraqi Government must take responsibility for their country. As such this recommendation regarding our troops' future role in Iraq makes sense, and I will work with Dr. Gates on this recommendation.

One other recommendation that I want to briefly reference is that "the United States should provide additional political, economic and military support for Afghanistan . . ." The global war on terror is a multifront war, and we must continue to focus on each of those fronts. I hope Dr. Gates will use his knowledge and experience to help Congress and the President make decisions about the full global war on terror, including operations in Afghanistan. Our work in Afghanistan is important, and I hope Dr. Gates will help us ensure that we do not lose sight of our near- and long-term goals in the overall global war on terror.

Dr. Gates has a long record of service in the area of national security, which I believe will serve him well as Secretary of Defense. He has 26 years of national security experience, including serving as an intelligence adviser to six different Presidents. He has worked at both the Central Intelligence Agency, CIA, and the National Security Council, including serving as the Director of the CIA.

Dr. Gates also has a distinguished career in public service. That service began almost 40 years ago when he was commissioned as an officer in the Air Force in 1967. He has received the Presidential Citizens Medal and the National Security Medal, as well as two National Intelligence Distinguished Service Medals and three Distinguished Intelligence Medals.

Mr. President, for all of these reasons, I support the nomination of Dr. Robert M. Gates to be Secretary of Defense. I look forward to working with him in the coming years on issues relating to Iraq, the entire global war on terror, and other issues important to our country's defense.

Mr. JOHNSON. Mr. President, yesterday the Senate Armed Services Committee voted unanimously in favor of Robert Gates' nomination to be Secretary of Defense. Following robust debate in the Senate, I plan to vote in favor of Dr. Gates' nomination.

During Dr. Gates' testimony before the Senate Armed Services Committee, I was encouraged by his candid assessment of the situation in Iraq. Dr. Gates acknowledged that we are not winning in Iraq and the status quo is unacceptable. He signaled his willingness to actively solicit the advice of military leaders on the ground and to work with members of both parties to develop a coherent strategy for Iraq. Dr. Gates' testimony was straightforward and refreshing. It is a step in the right direction toward resolving the crisis in Iraq.

At the same time the full Senate began debate on Dr. Gates' nomination, the Iraq Study Group released their recommendations for overhauling our policy in Iraq. The commission's report was stark and sobering and described the current situation in Iraq as grave and deteriorating.

I wholeheartedly agree with the Iraq Study Group's assessment that our commitment to Iraq should not be open-ended. U.S. support for the Iraqi government is strong, but Iraqi leaders must immediately make the necessary political decisions to create a sustainable political settlement.

As a member of the Iraq Study Group prior to his nomination, it is my hope Dr. Gates will heed the recommendations of the Iraq Study Group and encourage the Bush administration to change course in Iraq.

Mrs. BOXER. Mr. President, I rise in support of the nomination of Robert Gates to be Secretary of Defense. I believe that a change of leadership at the Pentagon will signal a new course of action in Iraq.

During his nomination hearing yesterday before the Senate Armed Services Committee, Dr. Gates spoke the truth about the war in Iraq. In a very plain spoken way, he leveled with the American people when he admitted that we are not winning in Iraq. His ability to admit that Iraq is in chaos leads me to believe that he will provide independent advice to the President and speak truth to power.

Our brave military men and women in uniform have done everything asked of them in Iraq. The failure of this administration to develop a realistic strategy for Iraq is the reason why we are not winning. Our military defeated the armed forces of Iraq, captured Saddam Hussein, and helped provide for three elections in Iraq. They cannot force a national reconciliation in Iraq and they cannot impose a political compromise.

The stress on our military is causing readiness to suffer and placing our military families under tremendous strain. Today's Iraq Study Group report says that "U.S. military forces, especially our ground forces, have been stretched nearly to the breaking point by the repeated deployments in Iraq, with attendant casualties (almost 3,000 dead and more than 21,000 wounded), greater difficulty in recruiting, and accelerated wear on equipment." This is an unsustainable situation.

I look forward to working with Dr. Gates on improving the mental health policies and programs of the Department of Defense. We must not deploy military personnel with serious mental health conditions, such as posttraumatic stress disorder, and we should ensure that proper treatment is provided for those in need.

It is time for a change in course in Iraq and a change at the Pentagon is a step in the right direction.

Ms. SNOWE. Mr. President, I rise today to support the nomination of Robert Gates to be the 22nd Secretary of Defense.

Dr. Gates comes to this position with a lifetime of service to his Nation and fellow Americans. He has served his country in uniform, as a civil servant, a policymaker and as an adviser to six Presidents, both Democrat and Republican. He has also served America by running one of our top institutions of higher learning, Texas A&M University and by serving on the boards of institutions such as the National Association of State Universities and Land-Grant Colleges and the National Executive Board of the Boy Scouts of America. It is no coincidence that at his graduation from William and Mary, he was awarded the Algernon Sydney Sullivan Award for making the greatest contributions to his fellow man.

However, it is his character and ability to lead that will be most critical during this time of sweeping and historic challenges facing the Nation and the Department of Defense. We must satisfy ourselves that Dr. Gates not only has a plan to overcome these challenges but the personality, the drive and the skills to do so. That he once again accepted the call to national service at a time of grave crisis, requiring his departure from his beloved Texas A&M, to me speaks volumes about his character and dedication to service.

As the Nation faces the imperative of charting a new course and strategy in Iraq, rising violence in Afghanistan, global terrorism, the threats posed by nuclear states such as North Korea and possibly Iran and the increasing strains on our military, America requires a leader of Bob Gates's caliber, who has the national security experience, the political acumen and the managerial style necessary to mend rifts that have resulted in the loss of America's certainty and optimism. He will be responsible for ensuring a strong working relationship between the Department of Defense and Congress, trust between the civilian and military leadership in the Pentagon, and the credibility of the Department with the American public.

To accomplish this in the relatively brief but critical tenure he will have at the Pentagon, he will have to rely on his pragmatism and his ability to work with others to develop consensus in order to create the unified approach that is currently lacking in meeting our Nation's challenges. In his previous service, he has shown he has the ability to work with both sides with a high degree of competency and integrity—and I believe this capacity to work in a bipartisan fashion is critical to our ability to work through the challenges we face today.

One of his primary goals at the Department will be to foster mutual respect between our senior military leaders and the civilian leadership in the

Pentagon. I look for him to provide our military leaders a clear voice on military operations. I believe he will listen to them and take their advice on such matters as planning for postcombat operations and force structure considerations in a manner that has been too long dormant.

As Dr. Gates assumes the helm at the Department of Defense he will be responsible for a variety of challenges ranging from the ongoing transformation of our forces, balancing operations, procurement and modernization accounts so our military forces have the tools they need to prevail now and in the future, to preparing those forces to meet global challenges from the Taiwan Straits to the jungles of South America.

Another issue of concern facing Dr. Gates is the Department of Defense's relationship with other executive branch agencies such as the Department of Homeland Security and the intelligence agencies. In Dr. Gates' written answers to the questions posed by the Armed Service Committee, he states that DHS and DOD have the common goal of protecting the United States and that he will support any steps that can be taken to improve and strengthen interagency cooperation so that all agencies are prepared for and able to respond to threats facing the U.S. homeland.

As a member of the Senate Select Committee on Intelligence, I have witnessed egregious intelligence failures and a sweeping reorganization of the entire community. I have also emphasized the need to improve information sharing and strengthen interagency cooperation.

Dr. Gates has recently written that he was "unhappy about the dominance of the Defense Department in the intelligence arena and the decline in the CIA's central role" and that "close cooperation between the military and the CIA in both clandestine operations and intelligence collection is essential." He also wrote that "for the last decade, intelligence authority has been quietly leaching from the CIA to and to the Pentagon, not the other way around." During General Hayden's nomination hearing, I noted that one of General Hayden's primary challenges would be synchronizing the gears of our Nation's intelligence collection capability. I believe Dr. Gates will now meet the challenge of synchronizing those gears at the Defense Department.

As someone who has had worked in the intelligence community for more than 27 years, I am confident that he is up to the task. I implore Dr. Gates to maintain that close cooperation so that, in his words, "all agencies are prepared for and able to respond to the threats facing the homeland."

In fact, it was while he was the Director of Central Intelligence in 1992 that he testified before the House Foreign Affairs Committee, of which I was a member, about the need for the Defense Department and the Intelligence Community to cooperate saying, "Our national security institutions, especially defense and intelligence, must change—and they are changing dramatically—to meet the new and different challenges of this new and different world." At that hearing Dr. Gates also warned us that aside from traditional issues of national security, we should be alert to other dangers such as terrorism that cannot "be resolved simply through the application of military force or diplomacy."

Dr. Gates clearly understood then and understands now America's preeminent role in leading the spread of democracy and performing global policing, yet he also recognizes the regional and sectarian nature of 21st century conflict. This sense of historical realism will stand him in good stead as he grapples with what is and will be his greatest and most pressing challenge—the U.S. involvement in Iraq.

Dr. Gates is well versed in Middle East affairs, especially in Iraq and Afghanistan—having been the deputy national security adviser during the 1991 gulf war and providing oversight of U.S.-sponsored operations in Afghanistan under President Reagan. More recently, he cochaired a study at the Council on Foreign Studies in 2004 on U.S. relations towards Iran. Among the study's primary recommendations was that the U.S. directly engage with Iran on a diplomatic level and regarding Iranian nuclear programs.

He also recently served as part of the Iraq Study Group that is releasing its recommendations regarding U.S. strategic options this week. By all accounts, Dr. Gates spent considerable time in Iraq talking to Iraqis, soldiers, military leaders and diplomats to understand the myriad and intertwined complexities that will shape the future of Iraq. This understanding will be critical as he will have to proceed at full speed when he becomes Secretary—for we are long past the point where time is of the essence.

I believe that Robert Gates understands that we are at a critical juncture. As he said in his testimony yesterday, we are not winning the war in Iraq. He is straightforward in his approach and his language, and I believe he will offer a different and pragmatic approach. He rightly said during his testimony that there is not a military solution to Iraq—that this requires a political solution, and I believe he will signal to the Iraqi government that they and the Iraqi people need to decide if an Iraqi nation is more important to them than their sectarian interests. Because we can't decide that for them, and we can't make that happen for them.

There is no question that staying the course in Iraq is neither an option nor a plan and that the patience of the Congress and the American people is finite and our presence there is neither unlimited nor unconditional. I urge him to seek the advice of his military commanders regarding the roles and missions of our troops and to work in a bipartisan fashion with Congress to implementing the findings and recommendations of the Iraq Study Group.

In closing, it is critical is that this nomination represents a commitment by the administration to unite our Nation to bring a lasting resolution to the war in Iraq. A new perspective at the Pentagon from a Defense Secretary confirmed on an overwhelmingly bipartisan basis, coupled with the release of the bipartisan Iraq Study Group's consensus recommendations, must serve as a catalyst for cooperation in establishing a unified plan for progress and transition in Iraq. In fact, with the confluence of these two events, this day must become a pivot point for our presence in Iraq.

Bob Gates' temperament, reputation, and experience has prepared him well for this challenging assignment and I have every faith that he will serve our Nation well as the Secretary of Defense. I urge my colleagues to vote to confirm Dr. Robert Gates to be our 22nd Secretary of Defense.

Mr. SARBANES. Mr. President, this legislation, S. 2568 and its House companion H.R. 5466, the Captain John Smith Chesapeake National Historic Trail Designation Act, would create the Nation's first national "watertrail" and honor one of America's earliest explorers, Captain John Smith and the vital role he played in the founding of the first permanent English settlement in North America at Jamestown, VA, and in exploring the Chesapeake Bay region during the years 1607 to 1609.

Many Americans are aware of the upcoming 400th anniversary of Jamestown next year. The celebration is expected to draw record numbers of visitors to this area, including Queen Elizabeth II, as part of her recently announced state visit. What may not be as well known is that Jamestown and John Smith's voyages of exploration in present-day Virginia and Maryland were our Nation's starting points. America has its roots right here in the Chesapeake Bay region nearly 400 years ago—13 years before the founding of the Plymouth colony—when the Jamestown colonists disembarked from their three small ships on May 13, 1607. Under the leadership of Captain John Smith, the fledgling colony not only survived but helped ignite a new era of discovery in the New World.

With a dozen men in a 30-foot open boat, Smith's expeditions in search of food for the new colony and the fabled Northwest Passage took him nearly 3,000 miles around the Chesapeake Bay and its tributaries from the Virginia capes to the mouth of the Susquehanna. On his voyages and as president of the Jamestown Colony, Captain Smith became the first point of contact for scores of Native-American leaders from around the bay region. His friendship with Pocahontas is now an important part of American folklore. Smith's notes describing the indigenous people he met and the Chesapeake Bay ecosystem are still widely studied by historians, environmental scientists, and anthropologists. Chief Justice John Marshall wrote of the significance of Smith's explorations: "When we contemplate the dangers, and the hardships he encountered, and the fortitude, courage and patience with which he met them; when we reflect on the useful and important additions which he made to the stock of knowledge respecting America, then possessed by his countrymen; we shall not hesitate to say that few voyages of discovery, undertaken at any time, reflect more honour on those engaged in them, than this does on Captain Smith."

What better way to commemorate this important part of our Nation's history and honor John Smith's courageous voyages than by designating the Captain John Smith Chesapeake National Historic Trail? The Congress established the National Trails System "to provide for the ever-increasing outdoor recreation needs of an expanding population and in order to promote the preservation of, public access to, travel within, and enjoyment and appreciation of the open-air, outdoor areas and historic resources of the Nation." National Historic Trails such as the Lewis and Clark Trail, the Pony Express Trail, the Trail of Tears, and the Selma to Montgomery Trail were authorized as part of this system to identify and protect historic routes for public use and enjoyment and to commemorate major events which shaped American history. In my judgment, the Captain John Smith Chesapeake National Historic Trail is a fitting addition to the 13 national historic trails administered by the National Park Service.

Pursuant to legislation we enacted as part of the Fiscal 2006 Interior Appropriations Act, in September 2006 the National Park Service completed a detailed study which found that the trail meets all three criteria for designation as a national historic trail: it is nationally significant, has a documented route through maps or journals, and provides for recreational opportunities. Similar in historic importance to the Lewis and Clark National Trail, this new historic trail will inspire generations of Americans and visitors to follow Smith's journeys, to learn about the roots of our Nation, and to better understand the contributions of the Native Americans who lived within the bay region. Equally important, the Captain John Smith Chesapeake National Historic Trail will serve as a national outdoor resource by providing rich opportunities for education, recreation, and heritage tourism not only for more than 16 million Americans living in the bay's watershed but for visitors to this area. The water trail would allow voyagers in small boats, cruising boats, kayaks, and canoes to travel from the distant headwaters to the open bay—an accomplishment that will generate national and international attention and participation. The trail would complement the Chesapeake Bay Gateways and Watertrails Program and help highlight the bay's remarkable maritime history, its unique watermen and their culture, the diversity of its peoples, its historical settlements, and our current efforts to restore and sustain the world's most productive estuary.

This legislation enjoys strong bipartisan support in the Congress and in the States through which the trail passes. The trail proposal has been endorsed by the Governors of Virginia, Pennsylvania, Delaware, Maryland, and numerous local governments throughout the Chesapeake Bay region. The measure is also strongly supported by the National Geographic Society, the Conservation Fund, the Garden Club of America, the Izaak Walton League of America, the Chesapeake Bay Foundation and the Chesapeake Bay Commission as well as scores of businesses, tourism leaders, private groups, and intergovernmental bodies. I want to especially recognize and commend Patrick Noonan, chairman emeritus of the Conservation Fund, for his vision in conceiving this trail. I also want to thank the cosponsors of this measure, Senators WARNER, MIKULSKI, ALLEN, CARPER, BIDEN, SANTORUM, SPECTER, Representative JO ANN DAVIS, and the cosponsors of the House companion measure, as well as the chairmen and ranking members of the Senate Committee on Energy and Natural Resources and the Subcommittee on National Parks. Finally, I want to recognize and thank Judy Pensabene and David Brooks of the Senate Energy Committee staff and Ann Loomis in Senator WARNER's office for the tremendous assistance they provided in moving the measure forward.

The Captain John Smith Chesapeake National Historic Trail Act comes at a very timely juncture to educate Americans about historical events that occurred 400 years ago right here in Chesapeake Bay, which were so crucial to the formation of this great country and our democracy. I urge my colleagues to support this measure.

Mr. ROCKEFELLER. Mr. President, I rise today in support of the nomination of Robert M. Gates to be the next Secretary of the Department of Defense.

I believe that the defense and security challenges that our Nation faces at this moment are greater than we have faced in decades, and the strains on our Active Duty and National Guard and Reserve forces are commensurate with those challenges.

After much careful thought, going back to this body's consideration of Dr. Gates' nomination to lead the Central Intelligence Agency in 1991, I am convinced that he will provide the Department of Defense and our uniformed service members the competent leadership that they deserve that he will approach the necessity to change course in Iraq with great urgency and that he will provide the President with the pragmatic advice that this country so desperately needs; that his stewardship of the Department of Defense will include developing a cooperative and productive relationship with Congress; and that his career in the intelligence community will benefit the Government as the reorganization of our intelligence community continues.

I have been impressed with Dr. Gates' sincerity in his comments regarding the obligation we as policymakers owe the uniformed service members who carry out the policies we make. His testimony yesterday before the Senate Armed Services Committee included a moving statement about his relationships with members and former members of the Corps of Cadets at Texas A&M University, 12 of whom have lost their lives in the wars in Iraq and Afghanistan.

Like Dr. Gates, I am moved by the extraordinary sense of duty and service that our soldiers, sailors, airmen, and marines possess and by the extraordinary sacrifices they make willingly on our behalf. We must meet the fundamental obligation to serve them as well as they serve us. They deserve thoughtful and effective policies; they deserve to be set up for success in their missions; they deserve to be properly trained and equipped; and they deserve to be ever confident that their welfare is never subject to partisan political considerations within their civilian chain of command. Anything less is unworthy of these heroes.

I am strongly hopeful that Dr. Gates' long and distinguished career in public service, particularly in critical national security roles, gives him the proper perspective on the duties we owe our men and women in uniform. I am confident he will exercise these duties with great care and concern, particularly with regard to those service members who are in harm's way in Iraq and Afghanistan.

I also note Dr. Gates' candor and independence of thought, both in his public comments of recent years and in answering the questions of the members of the Senate Armed Services Committee during the confirmation process. Prior to his nomination as the next Secretary of Defense, Dr. Gates served on two noteworthy bodies whose work is highly relevant to the challenges he will undertake at the Department of Defense. First, in 2004 he co-chaired a Council on Foreign Relations task force with former National Security Adviser Zbigniew Brzezinski that resulted in a report entitled, "Iran: Time for a New Approach." It is my hope that "time for a new approach" is a phrase that characterizes Dr. Gates' overall approach to many of the issues he will encounter at the Pentagon, but I would make special note of the fact that in this report, he recommended that the United States engage in direct talks with Iran. If this recommendation of engagement and proactive diplomacy is characteristic of the advice he will provide to the President in his new position, it will be a welcome change.

Second, prior to his nomination, Dr. Gates served on the Iraq Study Group, whose recommendations for a major change in course in Iraq we heard today. Dr. Gates' service on this body shows that he recognized early on that the administration's policy in Iraq was not working and needed a change in course. Since his nomination, I have been very pleased with his comments, particularly in his written answers to the Senate Armed Services Committee questions and in his testimony yesterday, regarding the urgent need for change in our Iraq policy. Unlike the previous Secretary of Defense and unlike the President himself, Dr. Gates has acknowledged forthrightly that the number of troops we sent to Iraq for the postwar period was insufficient. He recognizes that the planning for the postwar period was both inadequate and flawed and that the result now is a status quo that is absolutely unacceptable and must be changed with great urgency.

As many of my colleagues have noted, this is a fresh and candid perspective that has been sorely lacking in this administration for 6 years. It is my hope and expectation that Dr. Gates' independence of thought and bold push for necessary change will mark his tenure as our next Secretary of Defense.

In my capacity as chairman of the Senate Select Committee on Intelligence in the 110th Congress, I will be particularly interested in how Dr. Gates will handle the relationship between the Department of Defense and the intelligence community, which is still developing following the recent intelligence reforms and which I will be focusing on closely in the coming months.

This relationship is crucial to the production of accurate, unbiased intelligence, which in turn is essential for the development of sound national security policy for our country. As vice chairman of the Senate Intelligence Committee, I have spent 3½ years reviewing prewar intelligence on Iraq. We have found inadequate intelligence, inaccurate intelligence, ignored intelligence, and distorted intelligence, the sum of which led to a disastrous decision to take this country to war. This is a situation which cannot be repeated.

One of the principal concerns throughout the Intelligence Committee's Iraq inquiry has been the question of politicization of intelligence. This is an issue well known to Dr. Gates because it was a charge leveled at him in 1991 during his confirmation to be Director of Central Intelligence. Unresolved questions about possible politicization greatly influenced my opposition to confirming him for that position, and I am even more keenly concerned about maintaining the integrity of the analytic process based on my experience with the Iraq inquiry.

Fortunately, his service as the Director of Central Intelligence and his continuing contribution to the Nation since then have allayed the concerns I had in 1991. While his tenure as DCI was short, he accomplished a great deal. In a 1992 message to the CIA workforce he wrote "seeking truth is what we are all about as an institution, as professionals and as individuals, the possibility—even the perception—that the quest may be tainted deeply troubles us, as it long has and as it should." While he disputed the specific accusations of politicization, he learned from the process. He established a task force to address politicization, and he implemented changes based on the task forces recommendation. I am encouraged that he will bring that experience to this new job as one of the primary consumers of intelligence.

I also am encouraged by Dr. Gates' views on the proper role of the Defense Department in relation to the CIA. Earlier this year he wrote of his unhappiness with what he viewed as an inappropriate dominance by the Defense Department. There is plenty of work for all of our intelligence agencies, but that work needs to be properly distributed and coordinated, and I think he understands the importance of that balance. I look forward to working closely with Dr. Gates on this issue if he is confirmed.

At his confirmation hearing, Dr. Gates demonstrated several qualities that I think make him a good choice for this job. He is smart but not arrogant. He is tough-minded without being closed-minded. And he is clearly taking on this enormous responsibility out of a sense of public service. I will support his nomination, and I hope he is confirmed.

Mr. FEINGOLD. Mr. President, our next Secretary of Defense will face unprecedented and wide-ranging challenges. Terrorist networks are developing new capabilities and sources of support around the world, the Taliban and al-Qaida are resurgent in Afghanistan, our military is over-stretched—all while the administration continues to devote so much of its resources to a self-defeating, Iraq-centric strategy.

I am not convinced that the President's nominee for this position, Robert Gates, has the will or ability to fix our failed Iraq strategy. Once confirmed, Mr. Gates will answer to the President, and the President still fails to recognize the need for a new course—one that includes a flexible timetable to redeploy troops from Iraq and re-focus on the fight against terrorism. Until the President recognizes that his Iraq policy is undermining our national security, simply changing one advisor for another may not make that big a difference.

Nonetheless, I will vote to confirm Mr. Gates. I believe that a president should be given great deference in selecting his cabinet. And Mr. Gates showed a refreshing candor and humility in his testimony this week—qualities that have been sorely lacking in this administration. He acknowledged that the United States is not "winning" in Iraq and that the status quo is not acceptable, and said that "all options are on the table."

There remain serious questions stemming from his role in Iran/Contra and charges that he politicized intelligence. I do not take these lightly. However, Mr. Gates is intelligent, experienced and well qualified for the position. And I am pleased that he indicated a willingness to work with the Director of National Intelligence "to ensure that he has the authority that he needs to fulfill his responsibilities." I am also encouraged by his statement that he expects intelligence professionals to "call the shots as they see them and not try and shape their answers to meet a policy need."

I hope that Mr. Gates will follow through on these and other commitments. And I will continue working to change our Iraq policy so that we can devote greater resources to our top national security priority—going after the terrorists who attacked us on 9/11 and their allies.

Mr. BUNNING. Mr. President, I rise today to voice my opposition to the nomination of Robert Gates to be Secretary of Defense.

The safety and security of the American people must be our Government's top priority. We need to continue to do everything we can to protect our homeland. We cannot place our heads in the sand and ignore the fact that we remain a nation at war. Daily we face brutal enemies that despise the very principles that we stand for and our way of life.

At this time of war, our President and our Nation rely on the Secretary of Defense to provide sound advice and to lead our Armed Forces as they continue to combat our enemies. The Secretary of Defense has the responsibility of leading the strongest and most capable military in the world. He must be a man of vision who can adequately assess threats against our national security and formulate the best response to these threats.

The President nominated Mr. Gates for a managerial post of great difficulty and complexity, and I do not believe that he is the best person to help us meet our Nation's critical challenges. Mr. Gates has repeatedly criticized our efforts in Iraq and Afghanistan without providing any viable solutions to the problems our troops currently face. I am concerned with the message he is sending to our troops and our allies around the world. We need a Secretary of Defense to think forward with solutions and not backward on history we cannot change.

Mr. Gates also believes in directly engaging rogue nations such as Iran and Syria that are known sponsors of terrorist groups in Iraq, Lebanon and the West Bank and Gaza. I do not support inviting terrorists to the negotiating table. Such a shift in our Nation's foreign policy could have grave consequences for our national security.

Let me be clear that I am not here today to discredit Robert Gates' record of public service to our Nation. I am here to raise concerns with his nomination to be Secretary of Defense. It is a position of immense importance and carries a great deal of responsibility.

It is for these reservations that I find myself unable to support the nomination of Robert Gates for Secretary of Defense.

It is clear from following his Armed Services Committee nomination hearing and my colleagues' speeches that Mr. Gates will be confirmed to be the next Secretary of Defense. However, we cannot afford to fail in Iraq, Afghanistan, and other areas in the war against radical terrorists. I hope during Mr. Gates' tenure at the Department of Defense that we are able to make peace and progress on all these fronts. The future of our country depends on it.

Mr. BYRD. Mr. President, yesterday the Armed Services Committee conducted a thorough hearing on the nomination of Dr. Robert Gates to be the next Secretary of Defense. I commend Senator WARNER and Senator LEVIN for their leadership in holding a hearing which may be regarded as one of the most informative, important hearings to take place before that committee in recent years.

Dr. Gates also deserves credit for the forthright tone of the hearing. His testimony to the committee was marked by candor and a serious discussion of the complex challenges before our country. In a refreshing change, rather than toeing the administration's line, Dr. Gates's testimony appeared to reflect his own views on the situation in Iraq, our Nation's approach to the Middle East, the difficulties facing our military, and a number of other issues.

He sensibly acknowledged that real changes are needed in the administration's policy toward Iraq, that long-rumored plans of an attack on Iran or Syria would have dramatic consequences that would further endanger the region and the world, and that our military is being strained by the war in Iraq.

Dr. Gates appears to be set to be confirmed by the Senate as the next Secretary of Defense, but he will be walking into a buzz saw. The current leadership of the Pentagon, in its arrogance and disdain for the Constitution, has alienated Congress and has seriously undermined the credibility of the Defense Department in a time of war. One of the first orders of business for the next Secretary of Defense will be to demonstrate to Congress and to the American people that the Defense Department is not a power unto itself, but it is a servant of the people. I have urged Dr. Gates to take that mission to heart and to make meaningful consultation with Congress, as the people's branch of Government, an absolute priority.

I have worked with Dr. Gates before, during his years of service in the Central Intelligence Agency. But this experience alone would not be sufficient to secure my support of his nomination. My primary concern with his nomination was not whether Dr. Gates had performed well in the past, but how he would approach the challenges that are before him.

Mr. President, I will support the nomination of Dr. Gates based upon the candor and independence that he displayed at his nomination hearing. I caution, however, that Dr. Gates must be on guard against becoming the moderate face of an administration which may yet be reluctant to make any real change in its deeply flawed policies toward Iraq. The American people need more than a pragmatic spokesman for administration policies, the people deserve a leader who will work to change the administration's dangerous course.

I urge Dr. Gates to carry out the candor and fresh thinking that he demonstrated at his confirmation hearing, and I hope the administration will follow Dr. Gates in this new approach.

Mr. DODD. Mr. President, I rise today to express my support for the confirmation of Robert Gates to become our Nation's next Secretary of Defense.

I recently had the opportunity to meet with Dr. Gates in my office. I appreciated his frankness, both in my discussions with him as well as during his confirmation hearing before the Senate Armed Services Committee.

He demonstrated candor and pledged independence that the current administration has been sorely lacking up until now. He also acknowledged that at this point, our operations in Iraq must place far more emphasis on finding a political solution rather than continuing to place an undue burden on America's Armed Forces.

It is for these reasons that I hope that Dr. Gates will serve as a critical voice for reason, leading our forces toward a proper exit from major operations in Iraq and toward rebuilding our war-battered Armed Forces.

Dr. Gates seemed to discern the cost of the war in Iraq, which has been mainly measured in the number of lives lost and U.S. treasury spent. Over 2,900 brave American servicemembers have now been killed in Iraq and over $400 billion in appropriations have been approved by Congress.

But there is another cost of war—our military's readiness. And, apparently, unlike his presumed predecessor, who believes that "you have to go to war with the Army you have, not the Army you want," Dr. Gates has promised to address this issue, if confirmed.

Some two-thirds of our Nation's combat brigades are currently unable to report for duty according to current reports, largely due to battle-worn and damaged equipment. Dr. Gates seems committed to restoring our military's readiness and, I hope, will be willing to fully meet the Army's request of $25 billion in fiscal year 2008 to fund the repair, replacement, and recapitalization of this gear.

I concede that on a previous occasion I withheld my support for Dr. Gates when he was nominated for the position of the Director of Central Intelligence in 1991. At the time, I raised concerns over his past tenure at the CIA, including prior allegations of politicized intelligence. By all accounts Mr. Gates did a credible job as the Director of the CIA. It is my hope that his past experience has sensitized him to the danger that politicized intelligence can pose to our Nation's national security and to the ability of our military commanders to understand and carry out the mission on the ground in Iraq, Afghanistan and elsewhere as they seek to advance United States interests.

In addition, I am also hopeful that Mr. Gates will work with me to revisit the administration's military commissions policy. During our discussions, we talked about the bill that I introduced last month called the Effective Terrorists Prosecution Act of 2006 which addresses some of the most serious problems with the bill that the President recently signed into law. I hope that Dr. Gates will consult with outside military and legal experts, as well as J.A.G. staff regarding the Military Commissions Act. I would further urge Dr. Gates to halt the Defense Department's plan to award a $125 million contract to build a new courthouse at Guantanamo Bay, to try detainees. This project was neither authorized nor appropriated by the Congress, and in my view, constitutes an egregious waste and abuse of taxpayers dollars on a facility designed to circumvent public and legal scrutiny into the treatment and trying of detainees.

Our Nation and our Armed Forces are facing significant challenges; and, above all else, Dr. Gates needs to meet today's security concerns head on, swiftly and effectively, without any ideological agenda. Recognizing the hard truth, that we are not winning the war in Iraq, was a good first step.

Understanding why we aren't winning was a good second step. As Dr. Gates explained in his testimony, and as many of us have been saying for quite some time, we failed to deploy enough troops in Iraq to win the peace, we mistakenly disbanded the Iraqi Army, and we banned thousands of Baath Party members from working in the Iraqi Government. Only by recognizing and understanding that these specific policies have caused so much damage can we begin the work of ameliorating the situation in Iraq.

I look forward to working with Dr. Gates in a bipartisan and level-headed manner to address these myriad problems, to adjust United States policy in Iraq and to rebuild our Nation's Armed Forces. This fall, the American people voted for change in our Government's policies, particularly in Iraq, and I am hopeful that the confirmation of Dr. Gates will represent one of these many vital changes.

Mr. OBAMA. Mr. President, my vote today for Robert Gates is a vote for significant change in our Iraq policy.

Last month, the American people uniformly rejected the policy-by-slogan approach to Iraq, rejected the false choice between "cut-and-run" and "stay the course" rejected ideological, insular, and wrongheaded leadership at the Pentagon. Dr. Gates' challenge will be to help President Bush chart a new course that takes a realistic view of the deteriorating situation in Iraq and makes the hard decisions to salvage an acceptable outcome to this long and misguided war.

There are several signs that give me hope that Robert Gates is up to this challenge. First and most important is the environment in which Gates is taking the Pentagon's helm. Following the election, it is clear the American people expect significant change in Iraq. President Bush nominated Gates with a mandate to find "fresh perspective and new ideas" for Iraq. And today's Iraq Study Group's report helped create a framework to move forward, in a bipartisan fashion, with a shift in U.S. policy. As I laid out in a speech 3 weeks ago, I believe this shift must include a phased redeployment of U.S. forces in Iraq, a new diplomatic effort that includes engagement with Iran and Syria and other key nations, and a stance that conditions further assistance to progress in Iraq. All of these were also proposed by the Iraq Study Group.

Second, in his own congressional testimony and comments, Dr. Gates has expressed openness to new ideas, saying that all options should be on the table for Iraq. He expressed refreshing candor in admitting past mistakes in Iraq. And Gates promised to work in a constructive, respectful way with military commanders, the Iraq Study Group, and Congress to find a new way forward.

Third is Gates' extensive experience. He served for 26 years in the Central Intelligence Agency and the National Security Council, and he was the only career officer in the CIA's history to rise from entry-level employee to Director.

Everyone knows that Gates' job will not be easy. There are no good options left in Iraq. There is no set of policy changes that can guarantee a good outcome. There is a great resistance to change in this administration, from the President down. Among Presidential appointees, there still is significant danger in speaking truth to power.

The President, Senate, and the American people are putting a great deal on Dr. Gates' shoulders. I am voting for him with the hope that he can make us proud.

Mr. McCONNELL. Mr. President, I rise to voice my strong support for the nomination of Dr. Robert M. Gates to be the Nation's 22nd Secretary of Defense. His intelligence, candor, and many years of national security experience make him an excellent choice to lead the Pentagon and our Nation's troops during this critical time in war on terror.

Dr. Gates wore his country's uniform as a U.S. Air Force officer; his service includes time spent with the Strategic Air Command, the prestigious unit once charged with protecting America from a nuclear attack by the Soviet Union. Dr. Gates's career includes two decades with the CIA, where he started as an entry-level employee and rose to the top position. And he spent 9 years at the National Security Council. Throughout his Government service, he has advised six Presidents.

Having previously served as Deputy Director of Central Intelligence from 1986 to 1989, Assistant to the President and Deputy National Security Adviser from 1989 to 1991, and Director of Central Intelligence from 1991 to 1993, Dr. Gates is one of the most qualified national-security specialists in the country.

As DCI he led over 100,000 employees and managed the Agency at a critical juncture at the end of the Cold War. And he has spent the last 13 years outside of government, giving him both a keen understanding of best business practices and a fresh perspective to tackle America's security challenges.

Dr. Gates has a proven record of bipartisan cooperation, demonstrated most recently by his tenure with the Iraq Study Group. As a member of that group, he has traveled to Iraq, met Iraqi leaders, and talked to our military commanders on the ground. He is ready to hit the ground running and lead the Pentagon from the day he is confirmed.

Five years into the war on terror, America has made great progress. But much hard work still lies ahead, as we continue to defend Americans here at home while fighting abroad the terrorists who would do us harm. The position of Secretary of Defense is more important than ever, and I believe the President has made an outstanding choice.

Dr. Gates has the wisdom and the ability to succeed. He will be a strong leader for the Pentagon and our brave men and women in uniform. I urge my colleagues to support his nomination, and I will wholeheartedly vote for his confirmation.

Mr. REID. Mr. President, I intend to support the nomination of Dr. Robert Gates as the new Secretary of Defense. I believe he will provide the Department of Defense, and the President's senior team, the new perspective and fresh ideas so desperately needed. He is a distinguished and seasoned public servant, and his long experience will serve him well in what will be a challenging post.

I want to thank Senators WARNER and LEVIN for making sure Dr. Gates received an expeditious and thorough hearing. With our Nation at war, we could not afford to let his confirmation drag.

I am hopeful that, when confirmed, Dr. Gates will serve as an agent of change in the administration—most importantly, on Iraq.

Yesterday, when asked if we are winning in Iraq, Dr. Gates said "no." Today, the Iraq Study Group said the situation in Iraq is "grave and deteriorating."

The Iraq Study Group has done a tremendous and historic service to the American people and to the troops serving in harm's way in Iraq. Their report underscores the message the American people sent one month ago: there must be change in Iraq, and there is no time to lose. It is time for the Iraqis to build and secure their nation, and it is time for American combat troops to be redeployed. Each day the situation in Iraq continues to deteriorate. Time is not on our side.

This assessment rings particularly true today, as we learned that 10 U.S. troops were killed in fighting across Iraq, bringing the level of U.S. deaths to 27 in only the first 6 days of December. On average, almost three U.S. troops are killed each day. We do not have time for finger-pointing and pontificating from politicians—it is time for action and leadership.

Most experts agree that Iraq is now embroiled in a civil war, and our troops are caught in the middle. Policing a civil war between Shia and Sunni is not something for which our country or our military consented. We must begin to transition our mission in Iraq, reduce our combat footprint, and begin to extricate our troops from the middle of this sectarian strife. In short, we need more than a change in personality at the Defense Department, we need a change in policy. I urge the President to reach out to Congress and work with us to change course.

If the administration reaches out in a meaningful way, it will find Congress ready and willing to work as a partner. The Senate will do its part next year and conduct strong oversight to ensure the President carries out an effective change in policy. Our troops in Iraq, including hundreds of Nevadans, have sacrificed so much. It is time for President Bush to reward their effort by bringing the country together around a new way forward.

Once Dr. Gates is confirmed, I look forward to the Senate working with him and the President on this change of course in Iraq.

In addition, I look forward to working with Dr. Gates to change course on the other key challenges we face. Dr. Gates must come to Congress with a solid plan for addressing the readiness of our military which is under strain and at risk because of the administration's Iraq strategy.

Dr. Gates must help the administration develop an effective approach for curbing Iran and North Korea's nuclear ambitions. And Dr. Gates must spearhead a new effort to ensure a successful outcome for Afghanistan, as part of a broader fresh look at our strategy for the war on terror, the hunt for Usama bin Laden, and the struggle to empower moderates and combat violent extremists. These are serious issues that deserve to be addressed properly.

Hopefully, Dr. Gates can operate with the same level of candor and realism as Secretary of Defense as he has during his nomination process. The stakes for our Nation are high, and his task is a great one, but today, he has our support and a commitment to work together to solve this Nation's national security challenges.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I see no other Senators seeking recognition, so I think we may as well—the standing order is the vote begins at 5 o'clock?

The PRESIDING OFFICER. That is correct.

Mr. WARNER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Is all time yielded back?

Without objection, all time is yielded back.

Mr. WARNER. I thank the Presiding Officer.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Robert M. Gates, of Texas, to be Secretary of Defense?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from North Carolina (Mrs. DOLE).

Further, if present and voting, the Senator from North Carolina (Mrs. DOLE) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH) and the Senator from Delaware (Mr. BIDEN) are necessarily absent.

I further announce that if present and voting, the Senator from Delaware (Mr. BIDEN) would vote "yea."

The result was announced—yeas 95, nays 2, as follows:

[Rollcall Vote No. 272 Ex.]

YEAS—95

Akaka
Alexander
Allard
Allen
Baucus
Bennett
Bingaman
Bond
Boxer
Brownback
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NAYS—2

Bunning
Santorum

NOT VOTING—3

Bayh
Biden
Dole

The nomination was confirmed.

Mr. WARNER. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The President will be immediately notified of the Senate's action on this nomination.

Mr. WARNER. Mr. President, at this time, I congratulate and express my gratitude to the extraordinary staff of the Armed Services Committee. My distinguished colleague, the senior Senator from Michigan, and I have been together 28 years on this committee and have worked with this staff, almost all of them, throughout my 6-year tenure and many prior thereto when Senator LEVIN was chairman of the committee.

I want today's RECORD to reflect our appreciation and that of many Members of this Chamber who worked with the distinguished staff. I ask unanimous consent to print in the RECORD the chronological history of that staff, who were of great assistance to Senator LEVIN and me as we prepared for this important nomination and held the hearing yesterday.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAJORITY STAFF AND NON-DESIGNATED STAFF—SENATE ARMED SERVICES COMMITTEE, OCTOBER 2006

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Chief Clerk: Marie Fabrizio Dickinson.

Assistant Chief Clerk and Security Manager: Cindy Pearson.

General Counsel: Scott W. Stucky.

Counsel: Richard F. Walsh and David M. Morriss.

Professional Staff Members: Ambrose R. Hock, Lynn F. Rusten, Lucian L. Niemeyer, Gregory T. Kiley, Regina A. Dubey, Elaine A. McCusker, Diana G. Tabler, Robert M. Soofer, Stanley R. O'Connor, Jr., Kristine L. Svinicki, William M. Caniano, Derek J. Maurer, and Sean G. Stackley.

Nominations and Hearings Clerk: Leah C. Brewer.

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Majority Professional Staff Members: Ambrose R. Hock (Lead), Stanley R. O'Connor, Jr.

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Staff Assistant: Micah H. Harris.

Subcommittee on Strategic Forces:

Majority Professional Staff Members: Robert M. Soofer (Lead), William M. Caniano, Stanley R. O'Connor, Jr., Kristine L. Svinicki.

Staff Assistant: Jill L. Simodejka.

Majority Professional Staff Members for:

Acquisition Policy.—Ambrose R. Hock.

Acquisition Workforce.—Diana G. Tabler.

Arms Control/Non-proliferation.—Lynn F. Rusten.

Army Programs.—Ambrose R. Hock.

Aviation Systems.—Stanley R. O'Connor, Jr.

Budget Tracking.—Gregory T. Kiley.

Buy America.—Ambrose R. Hock.

Chemical-Biological Defense.—Derek J. Maurer.

Chemical Demilitarization.—Lynn F. Rusten.

Civilian Nominations.—Scott W. Stucky/Richard F. Walsh.

Civilian Personnel Policy.—Diana G. Tabler.

Combatant Commands.—

CENTCOM—William M. Caniano.

EUCOM—Lynn F. Rusten .

(Africa)—Regina A. Dubey.

JFCOM—William M. Caniano .

NORTHCOM—Robert M. Soofer.

PACOM—Lynn F. Rusten.

SOCOM—Elaine A. McCusker.

SOUTHCOM—William M. Caniano.

STRATCOM—Robert M. Soofer.

TRANSCOM—Sean G. Stackley/Stanley R. O'Connor, Jr.

Combating Terrorism.—William M. Caniano.

Competition Policy/Mergers and Acquisitions.—Elaine A. McCusker.

Competitive Sourcing/A-76.—Derek J. Maurer.

Contracting (including service contracts).—Elaine A. McCusker.

Cooperative Threat Reduction Programs.—Lynn f. Rusten.

Counterdrug Programs.—William M. Caniano.

Defense Laboratory Management.—Elaine A. McCusker.

Defense Security Assistance.—Lynn F. Rusten.

Department of Defense Schools.—Diana G. Tabler.

Depot Maintenance Policy.—Derek J. Maurer.

Detainee Policy.—William M. Caniano/Scott Stucky/David M. Morriss.

Department of Energy Issues.—Kristine L. Svinicki.

Environmental Issues.—David M. Morriss.

Export Controls.—Lynn F. Rusten.

Financial Management.—Gregory T. Kiley.

Foreign Language Policy.—Regina A. Dubey.

Foreign Policy/Geographical Region.—

Africa—Regina A. Dubey.

Asia/Pacific Region—Lynn F. Rusten.

Europe/Russia—Lynn F. Rusten.

Middle East—William M. Caniano.

South America—William M. Caniano.

Helicopters.—Ambrose R. Hock.

Homeland Security/Defense/Domestic Preparedness.—Robrt M. Soofer.

Humanitarian and Civic Assistance.—Regina A. Dubey.

Information Assurance/Cyber Security.—Elaine A. McCusker.

Information Management.—Gregory T. Kiley.

Information Technology Systems.—

(Business Systems)—Gregory T. Kiley.

(Tactical Systems)—Ambrose R. Hock.

Intelligence Issues.—William M. Caniano.

International Defense Cooperation.—Lynn F. Rusten.

Inventory Management.—Derek J. Maurer.

Military Construction/Base Closures.—Lucian L. Niemeyer.

Military Family Policy.—Diana G. Tabler.

Military Health Care.—Diana G. Tabler.

Military Nominations.—Richard F. Walsh.

Military Space.—Robert M. Soofer.

Military Strategy.—William M. Caniano.

Missile Defense.—Robert M. Soofer.

Morale, Welfare and Recreation/Commissaries/Exchanges.—Diana G. Tabler.

Nuclear Weapons Stockpile.—Kristine L. Svinicki.

Personnel Issues.—Richard F. Walsh/Diana G. Tabler/David M. Morriss.

POW/MIA Issues.—David M. Morriss.

Readiness/O&M.—Derek J. Maurer/Gregory T. Kiley.

Reprogramming.—Gregory T. Kiley.

Science and Technology.—Elaine A. McCusker.

Sexual Harassment/Sexual Assault Policy.—David M. Morriss.

Shipbuilding Programs.—Sean G. Stackley.

Small Business.—Elaine A. McCusker.

Special Operations Forces.—Elaine A. McCusker.

Stability Operations.—Lynn F. Rusten/Regina A. Dubey.

Strategic Programs.—Robert M. Soofer.

Test and Evaluation.—Elaine A. McCusker.

Transportation and Logistics Policy.—Derek J. Maurer.

Unmanned Aircraft Systems.—Stanley R. O'Connor, Jr.

Women in Combat.—David M. Morriss.

MINORITY STAFF—SENATE ARMED SERVICES COMMITTEE, OCTOBER 2006

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Administrative Assistant to the Minority.—Christine E. Cowart.

Minority Counsel.—Peter K. Levine, Madelyn R. Creedon, Gerald J. Leeling, William G.P. Monahan, and Jonathan D. Clark.

Professional Staff Member.—Creighton Greene, Michael J. McCord, Richard W. Fieldhouse, Daniel J. Cox, Jr., Evelyn N. Farkas, Gabriella Eisen, Arun A. Seraphin, and Michael J. Kuiken.

Research Assistant.—Michael J. Noblet.

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Subcommittee on Emerging Threats and Capabilities:

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Subcommittee on Personnel:

Minority Professional Staff Members: Gerald J. Leeling (Lead), Jonathan D. Clark.

Subcommittee on Readiness and Management Support:

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Subcommittee on Seapower:

Minority Professional Staff Members: Creighton Greene (Lead), Daniel J. Cox, Jr.

Subcommittee on Strategic Forces:

Minority Professional Staff Members: Madelyn R. Creedon (Lead), Richard W. Fieldhouse, Creighton Greene.

Minority Professional Staff Members for:

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Acquisition Workforce.—Peter K. Levine.

Arms Control/Non-proliferation.—Richard W. Fieldhouse/Madelyn R. Creedon.

Army Programs.—Daniel J. Cox, Jr.

Aviation Systems.—Creighton Greene/Daniel J. Cox, Jr./Madelyn R. Creedon.

Budget Tracking.—Michael J. McCord.

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Chemical Demilitarization.—Richard W. Fieldhouse.

Civilian Nominations.—Peter K. Levine.

Civilian Personnel Policy.—Gerald J. Leeling/Peter K. Levine.

Combatant Commands.—

CENTCOM—Michael 1. Kuiken/Gabriella Eisen.

EUCOM—William G. P. Monahan.

JFCOM—Michael J. McCord/Arun A. Seraphin.

NORTHCOM—Evelyn N. Farkas.

PACOM—Evelyn N. Farkas.

SOCOM—Evelyn N. Farkas.

SOUTHCOM—Evelyn N. Farkas.

STRATCOM—Madelyn R. Creedon.

TRANSCOM—Creighton Greene.

Combating Terrorism/Domestic Preparedness.—Evelyn N. Farkas.

Competition Policy/Mergers and Acquisitions.—Peter K. Levine.

Competitive Sourcing/ A76.—Peter K. Levine.

Contracting (including service contracts).—Peter K. Levine.

Cooperative Threat Reduction Programs.—Madelyn R. Creedon.

Counterdrug Programs.—Evelyn N. Farkas.

Defense Laboratory Management.—Peter K. Levine/Arun A. Seraphin.

Defense Security Assistance.—Evelyn N. Farkas/William G.P. Monahan

Department of Defense Schools.—Gerald J. Leeling/Jonathan D. Clark

Department of Energy Issues.—Madelyn R. Creedon

Depot Maintenance Policy.—Michael J. McCord

Detainee Policy.—William G.P. Monahan/Peter K. Levine/Jonathan D. Clark/Gabriella Eisen

Environmental Issues.—Peter K. Levine

Export Controls.—Evelyn N. Farkas/Peter K. Levine

Financial Management.—Peter K. Levine/Michael J. McCord

Foreign Language Policy.—Creighton Greene/Evelyn N. Farkas

Foreign Policy/Geographical Region.—

Afghanistan—Daniel J. Cox, Jr./Evelyn N. Farkas

Africa—Michael J. Kuiken/Gabriella Eisen William G.P. Monahan

Asia/Pacific Region—Evelyn N. Farkas

Europe/Russia—William G.P. Monahan/Madelyn R. Creedon

Iraq—Daniel J. Cox, Jr./William G. P. Monahan

Middle East—Michael J. Kuiken/Gabriella Eisen

South America—Evelyn N. Farkas

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Information Assurance/Cyber Security.—Creighton Greene/Arun A. Seraphin

Information Management.—Creighton Greene/Peter K. Levine

Information Technology Systems.—

(Business Systems)—Peter K. Levine

(Tactical Systems)—Creighton Greene/Arun A. Seraphin

Intelligence Issues.—Creighton Greene

International Defense Cooperation.—Evelyn N. Farkas/Peter K. Levine/William G.P. Monahan

Inventory Management.—Peter K. Levine/Michael J. McCord

Military Personnel Issues.—Gerald J. Leeling/Jonathan D. Clark

End Strength—Jonathan D. Clark/Gerald J. Leeling

Military Family Policy—Gerald J. Leeling/Jonathan D. Clark

Health Care—Gerald J. Leeling/Jonathan D. Clark

Pay and Benefits—Jonathan D. Clark/Gerald J. Leeling

Military Personnel Policy—Gerald J. Leeling/Jonathan D. Clark

Military Construction/Base Closures.—Michael J. McCord

Military Nominations.—Gerald J. Leeling

Military Space.—Madelyn R. Creedon

Military Strategy.—Daniel J. Cox, Jr.

Missile Defense.—Richard W. Fieldhouse

Morale, Welfare and Recreation/Commissaries/Exchanges.—Jonathan D. Clark/Gerald J. Leeling

Nuclear Weapons Stockpile.—Madelyn R. Creedon

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Women in Combat.—Jonathan D. Clark/Gerald J. Leeling

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Georgia is recognized.

MORNING BUSINESS

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that I be recognized for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING SECRETARY OF DEFENSE RUMSFELD

Mr. CHAMBLISS. Mr. President, I rise today to commend a gentleman who has served our country with honor, integrity, and distinction for the past 6 years and who has sacrificed his energy, a comfortable private life, as well as his personal privacy in service to our men and women in uniform during the course of two wars that our country did not invite and did not welcome. That gentleman is Donald Rumsfeld.

As I have worked with Secretary Rumsfeld over the last 6 years as a U.S. Senator and as a U.S. Representative, he and I have occasionally disagreed, and those disagreements have been very public, very open, and very heartfelt on both sides. But there is no question in my mind that Don Rumsfeld has given the President and the United States as much commitment, energy, and service as any previous Secretary of Defense in the history of our great country. For that, this entire country owes Don Rumsfeld a debt of gratitude.

It sometimes surprises me that we can convince high-quality, intelligent, committed people like Donald Rumsfeld to leave private life, often near or at the end of their careers, to take jobs in government that require an enormous amount of commitment, sacrifice, and sometimes offer few rewards. These individuals could, without question, be better off financially and sleeping much better and might even be happier if they were doing something else. Donald Rumsfeld has served as Secretary of Defense during one of the more difficult times in our Nation's history. As a nation, we should be grateful that someone of his caliber has served as long and with as much distinction in the job as he has. I think we as a nation should be grateful, regardless of whether we agree or disagree with everything Secretary Rumsfeld has done or tried to do during his tenure. We should be grateful that one of our own has stepped up to the challenge and taken his job as seriously as anyone could have and done his absolute best on behalf of the American people.

Individuals who step into these jobs in government, particularly at the Cabinet level, need to keep in mind a few basic principles regarding why they are there and what they are called to do. First and most importantly, they need to remember they are there to serve the President and the American people. It is not and never can be about them. Their reward is serving, not recognition or legacy or even success. Their reward is answering the call and executing the job they have been given to do to the best of their ability. Donald Rumsfeld has done that, and for that he deserves the gratitude of this Nation.

Secretary Rumsfeld has unquestionably been a transformational Secretary of Defense. He took the helm at the Pentagon nearing a time when the Department of Defense was ripe for change, and within 9 months of being sworn in, we were a nation at war. However, even that did not stop the transformational vision Secretary Rumsfeld brought to the Pentagon.

Some of the transformational actions the Department of Defense undertook under Secretary Rumsfeld's leadership include the following: appointing the first marine as Chairman of the Joint Chiefs of Staff; appointing the first Navy Admiral to command USSOUTHCOM; returning a retired Army general to active duty to become Chief of Staff of the Army; establishing the organization and position of Under Secretary of Defense for Intelligence; establishing the first Assistant Secretary of Defense for Homeland Defense; establishing the first Deputy Assistant Secretary of Defense for Detainee Affairs; creating the U.S. Northern Command; establishing the Proliferation Security Initiative; creating a four-star level task force to counter improvised explosive devices; initiating a global basing posture review; converting Trident ballistic missile submarines to guided-missile submarines; fielding the first operational V–22 squadron; and fielding the first operational F–22 squadron.

Secretary Rumsfeld's accomplishments span the spectrum of DOD operations to include every service, procurement programs, research and development programs, personnel issues, DOD organization and management, and virtually every facet of the Department's operations. However, let me focus on the Department's accomplishments in the global war on terrorism during his tenure.

Overall: A multinational coalition has liberated 50 million people in Afghanistan and Iraq, with formation of representative governments and security forces. We have liberated 31 million Afghans from Taliban control and destroyed an al-Qaida sanctuary, conquering elements that successfully fought off the Soviet Union for over 9 years, and stood up a Loya Jirga governing council 8 months after operations began. Under his leadership, 26.7 million Iraqis were liberated from a brutal dictatorship and turned over sovereignty of the country to a new Iraqi Government in 16 months. As of November 22, 2006, organized, trained, and equipped Iraqi and Afghan security forces into the following numbers: 134,000 for Iraqi Ministry of Defense, 188,000 for Iraqi Ministry of Interior, 30,500 for Afghan National Army, and 50,000 for Afghan National Police.

Conducted safe and secure elections in Afghanistan and Iraq as follows:

In Iraq: On January 30, 2005, there was an election to form a transitional national assembly with a 55-percent turnout. On October 15, 2005, there was an election for constitutional ratification with a 63-percent turnout. On December 15, 2005, there was an election to form a permanent national assembly with a 78-percent turnout. And on March 16, 2006, there was an election to elect the permanent Iraqi Government, which was then subsequently seated.

In Afghanistan, there were the following elections: On January 5, 2004, adoption of an Afghan Constitution. On October 9, 2004, the first direct Presidential election, with roughly an 80-percent turnout. On December 7, 2004, an Afghan President was inaugurated. And on September 18, 2005, the country of Afghanistan held an election to form the Afghan National Assembly and Provincial Council.

Senior leadership of America's enemies have been captured, killed, or put on the run under the leadership of Don Rumsfeld as follows:

Khalid Shaikh Mohammed, al-Qaida's director of operations, was captured March 1, 2003. Saddam Hussein's sons were killed on July 22, 2003. Saddam Hussein was captured on December 13, 2003. Ali Hassan Mahmud al-Tikriti, AKA Chemical Ali, was captured on August 21, 2003. Al Zarqawi, leader of al-Qaida in Iraq, was killed on June 7, 2006. And 45 of 55 of Saddam's top regime—the deck of cards—have been killed or captured under Donald Rumsfeld's leadership.

Again, we have conducted hundreds of intelligence and tactical operations, many with partner nations, throughout the world against terrorist organizations directly or loosely affiliated with al-Qaida.

President Bush appointed Secretary Rumsfeld to lead the men and women of our Armed Forces, and he has led by example. As a member of the Senate Armed Services Committee, I questioned Secretary Rumsfeld many times during hearings about our national security challenges and the needs of our troops and their families, and I have always been convinced that he had the very best interests of our Nation, as well as the best interests of our men and women in uniform, in mind. I commend him for his service and on behalf of our Nation thank him for his commitment and sacrifice over the last 6 years and, indeed, over the course of his life, as he has served his country and the American people well.

As we say goodbye and commend the service of one Secretary of Defense, I would like to also commend the President's choice for his successor: Dr. Robert Gates. Dr. Gates and I had a very positive meeting on Monday of this week, and I believe he has the experience, qualifications, and candor to serve in this capacity as we move forward in helping the Iraqi people take control of their own destiny and continue transforming the Department of Defense to confront the challenges and opportunities of the 21st century. A fresh approach, new ideas, and Dr. Gates' understanding of defense and intelligence issues will be a tremendous asset in achieving victory and continuing on the legacy and accomplishments of Secretary Rumsfeld.

I look forward to working with Dr. Gates as the new Secretary of Defense on the national security issues affecting our Nation, as well as the issues that affect Georgia's proud military community. Our men and women serving in Iraq and Afghanistan continue to have my highest admiration and praise for their good works. We will continue to do everything necessary to help them succeed in their mission and win this war on terrorism. I know Dr. Robert Gates shares that commitment, and I look forward to working with him and supporting him as he serves on behalf of our Nation's military.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I rise today to talk about why I voted against Dr. Gates and lay out in detail the concerns I have about the security posture of the United States today and how I do not believe that Dr. Gates is the appropriate choice to confront them. While I think he certainly has a lot of positive qualities, and in normal times I would certainly defer to the President's judgment on this, we are not in normal times. I believe we need a Secretary—and I think we need leaders in this country, particularly the Secretary—who has insight into the nature of our enemy and is willing to provide the vision necessary, not just for our people in the military but the country, on how to defeat them. On one particular vital aspect of that vision I think he is in error, and that error causes me to object and to vote no to his nomination.

What I would like to do is lay out what I see as the problem confronting America and the complexity of that problem, which I think has grown more complex since the last time that we have been in this Chamber, over 6 weeks ago. I would like to go back to two speeches I gave last summer, one at the National Press Club, and the other at the Pennsylvania Press Club—one obviously in Washington, the other in Harrisburg. I gave those speeches because I thought it was important that at a time when our country is at war and our country is struggling with this war that we have a better definition as to who the enemy is and what we need to do about it.

I made that issue, the issue I discussed in these two speeches and subsequent speeches during my campaign, the centerpiece of the campaign. Many political advisers suggested to me that this was a wrong tactic in a State where the favorabilities for the war and the President were in the low thirties to make this the centerpiece and, in fact, draw divisions between myself and the President where I put myself in a position which some suggested was to the right of the President. But I thought it was important for the country and for me personally as a U.S. Senator to address the issues that I thought were critical to the time.

So I went out and gave two speeches about the importance of defining our enemy. If there has been a failing—obviously, for the last several weeks and months we have been talking about the failings of the administration with respect to the policies within Iraq—I would make the argument that the larger failing, not just of the administration but of the Members of Congress and leaders in this country, is that we have not had the courage to stand up and define the enemy as to who they are and study and understand them and explain to the American people who they are.

I defined the enemy back at the National Press Club speeches as Islamic fascism. I said that is the biggest issue of our time, this relentless and determined radical enemy that is not just a group of rag-tag people living in caves but, in fact, people with an ideology, a plan, and increasingly the resources to carry out that plan, as well as, increasingly, a bigger and larger presence throughout the Islamic world, these radical Islamic fascists.

As I said, I understand this is an unpopular war. When I stepped forward to define the enemy as radical Islamic fascists, I was ridiculed by the media and others, saying that my words were too harsh, saying that at worst my defining the enemy was incorrect, at best it was inflammatory. But I did so because I believe words matter. If you are going to confront an enemy you have to understand who that enemy is and you have to communicate that to the people of America. And we must do that.

Many people talk about this war as if it is an attempt simply to create fledgling democracies in Iraq and Afghanistan. While this may be an appealing possible outcome, we all must recognize that Iraq and Afghanistan are battlefields in a much more complex and broader war. That includes every continent with the exception of Antarctica. The war is at our doorstep, and it is fueled, as I mentioned, literally and figuratively by the evil of Islamic fascism.

Whether we know it or not, they have been at war with us, and the State of Iran specifically has been at war with us, since 1979 when they declared war against the United States. They have not rescinded that declaration. So when we talk about engaging Iran as the Secretary, the new, future Secretary of Defense has talked about, we are talking about engaging someone who is at war with us, who has declared war with us, and who has been at war and, and as I will talk about here, and I think it has been widely reported in the press, has been doing a lot to substantiate the claim that they have been at war with us.

But this threat is not exclusively based in Iran. It is gaining strength and spreading throughout every region of the world. I have addressed the issue of Islamic fascism but have not yet spoken to the subject of Iraq. Iraq is the central front in the war on Islamic fascism. However, contrary to the Iraqi Study Group, the Baker-Hamilton commission, the answer to this problem can be found—the answer to Iraq can be found not in Iraq but in Iran. It is Iran and its client State of Syria that serve as the principal instigators and fomenters of the conflict in Iraq today.

The President gets advice from the CIA that the opposition in Iran is weak and divided and therefore we should do nothing in Iran because we have no alternative. We have no one we can use in Iraq to confront the Iranian Government to cause any kind of changes. So the President gets advice from his intelligence team that we are without options in Iran.

The Pentagon advises the President and says we don't know if we have the resources to open up a new battlefield or confront, militarily, Iran, and therefore we have limited options in Iran.

The State Department—yes, State Department—they think that Iran is the solution to the problem; that negotiating with them and getting them to be our pals can in effect solve the problems; so confronting Iran would be the absolutely wrong thing to do in solving the problem in Iraq.

So the President is being advised by all of his minions that Iran and confrontation with Iran is not an option, as we heard from the testimony of the new Secretary of Defense.

Let's look at other interested parties as we look at how we solve the problem in Iraq and dealing with Iran. The American media seems to be very focused and spends a lot of time talking about how poorly things are going in Iraq. They report daily—not just recently but repeatedly for the past 3 years, daily—the body count in Iraq. It is the lead and has been virtually every single day for 3 years.

Is their interest in shifting focus and covering the problems in Iran? Not if we can drive home a story like this in Iraq.

Republicans and Democrats, leaders in the Congress, why don't they focus and talk more about Iran? Democrats, if you look through—as unfortunately many Republicans and Democrats do—look at it through the eyes of politics, why would we change focus and focus on Iran as the problem? We saw from the last election there is grand political advantage of keeping the focus on Iraq and the problems in Iraq. Why aren't the Republicans, then, stepping forward and pointing to the difficulty and problems that Iran is causing in Iraq and call for confrontation? If we saw anything from the last election, the American public has no appetite for a broadening of this war, increasing the complexity of this war. You might be seen as warmongering, digging us deeper and more dangerously into a region of the world that we would rather not be in in the first place.

So what do we have? We have the Baker-Hamilton report which is a prescription for surrender. It is just a matter of time. It is certainly not a prescription for victory. Nowhere does it mention, other than of course that we would like victory, nor is there a prescription for victory in that report.

So now we have the slow process of how we exit ourselves because we have no option to confront the real problem. We have no willingness on the part of any level of Government to confront it. So we are destined at this point to focus on something that is insolvable without confronting Iran, and that is the war in Iraq.

Who are these Iranians? Who are these Islamic fascists? I do not mean to exclude Sunni Islamic fascists because they were the principal—or they were the first, let's put it that way—in launching the war against the United States. I should not say the first. They were the first in recent times—certainly 9/11—in launching the war.

So this is not just a Shia problem, but it is increasingly becoming a Shia-dominated field as they continue to spread control in Iran with their influence and money. But let's not leave out Saudi Arabia and others that have used their resources to foment Islamic fascism all over the world with their resources—Sunni Islamic fascism.

So where are we? What can we do to confront this problem?

The interesting thing is that this problem is growing—I don't know about exponentially, but I don't know of a single country in the Middle East where the threat of radical Islam has not grown over the last 30 years, since Iran took over control—since the radicals took over control in Iran, the last 27 years. Every capital, every regime is feeling the pressure. And not just since 2003, but systematically over the years we have seen, particularly in Arab Muslim countries and Middle Eastern Muslim countries, this rise. But, again, not exclusive: Indonesia, Malaysia—this is not exclusive to the Arab world. Obviously Iran, which is Persia.

So what have we seen over the past 6 months? We saw a situation in the central synagogue in Prague where the Islamic fascists intended to carry out, on Rosh Hashanah, a mass kidnaping when large numbers of Jews would be celebrating the new year. When the world's attention now was focused on Prague, they designed to make impossible demands and then blow up the synagogue and everyone within it.

Those people were not marked for death because they supported the war in Iraq. They were not marked for death because they oppressed these Islamic fascists. They were targeted because they were Jews. This is evil.

Islamic terrorists organized an assault on civilian aircraft leaving London, planning to blow up 10 or more planes this summer as they flew over the North Atlantic. You may not know that two of those participants were a husband and a wife, a husband and a wife who were going to board that plane and explode that plane over the North Atlantic while holding in their arms their 6-month-old child.

This is evil.

Islamic terrorists slaughter innocent Iraqis every single day on both sides of the divide within Islam. As we know, in recent days they beheaded an orthodox priest and crucified a 14-year-old boy guilty of nothing but being Christian.

This is evil.

Almost everyone has now heard of Iranian President Mahmoud Ahmadinejad and the fact that he denies the existence of the Holocaust and called for Israel to be wiped off the face of the Earth. But he has been remarkably clear about his mission, remarkably clear about his messianic vision of a Shiite religion, his vision to destroy the Western world and impose a caliphate on the world in which the world would submit to Islam or die in the process.

He said:

> Is it possible for us to witness a world without America and Zionism?

Then he answered himself:

> But you had best know this slogan and this goal is attainable and surely can be achieved.

So do we have any questions about the nature of our enemy? Do we have any questions about the capability of this oil-rich country? Yet just this past week President Mahmoud Ahmadinejad sent an open letter, a conciliatory letter, to the American people, addressed to the "noble" American people. He called on America to withdraw from Iraq and end support for Israel, and, of course, to convert to Islam. This man may be a fanatic, but let me assure you he is not a stupid fanatic. This man understands and studies America. The Islamic fascists respect us enough to get to know us. They respect us enough so they know what buttons to push and how hard to push them. They respect us enough to figure out what it will take to defeat us.

I wish that were the case for the American people.

He couched his warning in the words that are familiar and comfortable with Americans—"freedom," trying to appeal that he would be free of this illegitimate regime in his mind, which is the current administration, and we would free them of this burden of fighting. It is a great appeal and many would like to see the end of this war, but we should not be fooled.

Our troops in Iraq are being killed by Iranian weapons today paid for with Iranian money smuggled into Iraq by Iranian logistics and utilized by Iranian-trained terrorists.

A couple of years ago you needed a security clearance to know this. Now, if you care to know, if you want to know this uncomfortable truth about Iran, you can know it. Iran is the centerpiece in the assault against us and other countries in the civilized world, which is why I fought so hard for passage of the Iran Freedom and Support Act.

I stood on the Senate floor at this very desk and argued in May or June of this year for passage of the Iran Freedom and Support Act: I said we should not be negotiating with Iran, that we should be confronting Iran.

Bernard Lewis tells a familiar opinion that he has. He tells a lot of them. He said that the oddity in particular of the Arab and Middle Eastern Islamic world is that the more we have strong relations with the government in an Arab Muslim country the more the people of that country hate us; and the more that we stand up and confront leadership of those countries the more the people like us. Is it no wonder he recounts on the day of 9/11 when there was but one Middle Eastern Muslim capital there was a candlelight vigil in support of those who died on 9/11, and that was in Tehran, Iran.

It is not hard to understand when you have regimes throughout the Middle East who oppress their people that when you stand up and confront those regimes and call them the evil they are the people understand and respect your honesty, agree with you, and support you.

This summer when we attempted to negotiate with Iran, we told the people of Iran that we are not on their side, that we want to make deals with people who oppress them, who torture them, who enslave them, who abuse them, and who kill them. That is why we should not have entered into any negotiations in spite of the entreaties of Europe with this evil regime in Iran. We should confront them, and only confront them. If we want the support of the people of Iran, we have to earn it with the integrity of our mission, and we are not doing that.

So I stood up on the floor of the Senate and said we needed to confront Iran, that we needed to fund full democracy groups, that we needed to use the public airwaves and the Internet to disseminate information to cause a change in the Government of Iran, and that we needed to sanction them. And this administration opposed me. The Senate opposed me by, I think, a 54-to-46 vote. That is why I continue to work on the Iran Freedom and Support Act.

Over the intervening months, what happened? Iran did as I predicted on this floor back in the spring—they played us along. They said: Well, you know we will negotiate with you as long as we can continue to produce nuclear materials and continue our nuclear program. So we negotiated and we negotiated and they developed and they developed. So finally in September of this year, enough people on both sides of the aisle and enough people in the administration finally were convinced that this was not a viable strategy anymore. What did we gain? We passed the Iran Freedom and Support Act, which probably surprised most people in this Chamber. We passed it unanimously—one of the last things we did before we broke. Most Americans don't know it. Unfortunately, most in the Middle East don't know it. I suspect if we went into the bowels of the State Department they may know it, but they are not going to do a damned thing about it because that is not their intent. They do not want to do anything about it. My guess is they will take that money and spend it on a lot of conferences and studies on what we should do instead of giving it to the bus drivers who went on strike as a strike fund so they can stand up to the government. Instead of giving it to dissent groups so they can disseminate information, instead of actively engaging we will appease. We will study, we will delay, and they will have time to further build.

But we did pass the bill. That would be on one of my to-do lists in the next Congress.

Is this bill going to be enforced? Are we going to confront Iran? Are we going to try to do something or are we going to sit by and allow them to develop these weapons? They are not developing them alone. No, there are a lot of reports that they are working with others around the world. Who are those others? I talk about Islamic fascism, and I keep focusing on that. But, unfortunately, over the past several months it is increasingly clear to me that the situation is becoming even more complex. We are not just facing a group of people who are in the Middle East desiring to overthrow the world and oppose a caliphate on us, but they have allies—unlikely allies in some respects, unlikely allies as the German Nazis and Japanese imperialists who had very conflicting ideologies but had a common purpose, and that was destroy the West, destroy the English-speaking world and the Western world, and put it under the domination of those countries.

So it is today. The enemy of my enemy is my friend. What Iran has found and the Islamic fascists have found is there are plenty of enemies of the United States. In fact, they had a meeting just this year a couple of months ago in Havana, Cuba. The nonaligned states met. There were 100 nations. On their agenda was to redefine the word "terror" to include "the U.S. occupation of Iraq" and the "Israeli invasion" of Lebanon. Of course, there was no mention about the incursion of Hezbollah. They found solace with these countries.

We saw it played out at the United Nations just a couple of weeks later where President Ahmadinejad, President Hugo Chavez, to thunderous applause of many in the United Nations community, demonized America. But another member of that crew of nonaligned nations was North Korea.

I mentioned before that Iran is pursuing a nuclear program. They are indeed pursuing a nuclear program, and there have been many intelligence reports published that have suggested there were Iranian scientists there the day North Korea exploded their nuclear weapon. In fact, the scientist who had been working with North Korea, AQ Kahn, is the same scientist who has been working with Iran in the development of their nuclear program. Some have suggested that they are working collaboratively and jointly in their development of nuclear weapons which, of course, would have put Iran's nuclear program well ahead of where everyone believes it to be.

So we have not only the Islamic fascists led by Iran, but we now have an alliance between Iran and North Korea: North Korea, which is a threat in their own right, now with nuclear weapons and their increasing ability to deliver them with long-range missiles, including the development of, as they hope to do, ICBMs which could reach the United States of America.

We confronted North Korea as soon as they detonated their explosives. We had a U.N. resolution confronting them. North Korea condemned that nuclear U.N. resolution and called it "a declaration of war" and threatened the United States by declaring:

> We will deliver merciless blows without hesitation to whoever tries to breach our sovereignty and right to survive under the excuse of carrying out a United Nations Security Council resolution.

Not only do we have a threat of North Korea now launching a nuclear weapon, but we have the clear threat of North Korea and Iran proliferating nuclear technology. In addition, as Iran, working with North Korea, develops their nuclear program, and as the world sits fecklessly by and lets them do it, others in the region legitimately have their tensions increased and have talked about the need for those nations to develop nuclear weapons. Thus starting an arms race in a region of the world where it is the last place we want a nuclear arms race.

Finally, we have the issue of whether this nuclear material that is being developed in both North Korea and Iran will end up in the hands of terrorists, to be delivered in a nonconventional way. North Korea is a new threat on the horizon, but it is not alone. In fact, North Korea has expressed direct support for Iran's nuclear development program and stressed that the United States and the West have no right to defy such a program.

The Iranians have also commented officially on friendly ties between Tehran and Pyongyang after the Islamic revolution, saying Iran "highly praises North Korea for its steadfastness against the domineering policies of the United States."

But the threat goes even further. Ahmadinejad, with Kim Jong Il, like Mussolini and Hitler, intends to conquer Western civilization. Again, that is not Hitler. But they also, like the Soviets under Nikita Khrushchev, see the advantage of placing weapons of mass destruction within short ranges of the United States.

Obviously, one likely candidate would be Venezuela. I don't know of any regime currently that is more vehement and more anti-American than Hugo Chavez and the regime in Venezuela, so it probably comes as no surprise that Ahmadinejad and Chavez have had meetings, and they are now aligned and allies and working together and have, in fact, formed a defense pact between the two countries.

Venezuela is a serious threat not just because of their relationship within Iran but because of what it has attempted to do throughout the region, as well as its own potential threat.

Just a few weeks ago there was an election in Nicaragua, right before our election, where Nicaragua's Daniel Ortega won the election, took a congratulatory call from Hugo Chavez, who said:

> We're happy here. We're very proud of you. Now, like never before, the Sandinista revolution and the Bolivarian revolution unite, to construct the future, socialism of the 21st century.

Chavez made no secret about his support for Ortega or his support for the new rulers in Bolivia. Chavez is doing all he can to build military power and might and influence in the region of the world that is uncomfortably close to the United States.

As we know, Chavez has been clear about his disdain for America. What we don't know is what Venezuela has been up to. I suspect that most Members of this Senate do not know that Venezuela is the leading buyer of foreign arms and military equipment in the world today, that Chavez is building an army of more than 1 million soldiers. I suspect most in this Senate do not know that over the next year he plans to spend $30 billion to build 20 military bases in neighboring Bolivia which will dominate the borders of Chile, Peru, Paraguay, Argentina, assembling those military bases on the borders of the countries I just mentioned. These military bases, while they will be manned by Bolivian soldiers, will be commanded by Venezuelan and Cuban officers.

How does he do this? How is he able to accomplish what Fidel Castro has been seeking to accomplish now for 4½ decades? The answer to that, of course, is very simple. It is a three-letter word: oil. Oil and its huge profits are financing this, just like oil and its huge profits are advancing Islamic fascism in the Middle East. It is no wonder again that Venezuela and Iran have formed an oil pact. Why? As they have clearly said before, oil is a "geopolitical weapon," according to Chavez. He also said:

> I could easily order the closing of the refineries we have in the United States. I could easily sell that oil that we sell to the United States to other countries of the world . . . to real friends and allies like China.

They have even closer relationships with the Islamic fascists in Iran. A recent congressional report found that Hezbollah may right now have established bases in Venezuela which have issued thousands of visas to people from places such as Cuba and the Middle East, possibly giving them passports to a vague United States border security.

To make matters worse, we see, with the help of Venezuela, Cuba and China are now exploring for oil within 50 miles of the coast of the United States, while the Senate blocks a measure to allow us to explore for oil within 100 miles of our own shore. So while China, Cuba, and Venezuela draw oil from our shores, we stand idly by and let them do it to arm against us.

Let's not overlook the role of Russia in working with all of these governments—Iran, North Korea, and Venezuela. Last summer, Russia signed an arms deal with Venezuela to the tune of $1 billion. Last month, Russia began deliveries to Iran of highly sophisticated SA-15 anti-aircraft missiles valued at $700 million. The purpose of these missiles? To defend Iran's nuclear program. That shouldn't come as a surprise. Russia has consistently opposed the efforts of the United States to sanction the other enemy, North Korea, for their nuclear programs, and has insisted on diluting the effects of every resolution that was passed condemning North Korea. The Russians claim sanctions don't work. Yet, oddly enough, they just imposed sanctions on their neighbor, Georgia.

Yes, we live in a very complex time and we have enemies who are very dangerous, in which their relationships are growing, and so with it their commensurate power to confront terrorists of the world, and the rest of the world sits and hopes and hopes that we can negotiate our way out of this problem; that since we are people of reason and rational folks, we can deal with them on that level. Have we forgotten our history? We have been in this situation before.

I have titled this address "The Gathering Storm of the 21st Century." It is not a coincidence that I do so in harkening to the book written by Winston Churchill, "The Gathering Storm," talking about the lead-up to World War II. Just like Britain in 1940, after the fall of France, we are engaged with a struggle now with the enemy—alone. Just like Britain in 1940, we entreated the rest of the world to join us against this evil, and the world fell silent. For a year and a half until Pearl Harbor, and actually long after that, since the United States was certainly not prepared for war, Britain fought this battle alone. And with the exception of the State of Israel, we are fighting this battle alone, and I suspect we will for quite some time.

So what lesson can we learn? What lesson can we learn from history? What we know is America is very reticent to get involved in wars, and rightfully so. In the First World War, we only entered after a German U-boat sank American civilian and commercial ships in the North Atlantic. World War I was the war to end all wars. After the defeat of the German armies, it seemed as if peace was going to be with us for a long time. But it did not last a generation. As I said, we ended up with the situation in World War II. But even after the fall of Europe to the Nazis and the Italian fascists, America stood by, hoping this problem would go away. It was not until Pearl Harbor that things changed.

The Cold War was only after Stalin's aggression in the Middle East in Greece that we decided to engage and recognize that the Soviet Union was not our friend as many thought after World War II but, in fact, our new foe. And now, after the fall of the Soviet Union we thought we would have a peace dividend, peace for a long time, and we find that other forces of evil have cropped up to confront us.

If it were not for the fact of September 11, we would be allowing that to continue today. But we engaged the enemy because they attacked us directly here at home. But now we are growing tired. We are wearying of the battle. I said earlier that these Islamic fascists understand us better than we understand them. They understand our history better than we understand their history. They need not look long to see how quickly America tires of confrontation and conflict and death.

And so they plan and, more importantly, they kill, every day. It is recorded here every day, and support for this war goes down every day. And they check another box in Tehran.

Winston Churchill wrote in "The Gathering Storm" a short description of the gathering storm:

> How the English-speaking peoples, through their unwisdom, carelessness and good nature allowed the wicked to rearm.

We are at such a moment. Are we going to allow the wicked to rearm? We paid a terrible price for waiting. We lock at each war, each major conflict, we paid a terrible price for waiting. In many cases, it was a price paid in America. In many other cases it was a price paid in countries around the world. Are we going to pay that price at some day in the future or are we going to confront this enemy?

If we learned anything from the 20th century, it should be this lesson: When leaders say they are prepared to kill millions of people to achieve their goal, we must take them at their word. The enemy before us that I have described has said it clearly, repeatedly, and pointedly, and even more threateningly, because this is an enemy who doesn't see death as a tragic consequence of the war; they see it as their objective of war.

The ayatollah and the mullahs of Iran have repeatedly said that the object of jihad is not success, it is death. It is reaching the next level. It is ending this miserable life which we have on Earth and in pursuit of jihad, guaranteeing yourself eternal life with Allah.

Here in America, we refuse to recognize, many, that we are at war with this great evil.

We shrink from the recognition of identifying the enemy and confronting them, whether they be the Islamic fascists led by Iran or the socialist rulers of North Korea and Venezuela. We are sleep-walking through the storm, as we have done in the past. We pretend it is not happening or that it is simply because of the incompetency of the current administration or of a member of that administration.

But how do those who deny this evil propose to save us from these people? By negotiating through the U.N. or directly with Iran? By firing Don Rumsfeld, now getting rid of John Bolton? That is going to solve the problem? These people are now going to be nice to us because we removed these people who were agitating them or causing problems? Maybe relocating our troops to Okinawa or Kuwait or some other place will get these people to simply leave us alone? Maybe if we just abandon Iraq and Afghanistan to the chaos and slaughter of Islamic fascists, their thirst for blood will be met? Or maybe it is just engaging in one-on-one discussions with Iran and North Korea and other reasonable dictators?

No, I do not think any of those things will work. And history has proved they have not worked. We need to begin to confront our enemies. And that does not mean we have to launch a military mission into the countries I spoke of. But we have to do more than just adjust tactics in Iraq. If the focus of the next year and a half is simply adjusting tactics within Iraq, it will fail. It will fail. We must go after the regimes that recruit, pay, train, and arm their surrogate militias in Iraq. Again, I am not talking about military confrontation; I am talking about political and economic warfare to bring down the terror regimes in Tehran and their satellite puppet state in Syria. The best way to do that is to work with their own people who want freedom.

I talked about the Iran Freedom and Support Act, but there is much more we need to do. We need to implement it. And we need to use the public diplomacy apparatus we have to motivate and change the hearts and minds. A free Iran will change the world because it will deprive the terrorists of the single greatest source of support and isolate the likes of Hugo Chavez and Kim Jong-il.

Why is a free Iran and a free Iraq so essential? Because neither the United States of America nor any of our Western allies can defeat radical Islamic fascism on our own. We cannot defeat radical Islamic fascism. The only thing we can do is, through democracy-building and through support of moderate Islam, give those who truly seek the true meaning, the true moderate meaning of Islam the opportunity to be successful in suppressing its radical elements. We have to create that environment, and we have not in Iraq because Iran and Syria have not let us.

I remember reading commentaries from so many people talking about that things went well originally in Iraq. It seems like things were going OK, and then, after a year or so, it really started to turn south. Well, immediately after we were there, the Iranians were scared to death of us and dared not play in that sandbox. But they quickly surmised that we were not serious, that we were not going to confront this evil, so they began what we now see.

We need to counter Hugo Chavez. We need to do more to develop closer relationships with the countries in Central and South America, through trade and through diplomatic negotiations. We must fight for the hearts and minds of Central and South America, and we must do so much more deliberately and aggressively than we have. We have to do more to confront North Korea and its threat. That includes options, particularly missile defense. Finally, we have to confront the root cause of all of this, the root cause being oil.

There is one regret I have of not coming back here. It is—and my colleagues know I can be somewhat single-minded—to focus the attention of this body and this country on energy security. It is lunacy, it is suicidal to continue to allow the energy markets at the levels they are right now given the fact that a vast majority of those energy dollars are going to people who want to kill us and destroy everything we believe in. We can no longer play games with our energy security.

I spent a lot of time talking about this war, and I have fought very hard to pass legislation, both the Syrian Accountability Act and the Iran Freedom and Support Act, that will try to hurt our enemies and strengthen our country. I will do my best, after I leave this place, to continue to confront these enemies and to give the United States the opportunity to succeed in this war.

Osama bin Laden said:

> In the final phase of the ongoing struggle, the world of the infidels was divided between two superpowers: the United States and the Soviet Union. Now we—

Understand this.

> Now we have defeated and destroyed the more difficult and the more dangerous of the two.

Understand what bin Laden is saying. "We," these Islamic fascists—they claim they defeated the Soviet Union, not Ronald Reagan and Margaret Thatcher, not Pope John Paul II, but Islamic fascism, the mujahedin in Afghanistan. History will make a plausible case for this assertion that, in fact, they had a lot to do with defeating the Soviet Union. But he continues with one final sentence:

> Dealing with the pampered and effeminate Americans will be easy.

You see, they think they understand us. They think they know how to get to America. Open a paper every day and see what their tactic is. Open a paper every day, turn on a television every day, turn on your radio every day, sign on to the Internet every day and see what their tactic is and see how they believe they will defeat us.

I believe we need strong leadership to confront this greatest enemy that we have. The stakes are high, too high not to join together—Democrat, Republican, liberal, conservative, American, European—to confront this dangerous enemy. We must stop them.

Winston Churchill, in June of 1940—I will close with this, for my colleagues who have been patiently waiting—Winston Churchill, in 1940, addressed the British people as Britain stood alone:

> What General Weygand called the Battle of France is over. I expect that the Battle of Britain is about to begin. Upon this battle depends the survival of Christian civilization. Upon it depends our own British life, and the long continuity of our institutions and our Empire. The whole fury and might of the enemy must very soon be turned on us. Hitler knows that he will have to break us in this Island or lose the war. If we can stand up to him, all Europe may be free and the life of the world may move forward into broad, sunlit uplands. But if we fail, then the whole world, including the United States, including all that we have known and cared for, will sink into the abyss of a new Dark Age made more sinister, and perhaps more protracted, by the lights of perverted science. Let us therefore brace ourselves to do our duties, and so bear ourselves that, if the British Empire and its Commonwealth last for a thousand years, men will still say, "This was their finest hour."

This is the call of this generation. This is America's hour. This is the hour that we need leadership, Churchillian leadership, who had a keen eye for the enemy and a resolve in spite of the political climate to confront it. I ask my colleagues to stand and make this America's finest hour. I regret that the new Secretary of Defense is not up to the task, in my opinion. I hope others are.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Thank you, Mr. President.

ESCALATING CRISIS IN DARFUR

Mr. DURBIN. Mr. President, this evening there was a meeting in my office with the U.S. Special Convoy to the Sudan, Andrew Natsios. It was an unusual meeting by Senate and Capitol Hill standards. It was a bipartisan meeting called by Senator SAM BROWNBACK, my Republican friend from Kansas, and myself, inviting our colleagues on both sides of the aisle to try to address the escalating crisis in Darfur, in the Sudan.

In the meeting, we talked about the urgent need for international action to stop this genocide. Hundreds of thousands of people have been killed in Darfur over the last 3 years. Two and a half million people have been driven from their homes. There are refugee camps not only in Sudan but in Chad and neighboring countries filled with those from Darfur who have been driven out by the violence.

Nearly two-thirds of the people living in this region are now dependent on humanitarian aid, and hundreds of thousands are in need but far beyond the reach of humanitarian organizations. Humanitarian access, the ability to help those in such desperate straits, is, sadly, diminishing when, in fact, we need more.

The Sudanese Government in the capital of Khartoum has orchestrated this campaign of genocide. It continues to deny the death toll, and it continues to reject the United Nations peacekeeping mission.

On November 21, Special Envoy Natsios announced that the Bush administration would resort to an unspecified "Plan B," as they called it, if the Sudanese Government does not agree by January 1, 2007, to allow an expanded international peacekeeping force in Darfur. Mr. Natsios made clear to us in the meeting in my office just a short time ago that this force is to be under the command and control of the United Nations. It is a very important part of our plan. In September, Secretary of State Rice warned that Khartoum faced a choice between cooperation and confrontation.

I believe it is time—it is well past time—for the world to make clear to Khartoum and the Sudanese Government that serious steps will immediately follow the beginning of the new year if a United Nations or combined United Nations and African Union force is not agreed to immediately. The United States and the world have a number of things we can do, things we can do to persuade the Sudanese that they have to stop this genocide in Darfur.

Militarily, the United Nations has authorized and the Senate supports the principle of a no-fly zone over Darfur. It is not going to be easy to implement it, but it is possible. Although it is logistically challenging, that is no excuse to allow the Government of the Sudanese people to continue attacks on the Sudanese people themselves by air.

The United Nations should also be working with the International Criminal Court, sharing intelligence that could help accelerate indictments against those Khartoum officials and others guilty of crimes against humanity. Economically, the United States has sanctions against U.S. companies doing business in Sudan, but most countries don't. Sudan is a rich country when it comes to oil. They are expected to bring in $7.6 billion in revenue this year from oil. The major oil companies in the Sudan are owned and run by the Chinese, the Indians, and the Malaysians.

Independent reports estimate that 70 percent of that oil revenue is likely to be used by the Sudanese Government in Khartoum for military expenditures. Think of that. An otherwise poor African nation taking 70 percent of the revenues from oil, converting it into military equipment that in many cases is being used to kill its own citizens. Those same military expenditures have financed helicopter gunships, automatic weapons, and vehicles that have allowed the Sudanese Government and their militia to terrorize the population of Darfur.

The international community needs to join the United States in sanctions on Sudan. You can hardly pick up a newspaper in our country without finding a full-page ad exhorting our Government and people to do something about the genocide in Darfur. I salute those who are supporting that effort. I encourage them to take that information to other countries in Europe and other places so that they can engage with us in an effort to stop this genocide. Civilized nations should not do business with genociders.

In the United States, we need to do more. We should close our ports to oil tankers that have operated in Sudan. The President could block the assets of 17 individuals named in the United Nations investigation as responsible for crimes in Darfur. The list includes the Sudanese Minister of Interior, the Intelligence Director, and the Minister of Defense. To date, the President has only blocked the assets of four people: Two rebel leaders, a former Air Force officer, and a Janjaweed militia leader. We need to move up the chain of command. We need to do more, and we need to do it now.

All across America, State and local governments, universities, organizations, and private citizens are doing more by divesting their pension and other investment funds from companies that do business in Sudan, companies that support and enrich the Khartoum Government that is looking the other way when it comes to this genocide. Divestment is a powerful tool. I believe Congress and the White House should support it.

My State of Illinois was one of the first to step forward and divest its State pension funds. Five other States followed. Recently, I joined Senator BROWNBACK in writing to every other Governor, urging them to join in the divestment effort. We have also each taken steps to personally divest. There is an interesting side note here. After Senator BROWNBACK and I sent a letter to all of these Governors in States that have not divested from investments in the Sudan, an enterprising reporter reviewed my personal financial information on file and reported to me that one of the mutual funds that I owned, owned stock in a company doing business in Sudan. I was shocked to learn that. Quickly I sold it. But I think it is a warning to all that if you want to be participating in this effort to try to get the message to the Sudanese, we should all start with our personal savings and mutual funds and make sure that we are not supporting, indirectly, the Government of Sudan. I have sold that mutual fund, and I will try to be vigilant that if another mutual fund I own purchases something in Sudan, that I divest very quickly.

All of these are small actions but cumulatively they can make a difference. Tonight, as I have done before, I can't help but think about Rwanda in 1994. I mentioned it this morning when I noted the retirement of my colleague from Vermont, Senator JIM JEFFORDS. In 1994, mass murder was launched in Rwanda. It was carried out by guns and torches and by the grisly use of machetes.

Five weeks after the killings began, Illinois Senator Paul Simon, my predecessor and my closest friend in public life, who was chairman of the Senate Foreign Relations Subcommittee on Africa, and JIM JEFFORDS, then the ranking Republican on that same subcommittee, phoned General Romeo Dallaire, head of the U.N. peacekeeping force in Rwanda in Kigali and asked what he needed. A desperate Dallaire told them that if he had 5,000 soldiers, he could stop the massacre in Rwanda. Those two Senators immediately drafted and hand-delivered a note to the White House, to the Clinton administration, requesting that the United States get the Security Council to authorize deployment of troops.

In their letter they wrote:

> Obviously there are risks involved. But we cannot sit by idly while this tragedy continue to unfold.

Sadly, they received no reply to their letter. The killings continued. At the end of the day, over 800,000 people died in Rwanda as victims of the genocide. Last year, about this time, Senator BROWNBACK and I went to Kilgali. People there don't talk about the Rwandan genocide of 12 years ago unless it is brought up. As I looked down at a Catholic Church down the hill from the Hotel Rwanda made famous by the movie, I thought it was just a simple church in an African capital. I came to learn that over 1,000 people were hacked to death inside that church where they sought asylum during this massacre and the genocide.

Later, after it occurred, Paul Simon would say:

> If every member of the House and Senate had received just 100 letters from people back home saying we have to do something about Rwanda, when the crisis was first developing, then I think the response would have been different.

Hundreds of thousands of innocent lives would have been saved. So many times I have stood on this floor pleading for our Nation to intervene in Darfur, and I have been thinking about Paul Simon and what he did in Rwanda. This time, during the latest chapter in the world's history of atrocities, hundreds of Americans, thousands of Americans are engaged. It is so encouraging to go to college campuses across the State of Illinois and find college groups that have made Darfur their issue. It is great to go to meetings of people old and young in my State and have someone afterward come up and discuss the genocide in Darfur. These people have not been silent. They have pleaded for action.

Paul Simon was right, in part. The response this time has been different. It has been different than the world's response to genocides against the Armenians, the Jewish people, the Cambodians, the Bosnians, and the Rwandans. It has been different in that this time we recognize that truly there is a genocide taking place on our watch, in our time in this world. But we haven't stopped it.

We are here today not as Democrats or Republicans but as advocates for the people of Darfur. The U.S. special envoy to Sudan, Mr. Natsios, has drawn a line in the sand. As of January 1, the Sudanese Government must either accept the peacekeeping mission or face the consequences. Personally, I believe this deadline comes too late. But I hope it is effective. I hope it convinces the Sudanese Government to accept the peacekeepers. If not, then the administration's plan B, the consequences of refusal, must be meaningful and immediate and decisive.

Let me close with the words of Paul Simon and JIM JEFFORDS, who retires this week from the Senate:

> We cannot sit idly by while this tragedy continues to unfold.

I yield the floor.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Ohio.

Mr. DEWINE. Mr. President, I congratulate my colleague from Illinois for his very eloquent statement. He, along with Senator BROWNBACK and others, has been very much involved in this issue. We say "issue," but it is a lot more than an issue. It is something that is truly one of the great tragedies of our era. I salute him for his passion. I salute him for his intellect and his drive and his determination to do something about it. We have made some progress and have a special envoy appointed. This was something Senator BIDEN and I worked on, along with others, urged the administration to do. I am delighted that Andrew Natsios is in that position. He is a man of great talent. But we in Congress—and I will be leaving the Congress—and the American people, we all have to continue to speak out. We all have to continue to make this a priority. We all have to remember, as my colleague from Illinois has so eloquently pointed out, the history of atrocities such as this in the past and that when good people do not speak up and do not, more importantly, take action, these tragedies not only occur but they continue.

I salute my colleague from Illinois.

TRIBUTE TO SENATOR RICK SANTORUM

Mr. DEWINE. Mr. President, I rise to take a moment to congratulate my colleague from Pennsylvania, Senator SANTORUM, who spoke very eloquently about the world threat that we face today. RICK SANTORUM is someone of great passion. He is someone who is fearless. He is someone who, frankly, does not care whether people agree with him or do not agree with him.

I will say this: This Senate is going to be a lesser body without RICK SANTORUM's great passion and his great drive, his great creativity. He will take those attributes out of this body, but I know that we will hear from him. He will be vocal. He will be concerned. He will be involved in whatever role he decides to assume after the first of January.

HONORING OUR ARMED FORCES

CORPORAL MICHAEL CIFUENTES

Mr. DEWINE. Mr. President, I come to the Floor today to honor a brave Ohioan, Marine LCpl Michael Cifuentes, from Fairfield, who was killed in the line-of-duty when his vehicle was hit by an improvised explosive device in Iraq on August 3, 2005. Michael is survived by his parents, Gregory and Carolyn, his brother Daniel, and his fiance Tara Reynolds.

Friends, family, and fellow marines remember Michael, first and foremost, for his kind and generous spirit. A 1998 graduate of St. Xavier High School in Cincinnati and then a 2002 graduate of my alma marter, Miami University, Michael chose to postpone his upcoming graduate studies in math education in order to serve in the U.S. Marine Corps.

Michael was known as having a soft spot in his heart for children, and eventually, he wanted to become a math teacher. To make the most of his time before graduate school, Michael was a substitute teacher at Talawanda Middle School in Oxford, OH. Principal Sharon Lytle remembers that he was an excellent teacher, who was well liked by his students and who exhibited a special willingness to help those requiring special instruction. She said the following about Michael:

> He was always willing to take the toughest cases. He was a real team player [and] unfailingly polite and respectful. A lot of college kids come in here just more relaxed. He was just more mature.

Mark Hinkle, Michael's uncle, said that Michael was a great teacher—a teacher who also always wanted to be a Marine. Michael taught Mark's 10-year-old daughter at Talawanda Middle School. His uncle said that Michael "just loved the kids."

Michael held a graduate assistantship through iDiscovery, an online program for teachers, until he was called for duty in the Marine Corps Reserve. Sara Hayes, coordinator of this teaching program, said that "Michael was a bright, funny, caring personality, and he would have made an excellent math teacher." Hayes' sentiments are frequently echoed by friends and family alike.

Michael was always a wonderful friend, and he made an impact upon everyone whom he met. St. Xavier marching band member Kyle Metzroth recalls a particularly humorous moment with Michael:

> I only knew Mike for a year. I was a freshman in the marching band the year he was a senior. I can remember him for always having a smile, and I remember a lot of laughs. But, the one solid, concrete memory I have of Mike was a trip up to Cleveland for the St. Ignatius football game that fall. Mike was a sousaphone player in the band, and if I remember correctly, he had forgotten it on this trip, or it was broken, or something of that nature. The important fact was that he was unable to march with it.
>
> The band director was going to allow him to march anyway without an instrument. But I guess to some true bandsmen, marching without an instrument, just doesn't cut it. There was one extra instrument lying around among the band. The difficulty with this instrument was the fact that it had strings—[it was] a banjo. One of the other bandsmen must have brought it with him as something to do on the bus ride. Little did we know that we were about to witness St. Xavier High School's very first marching banjo! To this day, people I know in the band still talk about it.

At Miami University, Michael continued to play in the marching band—

tuba, actually—and was actively involved in the Acacia fraternity, was the head manager for the women's basketball team, and was a member of Miami's Naval ROTC.

Miami University Marching Band Director David Shaffer said this about Michael:

> [He] always gave 100 percent. He loved Miami football and was the team's loudest voice from the stands. With great enthusiasm, he was always the first in line for the tuba snake and the one to ring the President's doorbell during the Band Day parade. I know Mike was a very proud Marine and a true American. We can only be thankful that Mike was with us for 25 years. He was our friend, our brother, and our defender.

It was at Miami University that Michael met his fiance Tara Reynolds. Michael's friends say that one of the happiest moments of Michael's life was when Tara agreed to be his wife.

Friend Janice Hughes said that "Michael was always looking for the right girl. When he met her, they clicked, (and) he was really excited to talk about her."

Michael planned for the perfect proposal. In fact, he puts most people to shame when it comes to creative proposals. After going over the details for weeks with his fraternity brothers as a way to quell his nervousness, Michael sat with Tara on an outdoor wooden bench with a packet of recent photos. Mixed into the pile was a snapshot of him holding a sign reading: "Will You Marry Me?" She, of course, said "yes."

A few months after their engagement, Michael's Marine reserve unit was activated and left Oxford for Iraq.

Tom Fennell, president of the Acacia fraternity, said this about Michael:

> Spending time with Mike in formal and social situations immediately led us to understand his love for his friends, family, fiancé, and country. . . . The best word to describe Michael was 'committed.' He was committed to his fiancé, and he was committed to the Marines.

Pride is another recurring word used to describe Michael. Chris Rhoton, assistant principal at Talawanda Middle School, said that pride "was how he felt about being called up. Michael was patriotic, mature, and respectful. He was a great role model. Students and anyone who met him just respected him immediately. He enhanced the lives of several kids here."

The Reverend John Ferone perhaps summed it up best when he said, "Michael was a lover, a reconciler . . . a person who was able to give everything away so that this world would be a better place."

Michael's parents included a tribute to their son as part of the program distributed to attendees of his memorial service. This is what they wrote:

> We will celebrate Michael's life for the good that he brought to this world. With his buddies and fellow Marines, he was trying to bring a better life to a people who have suffered for too long.

My wife Fran and I continue to keep Michael's family and friends in our thoughts and prayers.

SPECIALIST ROBERT SWANEY

Mr. President, I rise today to pay tribute to a fellow Ohioan and a brave soldier—Army SPC Robert Swaney, of West Jefferson, OH, who died on July 30, 2005, from injuries sustained when his military vehicle struck an improvised explosive device in Iraq. He was 21 years old.

Robert was an enthusiastic and passionate young man—someone who approached his life with a whole-hearted determination and zeal. In the words of his Uncle Joe, "Robert lived and died giving it his all."

Robert graduated from Marion-Franklin High School in 2003, where he was known for his love of football. Despite being one of the smaller players on the team, he fought with a true grit to prove himself on the field. His passion, was an inspiration to his coach and his teammates. "He was our 'Rudy'," said Marion-Franklin head football coach, Gary Tucker, referring to the 1993 film about a football player, small in stature, who struggled against the odds to play college ball. As Coach Tucker put it, "Michael always gave 150 percent."

A former teammate, then quarterback Tony McMichael, said that Robert "lived and breathed football. . . . He knew how to pump people up."

After graduation, Robert would return to Marion-Franklin to cheer on the younger players. "He was so involved, so spirited, so upbeat," Coach Tucker said. "He felt like he could conquer anything."

Robert's enthusiasm and willingness to get involved stretched beyond the football field. He was a summer school teacher's aide at Marion-Franklin and an aide for the Sunday school at Sts. Simon and Jude Catholic Church of West Jefferson. He was an avid outdoorsman, and he was also very active in West Jefferson Youth Athletic Association.

Shortly after graduating from Marion-Franklin High, Robert moved in with his Aunt Angie and Uncle Joe, and his cousins Jordan, Riley, Landon, and Ryan. "He was a good kid," Angie said. "We thought of him as a son. He was just like one of the kids. He was such a beautiful soul and spirit."

Robert loved playing baseball, basketball, and football with his younger cousins, as well as watching The Ohio State University Buckeyes football games. His Uncle Joe fondly remembers the eagerness with which Robert would help out at youth football games. "He would run chains, do the scoreboard, carry water, anything to help out the Peewee team," Joe said. "He was so enthusiastic, you would have thought he was coaching pro ball!"

Mr. President, Robert also loved animals and had a wicked sweet tooth. "He was a junk-food junkie," his Aunt Angie said. "He'd eat 15 candy bars and three bags of chips in one sitting and never offer a bite."

Robert lived with his aunt and uncle until he enlisted in the Army. He was inspired by the example of his older brother Thomas McClellan, who had joined the Air Force. Although family members tried to persuade Robert into either the Air Force or the Navy, Robert was adamant in his decision to enlist in the Army. Robert's lifelong ambition, which he had dreamed about since high school, was to become a nurse, and the Army was where he could get the skills he needed to achieve that goal.

Robert was a good soldier. According to SGT Christopher Mills, Robert had a "determination to become a better soldier" and "never failed to get the job done." Robert's brother Thomas said that "he knew what he was getting into, but that's Rob. He had a big heart. He always wanted to help other people."

Robert was assigned to the 3rd U.S. Armored Cavalry Regiment, Thunder Squadron, based at Fort Carson, CO. That October, he married the woman he loved—Alexandria—while on leave. Alexandria said that Robert "would always be the first to let you know that he was the strongest in our family, and he would do anything to take care of us." She also remembers Robert's cheerful, outgoing nature. "He was always trying to find the good in people," she recalled. "He would always love to talk. He would always love to put a smile on [my] face."

While in Iraq, Robert frequently wrote to his family. His last letter home was sent to his 8-year-old cousin Riley. He wrote to Riley that keeping her safe was all the encouragement he needed. He wrote: "I can't promise that I will make it home . . . but I promise I will return a hero."

Robert Swaney did, indeed, become a hero. He was a young man who always put the well-being of others before his own. In recognition of his outstanding service, the Army posthumously promoted him to specialist.

I would like to conclude by quoting from a letter that Robert wrote to his mother. This is what he wrote:

> I want you to know that I'm doing well and doing what I enjoy the most—serving the people of the United States of America.

My wife Fran and I continue to keep Robert's family and friends in our thoughts and in our prayers.

LANCE CORPORAL TAYLOR B. PRAZYNSKI

Mr. President, I rise today to pay tribute to a fallen marine—LCpl Taylor B. Prazynski from Fairfield, OH. Lance Corporal Prazynski was killed on May 9, 2005, by an indirect fire explosion while in combat in Iraq. He was only 20 years old.

As a young boy growing up in Fairfield, Taylor dreamed of being a soldier. He was born on Veterans Day at an Air Force base where his father John was serving in the military. John remembers that Taylor loved to try on his dad's uniform as a boy and was simply destined to join the military.

As a child, his favorite hangout was an Army surplus store. Today, a photo of 6-year-old Taylor in a military camouflage jumpsuit and beret still hangs there.

Taylor joined the Marines shortly after graduating from Fairfield High School in 2003. For him, there was simply no question of what it was he wanted to do. As his father recalls, "Taylor always said he was where he was supposed to be and doing what he was supposed to be doing."

Taylor was a compassionate young man who loved kids. While a senior in high school, he volunteered to serve as an aide for a classroom of multihandicapped students. Some of the students he worked with contacted Taylor's family when they heard news of his death.

Gary Staggs, an aide for the school's multihandicapped class, described Taylor as a budding teacher who inspired students. He remembers Fairfield graduate Josh Dixon, who was among the first to line up to pay respects to Taylor at his funeral, which was held at the Fairfield High School gym. Josh used a walker to enter the gym, and Gary said it was Taylor's hard work in 2003 that helped Josh abandon his wheelchair. According to Gary:

> Taylor took it upon himself to set up Josh Dixon's braces and lay down mats for his practice walks every school day. He basically carried him. Then one day, Josh walks into the classroom with Taylor by his side and both of them [were] beaming with pride. . . . One person can make such a difference in someone's life, and Taylor did that—and more.

Taylor was simply the kind of young man who cared so much for others. As Gary Staggs put it:

> He was big enough to bend over and help somebody else. He was doing what he wanted to be doing. He helped kids, but he also wanted to help society. He wanted to make a difference in Iraq.

Friends describe Taylor as a hard-working man who loved art, played football, and participated in track and field. He was well liked and deeply respected by all who knew him.

Scott Datillo, the head football coach at Fairfield High School, remembers Taylor's spirit of cooperation:

> When you are a coach and want to develop a team, you want kids like him. He bought into the team concept. He worked hard and made the most of his abilities.

Taylor's tribute pages on the Internet continue to be filled in daily by those who knew and loved him. He is so deeply missed. One friend, Elizabeth Williams, wrote the following message to her dear friend Taylor:

> Taylor, words will never be able to express the void that I have felt in my life and heart since you've been gone. . . . I have always loved you with all of my heart, and I just hope you knew that when you were here with us. There is not a single day that goes by that I don't think about you and miss you like crazy. Sometimes, I cannot help but think about things that could have been; but, even on those days, all I can think about are all the happy memories and the moments of our lives together.

Fellow Marine Cpl Brent T. Willoughby, stationed in Afghanistan, says this of Taylor:

> I had the honor of meeting Taylor . . . in Louisville on our way to Parris Island in November 2003. We were in the same platoon and graduated on January 30, 2004. During our time at Parris Island, I saw the love of life that Ski (that's what we called him) possessed. As the lay reader for a platoon, Ski asked me to pray with him on several occasions, and he always let me know within a few days that his prayers had been answered. His dedication and devotion to this country and to his fellow marines will never be forgotten. Rest assured that God has called him home and that when we meet him again, he will be standing guard somewhere in heaven smiling that timeless smile. Godspeed and Semper Fi.

Taylor Prazynski was loved and admired by all those who knew him. He will always be remembered. He had a bright future before him. His father said that in the last months of his son's young life, Taylor had spoken in phone calls from Iraq about wanting to become a special education teacher.

More than 1,500 people came to Fairfield High School's gym to pay final respects to Taylor. It was fitting that the stirring tribute to the fallen hero took place at his high school, where the line of well-wishers waiting to file past Taylor's coffin stretched over 100 yards.

His father said:

> Taylor loved the idea of "once a marine always a marine." Every time I spoke to him, I told him I loved him and that he was my hero. We sent a boy to boot camp, and he came home a man.

A compassionate young man, Taylor had a great big heart and a tremendous sense of dedication to his family, community, and his country.

My wife Fran and I continue to keep the family of Taylor Prazynski—his father and stepmother, John and Carol, and his mother Claudia—in our thoughts and our prayers.

CORPORAL JOSHUA D. JONES

Mr. President, this evening, I wish to pay tribute to Army CPL Joshua Jones, a soldier from Pomeroy, OH. On August 27, 2006, Joshua died in Iraq when his humvee came under attack from enemy small arms fire. The 24-year-old soldier was a member of the 3rd Battalion, 67th Armor Regiment, 4th Brigade Combat Team, 4th Infantry Division based out of Fort Hood, TX. Joshua leaves his wife Tiffany, his daughter Cami, and their unborn child which Tiffany is expecting this coming March. He is also survived by his mom Sandy, stepfather Arlyn, his father Gary, stepmother Cindy, brothers Caleb, Peter, and Jacob, and sister Alexandria.

Joshua completed his basic training at Fort Knox in May 2004 and went to Iraq in December 2005. Joshua knew his mission in Iraq. He knew it well. He knew that he was fighting so that those he loved—his friends, family, and so many other Americans—would never have to. Friends tell us he joined the Army to protect them.

The role of protector was not a new one for Joshua. He was born on January 2, 1982, and was one of six children. Growing up, Joshua always looked out for his younger siblings. His love of family was evident in all his actions.

His dad beams with pride when talking about his son. Joshua's dad recalls the passion and bravery Joshua showed when he talked with him nearly 3 years ago about his decision to join the Army. According to Gary:

> Whenever [Joshua] talked about joining the Army, he always said he was going to go fight so that his siblings would never have to.

Joshua is lovingly remembered by all who had the privilege of knowing this brave young man. Those who knew him best recall his energy, his optimism, his warmth. They remember him doing the things he loved—singing, traveling, racing remote-controlled cars, and riding all-terrain vehicles in the hills and trails of southeastern Ohio. Family friend David Kelly remembers Joshua as a young man who knew what he wanted and that was simply to love and care for the people around him.

And there is no one whom Joshua loved more than his wife Tiffany. This past September 12, they would have celebrated their 3-year wedding anniversary. Tiffany is making sure that Joshua's character and heroism are not forgotten. She made a book of pictures of their family and Joshua's time in Iraq. Before his death, she also kept a Web site with pictures and updates on his activities in Iraq. To be sure, Tiffany's efforts will preserve Joshua's legacy for their children.

Joshua's family saw him for the last time in June, while he was home on a 2-week leave after being in Iraq for half of a year. They made the most of every moment they had together before he had to return. Josh loved his family so much.

Joshua was the very best kind of person—a man who put family and Nation above all else. He was a great son, husband, and father. He liked nothing more than to hold his wife and his daughter. Shortly after his return to Iraq, Joshua received the wonderful news that Tiffany was pregnant with their second child.

He called her every day from Iraq and often sent instant messages to his parents. For Joshua, nothing was more important than staying in touch with the people he loved.

Joshua's death is a loss to all of Meigs County. At his funeral, he was remembered not just for his heroism but for the quality and integrity of his life. As a soldier, he approached every task with determination and purpose. Army BG Bruce Berwick lauded Joshua for his service when he said the following:

> No one will ever say Corporal Jones did nothing. He confronted evil. He drove it back. He made a difference. He died doing nothing less than saving this world.

One of Joshua's friends, Tammi Adamson, left the following message for him on an Internet tribute Web site. She reflected on his devotion to his country, his kindness, and the deep love he held for his family. This is what Tammi wrote:

> Thank you, Josh, for your most honorable and unselfish service. I will never forget you, nor will I ever stop loving you. You were like my brother, and I will miss you each and every day. You are my hero and a hero to my children. Words cannot express the sadness and the sorrow I feel for [your] family. Anyone who knew [you would know that you were] a wonderful person and husband who adored [your] wife and [your] . . . daughter. May God keep you in His hand, and may you rest now. Your mission is finished.

That was so beautifully said by his friend.

My wife Fran and I will continue to keep the friends and family of CPL Joshua D. Jones in our thoughts and in our prayers.

SPECIALIST DAVID H. FORD IV

Mr. President, this evening I pay honor and tribute to Army SPC David H. Ford, IV, from Ironton, OH. Specialist Ford was a member of the 4th Battalion, 64th Armor Regiment, 4th Brigade Combat Team, 3rd Infantry, stationed at Fort Stewart, GA. On September 26, 2005, he was killed when an improvised explosive device detonated near his military vehicle while he was on patrol in Baghdad. He had turned 20 years old just 6 days before his death.

On September 10, 1985, David was born to Violet Adams Ford and David Ford, III, in Norfolk, VA. David's family then moved to Ironton, OH. In 2003, David graduated from Ironton High School, where he was a big fan of the football team.

David also liked to bowl. "He was an excellent person," his Aunt Minnie said. "[H]e would give the last thing he could to anybody."

David was a proud soldier. When he joined the Army, he was continuing his family's tradition of military service. His father served in the Navy for 20 years, and his brother Ray also serves in the Army. As David's friend, Shannon Bare, said:

> He always wanted to follow in his dad's footsteps.

His friends will remember him as a fun-loving young man who enjoyed life. The Rev. Robert Pierce, David's pastor of 14 years, agrees that David always had a smile for everyone. He said:

> I'll always remember him as that grinning little boy.

Life wasn't always easy for David, however. His father passed away while he was in junior high, and his house burned down before he graduated from high school. But David always kept a brave smile on his face. He simply dealt with hardship with unusual grace. His friend and Ironton classmate, Rebecca Dingus, considers him a true example of courage. This is what she said:

> He was wonderful, such a strong person. He had been through so much. He lost his father at a young age. His house burned down our senior year, but he kept going. He had such a big heart.

Indeed, this is the strength and spirit that helped David and his family through their difficulties. David's friend Shannon remembers how David always stayed positive:

> He never had a sad look on his face. He always kept a smile on his face. He made friends with everybody. He called me a couple months ago to ask how everyone was doing back here.

David cared about people and they cared about him. He was deeply loved by his family—his mother Violet, his fiancee Susie White, his brother Ray, and his sister Kimberly. His mother said that David was a responsible young man who loved life and was easy to love. He was her "pride and joy." But she knows that he "died doing what he wanted." That is what his mom said.

David joined the Army in 2003 after graduating from high school. He planned to study forensic science after his military service was completed. His cousin, J.P. Harris, said that David was interested in forensic science and that "[h]e wanted to get into CSI-type of investigations." J.P. also said:

> It makes you proud he was a member of your family. He was the type of person who did what he was supposed to do.

Repeatedly, that is what friends and families said about David—that he was such a good person, that he cared for his family, that he did what was right and that made his family very proud. "He was proud of being a soldier," his mother remembers. "He believed in standing up for what he believed in."

One of David's former teachers, Sue Blagg, remembers that David "was a quiet student. He always had his work in on time, and he was never any trouble." David's work ethic, his kindness, and his optimism were also apparent to those he served with in the Army. One of his comrades, SGT Heath A. Hutchison, left the following message in David's memory on an Internet tribute Web site. This is what he wrote:

> There would never be enough to say about David. I knew him well. He was always the guy to make me laugh, and now he makes me cry. I will always remember him and all of the crazy things that we did together. I will miss him, and I thank God that I knew him.

At David's funeral, BG John C. Bartley read the following statement from David's commanding officer in Iraq noting David's unforgettable smile:

> When I saw him, I thought to myself: My goodness, this soldier looks so young. But as time went on, I saw him mature from a boy into a man. Watching him grow amazed me. As first gunner, I could see he was nervous, but before I knew it, he was standing before me grinning from ear to ear.

David will be remembered with pride by all who knew him. Internet tribute pages are full of comments from those individuals who remember his warmth, his bravery, and how he could make any day brighter simply by being himself. He was a great friend to many, and his death is a loss for all. As his grandfather Ray Adams said:

> I am proud of him. I am real proud. He was a fine boy. I tell you, it is a great loss.

Indeed, David Ford was a remarkable person—a beloved son, grandson, and brother. He was also a gracious human being. He was bright and he was kind. When confronted with challenges in life, he smiled. He didn't give up. He kept going. He persevered.

David Ford will never be forgotten. We celebrate his life—a life devoted to serving his country and loving and respecting his family and friends.

My wife Fran and I will continue to keep David's family in our thoughts and in our prayers.

FIRST SERGEANT RICKY L. MC GINNIS

Mr. President, this evening I would like to honor the memory of Army 1SG Ricky L. McGinnis, who was originally from Hamilton, OH. First Sergeant McGinnis was killed in Iraq when a roadside bomb detonated near his patrol on October 26, 2006. He is survived by his wife Kerstin and their four daughters: Julia, Laura, Melissa, and Nina. He is also survived by his sisters, Rhonda Isaacs and Julie Wilson and his brother Carl Wilkerson. Ricky was 42 years of age at the time of his death.

Ricky McGinnis graduated from Hamilton High School in 1983 and joined the Army soon after at the age of 18. His niece Nichole recalls how important the military was to Ricky. She said:

> I remembered him always being in an Army uniform. Ever since I was born, he was in the Army.

Ricky gave 23 years of dedicated service to our country and to the Army, though he was planning to retire from the military when he returned from his deployment in Iraq. Ricky's sister Rhonda remembers how proud he was to serve our country and how patriotic he was. Ricky's commitment to the military took him around the world—from Germany to Korea to the Middle East.

It was in Germany where he met the love of his life, his wife Kerstin. They were married over 20 years ago in Weisenbaden, Germany, in 1986. Ricky was a loving husband and a devoted, proud father of their four girls. He certainly loved his family unconditionally.

Relatives remember that Ricky's daughters meant everything to him. He loved coaching them in softball, basketball, and soccer. One family friend wrote the following to Ricky on an Internet tribute Web site:

> Coach Mac, we can't believe you are gone. God must have needed a great coach and leader in Heaven to have taken you so very soon.

In his 23 years of service, Ricky embodied the best of everything the Army stands for: loyalty, courage, and selflessness. His passion and commitment to the Army was seen by all who were privileged to serve with him. Ricky inspired so many others to follow his example and join the Army, including his 19-year-old nephew, PFC Joey Isaacs.

To Joey, his uncle was more than a mentor—he was a "best friend" and a "second father." Joey's mother Rhonda—Ricky's sister—remembers that Joey saw his uncle as a hero. Joey remembers how proud Ricky was when he decided to join the Army. This is what Joey says:

> All we ever talked about was going to Iraq. My uncle and I were inseparable. When I told him I joined the Army, he couldn't have been more proud. He said it was going to be a long year, but we were going to get through it. Whenever I needed him, he was always there.

In Iraq, Ricky and Joey served in the same unit as part of the First Cavalry Division. Every day they would meet to eat lunch together. According to Rhonda, "Ricky was going to make sure nothing ever happened to Joey." And that is exactly what Ricky did.

While both Ricky and Joey were in Iraq, Joey's father was hospitalized after an accident. Without hesitation, Ricky started working to get his nephew home so that he could be with his family. Rhonda remembers the last words Ricky spoke to her. He said:

> Hey, Sis, I am doing everything to get Joey home. I love you.

That conversation took place on Tuesday. The following Thursday, just 2 days later, Ricky was killed.

Joey also recalls the last conversation he had with his uncle. Ricky had come to his barracks to make sure that his nephew was doing all right, and doing all right with his dad's accident. This is how Joey remembers that last final meeting:

> The last time I saw my uncle, he came to my barracks to visit me because I was having a rough time with my dad and his accident. He came in and told me he was there for me—I could talk to him. He told me to be strong, to keep doing my job, and he told me that he loved me.

Ricky's final mission was simply taking care of his family. He succeeded. Joey was able to return home and his father recovered from his accident. As Joey said:

> God saved my dad and now my uncle is with God.

Without question, Ricky did his job in protecting his family, but his compassion and strength were large enough to take care of others as well. He was loyal to and protective of everyone with whom he served. LTC Keith Gogas, Ricky's squadron commander, remembers the dedication with which he served. This is what he said:

> Ricky was doing exactly what he loved doing: leading his soldiers. He loved being a first sergeant because he loved his troops. He loved training them. He loved watching them mature, and he loved turning them into cavalrymen.

Indeed, Ricky was a leader in the truest sense of the word. With his words and his deeds he trained a new generation of leaders. And he truly believed in what he was doing. As his niece Nichole said:

> Ricky was very patriotic. He said he was going to go to Iraq just to get the job done. He was totally about just getting over there and doing his job and worrying about the men he supervised.

Ricky made it his job to look out for others. This is the type of man he was.

The following words were once said by an American soldier:

> What we have done for ourselves, alone, dies with us. What we have done for others and the world remains and is immortal.

These words could not be more fitting in describing the full life of 1SG Ricky McGinnis. Ricky spent 23 years of his life working for others, working for our Nation. This lifetime of service will remain, and it will be immortalized in all those who Ricky trained, led, and inspired. A devoted husband, father, uncle, and son, he impacted them and changed their lives in countless ways. He is deeply missed by all those who knew him and all of those who loved him.

My wife Fran and I continue to keep Ricky's family in our thoughts and in our prayers.

ARMY SERGEANT DAVID GORDON

Mr. President, this evening I would like to honor the life of David Gordon from Williamsfield, OH. David was a member of the 3rd Battalion, 16th Field Artillery Regiment, 4th Infantry Division based in Fort Hood, TX. On September 8, 2006, he was killed in Baghdad when an improvised explosive device detonated near his vehicle. David was serving his second tour of duty in Iraq, and he was scheduled to return home in just 2 months. He was 23 years of age at the time of his death.

David Gordon leaves his wife Kimber, his stepchildren Miguel and Matthew, his father Rodney, his mother Judy, his stepfather Bob, and his three sisters Theresa, Tiffany, and Jean.

David was born in Westfield, NY. His family moved to Pennsylvania and then to Ohio where he attended Pymatuming Valley School. David was known for always helping his loved ones. A childhood friend, Michael Reed, said David was the best friend anyone could ask for and that whenever anyone said something bad about Michael, David would stick up for him. Michael described David as tough, but that deep down he was just a big puppy dog.

In 2000, David graduated from South Ridge Christian Academy where he spent his senior year. David joined the Army immediately after graduating high school. According to his aunt, Kathy Hicks, he wanted people to be proud of him and wanted to model himself after others who had gone into the military. David's grandfather Howard Gordon said that David was going to make the Army a career, and he really believed he was making a difference.

A person with a great zest for life, David enjoyed so many different things. He liked hunting, fishing, football, and wrestling, and he was a fan of NASCAR. His sister Jean remembers that he was an outgoing person. She says:

> He liked to horse around. He liked to watch movies, play video games, and to be on his computer.

David's wife Kimber remembers the impact he had on those whom he knew, and this is what she said:

> David was an extraordinary man, husband, father to our sons, and awesome son and brother. Anyone who had the privilege of having him as a friend would say he touched their life like no other. David is so deeply missed and will always be loved and held in our hearts forever.

David's aunt Kathy wants people to remember that he was a great kid, the kind of boy who always wanted to help out others. This is what she said:

> David was so polite, especially to me. He would hug me whenever he saw me. Most kids that age would not do that, but David was a fun-loving kid who played video games. He was a good kid all the way around.

His mom said:

> He was the kind of boy that would make your darkest days shine bright. He was not only my son, but also my best friend.

A fitting tribute to David was given when his body was brought home to Andover, OH. Friends, neighbors, and strangers stood silently as his body was brought through Andover Square, led by Wayne and Andover fire, police, and emergency crews. Boy Scouts and Girl Scouts stood at attention and held candles to honor this brave fallen soldier. One of the Scouts said:

> I am here to honor him and to honor my country. It is so sad, so sad that he is dead, but I can feel him in my heart.

Mr. President, the Andover Council president, Myra Brown, said it was important for the communities to support each other as they grieved for their hero. Mark Wilbur, president of the Andover Fraternal Order of Eagles, said:

> David won't just be honored in Andover, he will be remembered forever as our hero. He reminds us that freedom isn't free.

Friend Tim Haidon said the following about him:

> We met at the church a few years ago before we went back to Iraq. He was a person of faith and we are fortunate to know today he is in heaven.

David Gordon was a good person, someone who was passionate about the security of others, who dedicated himself to protecting all of us.

David Gordon was an exceptional young man. He was simply the type of person who never gave up. Today, we honor his life and we remember how he was a devoted son, a caring brother, a loving husband and father. It is through the good deeds that he did—the service to our Nation that he so selflessly gave—that his memory will never fade.

I would like to conclude my remarks with the heartfelt words of the father of fallen Army soldier, SGT Gregory L. Wahl. He posted this message on a Web site honoring David. This is what he had to say:

> To the Gordon family from the Wahl family—you are not alone. Every fallen family and our family are with you. Our heart and prayers are with you and David. He has not died in vain. He is an American hero, and so much more to all who knew him. David has touched the hearts of many. Be supportive towards one another in honoring your son, David.

He continues on:

> Each of you and all of us who knew him will reflect on the very fond and precious memorable times we shared together with David. Shed a smile, laugh, and tears. David would not want anyone sad or unhappy. David is with Gregory. They didn't know one another, yet both are brothers. David, you will never, ever, ever be forgotten as you are remembered today and always.

My wife Fran and I continue to keep SGT David Gordon's family and friends in our thoughts and in our prayers.

STAFF SERGEANT ELVIS BOURDON

Mr. President, I rise this evening to pay tribute to a fallen soldier—Army SSG Elvis Bourdon, originally from Youngstown, OH. Staff Sergeant Bourdon was killed in Baghdad on September 6, 2004, when his military vehicle came under attack by enemy small-arms fire. He was 36 years old, and was serving with the 1st Battalion, 9th Cavalry Regiment, 1st Cavalry Division based out of Fort Hood, TX. Left to cherish his memory are his wife Mary, and their two children Corey and Allyssa, his father Juan, his mother Dalila, his brothers Ray and Juan, Jr., and his sisters Elizabeth, Jenny, Thannia, and Barbara.

Although Elvis and his family resided in Texas, he will always be a proud son of Ohio. His home community of Youngstown mourns the loss of a true hero. Family, friends, and neighbors will never forget Elvis. His death was a loss for his entire community. Every day, he is remembered as a wonderful husband, father, and patriot.

A friend of Elvis' named Teresa Schaub from Killeen, TX, left him a message on an Internet tribute Web site. In it, she reflects upon the love shared by Elvis and his wife, and the pride with which his life is remembered. This is what she wrote:

> Elvis, I come to your grave side often. . . . You [and Mary] were both always laughing and so happy. Nothing can ever take that away. You both were always an inspiration to everyone and continue to be. . . . Everyone is so proud of you, Elvis. . . . Leaving us is like going through a stormy season here on Earth, but then we think of you as the rainbow that comes out after the storm and the clouds begin to fade. You are our rainbow, our hope, and you will always be our HERO.

Elvis was deeply respected and loved by those with whom he served in the Army. They remember him as a man with whom new recruits could always sit down and talk—whether it was about personal problems or any other questions that needed to be answered. Whatever it was, Elvis was always willing to listen.

Elvis is also remembered for his humor. Those who served with him recall that he was always joking, always smiling. He was a spirited and humorous man—someone who shared great laughs with everyone around him.

SPC Christopher Beck served with Elvis and remembers how much Elvis taught him during that time. In his honor, Specialist Beck wears a black "killed in action" bracelet, on which is written Elvis' name, rank, hometown, military branch, and date of death. Specialist Beck does this so that he may never forget the sacrifice that Elvis made for our country and for those he loved.

Soldiers who served with Elvis at Fort Hood remember the respect with which the Staff Sergeant was regarded. "He was always a great NCO," Joshua Roughton wrote. "I respected him greatly, as I know all of us in 1–22 Infantry, B-Company did. He will be missed."

And another of Elvis' comrades, Eric Kneffler, wrote the following in his memory on an Internet tribute Web site:

> Staff Sergeant Bourdon will be dearly missed by his family and Fellow Soldiers. I had the opportunity to serve with him at Fort Hood and considered him a good buddy and someone to count on.

Aaron DeShay also served with Elvis. He wrote this on Elvis's tribute Web page:

> To the family and friends of Elvis Bourdon, may God bless you and bring you comfort in this most painful of times. I, like many others, served with Elvis in B-Company 1–22 and found a good friend in him. I share your pain as he has left his mark in my heart as he has with those who got to know him. We had a lot of laughs together, and I know he will be greatly missed as he truly was a great man.

Jeremy Cheney was another of Elvis' comrades who will never forget him. This is what he wrote about Elvis:

> Staff Sergeant Bourdon taught me many things as a soldier and as a person. He was an excellent team member and was easy to get along with, regardless of differences in rank. He will be missed.

In these numerous messages left for Elvis, I think one thing is beautifully clear—Elvis was a man who could be depended upon and was someone that so many looked up to. He was someone who could be trusted and who had a huge impact on everyone he met. Indeed, Elvis was a dedicated and respected soldier.

More importantly, though, he was a devoted family man, who deeply loved his wife, children, and siblings. Elvis' brother, who also serves in the military, remembers how they would laugh and talk over a cup of coffee.

They would talk so that they could help each other cope through difficult times. And, in the military, they fought side-by-side. They were truly brothers-in-arms.

Elvis' sister remembers her brother as a true hero and a peacemaker. It is for these traits that she remembers and honors him. She wrote the following in honor of Elvis:

> I would like to thank everyone for the blessing of my brother and any fallen heroes. Our family sends love and appreciation to those all over the United States. I loved my brother dearly and he is a true hero in my book. He was a good person, who loved his family and siblings. He was a peacemaker, and I love him for that. Your family misses you, little brother, and you will always be in our prayers. We love you and miss you very much.

Elvis was dearly loved and respected by all who knew him. His tribute pages continue to be filled with messages from family and friends. These messages serve as living testaments to his legacy. Elvis had many people who loved him. On the tribute page, his wife recognized the outpouring of support. She wrote the following, 2 years after Elvis's death:

> It makes me feel good inside to know my husband had touched so many soldiers' lives. He loved his job . . . and would be proud and humbled by your words. The children and I are strong, faithful people. God knew he was a good guy and wanted to be with him, too. Continue to keep my husband's advice going, and keep his family in your prayers. Thank you.

When I think of men like Elvis Bourdon, I am reminded of words once spoken by Sir Winston Churchill. He said that "courage is rightly esteemed the first of human qualities, because it is the quality that guarantees all others."

Without question, Elvis served his country with courage—and that guaranteed the rest. He will always be remembered. My wife Fran and I continue to keep his family and friends in our thoughts and prayers.

SPECIALIST RICHARD A. HARDY

Mr. President, I rise this evening to pay tribute to Army SPC Richard A. Hardy from Bolivar, OH. On October 15, 2005, Specialist Hardy was one of five soldiers who died when an improvised explosive device detonated near his military vehicle. He was 24 years old.

Rick—as he was called by family and friends—wasn't planning to join the Army when he graduated from Timken High School in 2000. However, the terrorist attacks of September 11th motivated him to enlist. He wanted to serve his country. He wanted to protect our homeland. Rick was assigned to A Company, 2nd Battalion, 69th Armor Regiment, 3rd Infantry Division, based at Fort Benning, GA.

Rick's father Richard remembers his son as "a great kid." He also recalls the commitment Rick displayed in always trying to do his best. Rick graduated in 2000. "He was really proud of that," his father recalls.

During Rick's funeral, BG Tod Carmony, the deputy commander for the 38th Infantry Division, remarked upon the courage Rick displayed by enlisting in the Army after the 9/11 attacks. Rick knew it was wartime, and he knew the risks that he would be running. But, he enlisted anyway. This is what Brigadier General Carmony said about Rick:

> He understood that we have no choice but to win this global war on terrorism if his family, his community, and his country are to be safe. So Richard put himself on the line, and he died trying to keep that promise of safety to his family and country.

Brigadier General Carmony also noted that Rick was an expert with a carbine and a qualified Bradley gunner. According to the Brigadier General, this "is quite an accomplishment."

Rick's father remembers that his son was proud of his role in the military and took the dangers of it in stride. He said, "Rick didn't mind at all. It was a job—that's the way he looked at it."

Indeed, the Army was a job that Rick did exceedingly well. When he died, he was on his second tour of duty in Iraq. And according to his father, Rick had been sent back because the Iraq elections were approaching and they "wanted some guys with experience in the country."

Well, Rick was a guy with experience—and he used that experience to help further the goal of democracy in Iraq. In fact, the day Rick died was also the day that millions of Iraqis braved death to vote for their new constitution.

As Brigadier General Carmony put it, "By being there, Richard gave the Iraqi people a chance to move a step closer to freedom and democracy."

Rick was scheduled to return home in December 2005. According to his father, he was going to take some time off to relax and then planned on getting a job as a welder.

Those who knew best Rick remember that his favorite pastime was riding dirt bikes. His father owns about 6 acres of land, and Rick simply loved riding all over it. "He was all over the place," his dad recalls.

Rick also loved barbecue—steaks and ribs. His father said that Rick had to have a barbecue every time he came home. According to his dad, Rick "said it beat the MREs—[that] there was nothing like a home-cooked meal."

These barbecues were one of the many things Rick loved. He enjoyed life, and he especially enjoyed the simple things—like coming home to eat a good meal with his family.

Specialist Hardy was a courageous soldier—a true hero, who always stood on the front lines. His Internet tribute Web page continues to be filled daily by family and friends with messages that serve as a living testament to Rick's legacy. Rick had many people who loved him.

His Aunt "Debbers" posted the following message on the tribute Web site. This is what she wrote:

> Ricky! You were supposed to come home alive and well! I guess God had other plans. You are so loved and missed. I know you didn't want to be forgotten, but this wasn't the way we wanted to remember you. May you at last find peace. You will always be remembered, especially at the family barbeques.
>
> God bless you for what you have ultimately paid the price for—our freedom. Give Gram a hug and kiss. All our love to you.

Rick's Aunt Sandra posted this message:

> To my nephew—you will be missed greatly, and we love you. We are also very proud of you and all of your comrades who are fighting this war. God bless all of you.

Rick's body was laid to rest with full military honors at St. Stephen's Catholic Cemetery in Bolivar. For his brave actions, Rick was posthumously awarded a Bronze Star and a Purple Heart. During his career with the Army, he was also the recipient of the Army Good Conduct Medal, National Defense Service Medal, Iraqi Campaign Medal, Global War on Terrorism Service Medal, Army Service Ribbon, Combat Infantryman's Badge, and the Weapons Qualification Badge.

The world is a better place since Rick Hardy has been in it. A young man with courage and a sense of adventure, Rick was the model of what we all hope our children will become.

My wife Fran and I will continue to keep Rick's father and step-mother, Richard and Jody, his mother Doris; and his sisters Kristy and Jessica in our thoughts and in our prayers.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ISAKSON. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR MIKE DEWINE

Mr. ISAKSON. Mr. President, I would like to express my sincere appreciation to the Senator from Ohio for allowing me to intercede for a few moments. Since he is on the Senate floor and he has been so gracious as to give me this time—I did not come to the floor and will not talk long about Senator DEWINE, but since he is on the Senate floor and gave me the time, I wanted to express to him my grateful appreciation for his service to the Senate, not just the people of Ohio but the people of this great country.

One of the great joys I have had as a Member of the Senate, having been elected 2 years ago, was to serve on the Health, Education, Labor, and Pensions Committee with Senator DEWINE. One of my great joys I had early on as a Member of this body was to watch him join the Gang of 14 and break the logjams, allowing us to confirm Supreme Court Justices Alito and Roberts. I worked closely with him on the pensions bill. Time and again, I saw his tireless effort on behalf of the best interests of this country and in particular always the best interests of the people of Ohio.

To Senator DEWINE, not to pander because of his graciousness in giving me the time but for giving me the unique chance to express that, we are all very grateful.

DELTA AIRLINES

Mr. ISAKSON. Mr. President, I rise for a moment in morning business to address an issue that to some may appear only to affect the State of Georgia and maybe even in particular the city of Atlanta. But in practice, I say to the distinguished Senator from Utah who is in the chair and others, this is an issue of major import to the United States of America.

An offer has been tendered for the purchase of Delta Airlines. Delta Airlines is a great American carrier that, like most airlines, has gone through terribly difficult times post-9/11. Delta went into bankruptcy. Delta has worked hard in bankruptcy to develop a plan to exit bankruptcy as a healthy, thriving, and dominate company. To Delta's eternal credit, their management committed from the beginning that they would honor and preserve the pension plans of their employees were we able in the U.S. Congress to modernize the pension laws in this country to allow them to do so.

Thanks in no small measures to yourself, Mr. President, and to Senator HATCH as well and the 97 Members of this body, the pension modernization bill passed. We put in specific provisions for the aviation industry, and great airlines and their employees now will be able to earn their pensions and not have them dispensed with because we addressed that crisis, and more importantly Delta Airlines' management has worked to reduce its costs, and its employees have voluntarily taken pay cuts. They have modernized their fleet. They have repositioned their fleet. They have opened international marketplaces that never before were available to people in this country. They have paid the heavy price that only in the great American free-enterprise system are you able to do where you take the problems and adversity and turn them into opportunities.

Now on the doorstep of exiting bankruptcy and filing that petition, a hostile takeover has been made to purchase that great airline.

Before I came to the Senate, I was in business. Nobody understands buying and selling companies and opportunities better than I, and no one would ever diminish those who seek to take advantage of those opportunities which are there. But I rise for just a minute to make some points that I hope all of us in this Senate and the appropriate committees in this body and the appropriate agencies of the United States are very careful to examine before any acquisition or merger of U.S. Airlines and Delta Airlines were to take place.

First, in our fragile aviation system it is critical to understand that competition is still in the best interests of the American consumer. If you overlay the routes of those two airlines, you will see massive duplications, which ends up in many cases that where there are two competitors in an airport, it is reduced to only one. In the absence of competition, prices rise and service is diminished.

Second, in the great hub-and-spoke airlines and the legacy carriers of this country, people in secondary markets have had access to the major airports such as O'Hare and Hartsfield and LAX in Los Angeles. But as you merge two together, the first place they find savings is in reductions of those flights and those capacities from those secondary markets—the Augusta, Georgias; the Columbuses; the Meridian, Mississippis; the Asheville, North Carolinas; and many other cities such as those around the country. It is very important for us to be sure, when we analyze the viability of such a proposal, that we not diminish the opportunity for Americans in those cities to be able to access aviation as they have in the past.

Equally important is the future of aviation in this country. A further consolidation of the airlines we have now would lead us to singular service in many cities, an absence of competition, an inevitable increase in rates, and, unfortunately, less than the healthiest aviation industry in the country.

As this proposal has now come forward, it is important for us in this body to analyze from a competitive standpoint, from a competition standpoint, from a consumer interest standpoint, from a marketplace standpoint, from a secondary market standpoint, and from the heavy prices that have been paid by the American aviation industry to reposition itself post-9/11 to make sure we honor those that have paid the price, are prepared to exit bankruptcy as a viable competitive airline, and not allow a quick, hostile takeover at the last minute and threaten competition, secondary market service, lower flight costs, and the great reward of America for paying the price to do the right thing, to exit bankruptcy and come back stronger than ever before.

I respect this great system. I respect greatly Delta Airlines and the price its employees have paid. I respect greatly the management that committed itself even in bankruptcy to ensuring its employees come first, their pensions would be honored, and they did whatever to see to it that was a reality.

As one Member of this Senate, I will call on my colleagues to look diligently at all of these questions as we move forward and make sure we honor competition, that we honor the secondary market, that we honor the employees of this great airline and do everything we can to preserve the modern competitive aviation system we have today and do not succumb ourselves to the threat of massive consolidation and an absence of competition.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

HONORING OUR ARMED FORCES

LANCE CORPORAL RYAN E. MILLER

Mr. DEWINE. Mr. President, I rise today to pay tribute to LCpl Ryan E. Miller of Gahanna, OH. Ryan was killed on September 3, 2006, by an improvised explosive device while conducting combat operations in the Al Anbar province of Iraq. When he died, he was 2 months into his second tour of duty. He was 21 years old.

Long before he was old enough to enlist in the Marines, Ryan was a courageous protector. He was always looking out for his family and friends—especially his younger sister Tara.

Ryan's aunt Kathie Masters remembers how even when Ryan was just 4 years old, he was always protecting Tara. One day, she had toddled toward the end of the driveway. As she got close to the road, 4-year-old Ryan raced toward her to keep her from crossing into the street. As Kathie recalls:

> Tears were streaming down his face and he was screaming, 'No, Tara! No!' He ran to shield her from harm's way.

That story sums up the type of person Ryan Miller was throughout his entire life—selfless, caring, and always concerned first and foremost about others.

Ryan graduated from DeSales High School in 2003, and enlisted in the Marines December of that same year. He told his parents that "he thought he would come out of it a stronger, better person with lifelong friendships." As Ryan told his father, Ed: "There's nothing negative here, Dad. This is all good."

When Ryan was a child his father taught him how to shoot a pellet gun in the backyard. Even at an early age, Ed could see that Ryan was a good marksman. Years later—after enlisting in the Marines—Ryan went to the School of Infantry at Camp Pendleton, CA, and graduated with the Military Occupational Specialty for rifleman.

Ryan's uncle Michael remembers that his nephew welcomed the challenge of the Marines. "He wanted to be tested," he recalls. "He wanted to serve as three past generations of the Miller family did so proudly. He wanted to be the best."

Ryan was so proud of serving his Nation in the military, and his father remembers that the Marines had made Ryan more confident, mature, and focused. Ryan was first deployed to Iraq in February 2004. After returning that following September, he would give slide shows for anyone interested in what the experience had been like. And although Ryan's second tour was more volatile than his first, he always maintained his positive attitude—always told his parents not to worry. "I can handle anything they can throw at me," his father remembers Ryan saying. "I'll have a lot of good stories to tell you when I get back."

Ryan was, indeed, an excellent Marine. He served with pride, honor, and dedication. Joseph Rivera, a fellow marine who had served with Ryan, wrote the following message to Ryan's family on an Internet tribute Web site:

> I'm very sorry for your loss. I knew Ryan shortly after he got to the 3-2. I stood a lot of post with him. He was a good Marine and an even better friend. He was one of the best guys I've ever had the privilege of serving with. He will be missed—but never forgotten.

Five days before his death, Ryan called his parents Ed and Mary. After 10 days of being in the field, he told them he was eager for a shower and a good meal. Assigned to the 3rd Battalion, 2nd Marine Regiment, 2nd Marine Division, 2nd Marine Expeditionary Force out of Camp Lejeune, NC, Ryan anticipated heading out again soon.

For those who knew Ryan, it is easy to remember his sparkling blue eyes, his "trademark smile," and his love of athletics—especially baseball, Ohio State football, and the Minnesota Vikings. People also remember his "quiet work ethic" and how his military service deepened his maturity, focus, and confidence. They also will recall his strong Catholic faith and how he leaned on it during times of trouble.

At Ryan's funeral, his aunt Kathie remembered the dedication with which he served his country, and the way he inspired all he knew with his courage. This is what Kathie said:

> The one thing I can say about Ryan for sure [is that] Ryan didn't sit out. For as long as he was able, he shielded us from harm's way. He willingly put others before himself. He died a hero—protecting us, our children, [and] our grandchildren.

The Reverend Anthony P. Lonzo, speaking of Ryan's commitment to service, said this about him:

> [Ryan] was a man of God, a man of honor, a man of respect. These are the values that made him the man he is and [the man he] was when he joined the Marine Corps and made the ultimate sacrifice of his life.

At a service held at a chapel in Iraq, SGT Jeff Weaver, who served with Ryan, said the following:

> Miller came with one of the greatest attitudes possessed by any man. . . . [He] had a quiet demeanor, combined with a powerful presence that was a source of inspiration for anyone around him. . . . [Ryan]—you will not be forgotten and your memory will be carried on by each and every one of us.

Ryan was a young man with a bright future before him. After returning from Iraq, he planned to go to college and then work in law enforcement. He was looking forward to playing in a softball league with his father and spending Christmas 2007 at home. He was making plans to pay down his Nissan Altima—the car that was his pride and joy. Ryan was simply the type of person who was always looking forward to the future.

Ryan's death has been a loss to his entire community. There was a special prayer for his family at the DeSales High School chapel. School Principal Dan Garrick said that "we're deeply, deeply saddened. There's a very strong void in his community."

Principal Garrick continued, his words summing up the sense of loss felt by the entire Gahanna community. This is what he said:

> We should all be so blessed at the end of our lives for someone to use the word hero to describe us, and that's what Ryan was. Sometimes our society uses that term too loosely. Ryan truly lived the credo of the hero.
>
> Ryan was a brave and courageous man who will always be remembered for his strength and decency. He was a person of both honor and respect—a devoted son, a protective older brother, and a truly outstanding marine. As his father said, "I couldn't have asked for a better son."

My wife Fran and I continue to keep LCpl Ryan Miller's family in our thoughts and in our prayers.

Mr. President, I know the majority leader will be on the floor, and I will tell my colleagues that I will give another tribute which should last about 6 or 7 minutes, at which time the majority leader will be in the Senate.

PRIVATE FIRST CLASS HEATH D. WARNER

Mr. President, I rise today to pay tribute to a fellow Ohioan who gave his life for the cause of freedom—Marine PFC Heath D. Warner from Canton. He was killed by a roadside bomb in Al Anbar province in Iraq on November 22nd of this year. He was just six weeks shy of his 20th birthday.

Heath Warner was a special young man, whose life was a model of selflessness and courage. And while it is right for us to honor him today and everyday and to grieve his loss, his childhood friend Brad Mowery said it best:

> [Heath] doesn't want people to feel sorry for him. He wants people to realize he was doing what he wanted to do. He was living his dream. How many people get to live their dream?

Serving in the military was indeed Heath's lifelong dream, and it was evident all along. When Heath was 12 years old, he visited Arlington National Cemetery with his family. On those hallowed grounds, his family remembers him saluting a member of the honor guard at the Tomb of the Unknowns. Even at that young age, Heath understood the value and importance of service and sacrifice.

His family pictures show countless other examples of Heath's interest in serving our Nation: There is a picture of him wearing the Army uniform of his grandfather, Randy Metzger, while another picture shows Heath standing at attention, while saluting at a fort in Virginia.

Even when he received his high school diploma, he walked straight as an arrow, like the splendid marine he would later become.

Heath's mother Melissa recalls that "this is what he always wanted to do. It was his calling in life. I remember him over and over saying, 'I'm gonna go fight for my country.'"

He did just that, and he did it with great honor and dedication.

Heath had many interests. He loved exotic foods, martial arts, and zombie movies. A passionate student, he taught himself German and Japanese and was taking Arabic during his tour in Iraq. And, like all teenagers, he loved hanging out with family and friends.

No matter what he was doing, his unique personality came through. As his friend Brad explained:

> He didn't care what anybody thought about him, he just did what he wanted to do. He had his own way, his own style.

Part of Heath's personal style was his love for break dancing. All throughout his time at McKinley High School, he performed at community and school events in the Canton area. But another essential element of Heath's character was to give freely of himself. So it is no surprise that he took his passion for break dancing and turned it into a way to help others. In addition to performing, Heath taught break dancing to younger kids at the Living Fountain Dance Company in Canton.

Kimberly Payne, an instructor at the dance company, remembers this about Heath:

> He decided to give a little bit of himself and his heart to other kids. He really believed break dancing would keep kids out of trouble. I'm crushed that such a positive kid has been taken from this world.

Prompted by the terrorist attacks of September 11, Heath joined the Marines while still attending McKinley High. Upon graduation in 2005, Heath went through basic training and eventually became a member of the 2nd Battalion, 3rd Marine Regiment, 3rd Marine Division, based in Hawaii. He was trained as a gunner on a humvee—one of the most dangerous positions. It was exactly where Heath wanted to be—and that was on the front lines.

Before his deployment in August, Heath's family decided to celebrate his 20th birthday early. His father, Scott said that "we knew he wouldn't be here [in Ohio at the time of his birthday in January]. So we decided to have his 20th birthday [before he deployed to Iraq]."

After celebrating with friends and family, Heath deployed to Iraq. Early on in his tour, he survived an IED explosion. Heath wrote in a letter home that he knew "God was watching him." He spent his free time in Iraq reading "The Purpose Driven Life" and studying the Bible.

In his last letter home, Heath told his family that he loved them all and signed off with a word in Arabic, which meant goodbye. When the news came in late November that Heath had given what Lincoln called "the last full measure of devotion," his family was, of course, devastated. It would be a brokenhearted Thanksgiving for all who had the privilege of knowing Heath Warner. Through tears, his mother remembered, "Last year, [Heath] ate and ate until he got sick. He loved Thanksgiving and this time of year. He loved to smell the turkey."

To honor Heath upon his death and in continued support of the troops, Northeast Ohioans flew their American flags. There has been an outpouring of support for Heath's family, with family, friends, and even strangers dropping by the Warner household to give them food, flowers, and cards. All wanted to remember and honor Heath, who had brought so much happiness into this world.

In his short time on this earth, Heath Warner left a powerful legacy. He was devoted to helping others—a trait best illustrated by the instructions he left behind on the use of his death benefits. He asked his parents to use them to pay for his two younger brothers Chandler and Ashton to go to college. This selfless act tells you all you need to know about the person Heath was.

Heath's dad summed it up this way:

> I want people to know that Heath believed in what he was doing. He believed in the fight he was involved in, and he was willing to make the sacrifice. We honor that sacrifice. He's our hero. We need men and women like Heath to serve our country so that we can have the privileges we have. I am in awe of my son.

Heath's life was a precious gift, and he made the most of it.

My wife Fran and I continue to keep Heath's parents, Scott and Melissa, his brothers Chandler and Ashton, and all his family and friends in our thoughts and in our prayers.

LANCE CORPORAL RYAN THOMAS MCCAUGHN

Mr. GREGG. Mr. President, I rise today to pay tribute to U.S. Marine Corps LCpl Ryan Thomas McCaughn, of Manchester, NH, a brave American who has made the ultimate sacrifice in service to our country.

Raised in a family that was familiar with the virtues of military service, Ryan knew from an early age that it was his calling to be a U.S. marine. Graduating from Manchester's Central High School in 2005, Ryan gave us a glimpse of the characteristics that would later make him a remarkable marine. While others may have been deterred, Ryan rose to meet the academic challenge by taking three English classes in one semester during his senior year at Central in order to fulfill his dream of joining the Corps. This can-do attitude, as well as his sense of humor and creativity, will always be remembered by those who knew him.

Like Ryan, another man who was in the service of his country and from New Hampshire, Daniel Webster said, "God grants liberty only to those who love it, and are always ready to guard and defend it." In this spirit, a week after graduating from Central, Ryan left for Marine Corps Recruit Training at Parris Island, SC. After completing his initial training, Ryan went to the School of Infantry at Camp Lejeune, NC, where he graduated as mortarman. In February 2006, then Private First Class McCaughn joined 1st Battalion, 6th Marines at Camp Lejeune.

In March 2006, Ryan was promoted to Lance Corporal; 6 months later he arrived in Iraq as part of Operation Iraqi Freedom. Tragically, on November 7, 2006, this brave marine was killed during combat operations in Ar Ramadi, Iraq, when an improvised explosive device detonated while he was conducting combat operations against enemy forces. Throughout his short career, Ryan earned accolades which testify to the dedication and devotion he held for the Marine Corps, his fellow marines, and his country. Lance Corporal McCaughn's awards and decorations include the National Defense Service Medal, the Iraqi Campaign Medal, Global War on Terrorism Service Medal, the Purple Heart Medal, and the Combat Action Ribbon.

Patriots from the State of New Hampshire have served our Nation with honor and distinction from Bunker Hill to Baghdad—and U.S. Marine Corps LCpl Ryan McCaughn served in that fine tradition. As he told his mother, he knowingly put himself in harm's way so that others did not have to, and for this, we are eternally grateful. To his last day, Lance Corporal McCaughn exemplified the motto of the U.S. Marine Corps, "Semper Fidelis—Always Loyal."

My heartfelt sympathy, condolences and prayers go out to Ryan's parents, his brothers, and his family and friends who have suffered this grievous hurt. The death of Ryan, only 19 years old, on a battlefield far from New Hampshire is a true loss for our State, our Nation and the world. Although he will be sorely missed by all, his family and friends may sense some comfort in knowing that because of his devotion, sense of duty, and selfless dedication, the safety and liberty of each and every American is more secure. May God bless LCpl Ryan Thomas McCaughn.

SERGEANT JEREMY MULHAIR

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of U.S. Army SSG Jeremy Mulhair of Nebraska. Sergeant Mulhair died when an explosion hit his vehicle near Taji, Iraq.

Sergeant Mulhair grew up in the rural areas northwest of Omaha. He attended Omaha Central High School. Sergeant Mulhair enlisted with the Army National Guard in 1995. He joined the Guard for both his deep sense of patriotism and a strong respect for his father Jerry, who served in Vietnam.

Sergeant Mulhair turned his National Guard duty into a job in the regular Army. He had been in Iraq since October, serving with the Apache Troop, 1st Squadron, 7th Cavalry Regiment. This was his second tour of duty in Iraq. Sergeant Mulhair had served in South Korea as well.

Sergeant Mulhair was a devoted family man. He and his wife Suzie had three children: 9-year-old Celina, 8-year-old Jeremy, Jr., and 9-month-old Maybel. The family hoped to have another child when he returned from Iraq. Thousands of brave Americans like Sergeant Mulhair are currently serving in Iraq.

In addition to his wife and children, Sergeant Mulhair is survived by his parents Jerry and Mildred of Kimballton, IA, brother Robert Mulhair of Mead, NE, and sisters Dixie Heisner and Tammy Lines of Omaha.

I ask my colleagues to join me and all Americans in honoring SSG Robert Mulhair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO CHAPLAIN BARRY BLACK

Mr. FRIST. Mr. President, as I depart this body, I would like to extend a heartfelt personal thank you to Chaplain Barry Black. From comforting staff and Members in the wake of tragic deaths to leading erudite Bible study groups, to opening the Senate each morning with prayer, Chaplain Barry Black has shown himself the epitome of a great minister. He is a man of keen intellect, enormous oratorical skill, and great faith.

Personally, I have always been taken by his voice as he offers our opening prayers each morning we are in session. He has a voice that makes everyone perk up, listen, and remain attentive.

I have seen Chaplain Black become a friend, an ally, and a helper to staff and Members from all points on the political spectrum. He has kept his door open to people of all faiths and, as a Seventh Day Adventist minister himself, has helped many Christian Senators and staff—including me—enter into a closer and more meaningful relationship with Jesus Christ.

I am delighted that he will be continuing his service and I am pleased that I could have the honor of appointing him. Barry Black, thank you.

TRIBUTE TO BILL PICKLE

Mr. FRIST. Mr. President, Since 2003, Bill Pickle has served this body with enormous distinction. As the Senate's Sergeant at Arms, he has helped us and he has protected us. Now, as he departs, I wish to thank him, recognize him, and honor him.

For over 3 years, he has excelled in one of the hardest jobs I know of, not just in the Senate, not just in our legislative branch, not just in our Federal Government but I honestly believe, in the entire Nation.

When I came to the job as majority leader, I wanted to find the best professional possible in law enforcement, information technology, security, and continuity planning to lead the Sergeant at Arms operation. I found him in Bill Pickle, and it was one of the smartest decisions I made during my tenure as leader. Bill is the consummate professional. He is smart, with good instincts, and like my colleagues, I value his counsel and insight.

Originally, his office existed to keep order in the Senate Chamber and compel the attendance of Members for votes. In this body's early days, the Sergeant at Arms would circulate through the drinking houses of what was then known as Washington City, rounding up recalcitrant Members and dragging them—sometimes by the coattails—back to the Senate Chamber.

Perhaps today's members do a slightly better job showing up for votes. To my knowledge, Bill Pickle has never had to bodily drag any of my colleagues in for a vote, but that has not made his job easier.

Today's Sergeant at Arms is part security specialist, part corporate executive, and part management information systems administrator, and that is just part of it. Every day, the Sergeant at Arms' office must deal with the demands of 100 opinionated, demanding men and women, thousands of American citizens, officials from every part of our own Government, and people from around the world.

The duties that fall under his office range from running our recording studio to serving on the board that oversees the U.S. Capitol Police, but one thing unites them all their ability to connect this body to the people of this Nation.

Through his leadership, his courage, and his vision, against immense challenges, Bill Pickle has kept this building and this body open and accessible to the people we serve.

During the whole of Bill Pickle's time in office, our Nation has been at war against Islamic fascists, enemies who wish to strike at the principles of openness and democratic governance that this body represents. And he has kept us safe. Not a single serious assault has occurred on this body during his time in office. The Capitol is safer than it has ever been. For that alone, we all owe him a debt of gratitude.

Every time his office has faced a challenge, Bill Pickle has risen to the occasion. Time after time, he has tackled difficult tasks with aplomb. He preside over a necessary expansion of the Capitol Police, appointed the Senate's first chief information officer, helped oversee expansion of our computer networks needed to deal with the ever-growing stream of e-mail sent to our offices, and, of course, the demands to keep the Senate accessible amidst ever-changing security requirements. In short, he has realized the goals he set out for himself on his first day of work: Providing State-of-the art technology and world class security.

He has won the respect and admiration of people throughout the Senate, members of both parties.

Bill has taken continuity planning and security to a new level for us in the Senate, and I know his successor, our former police chief, Terry Gainer, will follow Bill's lead on these critical issues.

As a person with a long and distinguished career in law enforcement, I trust that Mr. Pickle will not mind if I paraphrase the great American police chief, August Vollmer. In his service to the Senate, I believe, Bill Pickle has shown "the wisdom of Solomon, the courage of David, the leadership of Moses, the strategic thinking of Alexander the Great, and the diplomacy of Lincoln."

Bill Pickle: I thank you, the Senate thanks you, and the Nation thanks you.

TRIBUTE TO DOLLY PARTON

Mr. FRIST. Mr. President, a few days ago, an extraordinary Tennessean, Dolly Parton, received one of the 2006 Kennedy Center Honors. As a singer, a songwriter, an actress, a television producer, and an entrepreneur, she has emerged as one of the preeminent cultural figures of our era. Her life story, her talent, and her rise to success can serve as an inspiration for all Americans.

Dolly Parton, in fact, could turn out to be the last prominent American actually born in a log cabin. She was born at home on January 19, 1946. Growing up, by her own description; "dirt poor," in east Tennessee's town of Sevierville, her family of 14 lived in a hand-built log house. She discovered her gift for singing in church, gave public performances before she turned 10, recorded her first tracks at age 12, and appeared at the Grand Ole Opry at 13. Well-known country artists recorded her original compositions before she turned 20. Her own recordings hit the country charts for the first time with the song "Dumb Blonde" in 1966. Today, she has recorded more No. 1 Billboard hits than any other female artist ever and received 25 gold, platinum, and multiplatinum honors. She has been awarded a star on the Hollywood Walk of Fame, seven Grammy Awards, and two Oscar nominations. Her unique personal style and her sense of humor have influenced Americans across the country.

Since 1986, her theme park, Dollywood, has generated thousands of jobs and hundreds of millions of dollars of investment in the Great Smokey Mountains. As one of the most visited theme parks in the country, Dollywood now serves as an economic anchor for east Tennessee. Today, a statue of her sits Sevierville's town square. She has also given back: Her Imagination Library charitable program has shared her love of reading with millions of children around the United States.

Dolly Parton stands as one of the most influential living Tennesseans. We all owe her a debt of gratitude.

I must close in expressing my strong agreement with sentiments about her own musical genre: "If you talk bad about country music, it's like saying bad things about my momma. Them's fightin' words."

Dolly Parton: I thank you. America thanks you.

TRIBUTE TO GEORGE MANIAS

Mr. DURBIN. Mr. President, tomorrow is an historic day in Peoria, IL. It was exactly 60 years ago tomorrow—on December 6, 1946—that George Manias opened his shoeshine business with one shoeshine chair in the corner of a downtown barber shop.

George has been shining shoes in Peoria ever since—for working folks, movie stars, famous athletes, and at least two presidents.

This evening, the Peoria City Council will honor George Manias with a special resolution in his honor. I ask unanimous consent that the text of that resolution be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Office of the Mayor—Proclamation

60TH ANNIVERSARY, GEORGE'S SHOESHINE PARLOR, "WORLD HEADQUARTERS", PEORIA, ILLINOIS

Whereas, George Manias opened his shoeshine business in 1946, and he has been in the heart of Downtown for 60 years and is recognized by the City of Peoria for his genuine concern for people, his traditional work ethic, and his ability to continue to operate a successful small business in a changing environment; and

Whereas, George Manias has been locally and nationally recognized for many years and has been featured in the U.S.A. Today newspaper and on the Today Show on NBC; and

Whereas, George Manias has an open door to everyone from all walks of life and has served the citizens of Peoria, as well as local and national celebrities and elected officials, including President Ronald Reagan and Senator Everett Dirksen;

Now Therefore, I, Jim Ardis, Mayor of the City of Peoria, Illinois, do hereby congratulate

George Manias in Peoria, Illinois, on the occasion of the 60th Anniversary of George's Shoeshine Parlor.

Dated this 5th day of December 2006 A.D.

Mayor

Mr. DURBIN. The resolution notes that George's shoeshine parlor has been in the heart of downtown Peoria for 60 years. Some would say that George's just flat is the heart of downtown Peoria.

Located across the street from the Peoria County Courthouse and kitty-corner from the world headquarters of the Caterpillar Incorporated, George's shoe shine parlor brings together people from all walks of life.

Among his customers are the judges, lawyers, police, politicians and other courthouse regulars; business leaders; celebrities; and other folks who appreciate the importance of caring for leather and looking your best.

They come in, sit down in one of George's nine shoe shine chairs with their shoes scuffed and dirty and five or six minutes later, they stand up with their shoes polished to a mirror finish, looking like new money. It's like the old 1950 song by Harry Stone and Jack Stapp, Chattanooga Shoe Shine Boy:

He makes the oldest kinda' leather look like new
You feel as though you want to dance when he gets through.

And it only costs $3 a shine—the same price George has been charging for over 15 years.

George Manias is a master of an almost lost art. He is a shoeshine professional. He wears a white dress shirt and a bow tie every day.

A lot of shoeshine men nowadays apply the polish with a cloth. Not George. He's old school. He massages the polish into your shoes with his bare hands. He explains: The polish gets into the leather better that way. Then he buffs and shines and the next thing you know, your shoes look better than when you bought them.

Let me tell George's story. It is a great American story. George Manias was born in Peoria 75 years ago, the son of proud Greek immigrants, and he speaks with the accent of his parents' homeland. That's because, when he was 3 or 4 years old, his parents took the family back to Crete, to see George's grandfather, who was very ill.

While the family was in Crete, the Nazis invaded and George's father was taken prisoner.

In 1945, when the war ended, the Manias family was finally able to return to Peoria. They were practically penniless. Everyone had to work to support the family. George had to learn to speak English.

At 14, he started shining shoes at the old Paris Shoe Shine Parlor on Main Street, next to the Palace Theater. He charged 20 cents a shine.

Within a year, he had saved enough money to buy his own chair. He became an entrepreneur, working out of Ed and Roy Gibbs' Barber Shop.

In 1956, he opened his own 12-seat shoe shine parlor in the Old Niagara Building.

Over the years, George has had four different shops. The last three were all torn down to make way for bigger, taller buildings. He moved to his current location almost 20 years ago.

Today, a professional shoeshine might seem like a minor indulgence. But back when George started, a man didn't feel properly dressed without a hat and a shoe shine.

It was a time, as Arthur Miller's legendary Willie Loman said in Death of a Salesman, when we were all salesmen, getting along with a shoe shine and a smile. For many men, the shine was a weekly ritual.

Back in the day, you could walk into George's and all nine chairs would be occupied with customers—wingtips, next to oxfords, next to loafers—and George would be polishing all nine pair at once. It was like an assembly line, but there was nothing automated about it.

At one point, he had four men working for him and he still worked 14- and 16-hour days, seven days a week.

He didn't take a vacation for 29 years, until 1975, when he went back to Greece for two weeks with his mother, brother and sister. After that, he didn't take another vacation for 25 years.

He's been to Greece twice in the last three years to visit relatives. He says he might take a vacation again someday—but only with family.

Work and family. Those are the things that matter to George Manias: His sister Angie owns a small candy-and-nuts shop in Peoria, and his brother Manny is a private detective who used to be the deputy sheriff in Peoria County.

In 1996, his widowed mother suffered a serious stroke that left her paralyzed. The siblings cared for her at home for the last 4 years of her life.

Customers come to George's for more than just the spit-polish shines. They come to chat and to learn what's happening in town.

Mike McCuskey, a federal judge, has been a loyal customer for years. He calls George's shoe shine parlor pure Americana and vintage Peoria.

You never know who you'll see there. One day, McCusky said, he looked over at the man in the chair next to him and blurted out, You're Gayle Sayers, aren't you? That was when the Hall of Famer was still playing for the Chicago Bears.

Over the years, George's Shoe Shine and Hattery—its official name—has grown from a small business to a legend. It has been featured in local newspapers, radio and TV; in the Washington Times and the Associated Press; on the Today Show; and on the front page of USA Today—twice.

The walls are covered with news clippings and photographs of famous people who have dropped in for a shine: President Gerald Ford, during the 1976 presidential campaign; President Ronald Reagan in 1982; Everett Dirksen, the Minority Leader of the U.S. Senate when LBJ was President; Former House Minority Leader Bob Michel; Congressman RAY LAHOOD; Former Illinois governors Bob Edgar and Richard Ogilvie; Peoria Mayor Jim Ardis and a string of his predecessors; BARACK OBAMA. Even my photograph is there. Democrats and Republicans. In 2004, Congressman LAHOOD brought in then-CIA director George Tenet, a Greek-American, who was in Peoria to give a speech. The two Georges chatted in Greek. There are photos of movie stars and singers. And judges—lots of judges.

But you don't have to be famous to feel welcome. George makes everyone in Peoria feel special. It doesn't matter if you're a well-known politician or if the $3 you spend on that shoe shine is the only $3 you have, George makes you feel special.

Another reason people go to George's is because he listens to everything, and he knows everything that's going on in the local Republican and Democratic parties, and in the Peoria business community.

Says Judge McCuskey: It's like that Merrill Lynch commercial. When George speaks, you want to listen. And sometimes when you speak, George looks up at you with the slightest smile, and you never know if he's smiling because he knows something you don't know—or because you've just given him another piece of a puzzle he didn't have. He's the keeper of the secrets.

On Judge McCuskey's desk in the federal courthouse in Urbana sits a small scale of justice, a symbol that traces its origins to ancient Greece. It's a treasured gift that George Manias brought back from a trip to Greece.

Across Peoria and far beyond, countless other people have been blessed with gifts from George, not the least of which is a perfect shine and the dignity of being treated with respect no matter who you are.

George Manias is a quintessential American in a quintessentially American city, and I am proud to join the city of Peoria in honoring him on his 60 years as a successful entrepreneur.

PREVENTING UNDERAGE DRINKING ACT

Mr. DEWINE. Mr. President, just over 3 years ago, on September 30, 2003, I held a hearing as chairman of the Substance Abuse and Mental Health Services Subcommittee on the problem of underage drinking. Senator DODD, who later joined me in crafting a bill to help combat the problem, joined me at that hearing. We were there to discuss this serious problem affecting the health and well-being of our Nation's young people—a problem that has been ignored for too long—a problem that kills thousand of America's teenagers.

We all know that underage drinking is a significant issue for youth in this country. We have known that for a very long time. We have known that underage drinking often contributes to the 4 leading causes of deaths among 15 to 20-year-olds—that 69 percent of youths who died in alcohol-related traffic fatalities in the year 2000 involved young drinking drivers—that in 1999, nearly 40 percent of people under age 21 who were victims of drownings, burns, and falls tested positive for alcohol.

We have known that alcohol has been reported to be involved in 36 percent of homicides, 12 percent of male suicides, and 8 percent of female suicides involving people under 21. And we have known that underage drinking accounts for 6.5 times more deaths among young people than illicit drug use.

How did we get here? How did our Nation reach this point—a point where today, 12 percent of eighth graders—12 and 13-year-olds—binge drink? These statistics are frightening. Too many American kids are drinking regularly, and they are drinking in quantities that can be of great harm to them.

As a nation, we clearly haven't done enough to address this problem. We haven't done enough to acknowledge how prevalent and widespread teenage drinking is in this country.

We haven't done enough to admit that it is a real problem with very real and very devastating consequences. We haven't done enough to help teach America's children about the dangers of underage drinking. We talk about drugs and the dangers of drug use, as we should, but the reality is that we, as a society, have become complacent about the problem of underage drinking. This has to change. The culture has to change.

In reaction to these problems, I worked with my friend and colleague from Connecticut, Senator DODD, to write a bill that will provide some of the tools our communities need to combat underage drinking.

The Sober Truth on Preventing, STOP, Underage Drinking Act would be an important step toward reducing underage drinking on our college campuses and in our schools and communities. This bill will provide authorization for funding to encourage parental awareness of the problem, such as the ongoing Ad Council campaign on underage drinking. It will also provide authorization for grants on college campuses and in surrounding communities to change the culture of drinking that so permeates our institutions of higher education. It will also provide grants to our communities to specifically target underage drinking reduction, as well as authorize additional research that is so important to helping us to further understand this problem and prevent the negative consequences associated with it.

I want to thank Senator DODD for his hard work on this bill. He has been a great champion for the prevention of underage drinking. He is a tireless fighter for America's children and youth. He cares about kids. He cares about their well-being. I am privileged to have had the opportunity to work with him on many pieces of legislation to help protect children and promote their health and welfare. I know that combating teenage drinking has been and continues to be very important to him, and I thank him for his interest in this area. I also thank Chairman ENZI and Ranking Member KENNEDY for their help in passing this important legislation.

Kids are beginning to drink earlier and earlier—at younger and younger ages—and they are doing so in ways that could negatively affect their bodies, their minds, and their futures. I urge swift passage of this legislation and look forward to seeing the good work that comes from it.

RETIREMENT OF GENERAL JAMES L. JONES

Mr. WARNER. Mr. President, I rise today to pay special tribute to GEN James Logan Jones, USMC, who is concluding his extraordinary career in the Marine Corps with his retirement as Commander, United States European Command and as the Supreme Allied Commander of NATO.

For 5 decades, Jim Jones and his family have faithfully served our Nation in peace and war. From 1965, when he led a platoon in the jungles of Vietnam, to 1999, when he became the 32nd Commandant of the United States Marine Corps and subsequently led the Corps through 9/11 and the ensuing, turbulent years of the global war on terrorism, to the present day as he ensures that NATO—the world's preeminent security alliance—is ready for the 21st century, Jim Jones is the embodiment of what a modern American military leader should be—warrior, statesman, visionary.

My long association with General Jones began in 1972 when I was privileged to take the oath of office as Secretary of the Navy at the historic Marine Barracks in our Nation's Capital. Years before, in the winter of 1951 to 1952, I served in Korea, as a young Marine Corps ground officer with the 1st Marine Air Wing. That modest service, coupled with many years of reserve duty thereafter, prompted me to select the Marine Barracks when I became the first Secretary in history to be sworn in on those grounds. Ten years later, I learned that one of the Marine captains who commanded a company of marines that marched at the ceremony that day was CPT Jim Jones. Years later, we were reunited when he was specially selected to come to the Senate to serve as a Marine Corps liaison officer. Our first trip, with Senator John Tower, the chairman of the Senate Armed Services Committee in the early 1980s, was to go to Lebanon to inspect the tragic site where the U.S. Marine barracks were blown up by suicidal terrorists.

Jim's service in the Corps is a lasting memory for me, and many other Members, to name a few: Senators HAGEL, INOUYE, LEVIN, LUGAR, MCCAIN, ROBERTS, STEVENS, BURNS, and THOMAS, because of his professionalism and dedication to the Senate's constitutional obligation "to raise and support armies," and "to provide and maintain a navy."

As the years passed on, I have observed with great admiration as Jim Jones applied his talents and abilities to the numerous opportunities and challenges he faced—from Vietnam to the halls of the Pentagon and Senate, to the deserts of the Middle East, to Eastern Europe and Africa. Our Nation has produced such a courageous, skilled and dynamic officer in Jim Jones.

Among his most challenging assignments was his last where he led the most aggressive transformation efforts in NATO's history—including a comprehensive headquarters realignment, developing NATO's global military capabilities, creating the NATO Response Force, bringing new members into NATO's military structure, and embracing the concept and practice of out-of-area missions for NATO. Under his guidance, NATO now has 30,000 troops deployed in locations across the globe and is leading the International Security Assistance Force in Afghanistan.

Unlike his predecessors, Jim Jones would travel to any geographic location in his area of responsibility to personally brief traveling Members of Congress—using charts galore.

As a steadfast, life-long supporter of NATO for its unparalleled success in achieving peace through steadfast resolve, I was privileged to watch General Jones provide extraordinary leadership of NATO's military forces as NATO expanded its membership and began to embrace of out-of-area missions. I share his view that: "NATO has been, and needs to remain, a great Alliance: great Alliances do great things. It is possible, even probable, that NATO's most important days and most important missions lie ahead in the future." Thanks in no small measure to General Jones' contributions, I am confident that NATO is and will be always ready for those challenges.

For the years they have shared with him the burdens and joys of arduous public service, it is also important that we publicly thank his wife Diane, and their children, James, Jennifer, Kevin, and Greg. They, too, have sacrificed much for their country. How proud they are, and we are, that their son Greg is an active duty captain in the Marine Corps today. In keeping with the finest traditions of the Marine Corps throughout its 229-year history, General Jones and his family are grateful for their opportunity to serve, and our Nation is equally grateful for their contributions.

As GEN Jim Jones prepares to "hang up" his Marine Corps sword, our Armed Forces, the Congress, and our Nation owe him a huge debt of gratitude for his many years of commitment and service to this country.

General, sir, in the immortal words of the Navy-Marine Corps team, may you have fair winds and following seas as you embark on your next endeavor. Semper Fidelis.

IRAQ'S TOLL OF SLAIN JOURNALISTS CONTINUES TO RISE

Mr. LEAHY. Mr. President, Iraq is a dangerous and chaotic place for our brave American soldiers there, for our coalition partners, and for Iraqi families who must struggle just to make it safely through each day. It is also a perilous place for the journalists who attempt to cover the situation on the ground. They are at the front of the front lines of this conflict, and the dispatches from Iraq produced by representatives of a free and independent press are a vital conduit of information that helps the American people—and their representatives in government—to make more informed decisions. These are print reporters, television correspondents, photo journalists and the other professionals who help journalists in gathering and transmitting the news.

We learned in recent days of the deaths of two more news professionals. Raad Jaafar Hamadi, a journalist with the daily Al Sabah, was shot dead in his car in the east of Baghdad on November 22. Fadhila Abdelkarim, an administrative staff worker of TV station Nainawa, was shot outside her home in Mosul on November 26.

American media professionals have been among the casualties. They are as well known to us as NBC correspondent David Bloom, and those who we will never know by their bylines or on our TV screens. Director General Koichiro Matsuura of the U.N. Educational, Scientific and Cultural Organization—UNESCO—this week noted that the number of media professionals killed in Iraq continues to grow unabated, and that "since January more than 35 journalists have paid with their lives for their determination to fulfill their mission."

According to Reporters without Borders—RSF—137 journalists and media assistants have been killed in Iraq since the start of the war in 2003, while 51 have been kidnapped. According to RSF, four of the kidnap victims are still being held hostage.

Some in the administration have chosen over the years to disparage the journalists serving in Iraq—for instance, labeling them "lazy" or unwilling to leave their bureaus or hotels.

The reality is far different. Day after day, journalists in Iraq face, and accept, incredible dangers just to do their jobs. As news professionals on one of the most challenging and important news beats on the planet, they deserve great credit for their courage and their commitment, and they deserve our appreciation.

A PLAN FOR IDAHO'S ROADLESS AREAS

Mr. CRAPO. Mr. President, on November 29, 2006, Idaho Governor James Risch presented Idaho's petition for our Roadless Areas to the Roadless Area National Advisory Committee here in Washington, DC. I strongly support this collaborative and comprehensive petition.

The Idaho Roadless process was of a thorough and collaborative nature. Every effort was made to involve county commissioners, members of the public, and a diverse array of participants. Idaho leaders and agency representatives have done an excellent job of including everyone who wished to provide input.

In this case, we have had decades of uncertainty. This petition, as set forth by Governor Risch, has potential to resolve these disputed and difficult issues in a collaborative manner.

The petition is the result of thoughtful hard work intended to reach consensus on a very tough issue. Such decisions seldom provide any one group or individual with everything they had hoped or negotiated to achieve. In this case, it appears to be a fair petition and sets a path forward that will encourage all parties, including those who are in support and in opposition, to resolve their differences and establish Idaho's future road management policy. This is a beginning, not an end.

I commend Governor Risch and his team for their efforts and render my support in behalf of their earnest and diligent effort.

ESTHER MARTINEZ NATIVE AMERICAN LANGUAGES PRESERVATION ACT

Mr. McCAIN. Mr. President, I rise in support of H.R. 4766, the Esther Martinez Native American Languages Preservation Act of 2006, which was passed by the House of Representatives on September 27, 2006, and referred to the Committee on Indian Affairs. This legislation reauthorizes the Native American Programs Act of 1974 through the year 2012 and provides a grant program to ensure the survival and vitality of Native-American languages through such programs as language nests, survival schools, and language restoration programs, in addition to programs currently funded by the ANA grants for language preservation. I am asking the Senate to pass the bill as passed by the House of Representatives. However, I understand that Dr. COBURN has a question about the intent of this bill in respect to a particular matter and would like to engage in a colloquy for the purpose of clarifying that intent.

Mr. COBURN. I rise for the purpose of engaging Senator McCAIN, who is managing H.R. 4766, in a colloquy over a certain aspect of the bill. Senator McCAIN, as the chairman of the Committee on Indian Affairs, to which this bill has been referred, and as the bill's manager in the Senate, I would like to know if it is the intent of this legislation that the Administration for native Americans, in administering the provisions of this bill, require that grants for Native language survival schools requite parental permission for the student to participate in the program and also that the students participating in the program demonstrate adequate progress in English proficiency according to grade level?

Mr. McCAIN. The Senator from Oklahoma is correct. That is the intent of the bill.

ENDING THE TRADE IN CONFLICT DIAMONDS

Mr. FEINGOLD. Mr. President, this week marks the opening of a film that has already gotten a lot of attention, Warner Brothers' "Blood Diamond." Many will flock to theaters to see this Hollywood blockbuster, but I hope these audiences will remember more than the celebrities and action sequences.

So-called blood diamonds finance criminal activity that threatens the lives and environments of civilians, the stability of communities and countries, and national, regional, and international security. Innocent citizens, many of them children, are forced to mine the gems in hazardous conditions while rebel groups reap large profits, which are used to pay for weapons that breed brutal violence. In the past decade, the sale of blood diamonds fuelled civil wars resulting in over 4 million deaths and the displacement of millions of people in Angola, Sierra Leone, Liberia, the Democratic Republic of Congo, and now in Ivory Coast.

In 2003, Congress passed the Clean Diamond Trade Act, which sought to ensure that the United States does not participate in the conflict diamond trade by prohibiting the importation of diamonds from countries that fail to implement a clearly articulated system of controls on rough diamonds. It was designed to implement the multinational Kimberley Process scheme launched earlier that year by 70 governments and the global diamond industry, which requires governments to certify that diamond shipments through their countries are conflict-free. The scheme's objectives are to: (1) stem the flow of rough diamonds used by rebels to finance armed conflict; and (2) protect the legitimate diamond industry, upon which several African countries depend for their economic and social development.

A 3-year review of Kimberley Process implementation held earlier this month in Botswana revealed that while important progress has been made, serious loopholes remain and must be closed to stop diamonds from funding conflict in Africa and elsewhere. This meeting comes on the heels of a U.N. report which found that $23 million in conflict diamonds from Ivory Coast are being sold around the world, and that diamonds continue to cause instability and brutal human rights abuses in the Democratic Republic of Congo.

As the largest consumer of diamonds in the world and a strong advocate for transparency and human rights, the U.S. should be setting an example by ensuring that its domestic certification system is effective and by working to strengthen the Kimberley Process. Just 2 months ago, however, the U.S. Government Accountability Office released an in-depth study that revealed blood diamonds may be entering the

United States due to poor enforcement of the Clean Diamond Trade Act and a failure by the U.S. diamond industry to abide by its promise to police itself in support of the Kimberley Process.

The 2003 Clean Diamond Act commissioned this GAO study to identify areas for improvement in domestic and international implementation of the Kimberley Process scheme, so it is now, Congress's responsibility to ensure that the responsible government agencies and departments act upon the report's recommendations.

The GAO reports that the U.S. does not inspect rough diamond imports or exports and so must rely on importers to confirm the legality of their wares. Official statistics show an excess of diamond exports over imports of 300,000 carats last year that cannot be accounted for, suggesting that some diamonds are entering the U.S. through informal channels. Clearly, existing U.S. controls are not strong enough and are insufficiently enforced. Similarly, the GAO study finds that implementation of the Kimberley Process scheme in Africa is severely constrained by the limited capacity and resources of these countries and the need to harmonize diamond trade and certification policies among these and other countries in the region.

Both to discourage the mining and sale of blood diamonds and to promote legitimate diamond trade, the United States must initiate regular, independent, and systematic monitoring of diamond imports and exports. The American diamond industry must also adopt and enforce a credible system to make sure that companies are verifiably adhering to the scheme and responsibly sourcing diamonds. In addition to conducting oversight of these domestic activities, Congress needs to advocate and appropriate U.S. assistance for regional efforts to strengthen implementation of the Kimberley Process in Africa.

The release of the film "Blood Diamond" coincides with the holiday shopping season, and it should remind us all that much work remains to put an end to the illicit diamond trade that continues to fuel violence, finance criminals, and exploit innocent people and their environments. I remain committed to improving the Kimberley Process scheme at home and abroad and promoting active leadership by the U.S. government and the American diamond industry towards ensuring that diamond mining contributes to sustainable development in Africa, rather than fueling conflict by financing criminal activity.

CONDITIONS IN DARFUR

Mr. KOHL. Mr. President, I am grateful for the opportunity to join with my colleagues on the vitally important topic of Darfur and the entire humanitarian crisis facing that part of the world.

When we look at a current map of Africa, we are looking, for the most part, at national boundary lines that were formed by the arbitrary dictates of Western European nations during their primacy as colonial power brokers in the 19th century. Those lines were, essentially, simple longitude or latitude lines that had no relevancy, at all, to the social, cultural, or tribal structures that had existed on those lands for centuries. Suddenly, the simple, clean-cut decisions of 19th century Europeans have become, in the late 20th and early 21st centuries, far more complex than any diplomats in London, Paris, Berlin, or even Washington, could have imagined in those relatively distant times.

Darfur is serious. Clearly, it is not the only place on this planet with unspeakable atrocities and unbelievable conditions. People who once farmed wheat in western Afghanistan are now facing desperate consequences due to the confluence of floods and drought. There are countless people—women, children, and the infirm—in camps like Dadaab in eastern Kenya who are not only trying to cope with the political and military chaos streaming out of Somalia but also the natural calamity of floods bringing food shortages, waterborne disease, and other human heartbreaks to our attention. We cannot ignore these other tragedies. Darfur is not the only place in need of assistance.

But there remains Darfur. It is etched in our conscious because of the pictures we see on television, the stories we read in the paper, and more importantly, what we know to be true. The facts are before us.

The crisis in Darfur is an outgrowth of a decades-long struggle within Sudan extending back nearly to 1956 when Sudan gained independence from Britain and Egypt, resulting in an estimated 2 million deaths due to war and famine in the last two decades alone. Millions more have been displaced. In February of 2003, the conflict spilled into Darfur with tragic consequences when local rebel militias determined to challenge the Khartoum Government on grounds related to discrimination of ethnic groups in the region. The central government's response was to unleash a harsh policy against the people of Darfur, including use of armed militias against civilians. The U.S. Congress and the Bush administration pronounced these actions in 2004 as genocide.

In 2005, condition in Darfur only got worse. Attacks by the Khartoum Government-backed jingaweit against civilian populations continued unabated. U.N. Secretary General Kofi Annan announced that abduction of national staff of humanitarian relief NGOs had reached alarming proportions. In June of 2005, the International Criminal Court formally began an investigation into charges of atrocities in Darfur. And in recent months, reports indicate that atrocities in Darfur are peaking again.

Slowly, the African Union began exercising limited authority in Darfur. Further attempts by the United Nations to introduce peacekeeping forces or a similar presence met with continuing resistance from the Khartoum Government. Just last week, the Peace and Security Council of the African Union adopted a proposal concerning a hybrid force for peacekeeping in Darfur. The African Union will extend its mission for another 6 months beginning January 1, 2007, in order to provide additional time for clarification and implementation of how a hybrid force will be composed and deployed. Progress may be seen in these actions, but it moves very slowly.

To date, since the Darfur crisis began in 2003, an estimated 450,000 people have been killed and more than 2 million displaced. In addition, some 220,000 Sudanese have been forced into refugee camps in neighboring Chad, and an additional number are in refugee camps in Kenya. Even though the Bush administration has declared that acts of genocide have occurred in Darfur, such declaration has not resulted in any major shift in U.S. policy. A shift should occur. We must intensify pressure on the Khartoum Government regarding its policies toward Darfur, and we must firmly pursue the Addis protocols that were achieved last week.

As the current ranking member of the Senate Appropriations Subcommittee on Agriculture, Rural Development, and Related Agencies, and during the tenure I hope to continue in the next Congress, I know that humanitarian food assistance is a very large piece of the solution to the crisis in Darfur. Under the jurisdiction of the Agriculture Subcommittee is an array of programs of importance to food insecurity—what in this country we once called hunger—such as Public Law 480 and reimbursements to the Bill Emerson Humanitarian Trust.

In fact, a little more than 1 month ago, my appropriations staff was sent on a mission to Sudan which would have brought them to within a few kilometers of the border of South Darfur. Unfortunately, the El Bashir government in Khartoum refused to issue them the appropriate visas, but they were able to participate with the World Food Program on an air drop of food over Southern Sudan that, at least, gave them a firsthand experience of the hardships in that country. They also met with refugees from Darfur in the U.N. camp at Kakuma in northwestern Kenya, where the original "Lost Children" of Sudan found shelter in the early 1990s. While at Kakuma, my staff was presented with the following written request by Darfur refugees:

OCTOBER 13, 2006.

The current situation in Darfur was not acceptable and every day getting worse and we Darfurian we have worried and we don't know how our future will be and what are you planning for us.

MUBARAK SULEIMAN,
Darfur Committee.

I have watched, and I will continue to watch with keen interest the developments in this part of the world and take to heart the charge that these things shall not occur "on our watch." To the extent that I can continue to direct food aid programs in the coming Congress, this part of the world, and all the other parts in dire need, will have my full attention, and I will seek the support of fellow Senators when the time comes to make emergency assistance available.

HONORING HELEN CHENOWETH-HAGE

Mr. CRAIG. Mr. President, I rise today to honor a former congressional colleague and a personal friend, Representative Helen Chenoweth-Hage.

Just weeks ago, our Nation lost a true American patriot in a tragic car accident in central Nevada. On October 2, 2006, Helen Chenoweth was riding in her daughter-in-law's car, cradling her baby grandson in her arms. The car was overturned, and she and her grandson were thrown from it. Helen held her grandson so tightly that he came away with minor injuries—but she was not so lucky.

I take this time to honor Representative Chenoweth and her contributions to Idaho and this Nation, as some may not be aware of how much she gave of herself.

Helen was born in Topeka, KS, on January 27, 1938. She graduated from Whitworth College in Spokane, WA, and started her lifelong career of public service. She ran her own medical and management consulting firm, which led to her job as manager at the Northside Medical Center in Orofino, ID. In 1975, she was appointed as the first woman to serve as the state executive director of the Idaho Republican Party. Soon after, she became the chief of staff and then campaign manager for long-time friend, First District Congressman Steve Symms. A close friend described the Chenoweth-Symms team as a "fun and inspiring team to work with."

After establishing herself in Idaho as a trusted leader, she won the Republican nomination to Idaho's First Congressional District in 1994. A strong advocate for term limits, she pledged to serve no more than three terms, if elected. Helen Chenoweth won the 1994 November election, beating the Democratic incumbent by nearly 11 percent. She was known as one of the "true believers" in the 1995 Republican freshman class and was one of the most conservative. She even made conservative grammatical choices, insisting on being called "Congressman Chenoweth," instead of Congresswoman.

Helen easily won reelection two more times and was asked by many to run for a fourth term, but having pledged to serve three terms, she was true to her word and retired in 2000. Idaho Govenor Jim Risch is quoted as saying, "When the six years were up, she could have easily been reelected, she could have easily carried on, but she said 'no, I made that promise and I'm going to stick with that promise.'"

I was always impressed by her unwavering ideological positions, even if sometimes they were unpopular. I learned that she was driven by a clearly defined and articulated philosophy that allowed her to stand strong in the middle of a storm of criticism and persist in forcing changes for the betterment of Idaho and the Nation.

She was a strong advocate for the American people and a true believer in the balance of powers. During the Balkan crisis in the 1990s, she argued for the involvement of the legislative branch, writing, "Congress played no role in defining those political aims, which means that the American people—in whose name Congress is empowered to act—were not permitted to play any role in the decision to commit our Nation to war." She was known for quoting the Founders when giving her arguments, pulling her colleagues back to our Nation's constitutional roots if they were veering in another direction. On this same issue she quoted Alexander Hamilton writing, "It is the province and duty of the Executive to preserve to the Nation the blessings of peace. The Legislature alone can interrupt those blessings, by placing the Nation in a state of War."

Helen Chenoweth was a champion for property rights and constitutional government. She fought hard for the rights of property owners and against the heavy hand of Federal regulation and taxation that affected family farms, ranches, and businesses. In Idaho she was known as a "true environmentalist" who worked to preserve Idaho's natural beauty while also balancing the rights and needs of humans. Her passion and hard work demonstrated her belief in the inalienable rights of all citizens, and she fought to keep them protected by the U.S. Constitution.

On September 21, 2000, she was awarded the first "Friend of American Freedom Award" by the National Center For Public Policy Research and the Committee For a Constructive Tomorrow. The award honored Congressman Chenoweth's "distinguished record of defending the United States against environmental treaties, United Nations programs and other global policies that pose a threat to the Nation's sovereignty." Particular appreciation was given for her work on the American Land Sovereignty Protection Act, which would require the executive branch to seek Congressional approval before designating any U.S. landmark as a world heritage site. The director of the National Center's Environmental Policy Task Force said of Helen, "Congressman Chenoweth-Hage has been one of the leading champions of U.S. sovereignty and the U.S. Constitution during her 6-year tenure in Congress. The 'Friend of American Freedom Award' represents our profound thanks to the Congressman for her valiant work defending constitutional liberties."

While I served as chairman of the Senate Energy and Natural Resources Subcommittee on Forests and Public Land Management, she served as chairman of the House Subcommittee on Forests and Forest Health. I enjoyed this opportunity to work together on land management issues such as the Roadless Initiative. We shared a passion to protect our great western lands. Much of her work survives in the Healthy Forest Restoration Act.

Helen was a strong advocate for women and families. She supported funding for women's health and also for family health care. Many women looked up to her as a woman politician who earned every bit of respect she received and held her ground in an environment predominately of men. She was known as a true feminist who never asked for special treatment because of her gender.

Even after her retirement from Congress she worked tirelessly with her husband, Nevada rancher Wayne Hage, in the lawsuit Hage vs. U.S. Wayne had purchased his ranch in 1978 and testified that over the years Federal agency interference made it nearly impossible to run a livestock operation and ultimately resulted in the taking of his ranch. Wayne and Helen's court victory was a triumph for all private property owners.

Helen Chenoweth-Hage was not only a great politician; she was also a loving wife and mother and a loyal friend. Her strong Christian faith inspired many, guided her throughout her life, and served as a base on which she built her philosophy. Among her many endearing qualities were her unfailing graciousness, charm, and her warm smile. She will be sorely missed, not only by her children and other family members, but by legions of friends, colleagues, and admirers.

Let me end by quoting her daughter Meg Keenan, who spoke for many of us when she said: "Helen was the most amazing, gracious person I ever had the privilege to know. She was fearless in life, and I know she welcomes the opportunity to be in the presence of God the Father."

2005 COUNTRY REPORT ON HUMAN RIGHTS PRACTICES IN THE PHILIPPINES

Mr. DAYTON. Mr. President, I rise today to express my deep distress about the human rights violations reportedly committed in the Philippines. The U.S. Department of State's 2005 Country Report on Human Rights Practices in the Philippines, released in March 2006, is a very troubling account and, at times, a cynical report on the current state of Philippine human rights problems. The Report cites the Philippine National Police as the worst abuser of human rights in the country, and it describes numerous violations, including extrajudicial killings, disappearances, and physical abuse of suspects and detainees. It cites instances of torture, arbitrary arrests, trafficking of persons, and harassment of human rights personnel and political activists.

In light of the report's troubling findings, I respectfully urge my colleagues to review this document and recognize the significance of these extremely serious transgressions.

TRIBUTE TO MAJOR STEPHEN G. PURDY

Mr. DOMENICI. Mr. President, I rise to recognize Major Stephen G. Purdy, Jr., of the U.S. Air Force for the outstanding contributions he rendered this year while serving as a legislative fellow on my staff. Stephen will soon complete his Capitol Hill fellowship, and it is my hope that he has benefited as much from this experience as I have benefited from having him on my staff.

In the course of Stephen's military career, he has served rotations in the Office of the Secretary of Defense for Nuclear Matters and the Office of the Assistant Secretary of the Air Force for Acquisitions, Space and Nuclear Programs. While working at the Space and Missile Systems Center, Stephen was the Atlas V Program chief engineer. Additionally, Stephen has served as the Joint Counterair Acquisition Manager at the Office of the Assistant Secretary of the Air Force for Acquisitions, Global Power Directorate. Finally, before joining my office Stephen was posted to the Secretary of the Air Force Office of Legislative Liaison.

To my great benefit, Stephen joined my office in a year when the Air Force was searching for a new mission for Cannon Air Force base in New Mexico. Cannon was originally targeted for closure on the Department of Defense's, DOD, Base Closure and Realignment, BRAC, list. However, the BRAC Commission ultimately found that the DOD "substantially deviated" on several BRAC selection criteria and required that DOD shall seek a new mission for Cannon. Stephen's experience proved critical in our successful efforts to secure a new mission for Cannon. I have no doubt that his tireless work and dedication were important to the Air Force's decision to relocate the Air Force Special Operation Command's 16th Special Operations Wing to Cannon, which has ensured that Cannon will continue to play an important role in securing our Nation.

I must also thank Stephen's family for enduring his many late nights at work. So to Wendy, Stephen's wife, and the Purdy children, Taylor and Holly, I say thank you. And without question, you can be extremely proud of Stephen's dedication to our country.

Finally, Mr. President, I give my heartfelt thanks to Stephen for his service. His can-do attitude and tireless work ethic were infectious. His willingness to tackle issues which were new to him and to embrace the goals I've set for my staff on behalf of both the men and women of the Armed Forces and the citizens of New Mexico were truly commendable. I have no doubt that as Stephen continues his military career he will achieve great things for both the U.S. Air Force and his country, and I wish him the very best of luck in all his future endeavors.

AGRICULTURE APPROPRIATION 2006

Mr. McCAIN. Mr. President, yesterday the Senate briefly turned to H.R. 5384, the Agriculture Appropriations Bill for fiscal year 2007. This bill appropriates about $98 billion in spending, an amount that is approximately $4.9 billion over the administration's budget request, and $4.7 billion more than the House-passed bill. Although we were unable to complete work on H.R. 5384, I want to explain my objections to the passage of this bill in its current form.

I believe that some Federal involvement is necessary to assist low-income families under the food stamp program, and that we should ensure that our farmers stay out of the red, and to this end, many of the programs under the Agriculture Department are worthwhile and I support their funding. I know that many of my colleagues have spoken before the Senate about the economic struggles of America's farmers. But as Congress looks ahead toward legislating a new farm bill in the near future, next year in fact, we once again conform to the practice of diverting taxpayer dollars into an array of special interest pork projects which have not been authorized or requested by the Administration.

Let's take a look at some of the earmarks that are in this bill and accompanying report:

$3.5 million for fruit fly control in Texas, which was not in the administration's budget request.

$400,000 for codling moth research in Kerneysville, WVA, which was not in the administration's budget request.

$200,000 for research into the genetic enhancement of barley in Aberdeen, ID, which was not in the administration's budget request.

$300,000 for grass research in Burns, OR which was not in the administration's budget request.

$750,000 to the Denali Commission to improve solid waste disposal sites in Alaska, which was not in the administration's budget request.

$200,000 for the Utah State University's Space Dynamics Laboratory to study gaseous emissions from agriculture operations, which was not in the administration's budget request.

$100,000 to study crop pollination by bees, Logan, UT, which was not in the administration's budget request.

$600,000 for the U.S. Dairy Forage Research Center in Madison, WI, which was not in the administration's budget request.

$250,000 for shellfish and salmon research, Franklin, ME, which was not in the administration's budget request.

$250,000 for the Great Lakes Aquaculture Center, Coshocton, OH, which was not in the administration's budget request.

$158,000 for cranberry research, Massachusetts.

$1.4 million for potato research (State not listed).

$453,000 for seafood safety research, Massachusetts;

$4.1 million for shrimp aquiculture research in AZ, HI, MA, MS, SC, and TX.

$780,000 for milk safety research at Pennsylvania State University, PA, which was not in the administration's budget request.

$170,000 for blackbird management in the State of Kansas, which was not in the administration's budget request.

It is worth noting what we are already doing to support our Nation's agriculture producers. Last year, Federal farm subsidies grew to more than $23 billion despite near-record farm revenue which reached $76 billion. While some of these farm programs make good fiscal sense, other have become alarmingly wasteful and counterproductive.

For example, The Washington Post recently exposed a USDA program, known as "direct and counter-cyclical payments," that in 2005 paid out $1.3 billion to farmers irrespective of high or low market prices or whether they grew any crops at all. This program was intended to be a temporary subsidy that would prop up farmers during poor market conditions, but the special interests and the farm lobby convinced Congress to keep this unneeded program, which has become perhaps the most abused farm subsidy in existence.

The Washington Post also discovered that in 2002 and 2003, $635 million in drought assistance went to ranchers and dairy farmers whose livestock experienced mild or no drought at all. Thanks to strong lobbying by cattle growers, the Congress modified the payment requirements under the Livestock Compensation Program for 2002–2003, so that ranchers weren't required to prove they suffered any actual losses. So long as a the disaster was declared, the Government simply mailed checks to ranchers dependent only on the number of cattle they owned.

In an offshoot of the USDA's drought relief efforts, the Federal Government paid $34 million to compensate catfish farmers for feed they purchased during the 2002 drought year, even though feed prices were at a 10-year low. Much like the cattle program, catfish farmers were not required to prove they suffered any losses. All they had to do was tell the USDA how much feed they bought that year.

Who is at fault for this egregious waste? The farmer? The Department of Agriculture? In reality, both are the victims of bad policy. Unfortunately, the biggest victim is the taxpayer, and the blame rests with us, the Congress. Our current farm policy is riddled with waste. Yet we compound matters by furthering the out-of-control earmarking of pork.

Mr. President, I ask unanimous consent to insert into the record copies of *The Washington Post* articles I cited: Farm Program Pays $.13 Billion to People Who Don't Farm (July 2, 2006), No Drought Required For Federal Drought Aid (July 18, 2006), and When Feed Was Cheap, Catfish Farmers Got Help Buying It (July 18, 2006).

It is difficult to overlook the $4.5 billion disaster assistance package that appropriators have attached to this bill. None of this funding under this agricultural title is included in the administration's request, and in fact, was strongly opposed by the administration when similar provision were added to the 2006 Emergency Supplemental Appropriations bill. My colleagues may recall that the emergency supplemental faced a veto threat because of the billions of dollars in unrequested agriculture handouts appropriators were seeking. Fortunately these agriculture subsidies were removed in conference, and the bill was finally enacted enabling crucial funding to reach our troops overseas.

Let's take a look at some of the provisions in this latest Agriculture disaster package:

$1 billion in crop disaster assistance to compensate farmers for damage that occurred in 2005 due to weather. This also specifically applies to the Mormon cricket infestation in Nevada, and flooding in California, Hawaii and Vermont.

$13 million to help ewe lamb farmers who have suffered populations losses.

$6 million to owners of flooded crop and grazing land in North Dakota.

$6 million to assist a sugarcane transportation cooperative in Hawaii.

$100 million for grants to each State to promote specialty crop production.

$1.7 billion in assistance to dairy farmers who suffered losses in 2005.

This appropriations measure is not expected to receive any further action during this session of Congress. Instead of debating and passing our annual spending bills, our constitutional obligation, we are resorting to passing continuing resolutions to maintain our government functions well into fiscal year 2007. This failure is partially because of our habit of earmarking. When members frantically look for appropriation bills as vehicles for pet projects and unrequested earmarks, the appropriation process becomes a game of "you vote for my pork, I'll vote for yours." This is the sad state of our appropriations process, when we would rather postpone funding for critical programs for our farmers, soldiers, veterans, seniors, and nearly everything until next year if it means our pork isn't included this round.

Again I want to make it clear that I support doing all that we can for the American farmer. Agriculture production is part of the backbone of our great country. However, we do more bad than good by raiding the national treasury, and, in some cases other Agriculture programs, to pay for pet projects that in many cases benefitlll certain constituency which is not representative of the larger needs of the farming community.

RETIREMENT OF JOHN TREZISE

Mr. BURNS. Mr. President, as the chairman of the Interior and Related Agencies Appropriations Subcommittee, I wish to speak for a few moments about the coming retirement of one of the most dedicated public servants I have had the pleasure of knowing. Shortly after the first of the year, John Trezise will be leaving the Department of the Interior after 35 productive years..

Since 1998, John has served as the Director of the Interior Department's Office of Budget and for the 5 years before that as the Chief of the Office's Division of Budget. In short, John has been "running the numbers" at the Interior Department for the past 13 years. And I can vouch for the fact that during those years, no one has known more about the Department's budget than John. He is, to put it bluntly, a walking ledger.

John first got his start with the Department in 1971 when he hired on as a young attorney in the Office of the Solicitor. For a number of years, he was Assistant Solicitor for administrative law and General Legal Services, specializing in appropriations law issues.

It is this legal background that has made John such an important asset to those of us on the Appropriations Committee. The guidance and counsel John has been able to offer our Members and our staff has been invaluable. It is no exaggeration to say that without his help, we would have been, if not lost, at least temporarily delayed in getting our appropriations bill done each year on time and within our budget.

As he prepares to leave the Department, I wish to take this opportunity to say thank you to John Trezise for all he has done and to let him know that he will be sorely missed by the members of the Senate Appropriations Committee.

Mr. DORGAN. Mr. President, as the ranking member of the Interior appropriations subcommittee, I wish to join my colleague from Montana in extending our congratulations and our best wishes to John Trezise as he prepares to leave Federal service.

Each spring, the Interior Subcommittee holds a budget hearing to review the Interior Department's budget request for the coming fiscal year. The Interior Secretary is always seated, front and center, at the main table in our hearing room ready to answer the myriad of questions coming from our subcommittee's members. And despite the sometimes obscure nature of the questions asked, the Secretary has always been able to offer a timely, if not credible, answer. That ability to respond is more often than not due to the fact that, seated immediately next to the Secretary, has been John Trezise and the fattest looseleaf binder any of us has ever seen. No matter what is asked, John has been able to reach into that book and almost instantly retrieve a figure or some other pithy explanation that nearly always seems to satisfy the inquiring Senator. It is a magical exercise that must be seen to be believed.

Mr. President, too often the word "bureaucrat" is used as a pejorative. But in the case of John Trezise, those of us on the Interior Subcommittee have come to learn that he exemplifies the best in civil service. And so I join Senator BURNS in saying to Mr. Trezise that he can be justly proud of his service to the American people and that we wish him and his family all the best in the coming years.

RETIREMENT OF MR. ANTHONY J. "TONY" ZAGAMI

Mr. INOUYE. Mr. President, at the end of this year, a longtime employee of the Congress and the legislative branch will retire from Federal Service. On January 3, Anthony J. "Tony" Zagami will leave the U.S. Government Printing Office, having been the longest serving general counsel in the agencies history.

Tony Zagami began his career as a page in the U.S. Senate in the mid 1960s as I was completing my first term as a U.S. Senator from Hawaii. His late father, Dino, also served the U.S. Senate at that time as a member of the Official Reporters of Debates. I had the pleasure of knowing and working with both of the Zagami's during that period of time. Dino retired in 1972 as Tony's congressional career was just getting underway.

Tony held a number of positions on the Hill while pursuing an undergraduate and law degree. He spent a total of 25 years working for the Congress in positions ranging from Senate page to committee general counsel, before leaving in 1990 to become the general counsel for the Government Printing Office. As you know, the GPO is responsible for producing and distributing our CONGRESSIONAL RECORD and other vital Government documents on a daily basis.

After 40 years of dedicated Government service, Tony Zagami has decided to move on to the next chapter of his life. As he ends a distinguished career, I would like to take this opportunity to thank Tony Zagami for his many years of public service to our Nation and wish him and his family the very best in all future endeavors.

Mr. BIDEN. Mr. President, at the end of this year, Anthony "Tony" Zagami will retire after 40 years of public service, including the last 16 years at the Government Printing Office, which publishes the CONGRESSIONAL RECORD for all of us every day.

I first met Tony when I served in my first term in the Senate. He was working as a legislative assistant in the Democratic cloakroom. He spent 25 years working in the Congress, including general counsel to the Joint Committee on Printing.

In 1990, Tony left to become the general counsel at the Government Printing Office. When he retires it will be with the distinction of having been the agency's longest-serving general counsel.

As he moves on, I know all my colleagues join me in thanking him for his dedicated service, and wish him the best for the future.

ADDITIONAL STATEMENTS

TRIBUTE TO PAIGE McPHERSON

• Mr. THUNE. Mr. President, today I recognize Paige McPherson of Sturgis, SD, for her success in the martial art of tae kwon do. Paige is considered one of the top female Tae Kwon Do fighters in the country in the 130- to 139-pound weight class.

Paige McPherson trains and teaches out of the Black Hawk tae kwon do center in Black Hawk, SD. She has successfully competed in tae kwon do tournaments at the national level and has secured a spot for the 2007 Senior National Team and Pan American Game Trials.

It gives me great pleasure to congratulate Paige McPherson on this special occasion and to wish her continued success in the years to come.•

SHIRLEY HILLS PRIMARY SCHOOL, MOUND, MINNESOTA

• Mr. DAYTON. Mr. President, today I honor Shirley Hills Primary School, in Mound, Minnesota, which recently earned an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Shirley Hills Primary School is truly a model of educational success. The teaching staff believes wholeheartedly that all children can succeed, a philosophy that has led to performance rates that are among the best in the State. The learning environment values strong character in addition to academic achievement. In addition, the vibrant school community offers a preschool program, to help ensure a smooth transition to kindergarten.

Shirley Hills Primary School is particularly proud of its designation as a Minnesota five-star school, recognized for excellence by the Minnesota Department of Education. The school recently received the Parent Involvement School of Excellence Award from the National PTA, recognizing its strong partnership with parents. The Westonka School District which includes Shirley Hills Primary School has also earned the What Parents Want Award; given by SchoolMatch, the Nation's largest school-selection consulting firm. The award was earned by fewer than 15 percent of the Nation's public school districts. The Westonka District was also 1 of 22 Minnesota school districts named academic outperformers by Standard & Poor's School Evaluation Services.

Shirley Hills Primary fosters the development of strong character by recognizing children for demonstrating responsibility, respect, and honesty. An all-school assembly every month includes the presentation of a trophy, given successively in due course to a child who has demonstrated one of these qualities. Shirley Hills pupils know that good character is lived out, in all areas of life; it is how they choose to live, not just how they behave in school.

In the belief that children can succeed better in the global economy when knowledgeable about other languages and cultures, Shirley Hills offers before- and after-school Spanish classes for kindergarten through fourth grade. The school district is also pursuing a secondary-level educational exchange program with China.

Shirley Hills' staff encourages families to expect great test scores but not to settle for that alone. The school proudly has high expectations for achievement and behavior, and just as proudly provides educational experiences that take into account the whole child. Teachers know each child's strengths and growth areas, and they work together with parents to help every child grow as a learner, as well as a valued human being.

Much of the credit for Shirley Hills Primary School's success belongs to its principal, Ann Swanson, and the dedicated teachers. The pupils and staff at Shirley Hills Primary School understand that, in order to be successful, a school must go beyond achieving academic success; it must also provide a nurturing environment where pupils can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and children at Shirley Hills Primary School should be very proud of their accomplishments!

I congratulate Shirley Hills Primary School in Mound for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.•

LAKE MARION ELEMENTARY SCHOOL, LAKEVILLE, MINNESOTA

• Mr. DAYTON. Mr. President, today I wish to honor Lake Marion Elementary School, in Lakeville, MN, which recently earned an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Lake Marion Elementary School is truly a model of educational success. Three factors that make the school particularly outstanding include: a high level of involvement by parents, innovative programs, and academic achievement.

Lake Marion Elementary School takes great pride in involving parents in their children's school experiences. Lake Marion's Parent Teacher Organization has provided volunteer and financial support for the Artist of the Month program, for which parent volunteers teach a class about an artist and his/her works; the Junior Great Books program; the Lake Marion Yearbook, which has set the standard for elementary school yearbooks; the fifth-grade trip to Camp Saint Croix Environment Camp; the school directory; Family Fun Night; cultural awareness programming; mini-grants for selected staff projects; and field trip transportation costs.

Lake Marion Elementary provides the children innovative programming outside the school day. Targeted Services offers additional reading and math support in classes which run before school and are very popular with the children and their families. Additional programs include before- and after-school athletics, art, and world languages.

The school's many successes are reflected in the pupils' outstanding academic accomplishments. Lake Marion Elementary School's Math Masters Teams have finished first two times, second four times, and third five times in Regional Math Masters competitions. In addition, Lake Marion Elementary has received a five-star rating from the Minnesota Department of

Education in reading and math every year since the inception of the Minnesota School Report Card system.

Much of the credit for Lake Marion Elementary School's success belongs to its principal, John W. Braun, and the dedicated teachers. The pupils and staff at Lake Marion Elementary School understand that, in order to be successful, a school must go beyond achieving academic success; it must also provide a nurturing environment where pupils can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and children at Lake Marion Elementary School should be very proud of their accomplishments.

I congratulate Lake Marion Elementary School in Lakeville for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.●

ORCHARD LAKE ELEMENTARY SCHOOL, LAKEVILLE, MINNESOTA

● Mr. DAYTON. Mr. President, today I honor Orchard Lake Elementary School, in Lakeville, MN, which recently earned an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Orchard Lake Elementary School is truly a model of educational success. The staff at OLE, always seeking to improve professionally, value in-service days and use this time to study new and innovative teaching techniques. Every year the school does a book study that addresses ways to increase achievement for students. The teaching staff takes on new challenges, studies best-practice ideas, has conversations across grade levels, offers mutual support, and applies solutions.

In the spring of 2004, Orchard Lake Elementary was the first school in Minnesota to receive the Tekne Award for Innovations in Teaching. Mark Deming, the media specialist, had pupils in grades 5 and 6 arrive before school and called them the "Morning Crew." The children learned to design segments of school news, interview classmates and staff, and videotape and edit productions so that they could produce the morning announcements. In addition, they created their own music using the Garage Band program on the school computers. The morning announcements were shown over the school's media system and produced exclusively by children for all classrooms to enjoy. This system is still in place for use by fourth- and fifth-graders.

Orchard Lake Elementary teachers work with parents as partners in education. Five years ago, when space became a concern, the PTO purchased a portable computer lab. Last year, the PTO purchased 14 new computers and has entered Phase 2 of purchasing all new computers for the lab classroom. The PTO recently held a fund-raiser to purchase new playground equipment. OLE had a 99 percent parent-participation rate at parent-teacher conferences. The school has a gifted education program, as well as a targeted services program, which offers extra instruction in reading and math for struggling students. Involved parents support their children by working together with teachers, who value the parents' active contributions.

Orchard Lake Elementary provides a safe and nurturing environment, both educationally and emotionally. Teachers build relationships with pupils through a community circle and discussions of life skills. The children take part in student council, art shows, music concerts, morning announcements, band, and academic choice in the classroom.

Orchard Lake Elementary School was recognized by the State Department of Education as a five-star school in both math and reading. This distinction is particularly impressive, considering that Orchard Lake, which has a high concentration of low-income students, is a Title 1 school.

Much of the credit for Orchard Lake Elementary School's success belongs to its principal, Karen Roos, and the dedicated teachers. The pupils and staff at Orchard Lake Elementary School understand that, in order to be successful, a school must go beyond achieving academic success; it must also provide a nurturing environment where pupils can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and children at Orchard Lake Elementary School should be very proud of their accomplishments!

I congratulate Orchard Lake Elementary School in Lakeville for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and two withdrawals which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:15 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 395. An act to adjust the boundary of Lowell National Historical Park, and for other purposes.

H.R. 4742. An act to amend title 35, United States Code, to allow the Director of the Patent and Trademark Office to waive statutory provisions governing patents and trademarks in certain emergencies.

H.R. 5110. An act to facilitate the use for irrigation and other purposes of water produced in connection with development of energy resources.

H.R. 5466. An act to amend the National Trails System Act to designate the Captain John Smith Chesapeake National Historic Trail.

H.R. 5666. An act to authorize early repayment of obligations to the Bureau of Reclamation within the A & B Irrigation District in the State of Idaho.

H.R. 6111. An act to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending.

H.R. 6316. An act to extend through December 31, 2008, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits.

H.R. 6338. An act to amend title 18, United States Code, to prevent and repress the misuse of the Red Crescent distinctive emblem and the Third Protocol (Red Crystal) distinctive emblem.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 73. Concurrent resolution supporting the goals and ideals of National High School Seniors Voter Registration Day.

H. Con. Res. 495. Concurrent resolution authorizing the printing as a House document of United States House of Representatives, The Committee on Ways and Means: A History, 1789–2006.

The message further announced that the House has passed the following bills, without amendment:

S. 2250. An act to award a congressional gold medal to Dr. Norman E. Borlaug.

S. 1219. An act to authorize certain tribes in the State of Montana to enter into a lease or other temporary conveyance of water rights to meet the water needs of the Dry Prairie Rural Water Association, Inc.

The message also announced that the House passed the bill (S. 3938) to reauthorize the Export-Import Bank of the United States, with an amendment, in which it requests the concurrence of the Senate.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 1492) to provide for the preservation of the historic confinement sites where Japanese Americans were detained during World War II, and for other purposes.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 5682) to exempt from certain requirements of the

Atomic Energy Act of 1954 a proposed nuclear agreement for cooperation with India, it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. HYDE, Mr. BOEHNER, and Mr. LANTOS as managers of the conference on the part of the House.

The message further announced that pursuant to Public Law 109–236, the Majority Leaders of the Senate and the House of Representatives appoints Thomas P. Mucho of Pennsylvania to the MINER Act Technical Study Panel.

At 8:10 p.m., a message from the House, delivered by Ms. Chiappardi, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1674. An act to authorize and strengthen the tsunami detection, forecast, warning, and mitigation program of the National Oceanic and Atmospheric Administration, to be carried out by the National Weather Service, and for other purposes.

H.R. 3248. An act to amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes.

H.R. 5076. An act to amend title 19, United States Code, to authorize appropriations for fiscal years 2007 and 2008, and for other purposes.

H.R. 5782. An act to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes.

H.R. 6342. An act to amend title 38, United States Code, to extend certain expiring provisions of law administered by the Secretary of Veterans Affairs, to expand eligibility for the Survivors' and Dependents' Educational Assistance program, and for other purposes.

The message also announced that the House passed the following bills, without amendment:

S. 1346. An act to direct the Secretary of the Interior to conduct a study of maritime sites in the State of Michigan.

S. 1820. An act to designate the facility of the United States Postal Service located at 6110 East 51st Place in Tulsa, Oklahoma, as the "Dewey F. Bartlett Post Office".

S. 1998. An act to amend title 18, United States Code, to enhance protections relating to the reputation and meaning of the Medal of Honor and other military decorations and awards, and for other purposes.

S. 4044. An act to clarify the treatment of certain charitable contributions under title 11, United States Code.

S. 4073. An act to designate the outpatient clinic of the Department of Veterans Affairs located in Farmington, Missouri, as the "Robert Silvey Department of Veterans Affairs Outpatient Clinic".

The message further announced that the House agreed to the following concurrent resolution, without amendment:

S. Con. Res. 91. Concurrent resolution expressing the sense of Congress that the President should posthumously award the Presidential Medal of Freedom to Leroy Robert "Satchel" Paige.

The message also announced that the House passed the bill (S. 214) to authorize the Secretary of the Interior to cooperate with the States on the border with Mexico and other appropriate entities in conducting a hydrogeologic characterization, mapping, and modeling program for priority transboundary aquifers, and for other purposes, with an amendment, in which it requests the concurrence of the Senate.

The message further announced that the House passed the bill (S. 843) to amend the Public Health Service Act to combat autism through research, screening, intervention and education, with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House passed the bill (S. 895) to direct the Secretary of the Interior to establish a rural water supply program in the Reclamation States to provide a clean, safe, affordable, and reliable water supply to rural residents, with amendments, in which it requests the concurrence of the Senate.

The message further announced that the House passed the bill (S. 1785) to amend chapter 13 of title 17, United States Code (relating to the vessel hull design protection), to clarify the distinction between a hull and a deck, to provide factors for the determination of the protectability of a revised design, to provide guidance for assessments of substantial similarity, and for other purposes, with amendments, in which it requests the concurrence of the Senate.

The message also announced that the House passed the bill (S. 1829) to repeal certain sections of the Act of May 26, 1936, pertaining to the Virgin Islands, with amendments, in which it requests the concurrence of the Senate.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 4080. A bill to amend title 17, United States Code, with respect to settlement agreements reached with respect to litigation involving certain secondary transmissions of superstations and network stations.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 5466. An act to amend the National Trails System Act to designate the Captain John Smith Chesapeake National Historic Trail.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–9165. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Anchorage Regulations (including 2 regulations beginning with CGD08-05-016)" (RIN1625-AA01) received on December 4, 2006; to the Committee on Commerce, Science, and Transportation.

EC–9166. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulation; Champ Boat Grand Prix of Savannah; Savannah, Georgia (CGD07-06-191)" (RIN1625-AA08) received on December 4, 2006; to the Committee on Commerce, Science, and Transportation.

EC–9167. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone: Fireworks Display, Trent River, New Bern, North Carolina (CGD05-06-092)" (RIN1625-AA00) received on December 4, 2006; to the Committee on Commerce, Science, and Transportation.

EC–9168. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zones (including 11 regulations beginning with CGD01-06-116)" (RIN1625-AA00) received on December 4, 2006; to the Committee on Commerce, Science, and Transportation.

EC–9169. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operations (including 8 regulations beginning with CGD01-06-033)" (RIN1625-AA09) received on December 4, 2006; to the Committee on Commerce, Science, and Transportation.

EC–9170. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operations (including 2 regulations beginning with CGD08-06-036)" (RIN1625-AA09) received on December 4, 2006; to the Committee on Commerce, Science, and Transportation.

EC–9171. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "2007 Atlantic Surfclam Minimum Size Suspension" (101906A-X) received on December 4, 2006; to the Committee on Commerce, Science, and Transportation.

EC–9172. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fraser River Sockeye Salmon Fisheries; Inseason Orders" (ID No. 102406A) received on December 4, 2006; to the Committee on Commerce, Science, and Transportation.

EC–9173. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revised 2006 and 2007 Harvest Specifications for the 'Other Species' Complex in the Gulf of Alaska" (ID No. 112805A) received on December 4, 2006; to the Committee on Commerce, Science, and Transportation.

EC–9174. A communication from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Correct and Clarify Atlantic Mackerel, Squid, and

Butterfish Fishery Regulations" (RIN0648-AU54) received on December 4, 2006; to the Committee on Commerce, Science, and Transportation.

EC-9175. A communication from the Chairman, National Transportation Safety Board, transmitting, pursuant to law, a report relative to the actions taken by the Board to ensure that audits are conducted of its programs and operations for fiscal year 2006; to the Committee on Commerce, Science, and Transportation.

EC–9176. A communication from the Director for Acquisition Management and Procurement Executive, Department of Commerce, transmitting, pursuant to law, the Department's annual progress report relative to interagency activities and Department-specific activities; to the Committee on Commerce, Science, and Transportation.

EC–9177. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, an interim report relative to the Commission's activities that pertain to the Fair and Accurate Credit Transactions Act of 2003; to the Committee on Commerce, Science, and Transportation.

EC–9178. A communication from the Administrator, National Highway Traffic Safety Administration, Department of Commerce, transmitting, pursuant to law, a report relative to the activities that have been completed by the Administration in conjunction with the National Telecommunications and Information Administration as of September 30, 2006; to the Committee on Commerce, Science, and Transportation.

EC-9179. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "NASA Grant and Cooperative Agreement Handbook—Training Grant and Award Procedures" (RIN2700-AD30) received on December 4, 2006; to the Committee on Commerce, Science, and Transportation.

EC-9180. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries in the Western Pacific; Western Pacific Bottomfish and Seamount Groundfish Fisheries; Guam Bottomfish Management Measures" (RIN0648-AT94) received on December 4, 2006; to the Committee on Commerce, Science, and Transportation.

EC-9181. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "NASA Implementation of Earned Value Management" (RIN2700-AD29) received on December 4, 2006; to the Committee on Commerce, Science, and Transportation.

EC–9182. A communication from the Associate General, Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Disposition of HUD-Acquired Single Family Property; Good Neighbor Next Door Sales Program" (RIN2502-AH72) received on December 4 , 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–9183. A communication from the General Counsel, Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Record Retention" (RIN2550-AA34) received on December 4, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–9184. A communication from the General Counsel, Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Risk-Based Capital Regulation Amendment" (RIN2550-AA35) received on December 4, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–9185. A communication from the Director, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, a report relative to the emergency funding provided to the State of Arizona; to the Committee on Banking, Housing, and Urban Affairs.

EC–9186. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Penalty for Failure to Timely Pay Assessments" (RIN3064-AD06) received on December 4, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC-9187. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Advertisement of Membership" (RIN3064-AD05) received on December 4, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–9188. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (71 FR 67068) received on December 4, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC-9189. A communication from the Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Rules 17Ac-1, 17Ac-2, 17Acd-1 and Forms TA-1, TA-2, and TA-W; Electronic Filing of Transfer Agent Forms" (RIN3235-AJ68) received on December 4, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–9190. A communication from the Director, Regulatory Review Group, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "2005 Dairy Disaster Assistance Payment Program" (RIN0560-AH59) received on December 4, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9191. A communication from the Director, Regulatory Review Group, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "2005 Cottonseed Payment Program" (RIN0560-AH63) received on December 4, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9192. A communication from the Director of the Selective Service, transmitting, pursuant to law, a report relative to the Agency's compliance with both Sections 2 and 4 of the Integrity Act; to the Committee on Armed Services.

EC-9193. A communication from the Secretary of Defense, transmitting, pursuant to law, a report on the approved retirement of Lieutenant General Jerry L. Sinn, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-9194. A communication from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Standards for New Federal Commercial and Multi-Family High-Rise Residential Buildings and New Federal Low-Rise Residential Buildings" (RIN1904-AB13) received on December 4, 2006; to the Committee on Energy and Natural Resources.

EC-9195. A communication from the Chairman, Federal Regulatory Commission, transmitting, pursuant to law, the Commission's annual report covering the fiscal year from October 1, 2004, through September 30, 2005; to the Committee on Energy and Natural Resources.

EC–9196. A communication from the Acting Assistant Secretary for Fish, Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Astragalus Brauntonii and Pentachaeta Iyonii" (RIN1018-AU51) received on December 4, 2006; to the Committee on Environment and Public Works.

EC-9197. A communication from the Acting Assistant Secretary for Fish, Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Fender's Blue Butterfly, Lupinus Sulphureus ssp. kincaidii, and Erigeron decumbens var. decumbens" (RIN1018-AT91) received on December 4, 2006; to the Committee on Environment and Public Works.

EC-9198. A communication from the Commissioner, Social Security Administration, Department of the Treasury, transmitting, a draft bill that would provide the Department with authority to complete the reimbursement of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for certain bookkeeping errors; to the Committee on Finance.

EC–9199. A communication from the Secretary of Labor, transmitting, pursuant to law, a report relative to the impact of the Andean Trade Preference Act on U.S. trade and employment from 2004 to 2005; to the Committee on Finance.

EC-9200. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and for the export of defense articles or defense services sold commercially under contract in the amount of $100,000,000 or more to Canada, Israel, Spain, and Taiwan; to the Committee on Foreign Relations.

EC-9201. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a quarterly report relative to the obligations and outlays of fiscal year 2004, fiscal year 2005, and fiscal year 2006 funds under the President's Emergency Plan for AIDS Relief through March 31, 2006; to the Committee on Foreign Relations.

EC-9202. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to efforts made by the United Nations and its Specialized Agencies to employ an adequate number of Americans during 2005; to the Committee on Foreign Relations.

EC–9203. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 06-258-06-270); to the Committee on Foreign Relations.

EC–9204. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the petition filed on behalf of workers from the Los Alamos National Laboratory requesting their addition to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–9205. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the petition filed on behalf of workers from the S-50 Oak Ridge Thermal Diffusion Plant requesting their addition to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–9206. A communication from the Interim Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Parts 4022 and 4044) received on December 4, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–9207. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the petition filed on behalf of workers from the Oak Ridge Institute of Nuclear Studies Cancer Research Hospital requesting their addition to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–9208. A communication from the Acting General Counsel, Office of Size Standards, United States Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Small Business Size Standards; Security Guards and Patrol Services Industry" (RIN3245–AF28) received on December 4, 2006; to the Committee on Small Business and Entrepreneurship.

EC–9209. A communication from the Acting General Counsel, Office of Size Standards, United States Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Small Business Size Standards; Surety Bond Guarantee Program" (RIN3245–AE81) received on December 4, 2006; to the Committee on Small Business and Entrepreneurship.

EC–9210. A communication from the Secretary of the Department of Homeland Security, transmitting, pursuant to law, a preliminary report of a violation of the Antideficiency Act by the Transportation Security Administration; to the Committee on Appropriations.

EC–9211. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the California Advisory Committee; to the Committee on the Judiciary.

EC–9212. A communication from the President, Women's Army Corps Veterans' Association, transmitting, a request for clarification relative to the requirements for annual reports; to the Committee on Veterans' Affairs.

EC–9213. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled "Statistical Programs of the United States Government: Fiscal Year 2007"; to the Committee on Homeland Security and Governmental Affairs.

EC–9214. A communication from the Acting Chairman, Consumer Product Safety Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9215. A communication from the Associate General Counsel for General Law, Office of the General Counsel, Department of Homeland Security, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer for the position of Assistant Secretary, received on December 4, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9216. A communication from the Executive Director, Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the Committee's Performance and Accountability Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9217. A communication from the Secretary of Education, transmitting, pursuant to law, the Department's Performance and Accountability Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9218. A communication from the Associate Director for Human Resources, Court Services and Offender Supervision Agency for the District of Columbia, transmitting, pursuant to law, a report relative to all employees hired by the Agency during the periods October 2004 through September 2005 and October 2005 through September 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9219. A communication from the President, Overseas Private Investment Corporation, transmitting, pursuant to law, an annual report on the Corporation's audit and investigative activities; to the Committee on Homeland Security and Governmental Affairs.

EC–9220. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the Department's Performance and Accountability Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9221. A communication from the Inspector General, Railroad Retirement Board, transmitting, pursuant to law, a semiannual report summarizing the Board's activities and accomplishments from April 1, 2006 through September 30, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9222. A communication from the Chairman, Board of Governors, United States Postal Service, transmitting, pursuant to law, a semiannual report for the period ending September 30, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9223. A communication from the Chairman, Occupational Safety and Health Review Commission, transmitting, pursuant to law, the Commission's Program Accountability Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9224. A communication from the Chairman, Railroad Retirement Board, transmitting, pursuant to law, the Inspector General's semiannual report on the Board's actions for the period April 1, 2006 through September 30, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9225. A communication from the Chairman, Broadcasting Board of Governors, transmitting, pursuant to law, the Board's Performance and Accountability Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ENZI, from the Committee on Health, Education, Labor, and Pensions:

Report to accompany S. 2803, a bill to amend the Federal Mine Safety and Health Act of 1977 to improve the safety of mines and mining (Rept. No. 109–365).

Report to accompany S. 3570, a bill to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 2007 through 2011, and for other purposes (Rept. No. 109–366).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. INHOFE for the Committee on Environment and Public Works.

Alex A. Beehler, of Maryland, to be Inspector General, Environmental Protection Agency.

*Diane Humetewa, of Arizona, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring August 25, 2012.

*Eric D. Eberhard, of Washington, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring October 6, 2012.

By Mr. GRASSLEY for the Committee on Finance.

*Paul Cherecwich, Jr., of Utah, to be a Member of the Internal Revenue Service Oversight Board for a term expiring September 14, 2009.

*Deborah L. Wince-Smith, of Virginia, to be a Member of the Internal Revenue Service Oversight Board for a term expiring September 14, 2010.

*Dean A. Pinkert, of Virginia, to be a Member of the United States International Trade Commission for the term expiring December 16, 2015.

*Irving A. Williamson, of New York, to be a Member of the United States International Trade Commission for the term expiring June 16, 2014.

*Jeffrey Robert Brown, of Illinois, to be a Member of Social Security Advisory Board for a term expiring September 30, 2008.

*Mark J. Warshawshy, of Maryland, to be a Member of the Social Security Advisory Board for a term expiring September 30, 2012.

*Dana K. Bilyeu, of Nevada, to be a Member of the Social Security Advisory Board for a term expiring September 30, 2010.

*Phillip L. Swagel, of Maryland, to be an Assistant Secretary of the Treasury.

*Michele A. Davis, of Virginia, to be an Assistant Secretary of the Treasury.

*Anthony W. Ryan, of Massachusetts, to be an Assistant Secretary of the Treasury.

*Robert F. Hoyt, of Maryland, to be General Counsel for the Department of the Treasury.

By Ms. SNOWE for the Committee on Small Business and Entrepreneurship.

*Jovita Carranza, of Illinois, to be Deputy Administrator of the Small Business Administration.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LUGAR (for himself and Mr. BAYH):

S. 4083. A bill to amend title XVIII of the Social Security Act to require reporting of quality measures by hospitals in order to reduce medication errors; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 4084. A bill to authorize the implementation of the San Joaquin River Restoration Settlement; to the Committee on Energy and Natural Resources.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 4085. A bill to amend the Internal Revenue Code of 1986 to modify the rate of the excise tax on certain wooden arrows; to the Committee on Finance.

By Mr. DEWINE;

S. 4086. A bill to improve data collection efforts with respect to the safety of pregnant women and unborn children in motor vehicle crashes, provide for research and development of appropriate countermeasures, educate the public regarding motor vehicle safety risks affecting pregnant women and unborn children, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CRAPO (for himself, Mrs. LINCOLN, Mr. GRASSLEY, Mr. BAUCUS, and Mr. ALLARD):

S. 4087. A bill to amend the Internal Revenue Code to provide a tax credit to individuals who enter into agreements to protect the habitats of endangered and threatened species, and for other purposes; to the Committee on Finance.

By Mr. ENSIGN (for himself and Mr. REID):

S. 4088. A bill to direct the Secretary of the Interior to convey the Alta-Hualapai Site to the city of Las Vegas, Nevada, for the development of a cancer treatment facility; to the Committee on Energy and Natural Resources.

By Mr. MCCAIN:

S. 4089. A bill to modernize and expand the reporting requirements relating to child pornography, to expand cooperation in combating child pornography, to require convicted sex offenders to register online identifiers, and for other purposes; to the Committee on the Judiciary.

By Ms. LANDRIEU:

S. 4090. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the Administrator of the Federal Emergency Management Agency to reimburse State and local law enforcement agencies for any expenditures or compensation of personnel and use or consumption of materials and facilities, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 4091. A bill to provide authority for restoration of the Social Security Trust Funds from the effects of a clerical error, and for other purposes; to the Committee on Finance.

By Mr. ALLARD (for himself and Mr. SALAZAR):

S. 4092. A bill to clarify certain land use in Jefferson County, Colorado; considered and passed.

By Mr. HARKIN (for himself, Mr. CHAMBLISS, Ms. LANDRIEU, Mr. NELSON of Nebraska, Mr. GRASSLEY, Mr. BAUCUS, Mr. ROBERTS, Mr. SALAZAR, Ms. STABENOW, Mr. VITTER, Mr. JOHNSON, Mrs. LINCOLN, Mr. LEVIN, Mr. BOND, Mr. HAGEL, Mr. DURBIN, and Mr. BIDEN):

S. 4093. A bill to amend the Farm Security and Rural Investment Act of 2002 to extend a suspension of limitation on the period for which certain borrowers are eligible for guaranteed assistance; considered and passed.

By Ms. LANDRIEU:

S. 4094. A bill to extend the period in which States may spend funds from the additional allotments provided to States under the Social Services Block Grant program for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes in the Gulf of Mexico in 2005; to the Committee on Finance.

By Ms. LANDRIEU:

S. 4095. A bill to extend the period in which the State of Louisiana may spend funds from the additional allotment provided to the State under the Social Services Block Grant program for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes in the Gulf of Mexico in 2005; to the Committee on Finance.

By Mr. VOINOVICH (for himself, Mr. OBAMA, Mr. DEWINE, Mr. LEVIN, Ms. STABENOW, and Mr. JEFFORDS):

S. 4096. A bill to require the Secretary of the Army to operate and maintain as a system the Chicago sanitary and ship canal dispersal barriers to prevent the spread of aquatic invasive species into the Great Lakes, and to determine the feasibility of a dispersal barrier project at the Lake Champlain Canal, and for other purposes; to the Committee on Environment and Public Works.

By Ms. SNOWE (for herself, Mr. KERRY, Ms. LANDRIEU, and Mr. VITTER):

S. 4097. A bill to improve the disaster loan program of the Small Business Administration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. DODD (for himself and Mr. DEWINE):

S. 4098. A bill to improve the process for the development of needed pediatric medical devices; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KENNEDY (for himself and Mr. KERRY):

S. Res. 624. A resolution to honor the memory of Arnold "Red" Auerbach; to the Committee on the Judiciary.

By Mr. FRIST (for himself and Mr. REID):

S. Res. 625. A resolution extending the authority for the Senate National Security Working Group; considered and agreed to.

ADDITIONAL COSPONSORS

S. 1531

At the request of Mr. ENZI, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1531, a bill to direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls.

S. 1915

At the request of Mr. ENSIGN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1915, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 2465

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2465, a bill to amend the Foreign Assistance Act of 1961 to provide increased assistance for the prevention, treatment, and control of tuberculosis, and for other purposes.

S. 3238

At the request of Mr. CORNYN, the names of the Senator from Tennessee (Mr. ALEXANDER), the Senator from Minnesota (Mr. DAYTON) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 3238, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration and the Jet Propulsion Laboratory.

S. 3556

At the request of Mr. DEMINT, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3556, a bill to clarify the rules of origin for certain textile and apparel products.

S. 3677

At the request of Mr. BINGAMAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 3677, a bill to amend title XVIII of the Social Security Act to eliminate the in the home restriction for Medicare coverage of mobility devices for individuals with expected long-term needs.

S. 3744

At the request of Mr. DURBIN, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Alaska (Mr. STEVENS) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 3744, a bill to establish the Abraham Lincoln Study Abroad Program.

S. 3768

At the request of Mr. LEAHY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3768, a bill to prohibit the procurement of victim-activated landmines and other weapons that are designed to be victim-activated.

S. 3791

At the request of Mrs. HUTCHISON, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 3791, a bill to require the provision of information to parents and adults concerning bacterial meningitis and the availability of a vaccination with respect to such disease.

S. 3813

At the request of Mr. SMITH, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 3813, a bill to permit individuals who are employees of a grantee that is receiving funds under section 330 of the Public Health Service Act to enroll in health insurance coverage provided under the Federal Employees Health Benefits Program.

S. 4011

At the request of Mr. COLEMAN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 4011, a bill to amend the Medicare Prescription Drug, Improvement and Modernization Act of 2003 to restore State authority to waive the application of the 35-mile rule to permit the designation of a critical access hospital in Cass County, Minnesota.

S. 4067

At the request of Mr. LEAHY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 4067, a bill to provide for secondary transmissions of distant network signals for private home viewing by certain satellite carriers.

S. 4080

At the request of Mr. STEVENS, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 4080, a bill to amend title 17, United States Code, with respect to settlement agreements reached with respect to litigation involving certain secondary transmissions of superstations and network stations.

S. RES. 622

At the request of Mr. WARNER, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. Res. 622, a resolution supporting the goals and ideals of a "National Children and Families Day", as established by the National Children's Museum, on the fourth Saturday of June.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 4084. A bill to authorize the implementation of the San Joaquin River Restoration Settlement; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce—with my cosponsor Senator BOXER—a historic bill that will end 18 years of litigation between the Natural Resources Defense Council, the Friant Water Authority, and the U.S. Department of the Interior. The legislation will enact a settlement that accomplishes the restoration of California's second longest river, the San Joaquin, while maintaining a stable water supply for the farmers who have made the Valley bloom and have supplied low-cost agricultural products to Americans from coast to coast.

The alternative to a consensus resolution to this long-running western water battle basis is to continue the fight. To my knowledge, every farmer and every environmentalist who has considered the possibility of continued litigation believes that an outcome imposed by a judge is likely to be worse for everyone on all counts: more costly, riskier for the farmers, and less beneficial for the environment.

Because the settlement provides a framework that all interests can accept, this legislation has the strong support of the Bush administration, the Schwarzenegger administration, the environmental and fishing communities and numerous California farmers and water districts, including all 22 Friant water districts that have been part of the litigation.

In announcing the signing of this San Joaquin River settlement in September, the Assistant Secretary of the Interior praised it as a "monumental agreement." And when the Federal court then approved the settlement in late October, Secretary of the Interior Dirk Kempthorne further praised settlement for launching "one of the largest environmental restoration projects in California's history." The Secretary further observed that "This Settlement closes a long chapter of conflict and uncertainty in California's San Joaquin Valley . . . and open[s] a new chapter of environmental restoration and water supply certainty for the farmers and their communities."

I share the Secretary's strong support for this balanced and historic agreement, and it is my honor to join with Senator BOXER and a bipartisan group of California House Members in introducing legislation to approve and authorize this settlement before we end the 109th Congress.

The legislation indicates how the settlement agreement forged by the parties is going to be implemented. It involves the Departments of the Interior and Commerce, and essentially gives the Secretary of the Interior the additional authority to:

> take the actions to restore the San Joaquin River;
>
> reintroduce the California Central Valley Spring Run Chinook Salmon;
>
> minimize water supply impacts on Friant water districts; and
>
> avoid reductions in water supply for third-party water contractors.

One of the major benefits of this settlement is the restoration of a long-lost salmon fishery. The return of one of California's most important salmon runs will create significant benefits for local communities in the San Joaquin Valley, helping to restore a beleaguered fishing industry while improving recreation and quality of life.

The legislation provides for improvements to the San Joaquin River channel to allow salmon restoration to begin in 2014. Beginning in that year, the river would see an annual flow regime mandated by the settlement, with pulses of additional water in the spring and greater flows available in wetter years. There is flexibility to add or subtract up to 10 percent from the annual flows, as the best science dictates.

A visitor to the revitalized river channel in a decade will find an entirely different place providing recreation and relaxation for residents of small towns like Mendota, and a refuge for residents of larger cities like Fresno.

The legislation I am introducing today includes provisions to benefit the farmers of the San Joaquin Valley as well as the salmon: In wet years, Friant contractors can purchase surplus flows at $10 per acre-foot for use in dry years, far less than the approximately $35 per acre-foot that they would otherwise pay for this water. The Secretary of the Interior is authorized to recirculate new restoration flows from the Delta via the California aqueduct and the Cross-Valley Canal to provide additional supply for Friant.

Today's legislation also includes substantial protections for other water districts in California that were not party to the original settlement negotiations. These other water contractors will be able to avoid all but the smallest water impacts as a result of the settlement, except on a voluntary basis.

In addition, the restoration of flows for over 150 miles below Friant Dam, and reconnecting the upper river to the critical San Joaquin-Sacramento Delta, will be a welcome change for the more than 22 million Californians who rely on that crucial source for their drinking water.

Finally, restoring the San Joaquin as a living salmon river may ultimately help struggling fishing communities on California's north coast—and even into southern Oregon. The restoration of the San Joaquin and the government's commitment to reintroduce and rebuild historic salmon populations provide a rare bright spot for these communities.

In addition to congratulating the parties for making a settlement that will enable the long-sought restoration of the San Joaquin River, I am mindful of and remain committed to progress in implementing and funding the December 19, 2000, Trinity River restoration record of decision and the Hoopa Valley Tribe's comanagement of the decision's important goal of restoring the fishery resources that the United States holds in trust for the tribe.

Support of this agreement is almost as far reaching as its benefits. This historic agreement would not have been possible without the participation of a remarkably broad group of agencies; stakeholders and legislators, reaching far beyond the settling parties. The Department of the Interior, the State of California, the Friant Water Users Authority, the Natural Resources Defense Council on behalf of 13 other environmental organizations and countless other stakeholders came together and spent countless hours with legislators in Washington to ensure that we found a solution that the large majority of those affected could support.

Last month, California voters showed their support by approving Propositions 84 and 1E that will help pay for the settlement by committing at least $100 million and likely $200 million or more toward the restoration costs. Indeed, this legislation includes a diverse mix of approximately $200 million in direct Water User payments, new State payments, $240 million in dedicated Friant Central Valley Project capital repayments, and future Federal appropriations limited to $250 million. This mix of funding sources is intended to ensure that the river restoration program will be sustainable over time and truly a joint effort of Federal, State and local agencies.

I would like to emphasize that the Federal funding in the bill is for implementation of both the restoration goal to reestablish a salmon fishery in the river, and the water management goal to avoid or minimize water supply losses supplied by Friant Water Districts. It is important to recognize that these efforts are of equal importance.

At the end of the day, I believe that this agreement is something that we can all feel very proud of, and I urge my colleagues in the Senate to move quickly to approve this legislation and provide the administration the authorization it needs to fully carry out its legal obligations and the extensive restoration opportunities under the settlement.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 4084

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "San Joaquin River Restoration Settlement Act".

SEC. 2. PURPOSE.

The purpose of this Act is to authorize implementation of the Stipulation of Settlement dated September 13, 2006 (referred to in this Act as the "Settlement"), in the litigation entitled NATURAL RESOURCES DEFENSE COUNCIL, et al. v. KIRK RODGERS, et al., United States District Court, Eastern District of California, No. CIV. S–88–1658–LKK/GGH.

SEC. 3. DEFINITIONS.

In this Act, the terms "Friant Division long-term contractors", "Interim Flows", "Restoration Flows", "Recovered Water Account", "Restoration Goal", and "Water Management Goal" have the meanings given the terms in the Settlement.

SEC. 4. IMPLEMENTATION OF SETTLEMENT.

(a) In General.—The Secretary of the Interior (referred to in this Act as the "Secretary") is hereby authorized and directed to implement the terms and conditions of the Settlement in cooperation with the State of California, including the following measures as these measures are prescribed in the Settlement:

(1) Design and construct channel and structural improvements as described in paragraph 11 of the Settlement, provided, however, that the Secretary shall not make or fund any such improvements to facilities or property of the State of California without the approval of the State of California and the State's agreement in 1 or more Memoranda of Understanding to participate where appropriate.

(2) Modify Friant Dam operations so as to provide Restoration Flows and Interim Flows.

(3) Acquire water, water rights, or options to acquire water as described in paragraph 13 of the Settlement, provided, however, such acquisitions shall only be made from willing sellers and not through eminent domain.

(4) Implement the terms and conditions of paragraph 16 of the Settlement related to recirculation, recapture, reuse, exchange, or transfer of water released for Restoration Flows or Interim Flows, for the purpose of accomplishing the Water Management Goal of the Settlement, subject to—

(A) applicable provisions of California water law;

(B) the Secretary's use of Central Valley Project facilities to make Project water (other than water released from Friant Dam pursuant to the Settlement) and water acquired through transfers available to existing south-of-Delta Central Valley Project contractors; and

(C) the Secretary's performance of the Agreement of November 24, 1986, between the United States of America and the Department of Water Resources of the State of California for the coordinated operation of the Central Valley Project and the State Water Project as authorized by Congress in section 2(d) of the Act of August 26, 1937 (50 Stat. 850, 100 Stat. 3051), including any agreement to resolve conflicts arising from said Agreement.

(5) Develop and implement the Recovered Water Account as specified in paragraph 16(b) of the Settlement, including the pricing and payment crediting provisions described in paragraph 16(b)(3) of the Settlement, provided that all other provisions of Federal reclamation law shall remain applicable.

(b) Agreements.—

(1) Agreements with the State.—In order to facilitate or expedite implementation of the Settlement, the Secretary is authorized and directed to enter into appropriate agreements, including cost sharing agreements, with the State of California.

(2) Other agreements.—The Secretary is authorized to enter into contracts, memoranda of understanding, financial assistance agreements, cost sharing agreements, and other appropriate agreements with State, tribal, and local governmental agencies, and with private parties, including agreements related to construction, improvement, and operation and maintenance of facilities, subject to any terms and conditions that the Secretary deems necessary to achieve the purposes of the Settlement.

(c) Acceptance and Expenditure of Non-Federal Funds.—The Secretary is authorized to accept and expend non-Federal funds in order to facilitate implementation of the Settlement.

(d) Mitigation of Impacts.—Prior to the implementation of decisions or agreements to construct, improve, operate, or maintain facilities that the Secretary determines are needed to implement the Settlement, the Secretary shall identify—

(1) the impacts associated with such actions; and

(2) the measures which shall be implemented to mitigate impacts on adjacent and downstream water users and landowners.

(e) Design and Engineering Studies.—The Secretary is authorized to conduct any design or engineering studies that are necessary to implement the Settlement.

(f) Effect on Contract Water Allocations.—Except as otherwise provided in this section, the implementation of the Settlement and the reintroduction of California Central Valley Spring Run Chinook salmon pursuant to the Settlement and section 10, shall not result in the involuntary reduction in contract water allocations to Central Valley Project long-term contractors, other than Friant Division long-term contractors.

(g) Effect on Existing Water Contracts.—Except as provided in the Settlement and this Act, nothing in this Act shall modify or amend the rights and obligations of the parties to any existing water service, repayment, purchase or exchange contract.

SEC. 5. ACQUISITION AND DISPOSAL OF PROPERTY; TITLE TO FACILITIES.

(a) Title to Facilities.—Unless acquired pursuant to subsection (b), title to any facility or facilities, stream channel, levees, or other real property modified or improved in the course of implementing the Settlement authorized by this Act, and title to any modifications or improvements of such facility or facilities, stream channel, levees, or other real property—

(1) shall remain in the owner of the property; and

(2) shall not be transferred to the United States on account of such modifications or improvements.

(b) Acquisition of Property.—

(1) In general.—The Secretary is authorized to acquire through purchase from willing sellers any property, interests in property, or options to acquire real property needed to implement the Settlement authorized by this Act.

(2) Applicable law.—The Secretary is authorized, but not required, to exercise all of the authorities provided in section 2 of the Act of August 26, 1937 (50 Stat. 844, chapter 832), to carry out the measures authorized in this section and section 4.

(c) Disposal of Property.—

(1) In general.—Upon the Secretary's determination that retention of title to property or interests in property acquired pursuant to this Act is no longer needed to be held

by the United States for the furtherance of the Settlement, the Secretary is authorized to dispose of such property or interest in property on such terms and conditions as the Secretary deems appropriate and in the best interest of the United States, including possible transfer of such property to the State of California.

(2) RIGHT OF FIRST REFUSAL.—In the event the Secretary determines that property acquired pursuant to this Act through the exercise of its eminent domain authority is no longer necessary for implementation of the Settlement, the Secretary shall provide a right of first refusal to the property owner from whom the property was initially acquired, or his or her successor in interest, on the same terms and conditions as the property is being offered to other parties.

(3) DISPOSITION OF PROCEEDS.—Proceeds from the disposal by sale or transfer of any such property or interests in such property shall be deposited in the fund established by section 9(c).

SEC. 6. COMPLIANCE WITH APPLICABLE LAW.

(a) APPLICABLE LAW.—

(1) IN GENERAL.—In undertaking the measures authorized by this Act, the Secretary and the Secretary of Commerce shall comply with all applicable Federal and State laws, rules, and regulations, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as necessary.

(2) ENVIRONMENTAL REVIEWS.—The Secretary and the Secretary of Commerce are authorized and directed to initiate and expeditiously complete applicable environmental reviews and consultations as may be necessary to effectuate the purposes of the Settlement.

(b) EFFECT ON STATE LAW.—Nothing in this Act shall preempt State law or modify any existing obligation of the United States under Federal reclamation law to operate the Central Valley Project in conformity with State law.

(c) USE OF FUNDS FOR ENVIRONMENTAL REVIEWS.—

(1) DEFINITION OF ENVIRONMENTAL REVIEW.—For purposes of this subsection, the term "environmental review" includes any consultation and planning necessary to comply with subsection (a).

(2) PARTICIPATION IN ENVIRONMENTAL REVIEW PROCESS.—In undertaking the measures authorized by section 4, and for which environmental review is required, the Secretary may provide funds made available under this Act to affected Federal agencies, State agencies, local agencies, and Indian tribes if the Secretary determines that such funds are necessary to allow the Federal agencies, State agencies, local agencies, or Indian tribes to effectively participate in the environmental review process.

(3) LIMITATION.—Funds may be provided under paragraph (2) only to support activities that directly contribute to the implementation of the terms and conditions of the Settlement.

(d) NONREIMBURSABLE FUNDS.—The United States' share of the costs of implementing this Act shall be nonreimbursable under Federal reclamation law, provided that nothing in this subsection shall limit or be construed to limit the use of the funds assessed and collected pursuant to sections 3406(c)(1) and 3407(d)(2) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4721, 4727), for implementation of the Settlement, nor shall it be construed to limit or modify existing or future Central Valley Project Ratesetting Policies.

SEC. 7. COMPLIANCE WITH CENTRAL VALLEY PROJECT IMPROVEMENT ACT.

Congress hereby finds and declares that the Settlement satisfies and discharges all of the obligations of the Secretary contained in section 3406(c)(1) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4721), provided, however, that—

(1) the Secretary shall continue to assess and collect the charges provided in section 3406(c)(1) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4721), as provided in the Settlement and section 9(d); and

(2) those assessments and collections shall continue to be counted towards the requirements of the Secretary contained in section 3407(c)(2) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4726).

SEC. 8. NO PRIVATE RIGHT OF ACTION.

(a) IN GENERAL.—Nothing in this Act confers upon any person or entity not a party to the Settlement a private right of action or claim for relief to interpret or enforce the provisions of this Act or the Settlement.

(b) APPLICABLE LAW.—This section shall not alter or curtail any right of action or claim for relief under any other applicable law.

SEC. 9. APPROPRIATIONS; SETTLEMENT FUND.

(a) IMPLEMENTATION COSTS.—

(1) IN GENERAL.—The costs of implementing the Settlement shall be covered by payments or in kind contributions made by Friant Division contractors and other non-Federal parties, including the funds provided in paragraphs (1) through (5) of subsection (c), estimated to total $440,000,000, of which the non-Federal payments are estimated to total $200,000,000 (at October 2006 price levels) and the amount from repaid Central Valley Project capital obligations is estimated to total $240,000,000, the additional Federal appropriation of $250,000,000 authorized pursuant to subsection (b)(1), and such additional funds authorized pursuant to subsection (b)(2); provided however, that the costs of implementing the provisions of section 4(a)(1) shall be shared by the State of California pursuant to the terms of a Memorandum of Understanding executed by the State of California and the Parties to the Settlement on September 13, 2006, which includes at least $110,000,000 of State funds.

(2) ADDITIONAL AGREEMENTS.—

(A) IN GENERAL.—The Secretary shall enter into 1 or more agreements to fund or implement improvements on a project-by-project basis with the State of California.

(B) REQUIREMENTS.—Any agreements entered into under subparagraph (A) shall provide for recognition of either monetary or in-kind contributions toward the State of California's share of the cost of implementing the provisions of section 4(a)(1).

(3) LIMITATION.—Except as provided in the Settlement, to the extent that costs incurred solely to implement this Settlement would not otherwise have been incurred by any entity or public or local agency or subdivision of the State of California, such costs shall not be borne by any such entity, agency, or subdivision of the State of California, unless such costs are incurred on a voluntary basis.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to the funds provided in paragraphs (1) through (5) of subsection (c), there are also authorized to be appropriated not to exceed $250,000,000 (at October 2006 price levels) to implement this Act and the Settlement, to be available until expended; provided however, that the Secretary is authorized to spend such additional appropriations only in amounts equal to the amount of funds deposited in the Fund (not including payments under subsection (c)(2), proceeds under subsection (c)(3) other than an amount equal to what would otherwise have been deposited under subsection (c)(1) in the absence of issuance of the bond, and proceeds under subsection (c)(4)), the amount of in-kind contributions, and other non-Federal payments actually committed to the implementation of this Act or the Settlement.

(2) OTHER FUNDS.—The Secretary is authorized to use monies from the Fund created under section 3407 of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4727) for purposes of this Act.

(c) FUND.—There is hereby established within the Treasury of the United States a fund, to be known as the "San Joaquin River Restoration Fund", into which the following shall be deposited and used solely for the purpose of implementing the Settlement, to be available for expenditure without further appropriation:

(1) Subject to subsection (d), at the beginning of the fiscal year following enactment of this Act, all payments received pursuant to section 3406(c)(1) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4721).

(2) Subject to subsection (d), the capital component (not otherwise needed to cover operation and maintenance costs) of payments made by Friant Division long-term contractors pursuant to long-term water service contracts beginning the first fiscal year after the date of enactment of this Act. The capital repayment obligation of such contractors under such contracts shall be reduced by the amount paid pursuant to this paragraph and the appropriate share of the existing Federal investment in the Central Valley Project to be recovered by the Secretary pursuant to Public Law 99-546 (100 Stat. 3050) shall be reduced by an equivalent sum.

(3) Proceeds from a bond issue, federally-guaranteed loan, or other appropriate financing instrument, to be issued or entered into by an appropriate public agency or subdivision of the State of California pursuant to subsection (d)(2).

(4) Proceeds from the sale of water pursuant to the Settlement, or from the sale of property or interests in property as provided in section 5.

(5) Any non-Federal funds, including State cost-sharing funds, contributed to the United States for implementation of the Settlement, which the Secretary may expend without further appropriation for the purposes for which contributed.

(d) GUARANTEED LOANS AND OTHER FINANCING INSTRUMENTS.—

(1) IN GENERAL.—The Secretary is authorized to enter into agreements with appropriate agencies or subdivisions of the State of California in order to facilitate a bond issue, federally-guaranteed loan, or other appropriate financing instrument, for the purpose of implementing this Settlement.

(2) REQUIREMENTS.—If the Secretary and an appropriate agency or subdivision of the State of California enter into such an agreement, and if such agency or subdivision issues 1 or more revenue bonds, procures a federally secured loan, or other appropriate

financing to fund implementation of the Settlement, and if such agency deposits the proceeds received from such bonds, loans, or financing into the Fund pursuant to subsection (c)(3), monies specified in paragraphs (1) and (2) of subsection (c) shall be provided by the Friant Division long-term contractors directly to such public agency or subdivision of the State of California to repay the bond, loan or financing rather than into the Fund.

(3) DISPOSITION OF PAYMENTS.—After the satisfaction of any such bond, loan, or financing, the payments specified in paragraphs (1) and (2) of subsection (c) shall be paid directly into the Fund authorized by this section.

(e) LIMITATION ON CONTRIBUTIONS.—Payments made by long-term contractors who receive water from the Friant Division and Hidden and Buchanan Units of the Central Valley Project pursuant to sections 3406(c)(1) and 3407(d)(2) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4721, 4727) and payments made pursuant to paragraph 16(b)(3) of the Settlement and subsection (c)(2) shall be the limitation of such entities' direct financial contribution to the Settlement, subject to the terms and conditions of paragraph 21 of the Settlement.

(f) NO ADDITIONAL EXPENDITURES REQUIRED.—Nothing in this Act shall be construed to require a Federal official to expend Federal funds not appropriated by Congress, or to seek the appropriation of additional funds by Congress, for the implementation of the Settlement.

(g) REACH 4B.—

(1) STUDY.—

(A) IN GENERAL.—In accordance with the Settlement and the Memorandum of Understanding executed pursuant to paragraph 6 of the Settlement, the Secretary shall conduct a study that specifies—

(i) the costs of undertaking any work required under paragraph 11(a)(3) of the Settlement to increase the capacity of Reach 4B prior to reinitiation of Restoration Flows;

(ii) the impacts associated with reinitiation of such flows; and

(iii) measures that shall be implemented to mitigate impacts.

(B) DEADLINE.—The study under subparagraph (A) shall be completed prior to restoration of any flows other than Interim Flows.

(2) REPORT.—

(A) IN GENERAL.—The Secretary shall file a report with Congress not later than 90 days after issuing a determination, as required by the Settlement, on whether to expand channel conveyance capacity to 4500 cubic feet per second in Reach 4B of the San Joaquin River, or use an alternative route for pulse flows, that—

(i) explains whether the Secretary has decided to expand Reach 4B capacity to 4500 cubic feet per second; and

(ii) addresses the following matters:

(I) The basis for the Secretary's determination, whether set out in environmental review documents or otherwise, as to whether the expansion of Reach 4B would be the preferable means to achieve the Restoration Goal as provided in the Settlement, including how different factors were assessed such as comparative biological and habitat benefits, comparative costs, relative availability of State cost-sharing funds, and the comparative benefits and impacts on water temperature, water supply, private property, and local and downstream flood control.

(II) The Secretary's final cost estimate for expanding Reach 4B capacity to 4500 cubic feet per second, or any alternative route selected, as well as the alternative cost estimates provided by the State, by the Restoration Administrator, and by the other parties to the Settlement.

(III) The Secretary's plan for funding the costs of expanding Reach 4B or any alternative route selected, whether by existing Federal funds provided under this Act, by non-Federal funds, by future Federal appropriations, or some combination of such sources.

(B) DETERMINATION REQUIRED.—The Secretary shall, to the extent feasible, make the determination in subparagraph (A) prior to undertaking any substantial construction work to increase capacity in Reach 4B.

(3) COSTS.—If the Secretary's estimated Federal cost for expanding Reach 4B in paragraph (2), in light of the Secretary's funding plan set out in paragraph (2), would exceed the remaining Federal funding authorized by this Act (including all funds reallocated, all funds dedicated, and all new funds authorized by this Act and separate from all commitments of State and other non-Federal funds and in-kind commitments), then before the Secretary commences actual construction work in Reach 4B (other than planning, design, feasibility, or other preliminary measures) to expand capacity to 4500 cubic feet per second to implement this Settlement, Congress must have increased the applicable authorization ceiling provided by this Act in an amount at least sufficient to cover the higher estimated Federal costs.

SEC. 10. CALIFORNIA CENTRAL VALLEY SPRING RUN CHINOOK SALMON.

(a) FINDING.—Congress finds that the implementation of the Settlement to resolve 18 years of contentious litigation regarding restoration of the San Joaquin River and the reintroduction of the California Central Valley Spring Run Chinook salmon is a unique and unprecedented circumstance that requires clear expressions of Congressional intent regarding how the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) are utilized to achieve the goals of restoration of the San Joaquin River and the successful reintroduction of California Central Valley Spring Run Chinook salmon.

(b) REINTRODUCTION IN THE SAN JOAQUIN RIVER.—California Central Valley Spring Run Chinook salmon shall be reintroduced in the San Joaquin River below Friant Dam pursuant to section 10(j) of the Endangered Species Act of 1973 (16 U.S.C. 1539(j)) and the Settlement, provided that the Secretary of Commerce finds that a permit for the reintroduction of California Central Valley Spring Run Chinook salmon may be issued pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)(1)(A)).

(c) FINAL RULE.—

(1) DEFINITION OF THIRD PARTY.—For the purpose of this subsection, the term "third party" means persons or entities diverting or receiving water pursuant to applicable State and Federal law and shall include Central Valley Project contractors outside of the Friant Division of the Central Valley Project and the State Water Project.

(2) ISSUANCE.—The Secretary of Commerce shall issue a final rule pursuant to section 4(d) of the Endangered Species Act of 1973 (16 U.S.C. 1533(d)) governing the incidental take of reintroduced California Central Valley Spring Run Chinook salmon prior to the reintroduction.

(3) REQUIRED COMPONENTS.—The rule issued under paragraph (2) shall provide that the reintroduction will not impose more than de minimis: water supply reductions, additional storage releases, or bypass flows on unwilling third parties due to such reintroduction.

(4) APPLICABLE LAW.—Nothing in this section—

(A) diminishes the statutory or regulatory protections provided in the Endangered Species Act for any species listed pursuant to section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) other than the reintroduced population of California Central Valley Spring Run Chinook salmon, including protections pursuant to existing biological opinions or new biological opinions issued by the Secretary or Secretary of Commerce; or

(B) precludes the Secretary or Secretary of Commerce from imposing protections under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) for other species listed pursuant to section 4 of that Act (16 U.S.C. 1533) because those protections provide incidental benefits to such reintroduced California Central Valley Spring Run Chinook salmon.

(d) REPORT.—

(1) IN GENERAL.—Not later than December 31, 2024, the Secretary of Commerce shall report to Congress on the progress made on the reintroduction set forth in this section and the Secretary's plans for future implementation of this section.

(2) INCLUSIONS.—The report under paragraph (1) shall include—

(A) an assessment of the major challenges, if any, to successful reintroduction;

(B) an evaluation of the effect, if any, of the reintroduction on the existing population of California Central Valley Spring Run Chinook salmon existing on the Sacramento River or its tributaries; and

(C) an assessment regarding the future of the reintroduction.

(e) FERC PROJECTS.—

(1) IN GENERAL.—With regard to California Central Valley Spring Run Chinook salmon reintroduced pursuant to the Settlement, the Secretary of Commerce shall exercise its authority under section 18 of the Federal Power Act (16 U.S.C. 811) by reserving its right to file prescriptions in proceedings for projects licensed by the Federal Energy Regulatory Commission on the Calaveras, Stanislaus, Tuolumne, Merced, and San Joaquin rivers and otherwise consistent with subsection (c) until after the expiration of the term of the Settlement, December 31, 2025, or the expiration of the designation made pursuant to subsection (b), whichever ends first.

(2) EFFECT OF SUBSECTION.—Nothing in this subsection shall preclude the Secretary of Commerce from imposing prescriptions pursuant to section 18 of the Federal Power Act (16 U.S.C. 811) solely for other anadromous fish species because those prescriptions provide incidental benefits to such reintroduced California Central Valley Spring Run Chinook salmon.

(f) EFFECT OF SECTION.—Nothing in this section is intended or shall be construed—

(1) to modify the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or the Federal Power Act (16 U.S.C. 791a et seq.); or

(2) to establish a precedent with respect to any other application of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or the Federal Power Act (16 U.S.C. 791a et seq.).

By Mr. DEWINE:

S. 4086. A bill to improve data collection efforts with respect to the safety of pregnant women and unborn children in motor vehicle crashes, provide for research and development of appropriate countermeasures, educate the public regarding motor vehicle safety risks affecting pregnant women and unborn children, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. DEWINE. Mr. President, during my 12 years in the Senate, I have always fought to increase our Nation's commitment to children's health and safety. One of the areas where I have had the privilege of working together with Democrats and Republicans on children's issues is highway safety. Whether the matter at hand was making school buses safer or enacting new motor vehicle safety standards that protect small children in crashes, I have always been fortunate to find fellow Senators committed to crafting legislation that will make a difference in children's lives.

One of the things I have learned over the years is that the research, testing, and public awareness programs operated by the National Highway Traffic Safety Administration—NHTSA—play a major role helping prevent injuries and saving lives on our roads. We lose over 42,000 lives each year in motor vehicle crashes, but that total would be astronomically higher without the work done by NHTSA and its partners. As vehicles have changed, technologies have matured, and the safety challenges facing the driving public have shifted over time, NHTSA has responded by instituting new programs. Sometimes, however, it takes a little action by Congress to get NHTSA moving on these important safety objectives.

Today, I rise to introduce a measure that I hope my colleagues will consider in the future as they continue to work on highway safety issues. I also hope that this bill might spur additional action by NHTSA.

In speaking with leading safety advocates, I have come to understand just how significant the safety challenges are for pregnant women and their unborn children in motor vehicle crashes. Yet despite these great challenges and the importance we all place on ensuring maternal health and safety, we know very little about the way crash forces affect mothers and their unborn children over both the short-term and long-term. While university researchers have begun to document some of the chief safety challenges facing pregnant mothers, we need to do more to fully understand these issues and to develop ways of applying what we have learned in manufacturing vehicles that are safer for pregnant women and their unborn children.

Additionally, we need to do a better job communicating the immediate and lifelong safety risks associated with motor vehicle crashes to pregnant mothers so that they can do everything possible to ensure not only their own health, but that of their babies. Sometimes, these steps may be as simple as making sure that safety belts are worn and positioned properly. At some point, technologies may become available on the market designed specifically to cater to the motor vehicle safety needs of pregnant women.

To achieve these goals and ultimately to prevent injuries and save lives, we need NHTSA to act and we need to provide new resources for research and testing. The bill I am introducing today does precisely that.

The Maternal Motor Vehicle Crash Safety Act of 2006 addresses these issues in a number of ways. First, the bill presents findings defining the challenges facing pregnant women and their unborn children in motor vehicle crashes. I particularly want to thank Dr. Hank Weiss of the University of Pittsburgh for his assistance in bringing this important research to my attention.

Second, the bill contains sections providing incentives for states to link various databases in a way that will lead to a better understanding of the number of mothers and babies that are impacted by motor vehicle crashes each year and what the long-term health impacts are for children who were involved in crashes before being born. Furthermore, the bill sets several high priority research areas for NHTSA, including an investigation into computer modeling systems and biofidelic crash-test dummies capable of simulating a pregnant woman and her child during dangerous crashes. Sadly, we have functional dummies that accurately simulate men, women, and children—but none for pregnant women.

I strongly urge my colleagues to take up and pass this legislation during the 110th Congress. Members of the Senate and leaders at NHTSA work hard every year to do their best to improve highway safety here in the United States, and I believe the measures outlined in this bill have the potential to make a lasting contribution to those efforts in the years ahead.

Mr. President, I ask unanimous consent that the text of the bill, the Maternal Motor Vehicle Crash Safety Act of 2006, be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 4086

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Maternal Motor Vehicle Crash Safety Act of 2006".

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the National Highway Traffic Safety Administration.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Appropriations and Committee on Commerce, Science, and Transportation of the Senate and the Committee on Appropriations and the Committee on Energy and Commerce of the House of Representatives.

(3) BIOFIDELIC.—The term "biofidelic" means having the property of responding to and being impacted by crash and other external forces in a manner directly consistent with the way in which a live human being would respond to and be impacted by such forces.

(4) DATA LINKAGE SYSTEM.—The term "data linkage system" means an information system that is capable of accurately tracking adverse health effects and birth outcomes for pregnant women who are occupants of a motor vehicle that is involved in a crash and the unborn children of such women, through the connection and analysis of multiple data sources.

(5) UNBORN CHILD.—The term "unborn child" means a member of the species homo sapiens, at any stage of development, who is carried in the womb.

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) Injuries are the leading cause of pregnancy-associated deaths in the United States.

(2) Motor vehicle crashes are the leading cause of injury deaths in women of reproductive age and the leading cause of injury hospitalizations among pregnant women.

(3) Studies have indicated that motor vehicles are estimated to account for up to 80 percent of injury related deaths among unborn children.

(4) Transportation Research Board publications indicate that deaths among unborn children due to motor vehicle crashes are more frequent than several notable fatal childhood injuries, including bicycle related deaths in children aged 0 through 15, firearm related deaths in children aged 0 through 9, and motor vehicle crash related deaths in children aged 0 through 1.

(5) Studies suggest that approximately 3 percent of all babies born in the United States are involved in a motor vehicle crash while in utero.

(6) Studies have shown that elevated risks of birth-related threats and obstetric complications following crashes involving pregnant women include—

(A) premature childbirth;

(B) low birth weight;

(C) placental injury;

(D) uterine rupture; and

(E) amniotic rupture.

(7) Despite advances in vehicle safety, pregnant women have not received the special attention and consideration needed to understand, reduce, and prevent the risks of adverse pregnancy outcomes related to crashes.

(8) There is a need for more research and application using anthropometric test devices and computerized modeling systems that represent pregnant women during all stages of pregnancy.

(9) During pregnancy, the risks of traumatic injury to a woman is shared by the woman's unborn child. Assessing the magnitude and characteristics of those risks through data linkage systems, comparing the risks to other injuries and diseases, and reducing them, are important unmet challenges for improving maternal and child health.

(10) A better understanding is needed about what can happen during, and after, a pregnant woman is involved in a motor vehicle crash. This includes the effects of a crash on

the mother, the unborn child, and the delicate physiological balance between the mother and child that separates healthy from unhealthy pregnancies, including the effects of maternal physiologic adaptations to trauma, fluid loss and shock, effects from maternal stress, effects from diagnostic regimens, medical or surgical procedures, or the wide variety of prescription medicines, and other medication taken by the mother.

(11) Despite the importance of the health of mothers and unborn children involved in motor vehicle crashes, agencies and data linkage systems responsible for tracking motor vehicle injuries, deaths, and other measures of adverse outcome rarely capture pregnancy status.

(12) Existing data collection and analysis systems generally do not count unborn children involved in motor vehicle crashes and do not follow them after their birth to ascertain the effects of the crash on long-term neuro-developmental and functional outcomes.

SEC. 4. SENSE OF CONGRESS ON IMPROVEMENTS TO THE NATIONAL AUTOMOTIVE SAMPLING SYSTEM CRASHWORTHINESS DATA SYSTEM.

It is the sense of Congress that the Administrator—

(1) should continue to include in the National Automotive Sampling System Crashworthiness Data System maintained by the Administrator data related to motor vehicle crashes that involved a pregnant women; and

(2) should identify other means to advance the current level of understanding regarding the number, nature, and impact of motor vehicle crashes involving pregnant women and their unborn children through data collection, data linkage systems, and analysis systems.

SEC. 5. GRANTS FOR DATA LINKAGE SYSTEMS PROGRAMS.

(a) In General.—The Administrator shall, in consultation with appropriate officials of State agencies or public health organizations, carry out a program to provide grants and other incentives, including technical assistance to eligible entities for the purpose described in subsection (b).

(b) Purpose.—A grant or other incentive provided under this section shall be used to promote the development of data linkage systems described in subsection (e).

(c) Eligible Entity.—In this section, the term "eligible entity" means an academic, public health, or transportation safety organization or a State or local government agency that the Administrator determines is appropriate to receive a grant or incentive under this section.

(d) Application and Award Process.—

(1) Applications.—Each eligible entity seeking a grant under this section shall submit an application to the Administrator at such time and in such manner as the Administrator may require.

(2) Awards.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall establish—

(A) the criteria for awarding a grant or incentive under this section; and

(B) a competitive, merit-based process to select applications to receive a grant or incentive under this section.

(3) Publication.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall publish in the Federal Register the criteria and process described in paragraph (2).

(e) Program Structure.—The data linkage systems eligible to receive assistance under this section are systems that use the following sources:

(1) State and local vital statistics databases, including birth, infant, and death records.

(2) State and local crash and driver's license records.

(3) Other computerized health records as available, including emergency medical services reports and hospital and emergency room admission and discharge records.

(f) Existing Data Systems.—To the maximum extent possible, the Administrator shall integrate the grant and incentive program carried out under this section with the existing State specific Crash Outcome Data Evaluation Systems carried out by the Administrator to utilize the capabilities, linkage expertise, and organizational relationships of such Systems to provide a foundation for improving the tracking of adverse health effects and birth outcomes for pregnant women who are occupants of a motor vehicle at the time of a crash and their unborn children.

(g) Data Security and Privacy.—In carrying out this section, the Administrator and any eligible entity selected to receive a grant or incentive under this section for a data linkage system shall ensure that personal identifiers and other information utilized in that data linkage system related to a specific individual is handled in a manner consistent with all applicable Federal, State, and local laws and regulations and to ensure the confidentiality of such information, and in the manner necessary to prevent the theft, manipulation, or other unlawful or unauthorized use of personal information contained in data sources used for linkage studies.

(h) Authorization of Appropriations.—

(1) In general.—There are authorized to be appropriated $2,500,000 for each of the fiscal years 2007, 2008, 2009, and 2010 to carry out this section.

(2) Availability of funds.—Funds appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

SEC. 6. SAFETY RESEARCH PROGRAM AND NATIONAL CONFERENCE.

(a) Safety Research Program.—

(1) Requirement to conduct.—The Administrator shall conduct a research program as described in this section to promote the health and safety of pregnant women who are involved in motor vehicle crashes and of their unborn children.

(2) High priority research areas.—In carrying out the research program under this section, the Administrator shall place a high priority on conducting research to—

(A) investigate methods to maximize the injury prevention performance of standard 3-point safety belts for pregnant women during all stages of pregnancy;

(B) analyze the effectiveness of technologies designed to modify or extend the safety performance of 3-point safety belts for pregnant women across a range of pregnancy phases, including technologies currently available in the marketplace;

(C) develop biofidelic, anthropometric test devices that are representative of pregnant women during all stages of pregnancy; and

(D) develop biofidelic, computer models that are representative of pregnant women during all stages of pregnancy to aid in understanding crash forces relevant to the safety of pregnant women and unborn children that may include the utilization of existing modeling systems developed by private and academic institutions, if appropriate.

(b) National Conference.—

(1) Requirement to convene.—Not later than 18 months after the date of the enactment of this Act, the Administrator, in consultation with the heads of other appropriate Federal agencies, shall convene a national research conference for the purpose of identifying critical scientific issues for research on the safety of pregnant women involved in motor vehicle crashes and their unborn children.

(2) Purpose of the conference.—The purpose of the conference required by paragraph (1) shall be to establish and prioritize a list of research questions to guide future research related to the safety of pregnant women involved in motor vehicle crashes and their unborn children.

(3) Authority to partner with other organizations.—The Administrator is authorized to carry out the conference required by paragraph (1) in a partnership with organizations recognized for expertise related to the research described in paragraph (2).

(c) Report Required.—Not later than 2 years after the date of the enactment of this Act, the Administrator shall submit to the appropriate congressional committees a report that describes—

(1) the research program carried out by the Administration pursuant to subsection (a), including any findings or conclusions associated with such research program; and

(2) the priorities established at the national conference required by subsection (b), plans for regulations or future programs, or factors limiting the effectiveness of such research.

(d) Authorization of Appropriations.—

(1) In general.—For each of the fiscal years 2007, 2008, and 2009, there are authorized to be appropriated such sums as necessary to carry out this section.

(2) Availability of funds.—Funds appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

SEC. 7. PUBLIC OUTREACH AND EDUCATION.

(a) In General.—The Administrator shall conduct a public outreach and education program to increase awareness of the unique safety risks associated with motor vehicle crashes for pregnant women and the unborn children of such women and of the methods available to reduce such risks. Such program shall include making information regarding the injury-prevention value of proper safety belt and airbag use available to the public.

(b) Targeted Outreach.—The Administrator shall carry out the program described in subsection (a) in a manner that utilizes media and organizational partners to effectively educate pregnant women, ensure an overall educational impact, and efficiently utilize the program's resources.

(c) Program Initiation and Duration.—The Administrator shall initiate the program described in subsection (a) not later than 12 months after the date of the enactment of this Act, and shall maintain such program for not less than 24 months, subject to the availability of funds.

SEC. 8. INCLUSION OF SAFETY DATA IN ANNUAL ASSESSMENT.

(a) In General.—Subject to subsection (b), the Administrator shall include a discussion of data regarding the safety of pregnant women who are involved in motor vehicle crashes and of their unborn children, including any relevant trends in such data, in each of the Annual Assessment of Motor Vehicle Crashes published by the National Center for Statistics and Analysis of the National Highway Traffic Safety Administration or an equivalent publication of such Center.

(b) REPORT TO CONGRESS.—If the Administrator determines that including the information described in subsection (a) in the Annual Assessment of Motor Vehicle Crashes or an equivalent publication is not feasible, the Administrator shall submit a report to the appropriate congressional committees not later than 60 days after the date of the release of such Annual Assessment or equivalent publication that states the reasons that it was not feasible to include such information and an analysis of the steps necessary to make such information available in the future.

By Mr. CRAPO (for himself, Mrs. LINCOLN, Mr. GRASSLEY, Mr. BAUCUS, and Mr. ALLARD).

S. 4087. A bill to amend the Internal Revenue Code to provide a tax credit to individuals who enter into agreements to protect the habitats of endangered and threatened species, and for other purposes; to the Committee on Finance.

Mr. CRAPO. Mr. President, I rise today with my colleagues—Senator LINCOLN from Arkansas, Senator CHARLES GRASSLEY from Iowa, and Senator MAX BAUCUS from Montana—to introduce the Endangered Species Recovery Act or ESRA. Nearly a year ago, Senator LINCOLN and I introduced the Collaboration for the Recovery of the Endangered Species Act, or CRESA, an earlier bill to amend the Endangered Species Act or ESA. This new bill, which does not amend the current ESA, builds on ideas set forth in CRESA. It creates new policies that finance the recovery of endangered species by private landowners. ESRA makes it simpler for landowners to get involved in conservation and reduces the conflict often emanating from the ESA. It will be an important codification of much-needed incentives to help recover endangered species.

Over 80 percent of endangered species live on private property. Under the current law, however, there are too few incentives and too many obstacles for private landowners to participate in conservation agreements to help recover species under the ESA. ESRA, like the voluntary farm bill conservation programs that inspired its creation, will make it more attractive for private landowners to contribute to the recovery of species under the ESA.

This bill resulted from effective and inclusive collaboration among key stakeholders most affected by the implementation of the ESA. Landowner interests include farmers, ranchers, and those from the natural resource-using communities. For example, some current supporters of ESRA who contributed invaluable advice are the American Farm Bureau, the National Cattlemen's Beef Association, and the Society of American Foresters. This could not rightly be called a collaborative project without the vital and necessary input received from the Defenders of Wildlife, Environmental Defense and the National Wildlife Federation—key environmental groups that made significant contributions. And they further understand that landowners must be treated as allies to ensure success in the long-run for the conservation of habitat and species. Finally, while the genesis of this bill has many roots, a passionate catalyst was James Cummins of Mississippi Fish and Wildlife Foundation, whose passion for the outdoors provided inspiration to move these ideas forward.

This collaborative expertise worked together to craft the ESRA, which provides new tax incentives for private landowners who voluntarily contribute to the recovery of endangered species. The tax credits will reimburse landowners for property rights affected by agreements that include conservation easements and costs incurred by species management plans. For landowners who limit their property rights through conservation easements, there will be 100 percent compensation of all costs. That percentage declines to 75 percent for 30-year easements and 50 percent for cost-share agreements not encumbered by an easement.

It is worth noting that this is the same formula that works successfully for farm bill programs such as the Wetlands Reserve Program. Private property owners are appropriately rewarded for crucial ecological services that they provide with their property. The public benefits from those actions which ensure biodiversity; instead of placing the financial burdens on the landowner, we ought to find appropriate ways to compensate them. While the primary returns from this investment are protection and recovery of endangered species, the public will also undoubtedly gain additional benefits such as aesthetically pleasing open space, combating invasive species and enhanced water quality.

The legislation provides a list of options that give landowners a choice, and this is a crucial element for the success of this proposal. For some landowners, a conservation easement will be the most attractive option. Easements are flexible tools that can be tailored to each landowner and species' interests. An easement restricts certain activities, but it still works well with traditional rural activities such as ranching and farming. For agreements without easements, there is flexibility to do what is necessary for the concerned species without the need to sacrifice property rights into perpetuity.

The tax credits provide essential funding that is necessary to respect private property rights. Wildlife should be an asset rather than a liability; which is how it has sometimes been viewed under the ESA. With wildlife becoming valuable to a landowner, those who may been reluctant to participate in recovery efforts in the past will be more likely to contribute with these incentives. When people want to take part in the process and do not fear it, the likelihood of conflict and litigation is reduced. For years, this type of conflict has proven costly not only in dollars to individuals and the government, but also in terms of relationships between people who share the land and natural resources. With a new trust and new model for finding conservation solutions, we can do more and better conservation work.

Provisions have been made to accommodate landowners whose taxes may be less than the tax credit provides. Partnerships in the agreements will allow any party to an agreement to receive a credit as long as they pay or incur costs as a result of the agreement. This language will allow creative collaboration among governments, landowners, taxpayers and environmentalists, further increasing the number of people involved in finding new solutions for conservation.

Furthermore, this bill also expands tax deductions for any landowner who takes part in the recovery plans approved under the ESA, and allows landowners to exclude from taxable income certain federal payments under conservation costshare programs. This will allow both individuals and businesses to deduct the cost of recovery work without bureaucratic obstacles.

This bill not only sets forth the financing for private landowners, but it also makes it easier to implement the agreements. Landowners will receive technical assistance to implement the agreements. Also, to remove some legal disincentives to recover species, liability protection may be provided to protect the landowners from penalties under the ESA. This removes the fear of trying to help species; currently, more species usually just means more liability for a landowner.

As a result of these incentives, I expect to see a phenomenal increase in the number of success stories. These stories will sound familiar to those creative collaborators working on the ground now where we have learned that the types of tools provided in this bill can work if consistently offered.

The Endangered Species Recovery Act is very exciting to those of us who value protecting our natural resources. It provides collaborative, creative ways to balance resource conservation with economic uses of our natural resources and preserving rural ways of life. I look forward to working with my colleagues in the Senate and House to move ahead with this legislation which will allow better, more effective conservation work for future generations.

I am deeply grateful to my colleagues from Arkansas, Iowa and Montana for their essential expertise and support to create ESRA. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 4087

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Endangered Species Recovery Act of 2006".

SEC. 2. ENDANGERED SPECIES RECOVERY CREDIT.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

"SEC. 30D. ENDANGERED SPECIES RECOVERY CREDIT.

"(a) IN GENERAL.—In the case of an eligible taxpayer, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

"(1) the habitat protection easement credit, plus

"(2) the habitat restoration credit.

"(b) LIMITATION.—

"(1) IN GENERAL.—The credit allowed under subsection (a) for any eligible taxpayer for any taxable year shall not exceed the endangered species recovery credit limitation allocated to the eligible taxpayer under subsection (f) for the calendar year in which the taxpayer's taxable year ends.

"(2) CARRYFORWARDS.—

"(A) IN GENERAL.—If the amount of the credit allowable under subsection (a) for any taxpayer for any taxable year exceeds the endangered species recovery credit limitation allocated under subsection (f) to such taxpayer for the calendar year in which the taxpayer's taxable year ends, such excess may be carried forward to the next taxable year for which such taxpayer is allocated a portion of the endangered species recovery credit limitation.

"(B) CARRYFORWARD OF ALLOCATION AMOUNT.—If the amount of the endangered species recovery credit limitation allocated to an eligible taxpayer for any calendar year under subsection (f) exceeds the amount of the credit allowed to the taxpayer under subsection (a) for the taxable year ending in such calendar year, such excess may be carried forward to the next taxable year of the taxpayer. For purposes of this paragraph, any amount carried to another taxable year under this subparagraph shall be treated as allocated to the taxpayer for use in such taxable year under subsection (f).

"(c) ELIGIBLE TAXPAYER.—For purposes of this section—

"(1) IN GENERAL.—The term 'eligible taxpayer' means—

"(A) a taxpayer who—

"(i) owns real property which contains the habitat of a qualified species, and

"(ii) enters into a qualified perpetual habitat protection agreement, a qualified 30-year habitat protection agreement, or a qualified habitat protection agreement with the appropriate Secretary with respect to such real property, and

"(B) any other taxpayer who—

"(i) is a party to a qualified perpetual habitat protection agreement, a qualified 30-year habitat protection agreement, or a qualified habitat protection agreement, and

"(ii) as part of any such agreement, agrees to assume responsibility for costs paid or incurred in protecting or preserving the habitat which is the subject of such agreement.

"(2) QUALIFIED PERPETUAL HABITAT PROTECTION AGREEMENT.—The term 'qualified perpetual habitat protection agreement' means an agreement—

"(A) under which the taxpayer grants to the appropriate Secretary, the Secretary of Agriculture, or a State an easement in perpetuity for the protection of the habitat of a qualified species, and

"(B) which meets the requirements of paragraph (5).

"(3) QUALIFIED 30-YEAR HABITAT PROTECTION AGREEMENT.—The term 'qualified 30-year habitat protection agreement' means an agreement—

"(A) under which the taxpayer grants to the appropriate Secretary, the Secretary of Agriculture, or a State an easement for a period of not less than 30 years and less than perpetuity for the protection of the habitat of a qualified species, and

"(B) which meets the requirements of paragraph (5).

"(4) QUALIFIED HABITAT PROTECTION AGREEMENT.—The term 'qualified habitat protection agreement' means an agreement—

"(A) under which the taxpayer enters into an agreement with the appropriate Secretary, the Secretary of Agriculture, or a State to protect the habitat of a qualified species for a specified period of time, and

"(B) which meets the requirements of paragraph (5).

"(5) REQUIREMENTS.—An agreement meets the requirements of this paragraph if—

"(A) the agreement is not inconsistent with any recovery plan which has been approved for a qualified species under section 4 of the Endangered Species Act of 1973,

"(B) the appropriate Secretary and the eligible taxpayer enter into a habitat management plan designed to—

"(i) restore or enhance the habitat of a qualified species, or

"(ii) reduce threats to a qualified species through the management of the habitat, and

"(C) the appropriate Secretary ensures that the eligible taxpayer is provided with technical assistance in carrying out the duties of the taxpayer under the terms of the agreement.

"(d) HABITAT PROTECTION EASEMENT CREDIT.—

"(1) IN GENERAL.—For purposes of subsection (a)(1), the habitat protection easement credit for any taxable year is an amount equal to—

"(A) in the case of an eligible taxpayer who has entered into a qualified perpetual habitat protection agreement during such taxable year, 100 percent of the excess (if any) of—

"(i) the fair market value of the real property with respect to which the qualified perpetual habitat protection agreement is made, determined on the day before such agreement is entered into, over

"(ii) the fair market value of such property, determined on the day after such agreement is entered into,

"(B) in the case of an eligible taxpayer who has entered into a qualified 30-year habitat protection agreement during such taxable year, 75 percent of such excess, and

"(C) in the case of any other eligible taxpayer, zero.

"(2) REDUCTION FOR AMOUNT RECEIVED FOR EASEMENT.—The credit allowed under subsection (a)(1) shall be reduced by any amount received by the taxpayer in connection with the easement.

"(3) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a)(1) for any taxable year shall not exceed the sum of—

"(A) the taxpayer's regular tax liability for the taxable year reduced by the sum of the credits allowable under subpart A and sections 27, 30, 30B, and 30C, and

"(B) the tax imposed by section 55(a) for the taxable year.

"(4) CARRYFORWARD OF UNUSED CREDIT.—If the credit allowable under subsection (a)(1) for any taxable year exceeds the limitation imposed by paragraph (3) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a)(1) for such succeeding taxable year.

"(5) QUALIFIED APPRAISALS REQUIRED.—No amount shall be taken into account under this subsection unless the eligible taxpayer includes with the taxpayer's return for the taxable year a qualified appraisal (within the meaning of section 170(f)(11)(E)) of the real property.

"(e) HABITAT RESTORATION CREDIT.—

"(1) IN GENERAL.—For purposes of subsection (a)(2), the habitat restoration credit for any taxable year shall be an amount equal to—

"(A) in the case of a qualified perpetual habitat protection agreement, 100 percent of the costs paid or incurred by an eligible taxpayer during such taxable year pursuant to such agreement,

"(B) in the case of a qualified 30-year habitat protection agreement, 75 percent of the costs paid or incurred by an eligible taxpayer during such taxable year pursuant to such agreement, and

"(C) in the case of a qualified habitat protection agreement, 50 percent of the costs paid or incurred by an eligible taxpayer during such taxable year pursuant to such agreement.

"(2) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a)(2) for any taxable year shall not exceed the excess (if any) of—

"(A) the regular tax liability for the taxable year reduced by the sum of the credits allowable under subpart A and sections 27, 30, 30B, and 30C, over

"(B) the tentative minimum tax for the taxable year.

"(3) CARRYFORWARD OF UNUSED CREDIT.—If the credit allowable under subsection (a)(2) for any taxable year exceeds the limitation imposed by paragraph (2) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a)(2) for such succeeding taxable year.

"(4) SPECIAL RULES.—

"(A) CERTAIN COSTS NOT INCLUDED.—No credit shall be allowed under subsection (a)(2) for any cost which is paid or incurred by a taxpayer to comply with any requirement of a Federal, State, or local government.

"(B) SUBSIDIZED FINANCING.—For purposes of paragraph (1), the amount of costs paid or incurred by an eligible taxpayer pursuant to any agreement described in subsection (c) shall be reduced by the amount of any financing provided under any Federal or State program a principal purpose of which is to subsidize financing for the conservation of the habitat of a qualified species.

"(f) ENDANGERED SPECIES RECOVERY CREDIT LIMITATION.—

"(1) IN GENERAL.—There is an endangered species recovery credit limitation for each calendar year. Such limitation is —

"(A) for 2007, 2008, 2009, 2010, and 2011—

"(i) $300,000,000 with respect to qualified perpetual habitat protection agreements,

"(ii) $60,000,000 with respect to qualified 30-year habitat protection agreements, and

"(iii) $40,000,000 with respect to qualified habitat protection agreements, and

"(B) except as provided in paragraph (3), zero thereafter.

"(2) ALLOCATION OF LIMITATION.—

"(A) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior and the Secretary of Commerce, shall allocate the endangered species recovery credit limitation to eligible taxpayers.

"(B) CONSIDERATIONS.—In making allocations to eligible taxpayers under this section, priority shall be given to taxpayers with agreements—

"(i) relating to habitats that will significantly increase the likelihood of recovering and delisting a species as an endangered species or a threatened species (as defined under section 2 of the Endangered Species Act of 1973),

"(ii) that are cost-effective and maximize the benefits to a qualified species per dollar expended,

"(iii) relating to habitats of species which have a federally approved recovery plan pursuant to section 4 of the Endangered Species Act of 1973,

"(iv) relating to habitats with the potential to contribute significantly to the improvement of the status of a qualified species,

"(v) relating to habitats with the potential to contribute significantly to the eradication or control of invasive species that are imperiling a qualified species,

"(vi) with habitat management plans that will manage multiple qualified species,

"(vii) with habitat management plans that will create adjacent or proximate habitat for the recovery of a qualified species,

"(viii) relating to habitats for qualified species with an urgent need for protection,

"(ix) with habitat management plans that assist in preventing the listing of a species as endangered or threatened under the Endangered Species Act of 1973 or a similar State law,

"(x) with habitat management plans that may resolve conflicts between the protection of qualified species and otherwise lawful human activities, and

"(xi) with habitat management plans that may resolve conflicts between the protection of a qualified species and military training or other military operations.

"(3) CARRYOVER OF UNUSED LIMITATION.—If for any calendar year the limitation under paragraph (1) (after the application of this paragraph) exceeds the amount allocated to all eligible taxpayers for such calendar year, the limitation amount for the following calendar year shall be increased by the amount of such excess.

"(g) OTHER DEFINITIONS AND SPECIAL RULES.—

"(1) APPROPRIATE SECRETARY.—The term 'appropriate Secretary' has the meaning given to the term 'Secretary' under section 3(15) of the Endangered Species Act of 1973.

"(2) HABITAT MANAGEMENT PLAN.—The term 'habitat management plan' means, with respect to any habitat, a plan which—

"(A) identifies one or more qualified species to which the plan applies,

"(B) describes the management practices to be undertaken by the taxpayer,

"(C) describes the technical assistance to be provided to the taxpayer and identifies the entity that will provide such assistance,

"(D) provides a schedule of deadlines for undertaking such management practices, and

"(E) requires monitoring of the management practices and the status of the qualified species.

"(3) QUALIFIED SPECIES.—The term 'qualified species' means—

"(A) any species listed as an endangered species or threatened species under the Endangered Species Act of 1973, or

"(B) any species for which a finding has been made under section 4(b)(3) of Endangered Species Act of 1973 that listing under such Act may be warranted.

"(4) TAKING.—The term 'taking' has the meaning given to such term under the Endangered Species Act of 1973.

"(5) REDUCTION IN BASIS.—For purposes of this subtitle, the basis of any property for which a credit is allowable under subsection (a)(1) shall be reduced by the amount of the credit so allowed.

"(6) DENIAL OF DOUBLE BENEFIT.—No deduction shall be allowed under this chapter for any amount with respect to which a credit is allowed under subsection (a).

"(7) CERTIFICATION.—No credit shall be allowed under subsection (a) unless the appropriate Secretary certifies that any agreement described in subsection (c) which is entered into by an eligible taxpayer will contribute to the recovery of a qualified species.

"(8) REQUEST FOR AUTHORIZATION OF INCIDENTAL TAKINGS.—The Secretary shall request the appropriate Secretary to consider whether to authorize under the Endangered Species Act of 1973 takings by an eligible taxpayer, of a qualified species to which an agreement described in subsection (c) relates if the takings are incidental to—

"(A) the restoration, enhancement, or management of the habitat pursuant to the habitat management plan under the agreement, or

"(B) the use of the property to which the agreement pertains at any time after the expiration of the easement or the specified period described in subsection (c)(4)(A), but only if such use will leave the qualified species at least as well off on the property as it was before the agreement was made.

"(9) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit under any credit allowable under subsection (a), if the Secretary, in consultation with the appropriate Secretary, determines that the eligible taxpayer has failed to carry out the duties of the taxpayer under the terms of a qualified perpetual habitat protection agreement, a qualified 30-year habitat protection agreement, or a qualified habitat protection agreement.".

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a) of the Internal Revenue Code of 1986 is amended by striking "and" at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting ", and", and by inserting after paragraph (37) the following new paragraph:

"(38) to the extent provided in section 30D(g)(5).".

(2) The table of sections for subpart B of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 30C the following new item:

"Sec. 30D. Endangered species recovery credit.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 3. DEDUCTION FOR ENDANGERED SPECIES RECOVERY EXPENDITURES.

(a) DEDUCTION FOR ENDANGERED SPECIES RECOVERY EXPENDITURES.—

(1) IN GENERAL.—Paragraph (1) of section 175(c) of the Internal Revenue Code of 1986 (relating to definitions) is amended by inserting after the first sentence the following new sentence: "Such term shall include expenditures paid or incurred for the purpose of achieving specific actions recommended in recovery plans approved pursuant to the Endangered Species Act of 1973.".

(2) CONFORMING AMENDMENTS.—

(A) Section 175 of such Code is amended by inserting ", or for endangered species recovery" after "prevention of erosion of land used in farming" each place it appears in subsections (a) and (c).

(B) The heading of section 175 of such Code is amended by inserting "; **ENDANGERED SPECIES RECOVERY EXPENDITURES**" before the period.

(C) The item relating to section 175 in the table of sections for part VI of subchapter B of chapter 1 of such Code is amended by inserting "; **ENDANGERED SPECIES RECOVERY EXPENDITURES**" before the period.

(b) LIMITATIONS.—Paragraph (3) of section 175(c) of the Internal Revenue Code of 1986 (relating to additional limitations) is amended—

(1) in the heading, by inserting "OR ENDANGERED SPECIES RECOVERY PLAN" after "CONSERVATION PLAN", and

(2) in subparagraph (A)(i), by inserting "or the recovery plan approved pursuant to the Endangered Species Act of 1973" after "Department of Agriculture".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures paid or incurred after the date of the enactment of this Act.

SEC. 4. EXCLUSION FOR COST SHARING PAYMENTS UNDER THE PARTNERS FOR FISH AND WILDLIFE ACT AND CERTAIN OTHER PROGRAMS AUTHORIZED BY THE FISH AND WILDLIFE ACT OF 1956.

(a) IN GENERAL.—Subsection (a) of section 126 of the Internal Revenue Code of 1986 (relating to certain cost-sharing payments) is amended by redesignating paragraph (10) as paragraph (12) and by inserting after paragraph (9) the following new paragraphs:

"(10) The Partners for Fish and Wildlife Program authorized by the Partners for Fish and Wildlife Act.

"(11) The Landowner Incentive Program, the State Wildlife Grants Program, and the Private Stewardship Grants Program authorized by the Fish and Wildlife Act of 1956.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to payments received after the date of the enactment of this Act.

By Mr. McCAIN:

S. 4089. A bill to modernize and expand the reporting requirements relating to child pornography, tc expand cooperation in combating child pornography, to require convicted sex offenders to register online identifiers, and for other purposes; to the Committee on the Judiciary.

Mr. McCAIN. Mr. President, today I am introducing the Stop the Online Exploitation of Our Children Act of 2006. This legislation would reduce the sexual exploitation of our children, and punish those who cause them physical and emotional harm through sex crimes.

Twenty-two years ago, President Ronald Reagan inaugurated the opening of the National Center for Missing and Exploited Children, known as NCMEC. At a White House ceremony, he called on the center to "wake up America and attack the crisis of child victimization." Today, thanks to the efforts of NCMEC and many others in the public and private sectors, America is more conscious of the dangers of child exploitation, but our children still face significant threats from those who see their innocence as an opportunity to do harm. The continuing victimization of our children is readily and all too painfully apparent in the resurgence of child pornography in our world.

In recent years, technology has contributed to the greater distribution and availability, and, some believe, desire for child pornography. I say child pornography, but that label does not describe accurately what is at issue. As emphasized by a recent Department of Justice report, "child pornography" does not come close to describing these images, which are nothing short of recorded images of child sexual abuse. These images are, quite literally, digital evidence of violent sexual crimes perpetrated against the most vulnerable among us.

Experts are also finding that the images of child sexual exploitation produced and distributed today involve younger and younger children. As emphasized by NCMEC, 83 percent of offenders surveyed in a recent study were caught with images of children younger than 12 years old. Thirty-nine percent had images of children younger than 6. Almost 20 percent had images of children younger than 3. These are not normal criminals, and I cannot fathom the extent of the physical and emotional harm they cause their victims.

The violence of the images continues to increase as well. Dr. Sharon Cooper, a nationally recognized expert on this subject, stated before a September Senate Commerce Committee hearing that the images often depict "sadistic gross sexual assault and sodomy." This view was underscored by Mike Brown, the sheriff of Bedford County, VA, and the director of the Blue Ridge Thunder Internet Crimes Against Children Task Force, who also testified to his direct experience with increasingly violent and disturbing images of child sexual exploitation.

The Federal Government has in place a system for online companies such as Internet service providers to report these images to NCMEC. The center is directed by law to relay that information to Federal and State law enforcement agencies. This reporting system has been successful, but it is in need of several vital improvements.

The bill would enhance the current reporting system by expanding the range of companies obligated to report child pornography to NCMEC; stating specifically what information must be reported to the center; moving the reporting obligations into the Federal criminal code; imposing higher penalties on companies that do not report child pornography to NCMEC in the manner required by law; and providing greater legal certainty around the child pornography reporting requirement.

As suggested by NCMEC, the reporting of child pornography should be more widespread. To that end, the bill would expand and clarify the types of online companies that would be obligated to report child pornography to the center. Today, Federal law requires electronic communication service providers and providers of remote computing services to report child pornography they discover to NCMEC through the center's CyberTipline. However, what types of companies fall into each category is sometimes unclear. To better define and expand the types of online companies obligated to report child pornography, the legislation would require a broad range of online service providers—including Web hosting companies, domain name registrars, and social networking sites—to report child pornography to NCMEC.

Another weakness in the current reporting system is that the law does not say exactly what information should be reported to NCMEC. This failure to set forth specific reporting requirements makes the current statute both difficult to comply with and tough to enforce, and this omission may have led to less effective prosecution of child pornographers. According to testimony submitted by the center to the Senate Commerce Committee, "because there are no guidelines for the contents of these reports, some [companies] do not send customer information that allows NCMEC to identify a law enforcement jurisdiction. So potentially valuable investigative leads are left to sit in the CyberTipline database with no action taken." This is unacceptable.

The bill would cure this problem by requiring that reporting companies convey to the center a defined set of information, which is in large part the information that is provided to NCMEC today by the Nation's leading Internet service providers. Among other things, the bill would require online service providers to report specific information about the individual involved in producing, distributing, or receiving child pornography such as that individual's e-mail address. In addition, it would require reporting companies to NCMEC geographic location of the involved individual such as the individual's physical address and the IP address from which the individual connected to the Internet.

To ensure that law enforcement officials have better odds of prosecuting involved individuals, the bill would also require online service providers to preserve all data that they report to NCMEC for at least 180 days, and to not knowingly destroy any other information that they possess that relates to a child pornography incident reported to NCMEC.

The legislation would help ensure greater compliance with the child pornography reporting requirements under Federal law by increasing threefold the penalties for knowing failure to report child pornography to NCMEC. It would also move the reporting requirement from title 42, which relates to the public's health and welfare, to title 18, our Federal Criminal Code. This is to underscore that a breach of the reporting obligations is a violation of criminal law. In addition, the act would eliminate the legal liability of online service providers for actions taken to comply with the child pornography reporting requirements.

The bottom line is that this legislation should result in more thorough reporting of child pornography to NCMEC. I expect that more and better information provided to the center will lead to a greater number of prosecutions and enhanced protection of our children. As stated by NCMEC, with improvements to the reporting system there would be more reports that are actionable by law enforcement, which will lead to more prosecutions and convictions and, more importantly, to the rescue of more children.

In addition to the provisions relating to child pornography, the bill also would ensure that sex offenders will register information relevant to their online activities on sex offender registries. Specifically, it would require sex offenders to register their e-mail addresses, as well as their instant messaging and chat room handles and any other online identifiers they use. If a sex offender failed to do so, he could be prosecuted, convicted, and thrown into jail for up to 10 years. The bill would also make the use of the Internet in the commission of a crime of child exploitation an aggravating factor that would add 10 years to the offender's sentence.

To help address the international nature of child pornography, the bill would permit NCMEC to share reports with foreign law enforcement agencies, subject to approval by the Department of Justice. In addition, the act would state the sense of Congress that the executive branch should make child pornography a priority when engaging in negotiations or talks with foreign countries.

Finally, the act would authorize $20.3 million for our Nation's Internet Crimes Against Children Task Forces. This increase of $5 million above that currently requested by the Administration is recommended by NCMEC, Sheriff Brown, and others who believe that the additional amount would significantly improve the efforts of these teams of Federal, State, and local law enforcement officials dedicated to identifying and prosecuting those who use the Internet to prey upon our Nation's children.

Mr. President, protecting our children is a top priority for Members of

Congress, regardless of party affiliation. This legislation would help us achieve that goal. I look forward to working with my colleagues to debate and move this bill through the legislative process during the next Congress.

By Ms. SNOWE (for herself, Mr. KERRY, Ms. LANDRIEU, and Mr. VITTER):

S. 4097. A bill to improve the disaster loan program of the Small Business Administration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, I rise today with Senators KERRY, LANDRIEU and VITTER to introduce The Small Business Disaster Response and Loan Improvements Act of 2006, a bill that would provide a comprehensive; package of reforms to improve the Small Business Administration's, SBA, disaster loan program.

As you know, the entire gulf coast of the United States was ravaged in 2005 by Hurricanes Katrina and Rita. These natural disasters, unprecedented in scope and economic impact, presented a prime opportunity for the SBA to showcase its programs and resources for small businesses. Unfortunately, SBA's response was subpar at best, leaving some disaster victims waiting three months or more for disaster loans to be processed.

As chair of the Senate Committee on Small Business and Entrepreneurship, I remain committed to doing everything in my power to provide small businesses and homeowners with the tools they need to recover from disasters. The SBA is and must be at the forefront of disaster relief efforts. We must ensure that victims of future disasters have access to the resources they need to restore their lives, their businesses, and their dreams.

Many of the provisions in this bid have already passed unanimously through the Small Business Committee this year as part of the Small Business Reauthorization and Improvements Act of 2006 S. 3778, bipartisan legislation I authored that features sweeping reforms to help the SBA lead with the same dedication to excellence found in the entrepreneurs it serves. The committee unanimously approved this legislation and reported it to the full Senate, where it awaits consideration.

This bill before the Senate today includes essential provisions that would better assist victims applying for SBA disaster loans. Among other items, this legislation would increase the maximum size of an SBA disaster loan from $1.5 million per loan to $5 million per loan and would make it possible for non-profit institutions to be eligible for disaster loans.

Recognizing the increased demand disasters place on all small business lending programs, the legislation establishes a private disaster loan PDL program that allows for PDLs to be made to disaster victims by private banks, which would have to apply to the SBA for eligibility. A business would be eligible for a PDL if the county in which the business is located was declared a disaster area anytime in the last 24 months. The business would not have to show a nexus between its need for a loan, and the disaster that occurred. It would be enough to be located in that county. The SBA would provide an 85 percent guarantee for the loans.

In addition, our legislation would provide authorization for the SBA to enter into agreements with qualified private contractors to process disaster loans. It also would require the SBA to provide Congress with a report on how the disaster loan application process can be improved, including methods to expedite loan processing and verification for sources vital to rebuilding efforts.

This legislation would also require the SBA to promulgate rules within 6 months that would create a new "expedited disaster assistance business loan program." These short-term loans would have low interest rates similar to regular disaster loans. The program is intended to respond to major disasters, but at the discretion of the SBA Administrator, it can be implemented in the event of any disaster.

I firmly believe the product before us is the best package to aid families, businesses, and communities through challenging times following disasters. We must not forget their pain, their determination, and their resolute refusal to walk away from the communities and small businesses they cherish.

When a disaster strikes, the spirit, determination, and will of America's small businesses help to create the firm economic foundation, propelling our nation's economic growth forward. Therefore, we in turn must create an atmosphere favorable for small businesses and provide this assistance package to the SBA. We must allow our Nation's small businesses to do what they do best—create jobs.

I urge my colleagues to support this bill. Too much is at stake for small businesses, and the economy as a whole, to allow this critical legislation to languish. Clearly, if we strive for anything less, we fail to support the backbone of our economy, our hope for new innovation, and the entrepreneurs reach for the American dream.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 4097

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Small Business Disaster Response and Loan Improvements Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—PRIVATE DISASTER LOANS

Sec. 101. Private disaster loans.
Sec. 102. Technical and conforming amendments.

TITLE II—DISASTER RELIEF AND RECONSTRUCTION

Sec. 201. Definition of disaster area.
Sec. 202. Disaster loans to nonprofits.
Sec. 203. Disaster loan amounts.
Sec. 204. Small business development center portability grants.
Sec. 205. Assistance to out-of-State businesses.
Sec. 206. Outreach programs.
Sec. 207. Small business bonding threshold.
Sec. 208. Contracting priority for local small businesses.
Sec. 209. Termination of program.
Sec. 210. Increasing collateral requirements.

TITLE III—DISASTER RESPONSE

Sec. 301. Definitions.
Sec. 302. Business expedited disaster assistance loan program.
Sec. 303. Catastrophic national disasters.
Sec. 304. Public awareness of disaster declaration and application periods.
Sec. 305. Consistency between Administration regulations and standard operating procedures.
Sec. 306. Processing disaster loans.
Sec. 307. Development and implementation of major disaster response plan.
Sec. 308. Congressional oversight.

TITLE IV—ENERGY EMERGENCIES

Sec. 401. Findings.
Sec. 402. Small business energy emergency disaster loan program.
Sec. 403. Agricultural producer emergency loans.
Sec. 404. Guidelines and rulemaking.
Sec. 405. Reports.

SEC. 2. DEFINITIONS.

In this Act—

(1) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term "small business concern" has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632); and

(3) the term "small business concern owned and controlled by socially and economically disadvantaged individuals" has the same meaning as in section 8 of the Small Business Act (15 U.S.C. 637).

TITLE I—PRIVATE DISASTER LOANS

SEC. 101. PRIVATE DISASTER LOANS.

(a) IN GENERAL.—Section 7 of the Small Business Act (15 U.S.C. 636) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

"(c) PRIVATE DISASTER LOANS.—

"(1) DEFINITIONS.—In this subsection—

"(A) the term 'disaster area' means a county, parish, or similar unit of general local government in which a disaster was declared under subsection (b);

"(B) the term 'eligible small business concern' means a business concern that is—

"(i) a small business concern, as defined in this Act; or "(ii) a small business concern, as defined in section 103 of the Small Business Investment Act of 1958; and

"(C) the term 'qualified private lender' means any privately-owned bank or other lending institution that the Administrator determines meets the criteria established under paragraph (9).

"(2) AUTHORIZATION.—The Administrator may guarantee timely payment of principal and interest, as scheduled on any loan issued by a qualified private lender to an eligible small business concern located in a disaster area.

"(3) USE OF LOANS.—A loan guaranteed by the Administrator under this subsection may be used for any purpose authorized under subsection (a) or (b).

"(4) ONLINE APPLICATIONS.—

"(A) ESTABLISHMENT.—The Administrator may establish, directly or through an agreement with another entity, an online application process for loans guaranteed under this subsection.

"(B) OTHER FEDERAL ASSISTANCE.—The Administrator may coordinate with the head of any other appropriate Federal agency so that any application submitted through an online application process established under this paragraph may be considered for any other Federal assistance program for disaster relief.

"(C) CONSULTATION.—In establishing an online application process under this paragraph, the Administrator shall consult with appropriate persons from the public and private sectors, including private lenders.

"(5) MAXIMUM AMOUNTS.—

"(A) GUARANTEE PERCENTAGE.—The Administrator may guarantee not more than 85 percent of a loan under this subsection.

"(B) LOAN AMOUNTS.—The maximum amount of a loan guaranteed under this subsection shall be $3,000,000.

"(6) LOAN TERM.—The longest term of a loan for a loan guaranteed under this subsection shall be—

"(A) 15 years for any loan that is issued without collateral: and

"(B) 25 years for any loan that is issued with collateral.

"(7) FEES.—

"(A) IN GENERAL.—The Administrator may not collect a guarantee fee under this subsection.

"(B) ORIGINATION FEE.—The Administrator may pay a qualified private lender an origination fee for a loan guaranteed under this subsection in an amount agreed upon in advance between the qualified private lender and the Administrator.

"(8) DOCUMENTATION.—A qualified private lender may use its own loan documentation for a loan guaranteed by the Administrator, to the extent authorized by the Administrator. The ability of a lender to use its own loan documentation for a loan offered under this subsection shall not be considered part of the criteria for becoming a qualified private lender under the regulations promulgated under paragraph (9).

"(9) IMPLEMENTATION REGULATIONS.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Small Business Disaster Response and Loan Improvements Act of 2006, the Administrator shall issue final regulations establishing permanent criteria for qualified private lenders.

"(B) REPORT TO CONGRESS.—Not later than 6 months after the date of enactment of the Small Business Disaster Response and Loan Improvements Act of 2006, the Administrator shall submit a report on the progress of the regulations required by subparagraph (A) to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives.

"(10) AUTHORIZATION OF APPROPRIATIONS.—

"(A) IN GENERAL.—Amounts necessary to carry out this subsection shall be made available from amounts appropriated to the Administration under subsection (b).

"(B) AUTHORITY TO REDUCE INTEREST RATES.—Funds appropriated to the Administration to carry out this subsection, may be used by the Administrator, to the extent available, to reduce the applicable rate of interest for a loan guaranteed under this subsection by not more than 3 percentage points.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to disasters declared under section 7(b)(2) of the Small Business Act (631 U.S.C. 636(b)(2)) before, on. or after the date of enactment of this Act.

SEC. 102. TECHNICAL AND CONFORMING AMENDMENTS.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) in section 4(c)—

(A) in paragraph (1), by striking "7(c)(2)" and inserting "7(d)(2)"; and

(B) in paragraph (2)—

(i) by striking "7(c)(2)" and inserting "7(d)(2)"; and

(ii) by striking "7(e),"; and

(2) in section 7(b), in the undesignated matter following paragraph (3)—

(A) by striking "That the provisions of paragraph (1) of subsection (c)" and inserting "That the provisions of paragraph (1) of subsection (d)"; and

(B) by striking "Notwithstanding the provisions of any other law the interest rate on the Administration's share of any loan made under subsection (b) except as provided in subsection (c)," and inserting "Notwithstanding any other provision of law, and except as provided in subsection (d), the interest rate on the Administration's share of any loan made under suosection (b)".

TITLE II—DISASTER RELIEF AND RECONSTRUCTION

SEC. 201. DEFINITION OF DISASTER AREA.

In this title, the term "disaster area" means an area affected by a natural or other disaster, as determined for purposes of paragraph (1) or (2) of section 7(b) of the Small Business Act (15 U.S.C. 636(b)), during the period of such declaration.

SEC. 202. DISASTER LOANS TO NONPROFITS.

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (3) the following:

"(4) LOANS TO NONPROFITS.—In addition to any other loan authorized by this subsection, the Administrator may make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administrator determines appropriate to a nonprofit organization located or operating in an area affected by a natural or other disaster, as determined under paragraph (1) or (2), or providing services to persons who have evacuated from any such area.".

SEC. 203. DISASTER LOAN AMOUNTS.

(a) INCREASED LOAN CAPS.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (4), as added by this title, the following:

"(5) INCREASED LOAN CAPS.—

"(A) AGGREGATE LOAN AMOUNTS.—Except as provided in clause (ii), and notwithstanding any other provision of law, the aggregate loan amount outstanding and committed to a borrower under this subsection may not exceed $5,000,000.

"(B) WAIVER AUTHORITY.—The Administrator may, at the discretion of the Administrator, waive the aggregate loan amount established under clause (i).".

(b) DISASTER MITIGATION.—

(1) IN GENERAL.—Section 7(b)(1)(A) of the Small Business Act (15 U.S.C. 636(b)(1)(A)) is amended by inserting "of the aggregate costs of such damage or destruction (whether or not compensated for by insurance or otherwise)" after "20 per centum".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to a loan or guarantee made after the date of enactment of this Act.

(c) TECHNICAL AMENDMENTS.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended—

(1) in the matter preceding paragraph (1), by striking "the, Administration" and inserting "the Administration";

(2) in paragraph (2)(A), by striking "Disaster Relief and Emergency Assistance Act" and inserting "Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)"; and

(3) in the undesignated matter at the end—

(A) by striking ", (2), and (4)" and inserting "and (2)"; and

(B) by striking ", (2), or (4)" and inserting "(2)".

SEC. 204. SMALL BUSINESS DEVELOPMENT CENTER PORTABILITY GRANTS.

Section 21(a)(4)(C)(viii) of the Small Business Act (15 U.S.C. 648(a)(4)(C)(viii)) is amended—

(1) in the first sentence, by striking "as a result of a business or government facility down sizing or closing, which has resulted in the loss of jobs or small business instability" and inserting "due to events that have resulted or will result in, business or government facility downsizing or closing"; and

(2) by adding at the end "At the discretion of the Administrator, the Administrator may make an award greater than $100,000 to a recipient to accommodate extraordinary occurrences having a catastrophic impact on the small business concerns in a community.".

SEC. 205. ASSISTANCE TO OUT-OF-STATE BUSINESSES.

Section 21(b)(3) of the Small Business Act (15 U.S.C. 648(b)(3)) is amended—

(1) by striking "At the discretion" and inserting the following: "SMALL BUSINESS DEVELOPMENT CENTERS.—

"(A) IN GENERAL.—At the discretion"; and

(2) by adding at the end the following:

"(B) DURING DISASTERS.—

"(i) IN GENERAL.—At the discretion of the Administrator, the Administrator may authorize a small business development center to provide such assistance to small business concerns located outside of the State, without regard to geographic proximity, if the small business concerns are located in a disaster area declared under section 7(b)(2)(A).

"(ii) CONTINUITY OF SERVICES.—A small business development center that provides counselors to an area described in clause (i) shall, to the maximum extent practicable, ensure continuity of services in any State in which such small business development center otherwise provides services.

"(iii) ACCESS TO DISASTER RECOVERY FACILITIES.—For purposes of providing disaster recovery assistance under this subparagraph, the Administrator shall, to the maximum extent practicable, permit small business development center personnel to use any site or facility designated by the Administrator for use to provide disaster recovery assistance.".

SEC. 206. OUTREACH PROGRAMS.

(a) In General.—Not later than 30 days after the date of the declaration of a disaster area, the Administrator may establish a contracting outreach and technical assistance program for small business concerns which have had a primary place of business in, or other significant presence in, such disaster area.

(b) Administrator Action.—The Administrator may fulfill the requirement of subsection (a) by acting through—

(1) the Administration;

(2) the Federal agency small business officials designated under section 15(k)(1) of the Small Business Act (15 U.S.C. 644(k)(1)); or

(3) any Federal, State, or local government entity, higher education institution, procurement technical assistance center, or private nonprofit organization that the Administrator may determine appropriate, upon conclusion of a memorandum of understanding or assistance agreement, as appropriate, with the Administrator.

SEC. 207. SMALL BUSINESS BONDING THRESHOLD.

(a) In General.—Except as provided in subsection (b), and notwithstanding any other provision of law, for any procurement related to a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), the Administrator may, upon such terms and conditions as the Administrator may prescribe, guarantee and enter into commitments to guarantee any surety against loss resulting from a breach of the terms of a bid bond, payment bond, performance bond, or bonds ancillary thereto, by a principal on any total work order or contract amount at the time of bond execution that does not exceed $5,000,000.

(b) Increase of Amount.—Upon request of the head of any Federal agency other than the Administration involved in reconstruction efforts in response to a major disaster, the Administrator may guarantee and enter into a commitment to guarantee any security against loss under subsection (a) on any total work order or contract amount at the time of bond execution that does not exceed $10,000,000.

SEC. 208. CONTRACTING PRIORITY FOR LOCAL SMALL BUSINESSES.

Section 15(d) of the Small Business Act (15 U.S.C. 644(d)) is amended—

(1) by striking "(d) For purposes" and inserting the following:

"(d) Contracting Priorities.—

"(1) In general.—For purposes"; and

(2) by adding at the end the following:

"(2) Disaster contracting priority in general.—The Administrator shall designate any disaster area as an area of concentrated unemployment or underemployment, or a labor surplus area for purposes of paragraph (1).

"(3) Local small businesses.—

"(A) In general.—The head of each executive agency shall give priority in the awarding of contracts and the placement of subcontracts for disaster relief to local small business concerns by using, as appropriate—

"(i) preferential factors in evaluations of contract bids and proposals;

"(ii) competitions restricted to local small business concerns, where there is a reasonable expectation of receiving competitive, reasonably priced bids or proposals from not fewer than 2 local small business concerns;

"(iii) requirements of preference for local small business concerns in subcontracting plans; and

"(iv) assessments of liquidated damages and other contractual penalties, including contract termination.

"(B) Other disaster assistance.—Priority shall be given to local small business concerns in the awarding of contracts and the placement of subcontracts for disaster relief in any Federal procurement and any procurement by a State or local government made with Federal disaster assistance funds.

"(4) Definitions.—In this subsection—

"(A) the term 'declared disaster' means a disaster, as designated by the Administrator;

"(B) the term 'disaster area' means any State or area affected by a declared disaster, as determined by the Administrator;

"(C) the term 'executive agency' has the same meaning as in section 105 of title 5, United States Code; and

"(D) the term 'local small business concern' means a small business concern that—

"(i) on the date immediately preceding the date on which a declared disaster occurred—

"(I) had a principal office in the disaster area for such declared disaster; and

"(II) employed a majority of the workforce of such small business concern in the disaster area for such declared disaster; and

"(ii) is capable of performing a substantial proportion of any contract or subcontract for disaster relief within the disaster area for such declared disaster, as determined by the Administrator.".

SEC. 209. TERMINATION OF PROGRAM.

Section 711(c) of the Small Business Competitive Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended by inserting after "January 1, 1989" the following: ", and shall terminate on the date of enactment of the Small Business Disaster Response and Loan Improvements Act of 2006".

SEC. 210. INCREASING COLLATERAL REQUIREMENTS.

Section 7(d)(6) of the Small Business Act (15 U.S.C. 636), as so designated by section 101, is amended by striking "$10,000 or less" and inserting "$14,000 or less (or such higher amount as the Administrator determines appropriate in the event of a catastrophic national disaster declared under subsection (b)(6))".

TITLE III—DISASTER RESPONSE

SEC. 301. DEFINITIONS.

In this title—

(1) the term "catastrophic national disaster" has the meaning given the term in section 7(b)(6) of the Small Business Act (15 U.S.C. 636(b)), as added by this Act;

(2) the term "declared disaster" means a major disaster or a catastrophic national disaster;

(3) the term "disaster loan program of the Administration" means assistance under section 7(b) of the Small Business Act (15 U.S.C. 636(b));

(4) the term "disaster update period" means the period beginning on the date on which the President declares a major disaster or a catastrophic national disaster and ending on the date on which such declaration terminates;

(5) the term "major disaster" has the meaning given the term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122); and

(6) the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any territory or possession of the United States.

SEC. 302. BUSINESS EXPEDITED DISASTER ASSISTANCE LOAN PROGRAM.

(a) Definitions.—In this section—

(1) the term "immediate disaster assistance" means assistance provided during the period beginning on the date on which a disaster declaration is made and ending on the date that an impacted small business concern is able to secure funding through insurance claims, Federal assistance programs, or other sources; and

(2) the term "program" means the expedited disaster assistance business loan program established under subsection (b); and

(b) Creation of Program.—The Administrator shall take such administrative action as is necessary to establish and implement an expedited disaster assistance business loan program to provide small business concerns with immediate disaster assistance under section 7(b) of the Small Business Act (15 U.S.C. 636(b)).

(c) Consultation Required.—In establishing the program, the Administrator shall consult with—

(1) appropriate personnel of the Administration (including District Office personnel of the Administration);

(2) appropriate technical assistance providers (including small business development centers);

(3) appropriate lenders and credit unions;

(4) the Committee on Small Business and Entrepreneurship of the Senate; and

(5) the Committee on Small Business of the House of Representatives.

(d) Rules.—

(1) In general.—Not later than 1 year after the date of enactment of this Act, the Administrator shall promulgate rules establishing and implementing the program in accordance with this section. Such rules shall apply as provided for in this section, beginning 90 days after their issuance in final form.

(2) Contents.—The rules promulgated under paragraph (1) shall—

(A) identify whether appropriate uses of funds under the program may include—

(i) paying employees;

(ii) paying bills and other financial obligations;

(iii) making repairs;

(iv) purchasing inventory;

(v) restarting or operating a small business concern in the community in which it was conducting operations prior to the declared disaster, or to a neighboring area, county, or parish in the disaster area; or

(vi) covering additional costs until the small business concern is able to obtain funding through insurance claims, Federal assistance programs, or other sources; and

(B) set the terms and conditions of any loan made under the program, subject to paragraph (3).

(3) Terms and conditions.—A loan made by the Administration under this section—

(A) shall be a short-term loan, not to exceed 180 days, except that the Administrator may extend such term as the Administrator determines necessary or appropriate on a case-by-case basis;

(B) shall have an interest rate not to exceed 1 percentage point above the prime rate of interest that a private lender may charge;

(C) shall have no prepayment penalty;

(D) may be refinanced as part of any subsequent disaster assistance provided under section 7(b) of the Small Business Act; and

(E) shall be subject to such additional terms as the Administrator determines necessary or appropriate.

(e) Report to Congress.—Not later than 5 months after the date of enactment of this

Act, the Administrator shall report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives on the progress of the Administrator in establishing the program.

(f) AUTHORIZATION.—There are authorized to be appropriated to the Administrator such sums as are necessary to carry out this section.

SEC. 303. CATASTROPHIC NATIONAL DISASTERS.

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (5), as added by this Act, the following:

"(6) CATASTROPHIC NATIONAL DISASTERS.—

"(A) DEFINITION.—In this paragraph the term 'catastrophic national disaster' means a disaster, natural or other, that the President determines has caused significant adverse economic conditions outside of the geographic reach of the disaster.

"(B) AUTHORIZATION.—The Administrator may make such loans under this paragraph (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administrator determines appropriate to small business concerns located anywhere in the United States that are economically adversely impacted as a result of a catastrophic national disaster.

"(C) LOAN TERMS.—A loan under this paragraph shall be made on the same terms as a loan under paragraph (2).".

SEC. 304. PUBLIC AWARENESS OF DISASTER DECLARATION AND APPLICATION PERIODS.

(a) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (6), as added by this Act, the following:

"(7) COORDINATION WITH FEMA.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, for any disaster (including a catastrophic national disaster) declared under this subsection or major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), the Administrator, in consultation with the Director of the Federal Emergency Management Agency, shall ensure, to the maximum extent practicable, that all application periods for disaster relief under this Act and the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.G. 5121 et seq.) begin on the same date and end on the same date.

"(B) DEADLINE EXTENSIONS.—Notwithstanding any other provision of law—

"(i) not later than 10 days before the closing date of an application period for disaster relief under this Act for any disaster (including a catastrophic national disaster) declared under this subsection, the Administrator, in consultation with the Director of the Federal Emergency Management Agency, shall notify the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives as to whether the Administrator intends to extend such application period; and

"(ii) not later than 10 days before the closing date of an application period for disaster relief under the Robert T. Stafford Disaster Relief and Emergency Assistance Act for any major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) for which the President has declared a catastrophic national disaster under paragraph (6), the Director of the Federal Emergency Management Agency, in consultation with the Administrator, shall notify the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives as to whether the Director intends to extend such application period.

"(8) PUBLIC AWARENESS OF DISASTERS.—If a disaster (including a catastrophic national disaster) is declared under this subsection, the Administrator shall make every effort to communicate through radio, television, print, and web-based outlets, all relevant information needed by disaster loan applicants, including—

"(A) the date of such declaration;

"(B) cities and towns within the area of such declaration;

"(C) loan application deadlines related to such disaster;

"(D) all relevant contact information for victim services available through the Administration (including links to small business development center websites);

"(E) links to relevant Federal and State disaster assistance websites;

"(F) information on eligibility criteria for Federal Emergency Management Agency disaster assistance applications, as well as for Administration loan programs, including where such applications can be found; and

"(G) application materials that clearly state the function of the Administration as the Federal source of disaster loans for homeowners and renters.".

(b) COORDINATION OF AGENCIES AND OUTREACH.—Not later than 90 days after the date of enactment of this Act, the Administrator and the Director of the Federal Emergency Management Agency shall enter into a memorandum of understanding that ensures, to the maximum extent practicable, adequate lodging and transportation for employees of the Administration, contract employees, and volunteers during a major disaster, if such staff are needed to assist businesses, homeowners, or renters in recovery.

(c) MARKETING AND OUTREACH.—Not later than 90 days after the date of enactment of this Act, the Administrator shall create a marketing and outreach plan that—

(1) encourages a proactive approach to the disaster relief efforts of the Administration;

(2) distinguishes between disaster services provided by the Administration and disaster services provided by the Federal Emergency Management Agency, including contact information, application information, and timelines for submitting applications, the review of applications, and the disbursement of funds;

(3) describes the different disaster loan programs of the Administration, including how they are made available and what eligibility requirements exist for each loan program;

(4) provides for regional marketing, focusing on disasters occurring in each region before the date of enactment of this Act, and likely scenarios for disasters in each such region; and

(5) ensures that the marketing plan is made available at small business development centers and on the website of the Administration.

SEC. 305. CONSISTENCY BETWEEN ADMINISTRATION REGULATIONS AND STANDARD OPERATING PROCEDURES.

(a) IN GENERAL.—The Administrator shall, promptly following the date of enactment of this Act, conduct a study of whether the standard operating procedures of the Administration for loans offered under section 7(b) of the Small Business Act (15 U.S.C. 636(b)) are consistent with the regulations of the Administration for administering the disaster loan program.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administration shall submit to Congress a report containing all findings and recommendations of the study conducted under subsection (a).

SEC. 306. PROCESSING DISASTER LOANS.

(a) AUTHORITY FOR QUALIFIED PRIVATE CONTRACTORS TO PROCESS DISASTER LOANS.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (8), as added by this Act, the following:

"(9) AUTHORITY FOR QUALIFIED PRIVATE CONTRACTORS.—

"(A) DISASTER LOAN PROCESSING.—The Administrator may enter into an agreement with a qualified private contractor, as determined by the Administrator, to process loans under this subsection in the event of a major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) or a catastrophic national disaster declared under paragraph (6), under which the Administrator shall pay the contractor a fee for each loan processed.

"(B) LOAN LOSS VERIFICATION SERVICES.—The Administrator may enter into an agreement with a qualified lender or loss verification professional, as determined by the Administrator, to verify losses for loans under this subsection in the event of a major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) or a catastrophic national disaster declared under paragraph (6), under which the Administrator shall pay the lender or verification professional a fee for each loan for which such lender or verification professional verifies losses.".

(b) COORDINATION OF EFFORTS BETWEEN THE ADMINISTRATOR AND THE INTERNAL REVENUE SERVICE TO EXPEDITE LOAN PROCESSING.—The Administrator and the Commissioner of Internal Revenue shall, to the maximum extent practicable, ensure that all relevant and allowable tax records for loan approval are shared with loan processors in an expedited manner, upon request by the Administrator.

(c) REPORT ON LOAN APPROVAL RATE.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives detailing how the Administration can improve the processing of applications under the disaster loan program of the Administration.

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) recommendations, if any, regarding—

(i) staffing levels during a major disaster;

(ii) how to improve the process for processing, approving, and disbursing loans under the disaster loan program of the Administration, to ensure that the maximum assistance is provided to victims in a timely manner;

(iii) the viability of using alternative methods for assessing the ability of an applicant to repay a loan, including the credit score of the applicant on the day before the date on which the disaster for which the applicant is seeking assistance was declared;

(iv) methods, if any, for the Administration to expedite loss verification and loan processing of disaster loans during a major disaster for businesses affected by, and located in the area for which the President declared, the major disaster that are a major source of employment in the area or are vital to recovery efforts in the region (including providing debris removal services, manufactured housing, or building materials);

(v) legislative changes, if any, needed to implement findings from the Administration's Accelerated Disaster Response Initiative; and

(vi) a description of how the Administration plans to integrate and coordinate the response to a major disaster with the technical assistance programs of the Administration; and

(B) the plans of the Administrator for implementing any recommendation made under subparagraph (A).

SEC. 307. DEVELOPMENT AND IMPLEMENTATION OF MAJOR DISASTER RESPONSE PLAN.

(a) IN GENERAL.—Not later than March 15, 2007, the Administrator shall—

(1) by rule, amend the 2006 Atlantic hurricane season disaster response plan of the Administration (in this section referred to as the "disaster response plan") to apply to major disasters and catastrophic national disasters, consistent with this Act and the amendments made by this Act; and

(2) submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives detailing the amendments to the disaster response plan.

(b) CONTENTS.—The amended report required under subsection (a)(2) shall include—

(1) any updates or modifications made to the disaster response plan since the report regarding the disaster response plan submitted on July 14, 2006;

(2) a description of how the Administrator plans to utilize and integrate District Office personnel of the Administration in the response to a major disaster, including information on the utilization of personnel for loan processing and loan disbursement;

(3) a description of the disaster scalability model of the Administration and on what basis or function the plan is scaled;

(4) a description of how the agency-wide Disaster Oversight Council is structured, which offices comprise its membership, and whether the Associate Deputy Administrator for Entrepreneurial Development of the Administration is a member;

(5) a description of how the Administrator plans to coordinate the disaster efforts of the Administration with State and local government officials, including recommendations on how to better incorporate State initiatives or programs, such as State-administered bridge loan programs, into the disaster response of the Administration;

(6) recommendations, if any, on how the Administrator can better coordinate its disaster response operations with the operations of other Federal, State, and local entities;

(7) any surge plan for the system in effect on or after August 29, 2005 (including surge plans for loss verification, loan processing, mailroom, customer service or call center operations, and a continuity of operations plan);

(8) the number of full-time equivalent employees and job descriptions for the planning and disaster response staff of the Administration;

(9) the in-service and preservice training procedures for disaster response staff of the Administration;

(10) information on the logistical support plans of the Administration (including equipment and staffing needs, and detailed information on how such plans will be scalable depending on the size and scope of the major disaster;

(11) a description of the findings and recommendations of the Administrator, if any, based on a review of the response of the Administration to Hurricane Katrina of 2005, Hurricane Rita of 2005, and Hurricane Wilma of 2005; and

(12) a plan for how the Administrator, in cooperation with the Director of the Federal Emergency Management Agency, will coordinate the provision of accommodations and necessary resources for disaster assistance personnel to effectively perform their responsibilities in the aftermath of a major disaster.

(c) EXERCISES.—Not later than May 31, 2007, the Administrator shall develop and execute simulation exercises to demonstrate the effectiveness of the amended disaster response plan required under this section.

SEC. 308. CONGRESSIONAL OVERSIGHT.

(a) MONTHLY ACCOUNTING REPORT TO CONGRESS.—

(1) DEFINITION.—In this subsection the term "applicable period" means the period beginning on the date on which the President declares a major disaster and ending on the date that is 30 days after the later of the closing date for applications for physical disaster loans for such disaster and the closing date for applications for economic injury disaster loans for such disaster.

(2) REPORTING REQUIREMENTS.—Not later than the fifth business day of each month during the applicable period for a major disaster, the Administrator shall provide to the Committee on Small Business and Entrepreneurship and the Committee on Appropriations of the Senate and to the Committee on Small Business and the Committee on Appropriations of the House of Representatives a report on the operation of the disaster loan program authorized under section 7 of the Small Business Act (15 U.S.C. 636) for such disaster during the preceding month.

(3) CONTENTS.—Each report under paragraph (2) shall include—

(A) the daily average lending volume, in number of loans and dollars, and the percent by which each category has increased or decreased since the previous report under paragraph (2);

(B) the weekly average lending volume, in number of loans and dollars, and the percent by which each category has increased or decreased since the previous report under paragraph (2);

(C) the amount of funding spent over the month for loans, both in appropriations and program level, and the percent by which each category has increased or decreased since the previous report under paragraph (2);

(D) the amount of funding available for loans, both in appropriations and program level, and the percent by which each category has increased or decreased, noting the source of any additional funding;

(E) an estimate of how long the available funding for such loans will last, based on the spending rate;

(F) the amount of funding spent over the month for staff, along with the number of staff, and the percent by which each category has increased or decreased since the previous report under paragraph (2);

(G) the amount of funding spent over the month for administrative costs, and the percent by which such spending has increased or decreased since the previous report under paragraph (2);

(H) the amount of funding available for salaries and expenses combined, and the percent by which such funding has increased or decreased, noting the source of any additional funding; and

(I) an estimate of how long the available funding for salaries and expenses will last, based on the spending rate.

(b) DAILY DISASTER UPDATES TO CONGRESS FOR PRESIDENTIALLY DECLARED DISASTERS.—

(1) IN GENERAL.—Each day during a disaster update period, excluding Federal holidays and weekends, the Administration shall provide to the Committee on Small Business and Entrepreneurship of the Senate and to the Committee on Small Business of the House of Representatives a report on the operation of the disaster loan program of the Administration for the area in which the President declared a major disaster or a catastrophic national disaster, as the case may be.

(2) CONTENTS.—Each report under paragraph (1) shall include—

(A) the number of Administration staff performing loan processing, field inspection, and other duties for the declared disaster, and the allocations of such staff in the disaster field offices, disaster recovery centers, workshops, and other Administration offices nationwide;

(B) the daily number of applications received from applicants in the relevant area, as well as a breakdown of such figures by State;

(C) the daily number of applications pending application entry from applicants in the relevant area, as well as a breakdown of such figures by State;

(D) the daily number of applications withdrawn by applicants in the relevant area, as well as a breakdown of such figures by State;

(E) the daily number of applications summarily declined by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(F) the daily number of applications declined by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(G) the daily number of applications in process from applicants in the relevant area, as well as a breakdown of such figures by State;

(H) the daily number of applications approved by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(I) the daily dollar amount of applications approved by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(J) the daily amount of loans dispersed, both partially and fully, by the Administration to applicants in the relevant area, as well as a breakdown of such figures by State;

(K) the daily dollar amount of loans dispersed, both partially and fully, from the relevant area, as well as a breakdown of such figures by State;

(L) the number of applications approved, including dollar amount approved, as well as applications partially and fully dispersed, including dollar amounts, since the last report under paragraph (1); and

(M) the declaration date, physical damage closing date, economic injury closing date, and number of counties included in the declaration of a major disaster.

(c) NOTICE OF THE NEED FOR SUPPLEMENTAL FUNDS.—On the same date that the Administrator notifies any committee of the Senate or the House of Representatives that supplemental funding is necessary for the disaster loan program of the Administration in any fiscal year, the Administrator shall notify in writing the Committee on Small Business and Entrepreneurship of the Senate and to the Committee on Small Business of the House of Representatives regarding the need for supplemental funds for such loan program.

(d) REPORT ON CONTRACTING.—

(1) IN GENERAL.—Not later than 6 months after the date on which the President declares a declared disaster, and every 6 months thereafter until the date that is 18 months after the date on which the declared disaster was declared, the Administrator shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and to the Committee on Small Business of the House of Representatives regarding Federal contracts awarded as a result of the declared disaster.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

(A) the total number of contracts awarded as a result of the declared disaster;

(B) the total number of contracts awarded to small business concerns as a result of the declared disaster;

(C) the total number of contracts awarded to women and minority-owned businesses as a result of the declared disaster; and

(D) the total number of contracts awarded to local businesses as a result of the declared disaster.

TITLE IV—ENERGY EMERGENCIES

SEC. 401. FINDINGS.

Congress finds that—

(1) a significant number of small business concerns in the United States, nonfarm as well as agricultural producers, use heating oil, natural gas, propane, or kerosene to heat their facilities and for other purposes;

(2) a significant number of small business concerns in the United States sell, distribute, market, or otherwise engage in commerce directly related to heating oil, natural gas, propane, and kerosene; and

(3) significant increases in the price of heating oil, natural gas, propane, or kerosene—

(A) disproportionately harm small business concerns dependent on those fuels or that use, sell, or distribute those fuels in the ordinary course of their business, and can cause them substantial economic injury;

(B) can negatively affect the national economy and regional economies;

(C) have occurred in the winters of 1983 to 1984, 1988 to 1989, 1996 to 1997, 1999 to 2000, 2000 to 2001, and 2004 to 2005; and

(D) can be caused by a host of factors, including international conflicts, global or regional supply difficulties, weather conditions, insufficient inventories, refinery capacity, transportation, and competitive structures in the markets, causes that are often unforeseeable to, and beyond the control of, those who own and operate small business concerns.

SEC. 402. SMALL BUSINESS ENERGY EMERGENCY DISASTER LOAN PROGRAM.

(a) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting after paragraph (9), as added by this Act, the following:

"(10) ENERGY EMERGENCIES.—

"(A) DEFINITIONS.—In this paragraph—

"(i) the term 'base price index' means the moving average of the closing unit price on the New York Mercantile Exchange for heating oil, natural gas, or propane for the 10 days, in each of the most recent 2 preceding years, which correspond to the trading days described in clause (ii);

"(ii) the term 'current price index' means the moving average of the closing unit price on the New York Mercantile Exchange, for the 10 most recent trading days, for contracts to purchase heating oil, natural gas, or propane during the subsequent calendar month, commonly known as the 'front month';

"(iii) the term 'heating fuel' means heating oil, natural gas, propane, or kerosene; and

"(iv) the term 'significant increase' means—

"(I) with respect to the price of heating oil, natural gas, or propane, any time the current price index exceeds the base price index by not less than 40 percent; and

"(II) with respect to the price of kerosene, any increase which the Administrator, in consultation with the Secretary of Energy, determines to be significant.

"(B) AUTHORIZATION.—The Administration may make such loans, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, to assist a small business concern that has suffered or that is likely to suffer substantial economic injury as the result of a significant increase in the price of heating fuel occurring on or after October 1, 2004.

"(C) INTEREST RATE.—Any loan or guarantee extended under this paragraph shall be made at the same interest rate as economic injury loans under paragraph (2).

"(D) MAXIMUM AMOUNT.—No loan may be made under this paragraph, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, if the total amount outstanding and committed to the borrower under this subsection would exceed $1,500,000, unless such borrower constitutes a major source of employment in its surrounding area, as determined by the Administrator, in which case the Administrator, in the discretion of the Administrator, may waive the $1,500,000 limitation.

"(E) DECLARATIONS.—For purposes of assistance under this paragraph—

"(i) a declaration of a disaster area based on conditions specified in this paragraph shall be required, and shall be made by the President or the Administrator; or

"(ii) if no declaration has been made under clause (i), the Governor of a State in which a significant increase in the price of heating fuel has occurred may certify to the Administration that small business concerns have suffered economic injury as a result of such increase and are in need of financial assistance which is not otherwise available on reasonable terms in that State, and upon receipt of such certification, the Administration may make such loans as would have been available under this paragraph if a disaster declaration had been issued.

"(F) USE OF FUNDS.—Notwithstanding any other provision of law, loans made under this paragraph may be used by a small business concern described in subparagraph (B) to convert from the use of heating fuel to a renewable or alternative energy source, including agriculture and urban waste, geothermal energy, cogeneration, solar energy, wind energy, or fuel cells.".

(b) CONFORMING AMENDMENTS RELATING TO HEATING FUEL.—Section 3(k) of the Small Business Act (15 U.S.C. 632(k)) is amended—

(1) by inserting ", significant increase in the price of heating fuel" after "civil disorders"; and

(2) by inserting "other" before "economic".

(c) EFFECTIVE PERIOD.—The amendments made by this section shall apply during the 4-year period beginning on the date on which guidelines are published by the Administrator under section 404.

SEC. 403. AGRICULTURAL PRODUCER EMERGENCY LOANS.

(a) IN GENERAL.—Section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) is amended—

(1) in the first sentence—

(A) by striking "operations have" and inserting "operations (i) have"; and

(B) by inserting before ": *Provided*," the following: ", or (ii)(I) are owned or operated by such an applicant that is also a small business concern (as defined in section 3 of the Small Business Act (15 U.S.C. 632)), and (II) have suffered or are likely to suffer substantial economic injury on or after October 1, 2004, as the result of a significant increase in energy costs or input costs from energy sources occurring on or after October 1, 2004, in connection with an energy emergency declared by the President or the Secretary";

(2) in the third sentence, by inserting before the period at the end the following: "or by an energy emergency declared by the President or the Secretary"; and

(3) in the fourth sentence—

(A) by inserting "or energy emergency" after "natural disaster" each place that term appears; and

(B) by inserting "or declaration" after "emergency designation".

(b) FUNDING.—Funds available on the date of enactment of this Act for emergency loans under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.) shall be available to carry out the amendments made by subsection (a) to meet the needs resulting from energy emergencies.

(c) EFFECTIVE PERIOD.—The amendments made by this section shall apply during the 4-year period beginning on the date on which guidelines are published by the Secretary of Agriculture under section 404.

SEC. 404. GUIDELINES AND RULEMAKING.

(a) GUIDELINES.—Not later than 30 days after the date of enactment of this Act, the Administrator and the Secretary of Agriculture shall each issue such guidelines as the Administrator or the Secretary, as applicable, determines to be necessary to carry out this title and the amendments made by this title.

(b) RULEMAKING.—Not later than 30 days after the date of enactment of this Act, the Administrator, after consultation with the Secretary of Energy, shall promulgate regulations specifying the method for determining a significant increase in the price of kerosene under section 7(b)(10)(A)(iv)(II) of the Small Business Act, as added by this Act.

SEC. 405. REPORTS.

(a) SMALL BUSINESS ADMINISTRATION.—Not later than 12 months after the date on which the Administrator issues guidelines under section 404, and annually thereafter until the date that is 12 months after the end of the effective period of section 7(b)(10) of the Small Business Act, as added by this Act, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, a report on the effectiveness of the assistance made available under section 7(b)(10) of the Small Business Act, as added by this Act, including—

(1) the number of small business concerns that applied for a loan under such section and the number of those that received such loans;

(2) the dollar value of those loans;

(3) the States in which the small business concerns that received such loans are located;

(4) the type of heating fuel or energy that caused the significant increase in the cost for the participating small business concerns; and

(5) recommendations for ways to improve the assistance provided under such section 7(b)(10), if any.

(b) DEPARTMENT OF AGRICULTURE.—Not later than 12 months after the date on which the Secretary of Agriculture issues guidelines under section 404, and annually thereafter until the date that is 12 months after the end of the effective period of the amendments made to section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) by this title, the Secretary shall submit to the Committee on Small Business and Entrepreneurship and the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Small Business and the Committee on Agriculture of the House of Representatives, a report that—

(1) describes the effectiveness of the assistance made available under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)); and

(2) contains recommendations for ways to improve the assistance provided under such section 321(a), if any.

Mr. KERRY. Mr. President, in the 15 months since Hurricane Katrina decimated gulf coast communities, Senators SNOWE, LANDRIEU, VITTER, and I have worked to produce a comprehensive package to reform the SBA's disaster loan program. The SBA's failed response in a time of unmatched need demonstrated to everyone that this program is broken and needs fixing.

Immediately after Hurricane Katrina hit, I introduced an amendment with Senator LANDRIEU to the fiscal year 2006 Commerce, Justice and Science appropriations bill to address the needs of gulf region small business and homeowners. The amendment was adapted with input from Chair SNOWE, and a subsequent bipartisan amendment passed the Senate with a vote of 96 to 0. Although the entire Senate supported the amendment, it was stripped out of the bill conference.

On September 30, 2005, I again worked with Chair SNOWE and Senators LANDRIEU and VITTER to introduce the Small Business Hurricane Relief and Reconstruction Act of 2006, S. 1807. Although this bill presented a bipartisan, comprehensive approach to hurricane relief, it stalled in the face of the Administration's opposition. In June, I introduced the Small Business Disaster Loan Reauthorization and Improvements Act of 2006, S. 3487, which once again attempted to comprehensively address the shortcomings of this program. Finally, in August, and with continued opposition from the administration, the committee unanimously reported S. 3778, the Small Business Reauthorization and Improvements Act of 2006, which again put forward a bipartisan, comprehensive fix for this program.

Many of the provisions included in the bill we are introducing today were included in one or more of these previous proposals. The bill includes directives for the SBA to create a private disaster loan program, to allow for lenders to issue disaster loans. To ensure that these loans are borrower friendly, we provide authorization for appropriations so that the agency can subsidize the interest rates. In addition, the administrator is authorized to enter into agreements with private contractors in order to expedite loan application processing for direct disaster loans.

The bill also includes language directing SBA to create an expedited disaster assistance loan program to provide businesses with short-term loans so that they may keep their doors open until they receive alternative forms of assistance. The days immediately following a disaster are crucial for business owners—statistics show that once they close their doors, they likely will not open them again. These short-term loans should help prevent those doors from closing.

A Presidential declaration of catastrophic national disaster will allow the administrator to offer economic injury disaster loans to adversely affected business owners beyond the geographic reach of the disaster area.

Nonprofit entities working to provide services to victims should be rewarded and given access to the capital they require to continue their services. To this end, the administrator is authorized to make disaster loans to nonprofit entities, including religious organizations.

Construction and rebuilding contracts being awarded are likely to be larger than the current $2 million threshold currently applied to the SBA Surety Bond Program which helps small construction firms gain access to contracts. This bill increases the guarantee against loss for small business contracts up to $5 million and allows the administrator to increase that level to $10 million, if deemed necessary.

The bill also provides for small business development centers to offer business counseling in disaster areas and to travel beyond traditional geographic boundaries to provide services during declared disasters. To encourage small business development centers located in disaster areas to keep their doors open, the maximum grant amount is waived.

So that Congress may remain better aware of the status of the administration's disaster loan program, this bill directs the administration to report to the Committee on Small Business and Entrepreneurship of the Senate and to the Committee on Small Business of the House of Representatives regularly on the fiscal status of the disaster loan program as well as the need for supplemental funding. The administration is also directed to report on the number of Federal contracts awarded to small businesses, minority-owned small businesses, women-owned businesses, and local businesses during a disaster declaration.

Finally, gas prices continue to fluctuate, and fuel-dependent small businesses are struggling with the cost of energy. This bill provides relief to small business owners during times of above average energy price increases, authorizing energy disaster loans through the Small Business Administration and the Department of Agriculture to companies that depend on fuel.

Residents of the gulf coast continue to rebuild from last year's hurricane season. By all accounts, Administrator Preston has implemented policies that are helping gulf coast victims get back on their feet. However, the SBA needs the tools offered in this bill in order to comprehensively address the needs of business owners following a large-scale disaster. As the 109th Congress prepares to adjourn, it is unconscionable that we have not yet put in place the reforms needed for this program to function effectively. I urge my colleagues in the final days of this session to support this legislation, so that God forbid another region has to deal with a disaster the size and scope of the 2005 gulf coast hurricanes, the SBA will be fully able to provide the assistance that homeowners and business owners require.

Ms. LANDRIEU. Mr. President, as we all know, there was a tremendous amount of criticism of the Federal Government's response to Hurricanes Katrina and Rita last year. Things are better now and the region is slowly recovering. But having just finished the 2006 Hurricane season, and with the 2007 season a few months away, we must be sure that if we have another disaster, the Federal Government's response will be better this time around. Disaster response agencies have to be better organized, more efficient, and more responsive in order to avoid the problems, the delays, mismanagement, and the seeming incompetence that occurred last year.

Today, I am proud to be an original cosponsor of legislation to improve the disaster response of one agency that had a great deal of problems last year, the Small Business Administration, SBA. This bill, the Small Business Disaster Response and Loan Improvements Act, makes major improvements to the SBA's disaster response and provides them with essential tools to ensure that they are more efficient and better prepared for future disasters—big and small. I should also note that this bill is a result of intensive bipartisan work over the past few months. As such, it is reflective of the priorities from Senators SNOWE and KERRY, respectively chair and ranking member of the Senate Small Business Committee, as well as Senator LANDRIEU. For my part, I have heard loud and clear from our impacted businesses that SBA reforms should be implemented as soon as possible. That is why in September, I sent a letter to the new SBA Administrator Steve Preston, expressing concerns on the lack of progress on SBA Disaster reforms, which were included in S. 3778, the fiscal year 2007 SBA reauthorization bill reported out of the Senate Small Business Committee. In this letter, I requested his cooperation, along with our committee, to pass this important legislation before Congress adjourns at the end of the year. The introduction of this bill today, shows the progress that the committee made since September on this issue. I hope that this spirit of bipartisanship continues well into the 110th Congress and that I can continue to work with my colleagues on the Senate Small Business Committee to reform SBA.

This legislation offers new tools to enhance SBA's disaster assistance programs. In every disaster, the SBA disaster loan program is a lifeline for businesses and homeowners who want to rebuild their lives after a catastrophe. When Katrina hit, our businesses and homeowners had to wait months for loan approvals. I do not know how many businesses we lost because help did not come in time. Because of the scale of this disaster, what these businesses needed was immediate, short-term assistance to hold them over until SBA was ready to process the tens of thousands of loan applications it received.

That is why this legislation provides the SBA Administrator with the ability to set up an expedited disaster assistance business loan program to make short-term, low-interest loans to keep them afloat. These loans will allow businesses to make payroll, begin making repairs, and address other immediate needs while they are awaiting insurance payouts or regular SBA disaster loans. However, I realize that every disaster is different and could range from a disaster on the scale of Hurricane Katrina or 911, to an ice storm or drought. This legislation gives the SBA additional options and flexibility in the kinds of relief they can offer a community. When a tornado destroys 20 businesses in a small town in the Midwest, SBA can get the regular disaster program up and running fairly quickly. You may not need short-term loans in this instance. But if you know that SBA's resources would be overwhelmed by a storm—just as they were initially with Katrina—these expedited business loans would be very helpful.

This legislation also would direct SBA to study ways to expedite disaster loans for those businesses in a disaster area that have a good, solid track record with the SBA or can provide vital recovery efforts. We had many businesses in the gulf coast that had paid off previous SBA loans, were major sources of employment in their communities, but had to wait months for decisions on their SBA disaster loan applications. I do not want to get rid of the SBA's current practice of reviewing applications on a first-come-first-served basis, but there should be some mechanism in place for major disasters to get expedited loans out the door to specific businesses that has a positive record with SBA or those that could serve a vital role in the recovery efforts. Expedited loans would jump-start impacted economies, get vital capital out to businesses, and retain essential jobs following future disasters.

This bill also makes an important modification to the collateral requirements for disaster loans. The SBA cannot disburse more than $10,000 for an approved loan without showing collateral. This is to limit the loss to the SBA in the event that a loan defaults. However, this disbursement amount has not been increased since 1998, and these days, $10,000 is not enough to get a business up and running. That is why this bill increases this collateral requirement to $14,000 and gives the Administrator the ability to increase that amount, in the event of another large-scale disaster. I believe this is a reasonable and fiscally responsible increase, and at the same time gives the Administrator flexibility for future disasters which will inevitably occur.

As you may know, pushed to get language in the last hurricane supplemental appropriations bill in June 2006 to require SBA to develop a disaster plan and report to Congress on its contents by July 15, 2006. SBA provided this status report in July, and I am pleased that, since then, SBA has been working on a comprehensive disaster response plan. That said, I believe that with the 2007 Atlantic hurricane season fast approaching, and other disasters possible before then, the SBA should be looking at additional ways to improve upon this plan. This legislation requires SBA to report to Congress, by March 15, 2007, on the current status of its response plan and to provide us with a snapshot of where they were with Katrina and where they are now. The report also requests SBA feedback on suggested improvements. These improvements include better incorporating State disaster assistance efforts into SBA's response, as well as better coordination with Federal response agencies like FEMA.

The Small Business Disaster Response and Loan Improvements Act will provide essential tools to make the SBA more proactive, flexible, and most important, more efficient during future disasters. Again, I look forward to working with both Senator SNOWE and Senator KERRY during the 110th Congress to ensure that the SBA has everything it needs to meet these goals.

I thank the Chair and ask that my entire statement appear in the RECORD. I also ask unanimous consent that a copy of my September 27, 2006, letter to SBA be printed in the RECORD at the conclusion of my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, September 27, 2006.

Hon. STEVEN C. PRESTON,
Administrator, U.S. Small Business Administration, Washington, DC.

DEAR ADMINISTRATOR PRESTON: Let me take this opportunity to again congratulate you on your confirmation as Administrator of the U.S. Small Business Administration (SBA). Your management experience and passion to serve will prove extremely helpful to you in this challenging position.

I write you today because, as member of the Senate Committee on Small Business and Entrepreneurship, as well as senator from a state hit hard by both Hurricanes Katrina and Rita, I believe it is my duty to ensure that we implement substantive changes to SBA's Disaster Assistance Program during this session of Congress.

The SBA's response to Katrina and Rita was too slow and lacking in urgency—threatening the very survival of our affected businesses. A year has passed since Hurricanes Katrina and Rita, yet while Congress is currently acting on extensive reforms for the Federal Emergency Management Agency (FEMA), there has been only incremental changes to SBA's Disaster Assistance Program. That is why I am pleased to learn that you have recently created the Accelerated Disaster Response Initiative to identify and help implement process improvements to enable the SBA to respond more quickly in assisting small businesses and homeowners in need of assistance after a disaster. I applaud these efforts and your leadership on this issue. But much more must be done to address the systemic problems that led to delays and inaction post-Katrina and Rita.

For our part, the Senate is also attempting to address the multiple problems that hampered SBA's ability to assist impacted Gulf Coast small businesses and homeowners. Under the leadership of the Chair and Ranking Member of the Senate Committee on Small Business and Entrepreneurship, Senators SNOWE and KERRY, the committee voted unanimously to approve S. 3778, the "Small Business Reauthorization and Improvements Act of 2006" and sent it to the full Senate for consideration. A copy of the bill is attached for your convenience. This bipartisisan legislation re-authorizes SBA programs, and also of great importance to me and my constitutents, makes essential reforms to SBA's Disaster Assistance Program. However, since S. 3778 was introduced on August 2, 2006, almost nine weeks ago, it has been blocked from consideration and the Committee is still waiting for budget information so that it may file its report on the bill. It is my understanding that the administration and SBA has several concerns about this bill in its current form.

I am very concerned at this apparent deadlock, a deadlock which threatens our bipartisan efforts to implement comprehensive

SBA Diaster Assistance reforms before the end of the year. In particular, I believe that there must be SBA reforms in the following areas:

Short-Term Assistance: Following Katrina and Rita small businesses waited, on average, four to six months for approvals and disbursements on SBA Disaster Loans. In order to ensure the long-term survival of small businesses impacted by a catastrophic disaster, SBA needs to be in the business of short-term recovery—by providing either emergency bridge loans or grants.

Disaster Loan Process for Homeowners: While SBA's mission is to "aid, counsel, assist and protect, insofar as is possible, the interests of small business concerns" it also has the added responsibility of helping affected homeowners rebuild their housing post-disaster. Katrina and Rita resulted in record numbers of SBA Disaster Loan applications, from homeowners, which strained SBA's existing resources and personnel. If the SBA must bear this responsibility, the agency should improve the process as well as possibly seek greater coordination and cooperation with the U.S. Department of Housing and Urban Development on disaster housing assistance.

Expedited Disaster Loans to Businesses: The SBA currently has no mechanism in place to expedite Disaster Loans to impacted businesses that are either a major source of employment or that can demonstrate a vital contribution to recovery efforts in the area, such as businesses who construct housing, provide building materials, or conduct debris removal. The SBA needs the ability to fast-track loans to these businesses, in order to jumpstart local economies and recovery efforts.

Economic Injury Disaster Loans: Although Katrina and Rita directly affected businesses along the Gulf Coast, additional businesses in the region, as well as the rest of the country, were economically impacted by the storms. The SBA must have the ability to provide nationwide, or perhaps regional, economic injury disaster loans to businesses which can demonstrate economic distress or disruption from a future major disaster.

Loss Verification and Loan Processing: Following the Gulf Coast hurricanes, the SBA struggled for months to hire enough staff to inspect losses and process loan applications. Although SBA now has trained reserves to handle such surges in demand, the SBA also needs the permanent authority to enter into agreements with qualified private lenders and credit unions to process Disaster Loans and provide loss verification services.

Administrator Preston, I was impressed by your expressed willingness to be a bridge between Congress and the White House. For the SBA truly bring its disaster capabilities to the next level, I believe that it must work in concert with the Congress. Together, we must remove layers of bureaucracy and red tape, which, following Katrina and Rita, both overwhelmed and frustrated dedicated SBA employees and those affected by the hurricanes. We must also give the SBA new tools to ensure that problems that occurred post-Katrina and Rita never happen again.

Last month we marked the 1-year anniversary of Hurricane Katrina, and now mark the 1-year anniversary of hurricane Rita. It is essential that we take action now to make substantive reforms to the SBA Disaster Assistance Program. We owe nothing less to our small businesses. I ask that you continue working with my office on this important issue and respond to our approach in writing no later than October 31, 2006. This will help us develop a proposal which can address the concerns of the SBA as well as provide a better and more responsive SBA Disaster Assistance Program for our small businesses.

Thank you in advance for your assistance with this request.

Sincerely,

MARY L. LANDRIEU,
United States Senator.

By Mr. DODD (for himself and Mr. DEWINE):

S. 4098. A bill to improve the process for the development of needed pediatric medical devices; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today to introduce the Pediatric Medical Device Safety and Improvement Act of 2006. I want to begin by thanking Senator MIKE DEWINE for joining me in introducing this legislation and for his leadership on children's health. He has been my partner over the years as we fought to make drugs safer and more widely available for children. I believe the legislation we are introducing today will achieve a similar goal for pediatric medical devices. I would also like to especially thank the Elizabeth Glaser Pediatric AIDS Foundation, the American Academy of Pediatrics, the American Thoracic Society and the National Organization for Rare Disorders for their expertise in helping craft this legislation as well as their tireless support for making medical devices safer for use in children.

This legislation provides a comprehensive approach to ensuring that children are not left behind as cutting-edge research and revolutionary technologies for medical devices advance. Like drugs, where for too long children were treated like small adults and could just be given reduced doses of adult products, many essential medical devices used extensively by pediatricians are not designed or sized for children. In fact, the development of new medical devices suitable for children's smaller and growing bodies can lag 5 or 10 years behind those for adults.

While children and adults suffer from many of the same diseases and conditions, their device needs can vary considerably due to differences in size, rates of growth, critical development periods, anatomy, physiological differences such as breathing and heart rate, and physical activity levels. To date, because the pediatric market is so small and pediatric diseases relatively rare, there has been little incentive for device manufacturers to focus their attention on children. The result has been that pediatric providers must resort to "jerry-rigging" or fashioning make-shift device solutions for pediatric use. When that is not an option, providers may be forced to use more invasive treatment or less effective therapies.

For example, at present, left ventricular assist devices, LVADs, do not exist in the U.S. for children less than 5 years old. An LVAD is a mechanical pump that helps a heart that is too weak to pump blood through the body. So infants and children under 5 years of age who have critical failure of their left or right ventricles have to be supported through extracorporeal membrane oxygenation, ECMO. An ECMO consists of a pump, an artificial lung, a blood warmer and an arterial filter, which is installed by inserting tubes into large veins or arteries located in the right side of the neck or the groin. While ECMOs can help children for short periods of time, they are problematic. They can cause dangerous clots and the blood thinners that prevent these clots may lead to internal bleeding. In addition, children must remain bedridden while using the device.

For young children needing to be on a ventilator to assist their breathing, the lack of non-invasive ventilators with masks that suitably fit babies has led to respiratory treatments that are inadequate or invasive treatment options such as placing a tube in the baby's throat.

Children needing prosthetic heart valves face a disproportionately high failure rate. Because of the biochemistry of children's growing bodies, prosthetic heart valves implanted in children calcify and deteriorate much faster than in adults. Typically, children with a heart valve implant who survive to adulthood will need four or five operations. Additionally, devices currently available for children must be better able to expand and grow as the child grows.

Over the past 2 years, several efforts have been launched to better identify barriers to the development of pediatric devices and to generate solutions for improving children's access to needed medical devices.

Beginning in June 2004, the American Academy of Pediatrics, the Elizabeth Glaser Pediatric AIDS Foundation, the National Organization for Rare Disorders, NORD, the National Association of Children's Hospitals, and the Advanced Medical Technology Association, AdvaMed, hosted a series of stakeholders meetings that yielded recommendations for improving the availability of pediatric devices. In October 2004, in response to a directive in the Medical Devices Technical Corrections Act of 2004, the Food and Drug Administration, FDA, released a report that identified numerous barriers to the development and approval of devices for children. And in July 2005, the Institute of Medicine, IOM, issued a report on the adequacy of postmarket surveillance of pediatric medical devices, as mandated by the Medical Device User Fee and Modernization Act of 2002. The IOM found significant flaws in safety monitoring and recommended expanding the FDA's ability to require postmarket studies of certain products and improving public access to information about postmarket pediatric studies.

Our legislation seeks to address the equally important issues of pediatric medical device safety and availability. To begin with, the bill creates a mechanism to allow the FDA to track the number and types of medical devices approved specifically for children or for conditions that occur in children. It also allows the FDA to use adult data to support a determination of reasonable assurance of effectiveness in pediatric populations and to extrapolate data between pediatric subpopulations.

The market for pediatric medical devices simply isn't what it is for adults. Therefore, many device manufacturers have been reluctant to make devices for children. Our bill creates an incentive for companies by modifying the existing humanitarian device exemption, HDE, provision to allow manufacturers to profit from devices that are specifically designed to meet a pediatric need.

To prevent abuse, our bill reverts to current law which allows no profit on sales of devices that exceed the number estimated to be needed for the approved condition. This provision is modeled after the existing Orphan Products Division designation process. Under no circumstances can there be a profit on sales if the device is used to treat or diagnose diseases or conditions affecting more than 4,000 individuals in the U.S. per year which is the same as under current law. Already approved adult HDEs upon date of enactment are eligible for the HDE profit modification but only if they are meet the conditions of the bill. The lifting of the profit restriction for new pediatric HDEs sunsets in 2012 and FDA is required to issue a report on its impact within 5 years.

In order to encourage pediatric medical device research, our bill requires the National Institutes of Health, NIH, to designate a point of contact at the agency to help innovators and physicians access funding for pediatric medical device development. It also requires the NIH, the FDA, and the Agency for Healthcare Research and Quality, AHRQ, to submit a plan for pediatric medical device research that identifies gaps in such research and proposes a research agenda for addressing them. In identifying the gaps, the plan can include a survey of pediatric medical providers regarding unmet pediatric medical device needs.

To better foster innovation in the private sector, our bill establishes demonstration grants for non-profit consortia to promote pediatric device development, including matchmaking between inventors and manufacturers and federal resources. These demonstration grants which are authorized for $6 million annually require that the federal government mentor and help manage pediatric device projects through the development process, including product identification, prototype design, device development and marketing. Under the bill, grantees must coordinate with the NIH's pediatric devices point of contact to identify research issues that require further study and with the FDA to help facilitate approval of pediatric indications.

Finally, in its 2005 report on pediatric medical device safety, the IOM found serious flaws in the postmarket safety surveillance of these devices. Our legislation allows FDA to require postmarket studies as a condition of clearance for certain categories of devices. This includes "a class II or class III device the failure of which would be reasonably likely to have serious adverse health consequences or is intended to be (1) implanted in the human body for more than one year, or (2) a life sustaining or life supporting device used outside a device user facility."

The legislation also gives the FDA the ability to require studies longer than 3 years with respect to a device that is to have significant use in pediatric populations if such studies would be necessary to address longer term pediatric questions, such as the impact on growth and development. And, it establishes a publicly accessible database of postmarket study commitments that involve questions about device use in pediatric populations.

The legislation we are introducing today has been many years in the making. In addition to the lead republican bill sponsor, Senator DEWINE, and the public health organizations I mentioned earlier, I would like to thank the Advanced Medical Technology Association and its member company Johnson & Johnson, for their contributions to this legislation. The bill we are introducing today reflects many of the comments and suggestions they provided through the development of this legislation. Several device manufacturers including Respironics, Seleon, Breas Medical AB, and Stryker have submitted letters of support for this legislation and I ask unanimous consent that their letters as well as the letters of all organizations supporting this bill be entered in the record following my remarks.

I look forward to working with patient groups, physicians, industry and my colleagues—including the chairman and ranking member of the Health, Education, Labor and Pensions Committee, Senators ENZI and KENNEDY—to move this legislation next year when the committee considers medical device legislation. I urge my colleagues to support this legislation and I am hopeful that it will become law as soon as possible.

I ask unanimous consent that the letters and the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ELIZABETH GLASER
PEDIATRIC AIDS FOUNDATION,
Washington, DC, December 5, 2006.

Hon. CHRISTOPHER DODD,
Russell Senate Office Building,
Washington, DC.

Hon. MIKE DEWINE,
Russell Senate Office Building,
Washington, DC.

DEAR SENATORS DODD AND DEWINE: On behalf of the Elizabeth Glaser Pediatric AIDS Foundation, I would like to express our strong support for the Pediatric Medical Device Safety and Improvement Act of 2006. Your leadership on this issue has been outstanding and I applaud your efforts to introduce legislation that will improve the health and well-being of children across the U.S.

While cutting-edge research and revolutionary technologies have led to the development of countless innovative medical devices, as science and medicine move forward children are at risk of being left behind. Physical differences such as children's size, anatomy, and growth provide challenges that limit children's access to safe and effective medical devices. With very few devices available for pediatric use, pediatric providers must resort to "jury-rigging" or fashioning make-shift device solutions for their patients. When that is not an option, providers may be forced to use more invasive treatment or less effective therapies.

This legislation recognizes the urgent need for improved access to medical devices designed specifically for children and provides a comprehensive approach to addressing this issue that includes providing assistance to innovators, streamlining regulatory processes, elevating pediatric device issues at the FDA and NIH, and improving incentives for devices for small markets—while still preserving the ability to ensure the safety of new products.

Thank you for your leadership and commitment to this issue. We look forward to working closely with you to ensure that children across the U.S. benefit from this important piece of legislation.

Sincerely,

PAMELA W. BARNES,
President and Chief Executive Officer.

AMERICAN THORACIC SOCIETY,
New York, NY, September 11, 2006.

Hon. MIKE DEWINE,
U.S. Senate,
Washington, DC.

DEAR SENATOR DEWINE: On behalf of the American Thoracic Society, I want to encourage you to continue your efforts to improve access to medical devices for children by introducing legislation this fall.

The ATS represents over 13,000 physicians, researchers, and allied health professionals, who are actively engaged in the diagnosis, treatment and research of respiratory disease and critical care medicine. Many of the patients we treat are children suffering from respiratory diseases.

You have long been a champion of the health needs of children and you are well aware that children are not "little people." Children have specific health needs and challenges. This is particularly true in the case of medical equipment.

The medical device industry has excelled in developing new products that improve the care and well being for patients with respiratory diseases. However, due to the reduced market size, many of these breakthrough respiratory devices are not available to children. Children do not have the same access to ventilators, sleep apnea machines, masks and other respiratory related equipment that adults enjoy. The device access issue for children is a persistent problem in other fields of medicine.

The research and regulatory requirements for making pediatric specific devices can be daunting and may outweigh the business potential for entering the pediatric device market.

We have worked with our colleagues at the American Academy of Pediatrics and members of your staff to develop a legislative proposal that would remove many of the barriers that exist to binging pediatric specific medical devices products to the market. We strongly encourage you to introduce this legislation this fall.

The American Thoracic Society looks forward to working with you to bring this legislative proposal to fruition.

Sincerely,

JOHN E. HEFFNER,
President.

AMERICAN ACADEMY OF PEDIATRICS,
Elk Grove Village, IL, December 4, 2006.

Hon. CHRISTOPHER J. DODD,
U.S. Senate, Washington, DC.
Hon. MIKE DEWINE,
U.S. Senate, Washington, DC.

DEAR SENATORS DODD AND DEWINE: On behalf of the 60,000 primary care pediatricians, pediatric medical subspecialists, and surgical specialists of the American Academy of Pediatrics who are committed to the attainment of optimal physical, mental and social health and well-being for all infants, children, adolescents, and young adults, we write today to express our gratitude and support for the "Pediatric Medical Device Safety and Improvement Act of 2006." This legislation is an important step towards improving the process for the development of needed pediatric medical devices.

Children and adults often suffer from many of the same diseases and conditions, however their medical device needs vary considerable. Children are not just small adults and medical device technologies manufactured for adults often do not fit the needs of children. This problems forces pediatricians to "jury-rig" adult medical devices that are often too large in order to make them fit smaller bodies. This practice, however, is not always effective and leaves children without optimal treatment. Additionally, children's device needs vary considerable, due not only to size, but also to different rates of growth, anatomy, physiological differences and physical activity levels.

This legislation offers incentives to manufacturers to create needed medical devices specifically designed to meet the needs of pediatric patients and it gives the Food and Drug Administration the authority to require post-market studies to ensure continued efficacy and safety of these devices. The need for pediatric medical devices to treat or diagnose diseases and conditions affecting children is clear. Hence, it is essential that medical devices be manufactured with children's needs in mind.

Thank you for your continued commitment to improving the health and well-being of children. The American Academy of Pediatrics looks forward to working with you as this important legislation moves through Congress.

Sincerely,

AMERICAN ACADEMY OF
PEDIATRICS.
THE AMERICAN PEDIATRIC
SOCIETY.
THE ASSOCIATION OF
MEDICAL SCHOOL
PEDIATRIC DEPARTMENT
CHAIRS.
THE SOCIETY FOR
PEDIATRIC RESEARCH.

Murrysville, PA, August 16, 2006.

Hon. MIKE DEWINE,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR DEWINE, Respironics, Inc. is a global medical device company based in Pittsburgh, Pennsylvania. We are the worldwide leader at anticipating needs and providing valued solutions to the sleep and respiratory markets. We employ approximately 4,700 employees and have annual sales in excess of one billion dollars.

In our business, we often are called upon to work with pediatric patients. Based on this work, it is clear that changes are needed to facilitate an improvement in the availability of diagnostic and therapeutic medical devices for children.

Currently, a draft of a bill entitled "To improve the process for the development of needed pediatric medical devices" is being circulated among some Senators for discussion. After reviewing this bill, Respironics believes that the changes contemplated by this bill could help improve the availability of medical devices for children. Therefore, Respironics supports enactment of the bill.

We hope that you will join Respironics in supporting this important legislation.

Sincerely,

DAVID P. WHITE,
Chief Medical Officer.

SELEON, INC.,
Baltimore, MD, September 23, 2006.

Hon. MIKE DEWINE,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR DEWINE: On behalf of Seleon Inc.; I want to encourage you to continue your efforts to improve access to medical therapies for children by introducing the bill, "to improve the process for the development of needed pediatric medical devices" this fall.

Seleon Inc., a medical device manufacturing company, strongly supports this bill. Thank you for your oingoing support of children's health and this important issue.

Sincerely,

MICHAEL LAUK,
President.

BREAS MEDICAL AB,
Mölnlycke, Sweden, August 17, 2006.

Hon. CHRISTOPHER J. DODD,
Hon. MIKE DEWINE,
Russell Senate Office Building,
Washington, DC.

DEAR SENATORS DODD AND DEWINE. On behalf of Breas Medical, I would like to thank you for your efforts to expand the availability of medical devices for children. We appreciate your long-standing leadership on behalf of children and welcome your interest in ensuring that they are not left behind when it comes to critical medical advances. Our devices were developed in Europe and are available for home use in the pediatric population there. We have partnered with companies in the United States, including Sleep Services of America, and now have FDA approval for device use in adults. We are seeking approval for the use of our devices in children where there is a great need.

While children and adults suffer from many of the same diseases and conditions, their device needs can vary considerably. Cutting-edge research and revolutionary technologies have led to the development of many innovative medical products; however, very few are designed specifically for children. We support your efforts to address the barriers to pediatric device development through legislation, particularly in the following areas:

1. Improving the ability of the Food and Drug Administration (FDA) to track how many and what types of devices are approved for children each year;
2. Streamlining pediatric device approvals by allowing the extrapolation of adult data to support pediatric indications, as appropriate;
3. Encouraging device manufacturers to create products for conditions that affect small numbers of children by removing existing restrictions on profit;
4. Improving federal support for pediatric device development by creating a coordinated research agenda and establishing a contact point at the National Institutes of Health to help innovators access existing funding;
5. Improving pediatric device availability by establishing demonstration grants to promote pediatric device development, including connecting inventors and manufacturers, product identification, prototype development, and testing;
6. Improving post-market safety of pediatric devices by allowing FDA to call for postmarket pediatric studies, establishing a publicly accessible database of postmarket studies, and giving FDA the ability to require studies longer than 3 years if needed to answer longer-term pediatric questions.

Thank you for your leadership and commitment to this issue. We look forward to working closely with you toward passage of legislation to improve children's access to medical devices.

Sincerely,

ULF JÖNSSON,
President.

STRYKER CORPORATION,
Washington, DC, December 4, 2006.

Senator CHRISTOPHER J. DODD,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR DODD: On behalf of Stryker Corporation ("Stryker"), I am pleased to announce our support for your legislation to improve the availability and safety of pediatric medical devices—the Pediatric Medical Device Safety and Improvement Act of 2006. Like you and your colleagues, we want our children to have access to the fullest and best range of possible medical treatments, even if that means doing or inventing something new just for them.

We view this as our responsibility both as the leading manufacturer of orthopaedic oncology prostheses in the United States and as a global medical technology company with a significant presence in other medical specialties, including craniofacial deformities such as cleft lip and palate. We take pride in partnering with and sponsoring a range of medical organizations, including one which last year was able to provide free cleft lip surgeries to 8,531 children in 23 countries. The surgery took only about 45 minutes and cost $750 per child, but the corrective surgery changed, in a positive way, forevermore the lives of each and every child and the lives of their families too.

We sincerely appreciate your leadership role on children's issues. We take very seriously not only our commitment to children with cancer and craniofacial deformities but also our responsibility to ensure that our devices are safe and effective for use in pediatric patients.

As you may know, there has been significant progress over the past two decades in the management of patients with musculoskeletal cancers that has improved both the survival rates and quality of life of afflicted individuals. Twenty years ago, the standard treatment for any primary malignant bone and soft tissue sarcomas of the extremity was amputation of the affected arm or leg. Since that time, Stryker is proud to have partnered with leading pediatric oncology surgeons to develop limb-sparing, surgical solutions, including the implantation of a growing prosthesis that can be elongated to account for children's growth.

As with cancer, the treatment of craniofacial deformities is an area in which Stryker has also significantly improved and broadened its range of available medical products and solutions. With continued innovation of new and improved craniomaxillofacial technologies, Stryker hopes to continue to transform the lives of children with craniofacial deformities, such as craniosynostis and cleft lip and palate too.

It is our hope that your legislation will further spur the evolution of novel health care solutions for children. The bill's efforts to streamline approvals for devices with pediatric indications, improve incentives for the development of devices for small pediatric populations, and encourage the establishment of non-profit consortia for pediatric device development should be commended.

Stryker stands ready to assist you in your drive to stimulate the further development of child-centered medical technologies while closely monitoring the safety of such products after they have entered the market. Thank you again for your leadership on this important issue, and we look forward to working with you to advance your bill as medical device reauthorization legislation moves forward in the 110th Congress.

Sincerely,

ED ROZYNSKI,
Vice President,
Global Government Affairs.

S. 4098

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pediatric Medical Device Safety and Improvement Act of 2006".

SEC. 2. TRACKING PEDIATRIC DEVICE APPROVALS.

Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 515 the following:

"SEC. 515A. PEDIATRIC USES OF DEVICES.

"(a) NEW DEVICES.—

"(1) IN GENERAL.—A person that submits to the Secretary an application under section 520(m), or an application (or supplement to an application) or a product development protocol under section 515, shall include in the application or protocol the information described in paragraph (2).

"(2) REQUIRED INFORMATION.—The application or protocol described in paragraph (1) shall include, with respect to the device for which approval is sought and if readily available—

"(A) a description of any pediatric subpopulations that suffer from the disease or condition that the device is intended to treat, diagnose, or cure; and

"(B) the number of affected pediatric patients.

"(3) ANNUAL REPORT.—Not later than 18 months after the date of enactment of this section, and annually thereafter, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that includes—

"(A) the number of devices approved in the year preceding the year in which the report is submitted, for which there is a pediatric subpopulation that suffers from the disease or condition that the device is intended to treat, diagnose, or cure;

"(B) the number of devices approved in the year preceding the year in which the report is submitted, labeled for use in pediatric patients;

"(C) the number of pediatric devices approved in the year preceding the year in which the report is submitted, exempted from a fee pursuant to section 738(a)(2)(B)(v); and

"(D) the review time for each device described in subparagraphs (A), (B), and (C).

"(b) DETERMINATION OF PEDIATRIC EFFECTIVENESS BASED ON SIMILAR COURSE OF DISEASE OR CONDITION OR SIMILAR EFFECT OF DEVICE ON ADULTS.—

"(1) IN GENERAL.—If the course of the disease or condition and the effects of the device are sufficiently similar in adults and pediatric patients, the Secretary may conclude that adult data may be used to support a determination of a reasonable assurance of effectiveness in pediatric populations, as appropriate.

"(2) EXTRAPOLATION BETWEEN SUBPOPULATIONS.—A study may not be needed in each pediatric subpopulation if data from one subpopulation can be extrapolated to another subpopulation.".

SEC. 3. MODIFICATION TO HUMANITARIAN DEVICE EXEMPTION.

(a) IN GENERAL.—Section 520(m) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(m)) is amended—

(1) in paragraph (3), by striking "No" and inserting "Except as provided in paragraph (6), no";

(2) in paragraph (5)—

(A) by inserting ", if the Secretary has reason to believe that the requirements of paragraph (6) are no longer met," after "public health"; and

(B) by adding at the end the following: "If the person granted an exemption under paragraph (2) fails to demonstrate continued compliance with the requirements of this subsection, the Secretary may suspend or withdraw the exemption from the effectiveness requirements of sections 514 and 515 for a humanitarian device only after providing notice and an opportunity for an informal hearing.";

(3) by striking paragraph (6) and inserting the following:

"(6)(A) Except as provided in subparagraph (D), the prohibition in paragraph (3) shall not apply with respect to a person granted an exemption under paragraph (2) if each of the following conditions apply:

"(i)(I) The device with respect to which the exemption is granted is intended for the treatment or diagnosis of a disease or condition that occurs in pediatric patients or in a pediatric subpopulation, and such device is labeled for use in pediatric patients or in a pediatric subpopulation in which the disease or condition occurs.

"(II) The device was not previously approved under this subsection for the pediatric patients or the pediatric subpopulation described in subclause (I) prior to the date of enactment of the Pediatric Medical Device Safety and Improvement Act of 2006.

"(ii) During any calendar year, the number of such devices distributed during that year does not exceed the annual distribution number specified by the Secretary when the Secretary grants such exemption. The annual distribution number shall be based on the number of individuals affected by the disease or condition that such device is intended to treat, diagnose, or cure, and of that number, the number of individuals likely to use the device, and the number of devices reasonably necessary to treat such individuals. In no case shall the annual distribution number exceed the number identified in paragraph (2)(A).

"(iii) Such person immediately notifies the Secretary if the number of such devices distributed during any calendar year exceeds the annual distribution number referred to in clause (ii).

"(iv) The request for such exemption is submitted on or before October 1, 2012.

"(B) The Secretary may inspect the records relating to the number of devices distributed during any calendar year of a person granted an exemption under paragraph (2) for which the prohibition in paragraph (3) does not apply.

"(C) A person may petition the Secretary to modify the annual distribution number specified by the Secretary under subparagraph (A)(ii) with respect to a device if additional information on the number of individuals affected by the disease or condition arises, and the Secretary may modify such number but in no case shall the annual distribution number exceed the number identified in paragraph (2)(A).

"(D) If a person notifies the Secretary, or the Secretary determines through an inspection under subparagraph (B), that the number of devices distributed during any calendar year exceeds the annual distribution number, as required under subparagraph (A)(iii), and modified under subparagraph (C), if applicable, then the prohibition in paragraph (3) shall apply with respect to such person for such device for any sales of such device after such notification.

"(E)(i) In this subsection, the term 'pediatric patients' means patients who are 21 years of age or younger at the time of the diagnosis or treatment.

"(ii) In this subsection, the term 'pediatric subpopulation' means 1 of the following populations:

"(I) Neonates.

"(II) Infants.

"(III) Children.

"(IV) Adolescents."; and

(4) by adding at the end the following:

"(7) The Secretary shall refer any report of an adverse event regarding a device for which the prohibition under paragraph (3) does not apply pursuant to paragraph (6)(A) that the Secretary receives to the Office of Pediatric Therapeutics, established under section 6 of the Best Pharmaceuticals for Children Act (Public Law 107–109)). In considering the report, the Director of the Office of Pediatric Therapeutics, in consultation with experts in the Center for Devices and Radiological Health, shall provide for periodic review of the report by the Pediatric Advisory Committee, including obtaining any recommendations of such committee regarding whether the Secretary should take action under this Act in response to the report.".

(b) REPORT.—Not later than January 1, 2011, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the impact of allowing persons granted an exemption under section 520(m)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(m)(2)) with respect to a device to profit from such device pursuant to section 520(m)(6) of such Act (21 U.S.C. 360j(m)(6)) (as amended by subsection (a)), including—

(1) an assessment of whether such section 520(m)(6) (as amended by subsection (a)) has increased the availability of pediatric devices for conditions that occur in small numbers of children, including any increase or decrease in the number of—

(A) exemptions granted under such section 520(m)(2) for pediatric devices; and

(B) applications approved under section 515 of such Act (21 U.S.C. 360e) for devices intended to treat, diagnose, or cure conditions that occur in pediatric patients or for devices labeled for use in a pediatric population;

(2) the conditions or diseases the pediatric devices were intended to treat or diagnose and the estimated size of the pediatric patient population for each condition or disease;

(3) the costs of the pediatric devices, based on a survey of children's hospitals;

(4) the extent to which the costs of such devices are covered by health insurance;

(5) the impact, if any, of allowing profit on access to such devices for patients;

(6) the profits made by manufacturers for each device that receives an exemption;

(7) an estimate of the extent of the use of the pediatric devices by both adults and pediatric populations for a condition or disease other than the condition or disease on the label of such devices;

(8) recommendations of the Comptroller General of the United States regarding the effectiveness of such section 520(m)(6) (as amended by subsection (a)) and whether any modifications to such section 520(m)(6) (as amended by subsection (a)) should be made;

(9) existing obstacles to pediatric device development; and

(10) an evaluation of the demonstration grants described in section 5.

(c) GUIDANCE.—Not later than 180 days after the date of enactment of this Act, the Commissioner of Food and Drugs shall issue guidance for institutional review committees on how to evaluate requests for approval for devices for which a humanitarian device exemption under section 520(m)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(m)(2)) has been granted.

SEC. 4. ENCOURAGING PEDIATRIC MEDICAL DEVICE RESEARCH.

(a) ACCESS TO FUNDING.—The Director of the National Institutes of Health shall designate a contact point or office at the National Institutes of Health to help innovators and physicians access funding for pediatric medical device development.

(b) PLAN FOR PEDIATRIC MEDICAL DEVICE RESEARCH.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commissioner of Food and Drugs, in collaboration with the Director of the National Institutes of Health and the Director of the Agency for Healthcare Research and Quality, shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a plan for expanding pediatric medical device research and development. In developing such plan, the Commissioner of Food and Drugs shall consult with individuals and organizations with appropriate expertise in pediatric medical devices.

(2) CONTENTS.—The plan under paragraph (1) shall include—

(A) the current status of federally funded pediatric medical device research;

(B) any gaps in such research, which may include a survey of pediatric medical providers regarding unmet pediatric medical device needs, as needed; and

(C) a research agenda for improving pediatric medical device development and Food and Drug Administration clearance or approval of pediatric medical devices, and for evaluating the short- and long-term safety and effectiveness of pediatric medical devices.

SEC. 5. DEMONSTRATION GRANTS FOR IMPROVING PEDIATRIC DEVICE AVAILABILITY.

(a) IN GENERAL.—

(1) REQUEST FOR PROPOSALS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Health and Human Services shall issue a request for proposals for 1 or more grants or contracts to nonprofit consortia for demonstration projects to promote pediatric device development.

(2) DETERMINATION ON GRANTS OR CONTRACTS.—Not later than 180 days after the date the Secretary of Health and Human Services issues a request for proposals under paragraph (1), the Secretary shall make a determination on the grants or contracts under this section.

(b) APPLICATION.—A nonprofit consortium that desires to receive a grant or contract under this section shall submit an application to the Secretary of Health and Human Services at such time, in such manner, and containing such information as the Secretary may require.

(c) USE OF FUNDS.—A nonprofit consortium that receives a grant or contract under this section shall—

(1) encourage innovation by connecting qualified individuals with pediatric device ideas with potential manufacturers;

(2) mentor and manage pediatric device projects through the development process, including product identification, prototype design, device development, and marketing;

(3) connect innovators and physicians to existing Federal resources, including resources from the Food and Drug Administration, the National Institutes of Health, the Small Business Administration, the Department of Energy, the Department of Education, the National Science Foundation, the Department of Veterans Affairs, the Agency for Healthcare Research and Quality, and the National Institute of Standards and Technology;

(4) assess the scientific and medical merit of proposed pediatric device projects;

(5) assess business feasibility and provide business advice;

(6) provide assistance with prototype development; and

(7) provide assistance with postmarket needs, including training, logistics, and reporting.

(d) COORDINATION.—

(1) NATIONAL INSTITUTES OF HEALTH.—Each consortium that receives a grant or contract under this section shall—

(A) coordinate with the National Institutes of Health's pediatric device contact point or office, designated under section 4; and

(B) provide to the National Institutes of Health any identified pediatric device needs that the consortium lacks sufficient capacity to address or those needs in which the consortium has been unable to stimulate manufacturer interest.

(2) FOOD AND DRUG ADMINISTRATION.—Each consortium that receives a grant or contract under this section shall coordinate with the Commissioner of Food and Drugs and device companies to facilitate the application for approval or clearance of devices labeled for pediatric use.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $6,000,000 for each of fiscal years 2007 through 2011.

SEC. 6. AMENDMENTS TO OFFICE OF PEDIATRIC THERAPEUTICS AND PEDIATRIC ADVISORY COMMITTEE.

(a) OFFICE OF PEDIATRIC THERAPEUTICS.—Section 6(b) of the Best Pharmaceuticals for Children Act (21 U.S.C. 393a(b)) is amended by inserting ", including increasing pediatric access to medical devices" after "pediatric issues".

(b) PEDIATRIC ADVISORY COMMITTEE.—Section 14 of the Best Pharmaceuticals for Children Act (42 U.S.C. 284m note) is amended—

(1) in subsection (a), by inserting "(including drugs and biological products) and medical devices" after "therapeutics"; and

(2) in subsection (b)—

(A) in paragraph (1), by inserting "(including drugs and biological products) and medical devices" after "therapeutics"; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "and 505B" and inserting "505B, 510(k), 515, and 520(m)";

(ii) by striking subparagraph (B) and inserting the following:

"(B) identification of research priorities related to therapeutics (including drugs and biological products) and medical devices for pediatric populations and the need for additional diagnostics and treatments for specific pediatric diseases or conditions; and"; and

(iii) in subparagraph (C), by inserting "(including drugs and biological products) and medical devices" after "therapeutics".

SEC. 7. STUDIES.

(a) POSTMARKET STUDIES.—Section 522 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360l) is amended—

(1) in subsection (a)—

(A) by inserting ", or as a condition to approval of an application (or a supplement to an application) or a product development protocol under section 515 or as a condition to clearance of a premarket notification report under section 510(k)," after "The Secretary may by order"; and

(B) by inserting ", that is expected to have significant use in pediatric populations," after "health consequences"; and

(2) in subsection (b)—

(A) by striking "(b) SURVEILLANCE APPROVAL.—Each" and inserting the following:

"(b) SURVEILLANCE APPROVAL.—

"(1) IN GENERAL.—Each";

(B) by striking "The Secretary, in consultation" and inserting "Except as provided in paragraph (2), the Secretary, in consultation";

(C) by striking "Any determination" and inserting "Except as provided in paragraph (2), any determination"; and

(D) by adding at the end the following:

"(2) LONGER STUDIES FOR PEDIATRIC DEVICES.—The Secretary may by order require a prospective surveillance period of more than 36 months with respect to a device that is expected to have significant use in pediatric populations if such period of more than 36 months is necessary in order to assess the impact of the device on growth and development, or the effects of growth, development, activity level, or other factors on the safety or efficacy of the device.".

(b) DATABASE.—

(1) IN GENERAL.—

(A) ESTABLISHMENT.—The Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall establish a publicly accessible database of studies of medical devices that includes all studies and surveillances, described in paragraph (2)(A), that were in progress on the date of enactment of this Act or that began after such date.

(B) ACCESSIBILITY.—Information included in the database under subparagraph (A) shall be in language reasonably accessible and understood by individuals without specific expertise in the medical field.

(2) STUDIES AND SURVEILLANCES.—

(A) INCLUDED.—The database described in paragraph (1) shall include—

(i) all postmarket surveillances ordered under section 522(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360l(a)) or agreed to by the manufacturer; and

(ii) all other studies completed by the manufacturer with respect to a medical device after—

(I) the premarket approval of such device under section 515 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e);

(II) the clearance of a premarket notification report under section 510(k) of such Act (21 U.S.C. 360(k)) with respect to such device; or

(III) submission of an application under section 520(m) of such Act (21 U.S.C. 360j(m)) with respect to such device.

(B) EXCLUDED.—The database described in paragraph (1) shall not include any studies with respect to a medical device that were completed prior to the initial approval of such device.

(3) CONTENTS OF STUDY AND SURVEILLANCE.—For each study or surveillance included in the database described in paragraph (1), the database shall include—

(A) information on the status of the study or surveillance;

(B) basic information about the study or surveillance, including the purpose, the primary and secondary outcomes, and the population targeted;

(C) the expected completion date of the study or surveillance;

(D) public health notifications, including safety alerts; and

(E) any other information the Secretary of Health and Human Services determines appropriate to protect the public health.

(4) ONCE COMPLETED OR TERMINATED.—In addition to the information described in paragraph (3), once a study or surveillance has been completed or if a study or surveillance is terminated, the database shall also include—

(A) the actual date of completion or termination;

(B) if the study or surveillance was terminated, the reason for termination;

(C) if the study or surveillance was submitted but not accepted by the Food and Drug Administration because the study or surveillance did not meet the requirements for such study or surveillance, an explanation of the reasons and any follow-up action required;

(D) information about any labeling changes made to the device as a result of the study or surveillance findings;

(E) information about any other decisions or actions of the Food and Drug Administration that result from the study or surveillance findings;

(F) lay and technical summaries of the study or surveillance results and key findings, or an explanation as to why the results and key findings do not warrant public availability;

(G) a link to any peer reviewed articles on the study or surveillance; and

(H) any other information the Secretary of Health and Human Services determines appropriate to protect the public health.

(5) PUBLIC ACCESS.—The database described in paragraph (1) shall be—

(A) accessible to the general public; and

(B) easily searchable by multiple criteria, including whether the study or surveillance involves pediatric populations.

(c) MEDICAL DEVICE CODING.—The Secretary of Health and Human Services, in consultation with the Commissioner of Food and Drugs, shall adopt voluntary national standards for medical device coding. In adopting voluntary national standards for medical device coding, the Secretary of Health and Human Services shall coordinate with other efforts by the Secretary to adopt and implement standards for the electronic exchange of health information.

Mr. DEWINE. Mr. President, today I join my colleague Senator DODD to introduce a bill designed to help protect our Nation's children. Simply put, our bill would help ensure that our children have access to lifesaving medical devices that are designed specifically for their small bodies. Since the beginning of my career, my No. 1 priority has been to ensure that our children are healthy and safe. There is no other issue more important to me.

Today, many medical devices used by pediatricians are not designed for children. That means that doctors have to fit adult sized devices into children's bodies. This is not right. We need to encourage the development of devices that are sized appropriately for children. According to pediatricians, medical devices' sized appropriately for children are developed sometimes 5 to 10 years behind those for adults. The Pediatric Medical Device Safety and Improvement Act takes a step towards fixing this problem by providing incentives for manufacturers to develop devices for children while also ensuring the safety of new products once on the market.

By introducing this bill, we are saying that we care about our children. We are saying that we care that children have access to lifesaving medical devices that are designed specifically for their small bodies. We are saying that we know we can do better for our children and this bill will do just that.

We all want to see better health care options for our sick children. I believe that with this bill we are taking the first step to resolve a serious national health problem. While this legislation obviously will not pass this year, I know that Senator DODD will continue to work on it next year and encourage my Republican colleagues to take a close look at this bill and support it in the 110th Congress.

I ask unanimous consent that the text of the bill be printed in the RECORD.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 624—TO HONOR THE MEMORY OF ARNOLD "RED" AUERBACH

Mr. KENNEDY (for himself and Mr. KERRY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 624

Whereas Arnold "Red" Auerbach was born on September 20, 1917, in Brooklyn, New York, the son of immigrants from Minsk, Russia;

Whereas Red started playing basketball as a public school student in Brooklyn and later became a star guard for Eastern District High School, making all-scholastic second team in his senior year;

Whereas Red started his coaching career at St. Albans Preparatory School and Roosevelt High School in Washington, D.C., before serving in the United States Navy from 1943 to 1946;

Whereas, in 1946, Red began his professional coaching career with the Washington Capitols in the Basketball Association of America (BAA) and led the team to the 1947 and 1949 division titles, then joined the Boston Celtics as coach in 1950 after the BAA merged with the National Basketball Association (NBA);

Whereas Red's record of success on the basketball court and in the Celtics' front office is unmatched;

Whereas, during Red's 16 years coaching the Boston Celtics, the team won 9 NBA championships, with a record 8 in a row;

Whereas, when Red retired from coaching in 1966 to become General Manager of the Celtics, he had won more games than any other coach in NBA history with 1,037 victories and had won almost two-thirds of the games he coached over a 20-year NBA coaching career;

Whereas during his nearly 57-year tenure with the Celtics as Head Coach, General Manager, Vice Chairman of the Board, and President, Red was the architect of one of the greatest dynasties in the history of professional sports;

Whereas Red infused the Celtics organization with the values of teamwork, respect, tenacity, and loyalty, creating a culture known as "Celtic Pride" that will be forever associated with the Boston Celtics franchise;

Whereas Red's imprint on the Celtics, the NBA, and the game of basketball is permanent and visible today in innovations that Red developed, including the "sixth man" role and fast break style of play;

Whereas Red was an effective and tireless ambassador for the game of basketball, both in the United States and overseas, conducting clinics, barnstorming with the Celtics, starring in the successful television series "Red on Roundball", writing 7 books on basketball, including the influential "Basketball For The Player, The Coach, and The Fan", and participating with Celtics great and Hall of Famer Larry Bird in the instructional video, "Winning Basketball";

Whereas Red received numerous awards and honors in recognition of his extraordinary achievements, such as selection as the NBA Coach of the Year in 1965, induction into the Naismith Memorial Basketball Hall of Fame in 1969, designation as the NBA Executive of the Year in 1980, and selection as "The Greatest Coach in the History of the NBA" by the Professional Basketball Writers' Association of America in 1980;

Whereas Red's lighting of his cigar in the closing moments of an imminent Celtics' victory became an enduring symbol of success in Boston and around the world;

Whereas Red's legacy extends beyond the game of basketball and includes his important contributions to the advancement of a colorblind society through his decisions to draft the NBA's first African-American player, Chuck Cooper, in 1950, hire the first African-American head coach in professional sports, Bill Russell, in 1966, and field the first starting lineup in the NBA consisting entirely of African-American players in 1964; and

Whereas the name Red Auerbach will forever be synonymous with winning, intensity, integrity, and charitable causes: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) Arnold "Red" Auerbach was a basketball genius who embodied the values of creativity, determination, versatility, and commitment to helping the less fortunate;

(2) Red Auerbach was a leader in the effort to remove racial barriers and allow merit to prevail in professional sports, through his decisions to draft, hire, and prominently feature African-Americans on the Boston Celtics basketball team; and

(3) Red Auerbach's place among the greatest coaches and executives of all time is assured, his contributions to the betterment of society will always endure, and his life exemplifies the very best ideals of the United States.

SENATE RESOLUTION 625—EXTENDING THE AUTHORITY FOR THE SENATE NATIONAL SECURITY WORKING GROUP

Mr. FRIST (for himself and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 625

Resolved, That Senate Resolution 105 of the One Hundred First Congress, 1st session (agreed to on April 13, 1989), as amended by Senate Resolution 149 of the One Hundred Third Congress, 1st session (agreed to on October 5, 1993), as further amended by Senate Resolution 75 of the One Hundred Sixth Congress, 1st session (agreed to on March 25, 1999), as further amended by Senate Resolution 383 of the One Hundred Sixth Congress, 2d session (agreed to on October 27, 2000), as further amended by Senate Resolution 355 of the One Hundred Seventh Congress, 2d session (agreed to on November 13, 2002), and as further amended by Senate Resolution 480 of the One Hundred Eighth Congress, 2d session (agreed to November 20, 2004), is further amended in section 4 by striking "2006" and inserting "2008".

AMENDMENTS SUBMITTED & PROPOSED

SA 5212. Mr. ENSIGN (for Mr. ENZI (for himself and Mr. KENNEDY)) proposed an amendment to the bill H.R. 6143, to amend title XXVI of the Public Health Service Act to revise and extend the program for providing life-saving care for those with HIV AIDS.

SA 5213. Mr. FRIST (for Mr. INHOFE (for himself, Mr. CHAFEE, and Mr. JEFFORDS)) proposed an amendment to the bill H.R. 4588, to reauthorize grants for and require applied water supply research regarding the water resources research and technology institutes established under the Water Resources Research Act of 1984.

SA 5214. Mr. FRIST (for Mr. INHOFE (for himself, Mr. JEFFORDS, Mr. BOND, and Mr. BAUCUS)) proposed an amendment to the bill S. 2735, to amend the National Dam Safety Program Act to reauthorize the national dam safety program, and for other purposes.

SA 5215. Mr. FRIST proposed an amendment to the concurrent resolution H. Con. Res. 430, recognizing the accomplishments of the American Council of Young Political Leaders for providing 40 years of international exchange programs, increasing international dialogue, and enhancing global understanding, and commemorating its 40th anniversary.

SA 5216. Mr. FRIST (for Mr. AKAKA) proposed an amendment to the bill S. 1876, to provide that attorneys employed by the Department of Justice shall be eligible for compensatory time off for travel under section 5550b of title 5, United States Code.

SA 5217. Mr. FRIST (for Mr. SPECTER (for himself, Mr. LEAHY, Mr. REID, Mr. CORNYN, and Mr. DURBIN)) proposed an amendment to the bill H.R. 1751, to amend title 18, United States Code, to protect judges, prosecutors, witnesses , victims, and their family members, and for other purposes.

SA 5218. Mr. FRIST (for Mr. STEVENS) proposed an amendment to the bill S. 2653, to direct the Federal Communications Commission to make efforts to reduce telephone rates for Armed Forces personnel deployed overseas.

SA 5219. Mr. FRIST (for Mr. ENZI) proposed an amendment to the bill H.R. 864, to provide for programs and activities with respect to the prevention of underage drinking.

SA 5220. Mr. FRIST (for Mr. STEVENS) proposed an amendment to the bill H.R. 4075, to amend the Marine Mammal Protection Act of 1972 to provide for better understanding and protection of marine mammals, and for other purposes.

SA 5221. Mr. FRIST (for Mr. STEVENS) proposed an amendment to the bill H.R. 4075, supra.

SA 5222. Mr. WYDEN (for himself, Ms. CANTWELL, Mr. SMITH, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 4388, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table.

SA 5223. Mr. FRIST (for Ms. COLLINS) proposed an amendment to the bill S. 3821, to authorize certain athletes to be admitted temporarily into the United States to compete or perform in an athletic league, competition, or performance.

TEXT OF AMENDMENTS

SA 5212. Mr. ENSIGN (for Mr. ENZI (for himself and Mr. KENNEDY) proposed an amendment to the bill H.R. 6143, to amend title XXVI of the Public Health Service Act to revise and extend the program for providing life-saving care for those with HIV AIDS; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Ryan White HIV/AIDS Treatment Modernization Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—EMERGENCY RELIEF FOR ELIGIBLE AREAS

Sec. 101. Establishment of program; general eligibility for grants.
Sec. 102. Type and distribution of grants; formula grants.
Sec. 103. Type and distribution of grants; supplemental grants.
Sec. 104. Timeframe for obligation and expenditure of grant funds.
Sec. 105. Use of amounts.
Sec. 106. Additional amendments to part A.
Sec. 107. New program in part A; transitional grants for certain areas ineligible under section 2601.
Sec. 108. Authorization of appropriations for part A.

TITLE II—CARE GRANTS

Sec. 201. General use of grants.
Sec. 202. AIDS Drug Assistance Program.
Sec. 203. Distribution of funds.
Sec. 204. Additional amendments to subpart I of part B.
Sec. 205. Supplemental grants on basis of demonstrated need.
Sec. 206. Emerging communities.
Sec. 207. Timeframe for obligation and expenditure of grant funds.
Sec. 208. Authorization of appropriations for subpart I of part B.
Sec. 209. Early diagnosis grant program.
Sec. 210. Certain partner notification programs; authorization of appropriations.

TITLE III—EARLY INTERVENTION SERVICES

Sec. 301. Establishment of program: core medical services.
Sec. 302. Eligible entities; preferences; planning and development grants.
Sec. 303. Authorization of appropriations.
Sec. 304. Confidentiality and informed consent.
Sec. 305. Provision of certain counseling services.
Sec. 306. General provisions.

TITLE IV—WOMEN, INFANTS, CHILDREN, AND YOUTH

Sec. 401. Women, infants, children, and youth.
Sec. 402. GAO Report.

TITLE V—GENERAL PROVISIONS

Sec. 501. General provisions.

TITLE VI—DEMONSTRATION AND TRAINING

Sec. 601. Demonstration and training.
Sec. 602. AIDS education and training centers.
Sec. 603. Codification of minority AIDS initiative.

TITLE VII—MISCELLANEOUS PROVISIONS

Sec. 701. Hepatitis; use of funds.
Sec. 702. Certain references.
Sec. 703. Repeal.

TITLE I—EMERGENCY RELIEF FOR ELIGIBLE AREAS

SEC. 101. ESTABLISHMENT OF PROGRAM; GENERAL ELIGIBILITY FOR GRANTS.

(a) IN GENERAL.—Section 2601 of the Public Health Service Act (42 U.S.C. 300ff–11) is amended by striking subsections (b) through (d) and inserting the following:

"(b) CONTINUED STATUS AS ELIGIBLE AREA.—Notwithstanding any other provision of this section, a metropolitan area that is an eligible area for a fiscal year continues to be an eligible area until the metropolitan area fails, for three consecutive fiscal years—

"(1) to meet the requirements of subsection (a); and

"(2) to have a cumulative total of 3,000 or more living cases of AIDS (reported to and confirmed by the Director of the Centers for Disease Control and Prevention) as of December 31 of the most recent calendar year for which such data is available.

"(c) BOUNDARIES.—For purposes of determining eligibility under this part—

"(1) with respect to a metropolitan area that received funding under this part in fiscal year 2006, the boundaries of such metropolitan area shall be the boundaries that were in effect for such area for fiscal year 1994; or

"(2) with respect to a metropolitan area that becomes eligible to receive funding under this part in any fiscal year after fiscal year 2006, the boundaries of such metropolitan area shall be the boundaries that are in effect for such area when such area initially receives funding under this part."

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 2601(a) of the Public Health Service Act (42 U.S.C. 300ff-11(a)) is amended—

(1) by striking "through (d)" and inserting "through (c)"; and

(2) by inserting "and confirmed by" after "reported to".

(c) DEFINITION OF METROPOLITAN AREA.—Section 2607(2) of the Public Health Service Act (42 U.S.C. 300ff–17(2)) is amended—

(1) by striking "area referred" and inserting "area that is referred"; and

(2) by inserting before the period the following: ", and that has a population of 50,000 or more individuals".

SEC. 102. TYPE AND DISTRIBUTION OF GRANTS; FORMULA GRANTS.

(a) DISTRIBUTION PERCENTAGES.—Section 2603(a)(2) of the Public Health Service Act (42 U.S.C. 300ff–13(a)(2)) is amended—

(1) in the first sentence—

(A) by striking "50 percent of the amount appropriated under section 2677" and inserting "66⅔ percent of the amount made available under section 2610(b) for carrying out this subpart"; and

(B) by striking "paragraph (3)" and inserting "paragraphs (3) and (4)".

(2) by striking the last sentence.

(b) DISTRIBUTION BASED ON LIVING CASES OF HIV/AIDS.—Section 2603(a)(3) of the Public Health Service Act (42 U.S.C. 300ff–13(a)(3)) is amended—

(1) in subparagraph (B), by striking "estimated living cases of acquired immune deficiency syndrome" and inserting "living cases of HIV/AIDS (reported to and confirmed by the Director of the Centers for Disease Control and Prevention)"; and

(2) by striking subparagraphs (C) through (E) and inserting the following:

"(C) LIVING CASES OF HIV/AIDS.—

"(i) REQUIREMENT OF NAMES-BASED REPORTING.—Except as provided in clause (ii), the number determined under this subparagraph for an eligible area for a fiscal year for purposes of subparagraph (B) is the number of living names-based cases of HIV/AIDS that, as of December 31 of the most recent calendar year for which such data is available, have been reported to and confirmed by the Director of the Centers for Disease Control and Prevention.

"(ii) TRANSITION PERIOD; EXEMPTION REGARDING NON-AIDS CASES.—For each of the fiscal years 2007 through 2009, an eligible area is, subject to clauses (iii) through (v), exempt from the requirement under clause (i) that living names-based non-AIDS cases of HIV be reported unless—

"(I) a system was in operation as of December 31, 2005, that provides sufficiently accurate and reliable names-based reporting of such cases throughout the State in which the area is located, subject to clause (viii); or

"(II) no later than the beginning of fiscal year 2008 or 2009, the Secretary, in consultation with the chief executive of the State in which the area is located, determines that a system has become operational in the State that provides sufficiently accurate and reliable names-based reporting of such cases throughout the State.

"(iii) REQUIREMENTS FOR EXEMPTION FOR FISCAL YEAR 2007.—For fiscal year 2007, an exemption under clause (ii) for an eligible area applies only if, by October 1, 2006—

"(I)(aa) the State in which the area is located had submitted to the Secretary a plan for making the transition to sufficiently accurate and reliable names-based reporting of living non-AIDS cases of HIV; or

"(bb) all statutory changes necessary to provide for sufficiently accurate and reliable reporting of such cases had been made; and

"(II) the State had agreed that, by April 1, 2008, the State will begin accurate and reliable names-based reporting of such cases, except that such agreement is not required to provide that, as of such date, the system for such reporting be fully sufficient with respect to accuracy and reliability throughout the area.

"(iv) REQUIREMENT FOR EXEMPTION AS OF FISCAL YEAR 2008.—For each of the fiscal years 2008 through 2010, an exemption under clause (ii) for an eligible area applies only if, as of April 1, 2008, the State in which the area is located is substantially in compliance with the agreement under clause (iii)(II).

"(v) PROGRESS TOWARD NAMES-BASED REPORTING.—For fiscal year 2009, the Secretary may terminate an exemption under clause (ii) for an eligible area if the State in which the area is located submitted a plan under clause (iii)(I)(aa) and the Secretary determines that the State is not substantially following the plan.

"(vi) COUNTING OF CASES IN AREAS WITH EXEMPTIONS.—

"(I) IN GENERAL.—With respect to an eligible area that is under a reporting system for living non-AIDS cases of HIV that is not names-based (referred to in this subparagraph as 'code-based reporting'), the Secretary shall, for purposes of this subparagraph, modify the number of such cases reported for the eligible area in order to adjust for duplicative reporting in and among systems that use code-based reporting.

"(II) ADJUSTMENT RATE.—The adjustment rate under subclause (I) for an eligible area shall be a reduction of 5 percent in the number of living non-AIDS cases of HIV reported for the area.

"(vii) MULTIPLE POLITICAL JURISDICTIONS.—With respect to living non-AIDS cases of HIV, if an eligible area is not entirely within one political jurisdiction and as a result is subject to more than one reporting system for purposes of this subparagraph:

"(I) Names-based reporting under clause (i) applies in a jurisdictional portion of the area, or an exemption under clause (ii) applies in such portion (subject to applicable provisions of this subparagraph), according to whether names-based reporting or code-based reporting is used in such portion.

"(II) If under subclause (I) both names-based reporting and code-based reporting apply in the area, the number of code-based cases shall be reduced under clause (vi).

"(viii) LIST OF ELIGIBLE AREAS MEETING STANDARD REGARDING DECEMBER 31, 2005.—

"(I) IN GENERAL.—If an eligible area or portion thereof is in a State specified in subclause (II), the eligible area or portion shall be considered to meet the standard described in clause (ii)(I). No other eligible area or portion thereof may be considered to meet such standard.

"(II) RELEVANT STATES.—For purposes of subclause (I), the States specified in this subclause are the following: Alaska, Alabama, Arkansas, Arizona, Colorado, Florida, Indiana, Iowa, Idaho, Kansas, Louisiana, Michigan, Minnesota, Missouri, Mississippi, North Carolina, North Dakota, Nebraska, New Jersey, New Mexico, New York, Nevada, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Wisconsin, West Virginia, Wyoming, Guam, and the Virgin Islands.

"(ix) RULES OF CONSTRUCTION REGARDING ACCEPTANCE OF REPORTS.—

"(I) CASES OF AIDS.—With respect to an eligible area that is subject to the requirement under clause (i) and is not in compliance with the requirement for names-based reporting of living non-AIDS cases of HIV, the Secretary shall, notwithstanding such noncompliance, accept reports of living cases of AIDS that are in accordance with such clause.

"(II) APPLICABILITY OF EXEMPTION REQUIREMENTS.—The provisions of clauses (ii) through (viii) may not be construed as having any legal effect for fiscal year 2010 or any subsequent fiscal year, and accordingly, the status of a State for purposes of such clauses may not be considered after fiscal year 2009.

"(x) PROGRAM FOR DETECTING INACCURATE OR FRAUDULENT COUNTING.—The Secretary shall carry out a program to monitor the reporting of names-based cases for purposes of this subparagraph and to detect instances of inaccurate reporting, including fraudulent reporting.".

(c) CODE-BASED AREAS; LIMITATION ON INCREASE IN GRANT.—Section 2603(a)(3) of the Public Health Service Act (42 U.S.C. 300ff–13(a)), as amended by subsection (b)(2) of this section, is amended by adding at the end the following subparagraph:

"(D) CODE-BASED AREAS; LIMITATION ON INCREASE IN GRANT.—

"(i) IN GENERAL.—For each of the fiscal years 2007 through 2009, if code-based reporting (within the meaning of subparagraph (C)(vi)) applies in an eligible area or any portion thereof as of the beginning of the fiscal year involved, then notwithstanding any other provision of this paragraph, the amount of the grant pursuant to this paragraph for such area for such fiscal year may not—

"(I) for fiscal year 2007, exceed by more than 5 percent the amount of the grant for the area that would have been made pursuant to this paragraph and paragraph (4) for fiscal year 2006 (as such paragraphs were in effect for such fiscal year) if paragraph (2) (as so in effect) had been applied by substituting '66⅔ percent' for '50 percent'; and

"(II) for each of the fiscal years 2008 and 2009, exceed by more than 5 percent the amount of the grant pursuant to this paragraph and paragraph (4) for the area for the preceding fiscal year.

"(ii) USE OF AMOUNTS INVOLVED.—For each of the fiscal years 2007 through 2009, amounts available as a result of the limitation under clause (i) shall be made available by the Secretary as additional amounts for grants pursuant to subsection (b) for the fiscal year involved, subject to paragraph (4) and section 2610(d)(2).".

(d) HOLD HARMLESS.—Section 2603(a) of the Public Health Service Act (42 U.S.C. 300ff-13(a)) is amended—

(1) in paragraph (3)(A)—

(A) in clause (ii), by striking the period at the end and inserting a semicolon; and

(B) by inserting after and below clause (ii) the following:

"which product shall then, as applicable, be increased under paragraph (4).".

(2) by amending paragraph (4) to read as follows:

"(4) INCREASES IN GRANT.—

"(A) IN GENERAL.—For each eligible area that received a grant pursuant to this subsection for fiscal year 2006, the Secretary shall, for each of the fiscal years 2007 through 2009, increase the amount of the grant made pursuant to paragraph (3) for the area to ensure that the amount of the grant for the fiscal year involved is not less than the following amount, as applicable to such fiscal year:

"(i) For fiscal year 2007, an amount equal to 95 percent of the amount of the grant that would have been made pursuant to paragraph (3) and this paragraph for fiscal year 2006 (as such paragraphs were in effect for such fiscal year) if paragraph (2) (as so in effect) had been applied by substituting '66⅔ percent' for '50 percent'.

"(ii) For each of the fiscal years 2008 and 2009, an amount equal to 100 percent of the amount of the grant made pursuant to paragraph (3) and this paragraph for fiscal year 2007.

"(B) SOURCE OF FUNDS FOR INCREASE.—

"(i) IN GENERAL.—From the amounts available for carrying out the single program referred to in section 2609(d)(2)(C) for a fiscal year (relating to supplemental grants), the Secretary shall make available such amounts as may be necessary to comply with subparagraph (A), subject to section 2610(d)(2).

"(ii) PRO RATA REDUCTION.—If the amounts referred to in clause (i) for a fiscal year are insufficient to fully comply with subparagraph (A) for the year, the Secretary, in order to provide the additional funds necessary for such compliance, shall reduce on a pro rata basis the amount of each grant pursuant to this subsection for the fiscal year, other than grants for eligible areas for which increases under subparagraph (A) apply. A reduction under the preceding sentence may not be made in an amount that would result in the eligible area involved becoming eligible for such an increase.

"(C) LIMITATION.—This paragraph may not be construed as having any applicability after fiscal year 2009.".

SEC. 103. TYPE AND DISTRIBUTION OF GRANTS; SUPPLEMENTAL GRANTS.

Section 2603(b) of the Public Health Service Act (42 U.S.C. 300ff–13(b)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking "Not later than" and all that follows through "the Secretary shall" and inserting the following: "Subject to subsection (a)(4)(B)(i) and section 2610(d), the Secretary shall";

(B) in subparagraph (B), by striking "demonstrates the severe need in such area" and inserting "demonstrates the need in such area, on an objective and quantified basis,";

(C) by striking subparagraph (F) and inserting the following:

"(F) demonstrates the inclusiveness of affected communities and individuals with HIV/AIDS;";

(D) in subparagraph (G), by striking the period and inserting "; and"; and

(E) by adding at the end the following:

"(H) demonstrates the ability of the applicant to expend funds efficiently by not having had, for the most recent grant year under subsection (a) for which data is available, more than 2 percent of grant funds under such subsection canceled or covered by any waivers under subsection (c)(3)."; and

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "severe need" and inserting "demonstrated need";

(B) by striking subparagraph (B) and inserting the following:

"(B) DEMONSTRATED NEED.—The factors considered by the Secretary in determining whether an eligible area has a demonstrated need for purposes of paragraph (1)(B) may include any or all of the following:

"(i) The unmet need for such services, as determined under section 2602(b)(4) or other community input process as defined under section 2609(d)(1)(A).

"(ii) An increasing need for HIV/AIDS-related services, including relative rates of increase in the number of cases of HIV/AIDS.

"(iii) The relative rates of increase in the number of cases of HIV/AIDS within new or emerging subpopulations.

"(iv). The current prevalence of HIV/AIDS.

"(v) Relevant factors related to the cost and complexity of delivering health care to individuals with HIV/AIDS in the eligible area.

"(vi) The impact of co-morbid factors, including co-occurring conditions, determined relevant by the Secretary.

"(vii) The prevalence of homelessness.

"(viii) The prevalence of individuals described under section 2602(b)(2)(M).

"(ix) The relevant factors that limit access to health care, including geographic variation, adequacy of health insurance coverage, and language barriers.

"(x) The impact of a decline in the amount received pursuant to subsection (a) on services available to all individuals with HIV/AIDS identified and eligible under this title."; and

(C) by striking subparagraphs (C) and (D) and inserting the following:

"(C) PRIORITY IN MAKING GRANTS.—The Secretary shall provide funds under this subsection to an eligible area to address the decline or disruption of all EMA-provided services related to the decline in the amounts received pursuant to subsection (a) consistent with the grant award for the eligible area for fiscal year 2006, to the extent that the factor under subparagraph (B)(x) (relating to a decline in funding) applies to the eligible area.".

SEC. 104. TIMEFRAME FOR OBLIGATION AND EXPENDITURE OF GRANT FUNDS.

Section 2603 of the Public Health Service Act (42 U.S.C. 300ff–13) is amended—

(1) by redesignating subsection (c) as subsection (d);

(2) by inserting after subsection (b) the following:

"(c) TIMEFRAME FOR OBLIGATION AND EXPENDITURE OF GRANT FUNDS.—

"(1) OBLIGATION BY END OF GRANT YEAR.—Effective for fiscal year 2007 and subsequent fiscal years, funds from a grant award made pursuant to subsection (a) or (b) for a fiscal year are available for obligation by the eligible area involved through the end of the one-year period beginning on the date in such fiscal year on which funds from the award first become available to the area (referred to in this subsection as the 'grant year for the award'), except as provided in paragraph (3)(A).

"(2) SUPPLEMENTAL GRANTS; CANCELLATION OF UNOBLIGATED BALANCE OF GRANT AWARD.—Effective for fiscal year 2007 and subsequent fiscal years, if a grant award made pursuant to subsection (b) for an eligible area for a fiscal year has an unobligated balance as of the end of the grant year for the award—

"(A) the Secretary shall cancel that unobligated balance of the award, and shall require the eligible area to return any amounts from such balance that have been disbursed to the area; and

"(B) the funds involved shall be made available by the Secretary as additional amounts for grants pursuant to subsection (b) for the first fiscal year beginning after the fiscal year in which the Secretary obtains the information necessary for determining that the balance is required under subparagraph (A) to be canceled, except that the availability of the funds for such grants is subject to subsection (a)(4) and section 2610(d)(2) as applied for such year.

"(3) FORMULA GRANTS; CANCELLATION OF UNOBLIGATED BALANCE OF GRANT AWARD; WAIVER PERMITTING CARRYOVER.—

"(A) IN GENERAL.—Effective for fiscal year 2007 and subsequent fiscal years, if a grant award made pursuant to subsection (a) for an eligible area for a fiscal year has an unobligated balance as of the end of the grant year for the award, the Secretary shall cancel that unobligated balance of the award, and shall require the eligible area to return any amounts from such balance that have been disbursed to the area, unless—

"(i) before the end of the grant year, the chief elected official of the area submits to the Secretary a written application for a waiver of the cancellation, which application includes a description of the purposes for which the area intends to expend the funds involved; and

"(ii) the Secretary approves the waiver.

"(B) EXPENDITURE BY END OF CARRYOVER YEAR.—With respect to a waiver under subparagraph (A) that is approved for a balance that is unobligated as of the end of a grant year for an award:

"(i) The unobligated funds are available for expenditure by the eligible area involved for the one-year period beginning upon the expiration of the grant year (referred to in this subsection as the 'carryover year').

"(ii) If the funds are not expended by the end of the carryover year, the Secretary shall cancel that unexpended balance of the award, and shall require the eligible area to return any amounts from such balance that have been disbursed to the area.

"(C) USE OF CANCELLED BALANCES.—In the case of any balance of a grant award that is cancelled under subparagraph (A) or (B)(ii), the grant funds involved shall be made available by the Secretary as additional amounts for grants pursuant to subsection (b) for the first fiscal year beginning after the fiscal year in which the Secretary obtains the information necessary for determining that the balance is required under such subparagraph to be canceled, except that the availability of the funds for such grants is subject to subsection (a)(4) and section 2610(d)(2) as applied for such year.

"(D) CORRESPONDING REDUCTION IN FUTURE GRANT.—

"(i) IN GENERAL.—In the case of an eligible area for which a balance from a grant award under subsection (a) is unobligated as of the end of the grant year for the award—

"(I) the Secretary shall reduce, by the same amount as such unobligated balance, the amount of the grant under such subsection for the first fiscal year beginning after the fiscal year in which the Secretary obtains the information necessary for determining that such balance was unobligated as of the end of the grant year (which requirement for a reduction applies without regard to whether a waiver under subparagraph (A) has been approved with respect to such balance); and

"(II) the grant funds involved in such reduction shall be made available by the Secretary as additional funds for grants pursuant to subsection (b) for such first fiscal year, subject to subsection (a)(4) and section 2610(d)(2);

except that this clause does not apply to the eligible area if the amount of the unobligated balance was 2 percent or less.

"(ii) RELATION TO INCREASES IN GRANT.—A reduction under clause (i) for an eligible area for a fiscal year may not be taken into account in applying subsection (a)(4) with respect to the area for the subsequent fiscal year."; and

(3) by adding at the end the following:

"(e) REPORT ON THE AWARDING OF SUPPLEMENTAL FUNDS.—Not later than 45 days after the awarding of supplemental funds under this section, the Secretary shall submit to Congress a report concerning such funds. Such report shall include information detailing—

"(1) the total amount of supplemental funds available under this section for the year involved;

"(2) the amount of supplemental funds used in accordance with the hold harmless provisions of subsection (a)(4);

"(3) the amount of supplemental funds disbursed pursuant to subsection (b)(2)(C);

"(4) the disbursement of the remainder of the supplemental funds after taking into account the uses described in paragraphs (2) and (3); and

"(5) the rationale used for the amount of funds disbursed as described under paragraphs (2), (3), and (4).".

SEC. 105. USE OF AMOUNTS.

Section 2604 of the Public Health Service Act (42 U.S.C. 300ff–14) is amended to read as follows:

"SEC. 2604. USE OF AMOUNTS.

"(a) REQUIREMENTS.—The Secretary may not make a grant under section 2601(a) to the chief elected official of an eligible area unless such political subdivision agrees that—

"(1) subject to paragraph (2), the allocation of funds and services within the eligible area will be made in accordance with the priorities established, pursuant to section 2602(b)(4)(C), by the HIV health services planning council that serves such eligible area;

"(2) funds provided under section 2601 will be expended only for—

"(A) core medical services described in subsection (c);

"(B) support services described in subsection (d); and

"(C) administrative expenses described in subsection (h); and

"(3) the use of such funds will comply with the requirements of this section.

"(b) DIRECT FINANCIAL ASSISTANCE TO APPROPRIATE ENTITIES.—

"(1) IN GENERAL.—The chief elected official of an eligible area shall use amounts from a grant under section 2601 to provide direct financial assistance to entities described in paragraph (2) for the purpose of providing core medical services and support services.

"(2) APPROPRIATE ENTITIES.—Direct financial assistance may be provided under paragraph (1) to public or nonprofit private entities, or private for-profit entities if such entities are the only available provider of quality HIV care in the area.

"(c) REQUIRED FUNDING FOR CORE MEDICAL SERVICES.—

"(1) IN GENERAL.—With respect to a grant under section 2601 for an eligible area for a grant year, the chief elected official of the area shall, of the portion of the grant remaining after reserving amounts for purposes of paragraphs (1) and (5)(B)(i) of subsection (h), use not less than 75 percent to provide core medical services that are needed in the eligible area for individuals with HIV/AIDS who are identified and eligible under this title (including services regarding the co-occurring conditions of the individuals).

"(2) WAIVER.—

"(A) IN GENERAL.—The Secretary shall waive the application of paragraph (1) with respect to a chief elected official for a grant year if the Secretary determines that, within the eligible area involved—

"(i) there are no waiting lists for AIDS Drug Assistance Program services under section 2616; and

"(ii) core medical services are available to all individuals with HIV/AIDS identified and eligible under this title.

"(B) NOTIFICATION OF WAIVER STATUS.—When informing the chief elected official of an eligible area that a grant under section 2601 is being made for the area for a grant year, the Secretary shall inform the official whether a waiver under subparagraph (A) is in effect for such year.

"(3) CORE MEDICAL SERVICES.—For purposes of this subsection, the term 'core medical services', with respect to an individual with HIV/AIDS (including the co-occurring conditions of the individual), means the following services:

"(A) Outpatient and ambulatory health services.

"(B) AIDS Drug Assistance Program treatments in accordance with section 2616.

"(C) AIDS pharmaceutical assistance.

"(D) Oral health care.

"(E) Early intervention services described in subsection (e).

"(F) Health insurance premium and cost sharing assistance for low-income individuals in accordance with section 2615.

"(G) Home health care.

"(H) Medical nutrition therapy.

"(I) Hospice services.

"(J) Home and community-based health services as defined under section 2614(c).

"(K) Mental health services.

"(L) Substance abuse outpatient care.

"(M) Medical case management, including treatment adherence services.

"(d) SUPPORT SERVICES.—

"(1) IN GENERAL.—For purposes of this section, the term 'support services' means services, subject to the approval of the Secretary, that are needed for individuals with HIV/AIDS to achieve their medical outcomes (such as respite care for persons caring for individuals with HIV/AIDS, outreach services, medical transportation, linguistic services, and referrals for health care and support services).

"(2) MEDICAL OUTCOMES.—In this subsection, the term 'medical outcomes' means those outcomes affecting the HIV-related clinical status of an individual with HIV/AIDS.

"(e) EARLY INTERVENTION SERVICES.—

"(1) IN GENERAL.—For purposes of this section, the term 'early intervention services' means HIV/AIDS early intervention services described in section 2651(e), with follow-up referral provided for the purpose of facilitating the access of individuals receiving the services to HIV-related health services. The entities through which such services may be provided under the grant include public health departments, emergency rooms, substance abuse and mental health treatment programs, detoxification centers, detention facilities, clinics regarding sexually transmitted diseases, homeless shelters, HIV/AIDS counseling and testing sites, health care points of entry specified by eligible areas, federally qualified health centers, and entities described in section 2652(a) that constitute a point of access to services by maintaining referral relationships.

"(2) CONDITIONS.—With respect to an entity that proposes to provide early intervention services under paragraph (1), such paragraph shall apply only if the entity demonstrates to the satisfaction of the chief elected official for the eligible area involved that—

"(A) Federal, State, or local funds are otherwise inadequate for the early intervention services the entity proposes to provide; and

"(B) the entity will expend funds pursuant to such paragraph to supplement and not supplant other funds available to the entity for the provision of early intervention services for the fiscal year involved.

"(f) PRIORITY FOR WOMEN, INFANTS, CHILDREN, AND YOUTH.—

"(1) IN GENERAL.—For the purpose of providing health and support services to infants, children, youth, and women with HIV/AIDS, including treatment measures to prevent the perinatal transmission of HIV, the chief elected official of an eligible area, in accordance with the established priorities of the planning council, shall for each of such populations in the eligible area use, from the grants made for the area under section 2601(a) for a fiscal year, not less than the percentage constituted by the ratio of the population involved (infants, children, youth, or women in such area) with HIV/AIDS to the general population in such area of individuals with HIV/AIDS.

"(2) WAIVER.—With respect to the population involved, the Secretary may provide to the chief elected official of an eligible area a waiver of the requirement of paragraph (1) if such official demonstrates to the satisfaction of the Secretary that the population is receiving HIV-related health services through the State medicaid program under title XIX of the Social Security Act, the State children's health insurance program under title XXI of such Act, or other Federal or State programs.

"(g) REQUIREMENT OF STATUS AS MEDICAID PROVIDER.—

"(1) PROVISION OF SERVICE.—Subject to paragraph (2), the Secretary may not make a grant under section 2601(a) for the provision of services under this section in a State unless, in the case of any such service that is available pursuant to the State plan approved under title XIX of the Social Security Act for the State—

"(A) the political subdivision involved will provide the service directly, and the political subdivision has entered into a participation agreement under the State plan and is qualified to receive payments under such plan; or

"(B) the political subdivision will enter into an agreement with a public or nonprofit private entity under which the entity will provide the service, and the entity has entered into such a participation agreement and is qualified to receive such payments.

"(2) WAIVER.—

"(A) IN GENERAL.—In the case of an entity making an agreement pursuant to paragraph (1)(B) regarding the provision of services, the requirement established in such paragraph shall be waived by the HIV health services planning council for the eligible area if the entity does not, in providing health care services, impose a charge or accept reimbursement available from any third-party payor, including reimbursement under any insurance policy or under any Federal or State health benefits program.

"(B) DETERMINATION.—A determination by the HIV health services planning council of whether an entity referred to in subparagraph (A) meets the criteria for a waiver under such subparagraph shall be made without regard to whether the entity accepts voluntary donations for the purpose of providing services to the public.

"(h) ADMINISTRATION.—

"(1) LIMITATION.—The chief elected official of an eligible area shall not use in excess of 10 percent of amounts received under a grant under this part for administrative expenses.

"(2) ALLOCATIONS BY CHIEF ELECTED OFFICIAL.—In the case of entities and subcontractors to which the chief elected official of an eligible area allocates amounts received by the official under a grant under this part, the official shall ensure that, of the aggregate amount so allocated, the total of the expenditures by such entities for administrative expenses does not exceed 10 percent (without regard to whether particular entities expend more than 10 percent for such expenses).

"(3) ADMINISTRATIVE ACTIVITIES.—For purposes of paragraph (1), amounts may be used for administrative activities that include—

"(A) routine grant administration and monitoring activities, including the development of applications for part A funds, the receipt and disbursal of program funds, the development and establishment of reimbursement and accounting systems, the development of a clinical quality management program as described in paragraph (5), the preparation of routine programmatic and financial reports, and compliance with grant conditions and audit requirements; and

"(B) all activities associated with the grantee's contract award procedures, including the activities carried out by the HIV health services planning council as established under section 2602(b), the development of requests for proposals, contract proposal review activities, negotiation and awarding of contracts, monitoring of contracts through telephone consultation, written documentation or onsite visits, reporting on contracts, and funding reallocation activities.

"(4) SUBCONTRACTOR ADMINISTRATIVE ACTIVITIES.—For the purposes of this subsection, subcontractor administrative activities include—

"(A) usual and recognized overhead activities, including established indirect rates for agencies;

"(B) management oversight of specific programs funded under this title; and

"(C) other types of program support such as quality assurance, quality control, and related activities.

"(5) CLINICAL QUALITY MANAGEMENT.—

"(A) REQUIREMENT.—The chief elected official of an eligible area that receives a grant under this part shall provide for the establishment of a clinical quality management program to assess the extent to which HIV health services provided to patients under the grant are consistent with the most recent Public Health Service guidelines for the treatment of HIV/AIDS and related opportunistic infection, and as applicable, to develop strategies for ensuring that such services are consistent with the guidelines for improvement in the access to and quality of HIV health services.

"(B) USE OF FUNDS.—

"(i) IN GENERAL.—From amounts received under a grant awarded under this subpart for a fiscal year, the chief elected official of an eligible area may use for activities associated with the clinical quality management program required in subparagraph (A) not to exceed the lesser of—

"(I) 5 percent of amounts received under the grant; or

"(II) $3,000,000.

"(ii) RELATION TO LIMITATION ON ADMINISTRATIVE EXPENSES.—The costs of a clinical quality management program under subparagraph (A) may not be considered administrative expenses for purposes of the limitation established in paragraph (1).

"(i) CONSTRUCTION.—A chief elected official may not use amounts received under a grant awarded under this part to purchase or improve land, or to purchase, construct, or permanently improve (other than minor remodeling) any building or other facility, or to make cash payments to intended recipients of services.".

SEC. 106. ADDITIONAL AMENDMENTS TO PART A.

(a) REPORTING OF CASES.—Section 2601(a) of the Public Health Service Act (42 U.S.C. 300ff–11(a)) is amended by striking "for the most recent period" and inserting "during the most recent period".

(b) PLANNING COUNCIL REPRESENTATION.—Section 2602(b)(2)(G) of the Public Health Service Act (42 U.S.C. 300ff–12(b)(2)(G)) is amended by inserting ", members of a Federally recognized Indian tribe as represented in the population, individuals co-infected with hepatitis B or C" after "disease".

(c) APPLICATION FOR GRANT.—

(1) PAYER OF LAST RESORT.—Section 2605(a)(6)(A) of the Public Health Service Act (42 U.S.C. 300ff–15(a)(6)(A)) is amended by inserting "(except for a program administered by or providing the services of the Indian Health Service)" before the semicolon.

(2) AUDITS.—Section 2605(a) of the Public Health Service Act (42 U.S.C. 300ff–15(a)) is amended—

(A) in paragraph (8), by striking "and" at the end;

(B) in paragraph (9), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(10) that the chief elected official will submit to the lead State agency under section 2617(b)(4), audits, consistent with Office of Management and Budget circular A133, regarding funds expended in accordance with this part every 2 years and shall include necessary client-based data to compile unmet need calculations and Statewide coordinated statements of need process.".

(3) COORDINATION.—Section 2605(b) of the Public Health Service Act (42 U.S.C. 300ff–15(b)) is amended—

(A) in paragraph (3), by striking "and" at the end;

(B) in paragraph (4), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

"(5) the manner in which the expected expenditures are related to the planning process for States that receive funding under part B (including the planning process described in section 2617(b)); and

"(6) the expected expenditures and how those expenditures will improve overall client outcomes, as described under the State plan under section 2617(b), and through additional outcomes measures as identified by the HIV health services planning council under section 2602(b).".

SEC. 107. NEW PROGRAM IN PART A; TRANSITIONAL GRANTS FOR CERTAIN AREAS INELIGIBLE UNDER SECTION 2601.

(a) IN GENERAL.—Part A of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–11) is amended—

(1) by inserting after the part heading the following:

"Subpart I—General Grant Provisions"; and

(2) by adding at the end the following:

"Subpart II—Transitional Grants

"SEC. 2609. ESTABLISHMENT OF PROGRAM.

"(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall make grants for the purpose of providing services described in section 2604 in transitional areas, subject to the same provisions regarding the allocation of grant funds as apply under subsection (c) of such section.

"(b) TRANSITIONAL AREAS.—For purposes of this section, the term 'transitional area' means, subject to subsection (c), a metropolitan area for which there has been reported to and confirmed by the Director of the Centers for Disease Control and Prevention a cumulative total of at least 1,000, but fewer than 2,000, cases of AIDS during the most recent period of 5 calendar years for which such data are available.

"(c) CERTAIN ELIGIBILITY RULES.—

"(1) FISCAL YEAR 2007.—With respect to grants under subsection (a) for fiscal year 2007, a metropolitan area that received funding under subpart I for fiscal year 2006 but does not for fiscal year 2007 qualify under such subpart as an eligible area and does not qualify under subsection (b) as a transitional area shall, notwithstanding subsection (b), be considered a transitional area.

"(2) CONTINUED STATUS AS TRANSITIONAL AREA.—

"(A) IN GENERAL.—Notwithstanding subsection (b), a metropolitan area that is a transitional area for a fiscal year continues, except as provided in subparagraph (B), to be a transitional area until the metropolitan area fails, for three consecutive fiscal years—

"(i) to qualify under such subsection as a transitional area; and

"(ii) to have a cumulative total of 1,500 or more living cases of AIDS (reported to and confirmed by the Director of the Centers for Disease Control and Prevention) as of December 31 of the most recent calendar year for which such data is available.

"(B) EXCEPTION REGARDING STATUS AS ELIGIBLE AREA.—Subparagraph (A) does not apply for a fiscal year if the metropolitan area involved qualifies under subpart I as an eligible area.

"(d) APPLICATION OF CERTAIN PROVISIONS OF SUBPART I.—

"(1) ADMINISTRATION; PLANNING COUNCIL.—

"(A) IN GENERAL.—The provisions of section 2602 apply with respect to a grant under subsection (a) for a transitional area to the same extent and in the same manner as such provisions apply with respect to a grant under subpart I for an eligible area, except that, subject to subparagraph (B), the chief elected official of the transitional area may elect not to comply with the provisions of section 2602(b) if the official provides documentation to the Secretary that details the process used to obtain community input (particularly from those with HIV) in the transitional area for formulating the overall plan for priority setting and allocating funds from the grant under subsection (a).

“(B) EXCEPTION.—For each of the fiscal years 2007 through 2009, the exception described in subparagraph (A) does not apply if the transitional area involved received funding under subpart I for fiscal year 2006.

“(2) TYPE AND DISTRIBUTION OF GRANTS; TIMEFRAME FOR OBLIGATION AND EXPENDITURE OF GRANT FUNDS.—

“(A) FORMULA GRANTS; SUPPLEMENTAL GRANTS.—The provisions of section 2603 apply with respect to grants under subsection (a) to the same extent and in the same manner as such provisions apply with respect to grants under subpart I, subject to subparagraphs (B) and (C).

“(B) FORMULA GRANTS; INCREASE IN GRANT.—For purposes of subparagraph (A), section 2603(a)(4) does not apply.

“(C) SUPPLEMENTAL GRANTS; SINGLE PROGRAM WITH SUBPART I PROGRAM.—With respect to section 2603(b) as applied for purposes of subparagraph (A):

“(i) The Secretary shall combine amounts available pursuant to such subparagraph with amounts available for carrying out section 2603(b) and shall administer the two programs as a single program.

“(ii) In the single program, the Secretary has discretion in allocating amounts between eligible areas under subpart I and transitional areas under this section, subject to the eligibility criteria that apply under such section, and subject to section 2603(b)(2)(C) (relating to priority in making grants).

“(iii) Pursuant to section 2603(b)(1), amounts for the single program are subject to use under sections 2603(a)(4) and 2610(d)(1).

“(3) APPLICATION; TECHNICAL ASSISTANCE; DEFINITIONS.—The provisions of sections 2605, 2606, and 2607 apply with respect to grants under subsection (a) to the same extent and in the same manner as such provisions apply with respect to grants under subpart I.”.

(b) CONFORMING AMENDMENTS.—Subpart I of part A of title XXVI of the Public Health Service Act, as designated by subsection (a)(1) of this section, is amended by striking “this part” each place such term appears and inserting “this subpart”.

SEC. 108. AUTHORIZATION OF APPROPRIATIONS FOR PART A.

Part A of title XXVI of the Public Health Service Act, as amended by section 106(a), is amended by adding at the end the following:

“Subpart III—General Provisions

“SEC. 2610. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—For the purpose of carrying out this part, there are authorized to be appropriated $604,000,000 for fiscal year 2007, $626,300,000 for fiscal year 2008, and $649,500,000 for fiscal year 2009. Amounts appropriated under the preceding sentence for a fiscal year are available for obligation by the Secretary until the end of the second succeeding fiscal year.

“(b) RESERVATION OF AMOUNTS.—

“(1) FISCAL YEAR 2007.—Of the amount appropriated under subsection (a) for fiscal year 2007, the Secretary shall reserve—

“(A) $458,310,000 for grants under subpart I; and

“(B) $145,690,000 for grants under section 2609.

“(2) SUBSEQUENT FISCAL YEARS.—Of the amount appropriated under subsection (a) for fiscal year 2008 and each subsequent fiscal year—

“(A) the Secretary shall reserve an amount for grants under subpart I; and

“(B) the Secretary shall reserve an amount for grants under section 2609.

“(c) TRANSFER OF CERTAIN AMOUNTS; CHANGE IN STATUS AS ELIGIBLE AREA OR TRANSITIONAL AREA.—Notwithstanding subsection (b):

“(1) If a metropolitan area is an eligible area under subpart I for a fiscal year, but for a subsequent fiscal year ceases to be an eligible area by reason of section 2601(b)—

“(A)(i) the amount reserved under paragraph (1)(A) or (2)(A) of subsection (b) of this section for the first such subsequent year of not being an eligible area is deemed to be reduced by an amount equal to the amount of the grant made pursuant to section 2603(a) for the metropolitan area for the preceding fiscal year; and

“(ii)(I) if the metropolitan area qualifies for such first subsequent fiscal year as a transitional area under 2609, the amount reserved under paragraph (1)(B) or (2)(B) of subsection (b) for such fiscal year is deemed to be increased by an amount equal to the amount of the reduction under subparagraph (A) for such year; or

“(II) if the metropolitan area does not qualify for such first subsequent fiscal year as a transitional area under 2609, an amount equal to the amount of such reduction is, notwithstanding subsection (a), transferred and made available for grants pursuant to section 2618(a)(1), in addition to amounts available for such grants under section 2623; and

“(B) if a transfer under subparagraph (A)(ii)(II) is made with respect to the metropolitan area for such first subsequent fiscal year, then—

“(i) the amount reserved under paragraph (1)(A) or (2)(A) of subsection (b) of this section for such year is deemed to be reduced by an additional $500,000; and

“(ii) an amount equal to the amount of such additional reduction is, notwithstanding subsection (a), transferred and made available for grants pursuant to section 2618(a)(1), in addition to amounts available for such grants under section 2623.

“(2) If a metropolitan area is a transitional area under section 2609 for a fiscal year, but for a subsequent fiscal year ceases to be a transitional area by reason of section 2609(c)(2) (and does not qualify for such subsequent fiscal year as an eligible area under subpart I)—

“(A) the amount reserved under subsection (b)(2)(B) of this section for the first such subsequent fiscal year of not being a transitional area is deemed to be reduced by an amount equal to the total of—

“(i) the amount of the grant that, pursuant to section 2603(a), was made under section 2609(d)(2)(A) for the metropolitan area for the preceding fiscal year; and

“(ii) $500,000; and

“(B) an amount equal to the amount of the reduction under subparagraph (A) for such year is, notwithstanding subsection (a), transferred and made available for grants pursuant to section 2618(a)(1), in addition to amounts available for such grants under section 2623.

“(3) If a metropolitan area is a transitional area under section 2609 for a fiscal year, but for a subsequent fiscal year qualifies as an eligible area under subpart I—

“(A) the amount reserved under subsection (b)(2)(B) of this section for the first such subsequent fiscal year of becoming an eligible area is deemed to be reduced by an amount equal to the amount of the grant that, pursuant to section 2603(a), was made under section 2609(d)(2)(A) for the metropolitan area for the preceding fiscal year; and

“(B) the amount reserved under subsection (b)(2)(A) for such fiscal year is deemed to be increased by an amount equal to the amount of the reduction under subparagraph (A) for such year.

“(d) CERTAIN TRANSFERS; ALLOCATIONS BETWEEN PROGRAMS UNDER SUBPART I.—With respect to paragraphs (1)(B)(i) and (2)(A)(ii) of subsection (c), the Secretary shall administer any reductions under such paragraphs for a fiscal year in accordance with the following:

“(1) The reductions shall be made from amounts available for the single program referred to in section 2609(d)(2)(C) (relating to supplemental grants).

“(2) The reductions shall be made before the amounts referred to in paragraph (1) are used for purposes of section 2603(a)(4).

“(3) If the amounts referred to in paragraph (1) are not sufficient for making all the reductions, the reductions shall be reduced until the total amount of the reductions equals the total of the amounts referred to in such paragraph.

“(e) RULES OF CONSTRUCTION REGARDING FIRST SUBSEQUENT FISCAL YEAR.—Paragraphs (1) and (2) of subsection (c) apply with respect to each series of fiscal years during which a metropolitan area is an eligible area under subpart I or a transitional area under section 2609 for a fiscal year and then for a subsequent fiscal year ceases to be such an area by reason of section 2601(b) or 2609(c)(2), respectively, rather than applying to a single such series. Paragraph (3) of subsection (c) applies with respect to each series of fiscal years during which a metropolitan area is a transitional area under section 2609 for a fiscal year and then for a subsequent fiscal year becomes an eligible area under subpart I, rather than applying to a single such series.”.

TITLE II—CARE GRANTS

SEC. 201. GENERAL USE OF GRANTS.

(a) IN GENERAL.—Section 2612 of the Public Health Service Act (42 U.S.C. 300ff–22) is amended to read as follows:

“SEC. 2612. GENERAL USE OF GRANTS.

“(a) IN GENERAL.—A State may use amounts provided under grants made under section 2611 for—

“(1) core medical services described in subsection (b);

“(2) support services described in subsection (c); and

“(3) administrative expenses described in section 2618(b)(3).

“(b) REQUIRED FUNDING FOR CORE MEDICAL SERVICES.—

“(1) IN GENERAL.—With respect to a grant under section 2611 for a State for a grant year, the State shall, of the portion of the grant remaining after reserving amounts for purposes of subparagraphs (A) and (E)(ii)(I) of section 2618(b)(3), use not less than 75 percent to provide core medical services that are needed in the State for individuals with HIV/AIDS who are identified and eligible under this title (including services regarding the co-occurring conditions of the individuals).

“(2) WAIVER.—

“(A) IN GENERAL.—The Secretary shall waive the application of paragraph (1) with respect to a State for a grant year if the Secretary determines that, within the State—

“(i) there is no waiting list for AIDS Drug Assistance Program services under section 2616; and "(ii) core medical services are available to all individuals with HIV/AIDS identified and eligible under this title.

"(B) NOTIFICATION OF WAIVER STATUS.—When informing a State that a grant under section 2611 is being made to the State for a fiscal year, the Secretary shall inform the State whether a waiver under subparagraph (A) is in effect for the fiscal year.

"(3) CORE MEDICAL SERVICES.—For purposes of this subsection, the term 'core medical services', with respect to an individual infected with HIV/AIDS (including the co-occurring conditions of the individual) means the following services:

"(A) Outpatient and ambulatory health services.

"(B) AIDS Drug Assistance Program treatments in accordance with section 2616.

"(C) AIDS pharmaceutical assistance.

"(D) Oral health care.

"(E) Early intervention services described in subsection (d).

"(F) Health insurance premium and cost sharing assistance for low-income individuals in accordance with section 2615.

"(G) Home health care.

"(H) Medical nutrition therapy.

"(I) Hospice services.

"(J) Home and community-based health services as defined under section 2614(c).

"(K) Mental health services.

"(L) Substance abuse outpatient care.

"(M) Medical case management, including treatment adherence services.

"(c) SUPPORT SERVICES.—

"(1) IN GENERAL.—For purposes of this subsection, the term 'support services' means services, subject to the approval of the Secretary, that are needed for individuals with HIV/AIDS to achieve their medical outcomes (such as respite care for persons caring for individuals with HIV/AIDS, outreach services, medical transportation, linguistic services, and referrals for health care and support services).

"(2) DEFINITION OF MEDICAL OUTCOMES.—In this subsection, the term 'medical outcomes' means those outcomes affecting the HIV-related clinical status of an individual with HIV/AIDS.

"(d) EARLY INTERVENTION SERVICES.—

"(1) IN GENERAL.—For purposes of this section, the term 'early intervention services' means HIV/AIDS early intervention services described in section 2651(e), with follow-up referral provided for the purpose of facilitating the access of individuals receiving the services to HIV-related health services. The entities through which such services may be provided under the grant include public health departments, emergency rooms, substance abuse and mental health treatment programs, detoxification centers, detention facilities, clinics regarding sexually transmitted diseases, homeless shelters, HIV/AIDS counseling and testing sites, health care points of entry specified by States, federally qualified health centers, and entities described in section 2652(a) that constitute a point of access to services by maintaining referral relationships.

"(2) CONDITIONS.—With respect to an entity that proposes to provide early intervention services under paragraph (1), such paragraph shall apply only if the entity demonstrates to the satisfaction of the chief elected official for the State involved that—

"(A) Federal, State, or local funds are otherwise inadequate for the early intervention services the entity proposes to provide; and

"(B) the entity will expend funds pursuant to such subparagraph to supplement and not supplant other funds available to the entity for the provision of early intervention services for the fiscal year involved.

"(e) PRIORITY FOR WOMEN, INFANTS, CHILDREN, AND YOUTH.—

"(1) IN GENERAL.—For the purpose of providing health and support services to infants, children, youth, and women with HIV/AIDS, including treatment measures to prevent the perinatal transmission of HIV, a State shall for each of such populations in the eligible area use, from the grants made for the area under section 2601(a) for a fiscal year, not less than the percentage constituted by the ratio of the population involved (infants, children, youth, or women in such area) with HIV/AIDS to the general population in such area of individuals with HIV/AIDS.

"(2) WAIVER.—With respect to the population involved, the Secretary may provide to a State a waiver of the requirement of paragraph (1) if such State demonstrates to the satisfaction of the Secretary that the population is receiving HIV-related health services through the State medicaid program under title XIX of the Social Security Act, the State children's health insurance program under title XXI of such Act, or other Federal or State programs.

"(f) CONSTRUCTION.—A State may not use amounts received under a grant awarded under section 2611 to purchase or improve land, or to purchase, construct, or permanently improve (other than minor remodeling) any building or other facility, or to make cash payments to intended recipients of services.".

(b) HIV CARE CONSORTIA.—Section 2613 of the Public Health Service Act (42 U.S.C. 300ff-3) is amended—

(1) in subsection (a), in the matter preceding paragraph (1)—

(A) by striking "may use" and inserting "may, subject to subsection (f), use"; and

(B) by striking "section 2612(a)(1)" and inserting "section 2612(a)"; and

(2) by adding at the end the following subsection:

"(f) ALLOCATION OF FUNDS; TREATMENT AS SUPPORT SERVICES.—For purposes of the requirement of section 2612(b)(1), expenditures of grants under section 2611 for or through consortia under this section are deemed to be support services, not core medical services. The preceding sentence may not be construed as having any legal effect on the provisions of subsection (a) that relate to authorized expenditures of the grant.".

(c) TECHNICAL AMENDMENTS.—Part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–21 et seq.) is amended—

(1) in section 2611—

(A) in subsection (a), by striking the subsection designation and heading; and

(B) by striking subsection (b);

(2) in section 2614—

(A) in subsection (a), in the matter preceding paragraph (1), by striking "section 2612(a)(2)" and inserting "section 2612(b)(3)(J)"; and

(B) in subsection (c)(2)(B), by striking "homemaker or";

(3) in section 2615(a) by striking "section 2612(a)(3)" and inserting "section 2612(b)(3)(F)"; and

(4) in section 2616(a) by striking "section 2612(a)(5)" and inserting "section 2612(b)(3)(B)".

SEC. 202. AIDS DRUG ASSISTANCE PROGRAM.

(a) REQUIREMENT OF MINIMUM DRUG LIST.—Section 2616 of the Public Health Service Act (42 U.S.C. 300ff-26) is amended—

(1) in subsection (c), by striking paragraph (1) and inserting the following:

"(1) ensure that the therapeutics included on the list of classes of core antiretroviral therapeutics established by the Secretary under subsection (e) are, at a minimum, the treatments provided by the State pursuant to this section;";

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following:

"(e) LIST OF CLASSES OF CORE ANTIRETROVIRAL THERAPEUTICS.—For purposes of subsection (c)(1), the Secretary shall develop and maintain a list of classes of core antiretroviral therapeutics, which list shall be based on the therapeutics included in the guidelines of the Secretary known as the Clinical Practice Guidelines for Use of HIV/AIDS Drugs, relating to drugs needed to manage symptoms associated with HIV. The preceding sentence does not affect the authority of the Secretary to modify such Guidelines.".

(b) DRUG REBATE PROGRAM.—Section 2616 of the Public Health Service Act, as amended by subsection (a)(2) of this section, is amended by adding at the end the following:

"(g) DRUG REBATE PROGRAM.—A State shall ensure that any drug rebates received on drugs purchased from funds provided pursuant to this section are applied to activities supported under this subpart, with priority given to activities described under this section.".

SEC. 203. DISTRIBUTION OF FUNDS.

(a) DISTRIBUTION BASED ON LIVING CASES OF HIV/AIDS.—

(1) STATE DISTRIBUTION FACTOR.—Section 2618(a)(2) of the Public Health Service Act (42 U.S.C. 300ff–28(a)(2)) is amended—

(A) in subparagraph (B), by striking "estimated number of living cases of acquired immune deficiency syndrome in the eligible area involved" and inserting "number of living cases of HIV/AIDS in the State involved"; and

(B) by amending subparagraph (D) to read as follows:

"(D) LIVING CASES OF HIV/AIDS.—

"(i) REQUIREMENT OF NAMES-BASED REPORTING.—Except as provided in clause (ii), the number determined under this subparagraph for a State for a fiscal year for purposes of subparagraph (B) is the number of living names-based cases of HIV/AIDS in the State that, as of December 31 of the most recent calendar year for which such data is available, have been reported to and confirmed by the Director of the Centers for Disease Control and Prevention.

"(ii) TRANSITION PERIOD; EXEMPTION REGARDING NON-AIDS CASES.—For each of the fiscal years 2007 through 2009, a State is, subject to clauses (iii) through (v), exempt from the requirement under clause (i) that living non-AIDS names-based cases of HIV be reported unless—

"(I) a system was in operation as of December 31, 2005, that provides sufficiently accurate and reliable names-based reporting of such cases throughout the State, subject to clause (vii); or

"(II) no later than the beginning of fiscal year 2008 or 2009, the Secretary, after consultation with the chief executive of the State, determines that a system has become operational in the State that provides sufficiently accurate and reliable names-based reporting of such cases throughout the State.

"(iii) REQUIREMENTS FOR EXEMPTION FOR FISCAL YEAR 2007.—For fiscal year 2007, an exemption under clause (ii) for a State applies only if, by October 1, 2006—

"(I)(aa) the State had submitted to the Secretary a plan for making the transition to sufficiently accurate and reliable names-based reporting of living non-AIDS cases of HIV; or

"(bb) all statutory changes necessary to provide for sufficiently accurate and reliable reporting of such cases had been made; and

"(II) the State had agreed that, by April 1, 2008, the State will begin accurate and reliable names-based reporting of such cases, except that such agreement is not required to provide that, as of such date, the system for such reporting be fully sufficient with respect to accuracy and reliability throughout the area.

"(iv) REQUIREMENT FOR EXEMPTION AS OF FISCAL YEAR 2008.—For each of the fiscal years 2008 through 2010, an exemption under clause (ii) for a State applies only if, as of April 1, 2008, the State is substantially in compliance with the agreement under clause (iii)(II).

"(v) PROGRESS TOWARD NAMES-BASED REPORTING.—For fiscal year 2009, the Secretary may terminate an exemption under clause (ii) for a State if the State submitted a plan under clause (iii)(I)(aa) and the Secretary determines that the State is not substantially following the plan.

"(vi) COUNTING OF CASES IN AREAS WITH EXEMPTIONS.—

"(I) IN GENERAL.—With respect to a State that is under a reporting system for living non-AIDS cases of HIV that is not names-based (referred to in this subparagraph as 'code-based reporting'), the Secretary shall, for purposes of this subparagraph, modify the number of such cases reported for the State in order to adjust for duplicative reporting in and among systems that use code-based reporting.

"(II) ADJUSTMENT RATE.—The adjustment rate under subclause (I) for a State shall be a reduction of 5 percent in the number of living non-AIDS cases of HIV reported for the State.

"(vii) LIST OF STATES MEETING STANDARD REGARDING DECEMBER 31, 2005.—

"(I) IN GENERAL.—If a State is specified in subclause (II), the State shall be considered to meet the standard described in clause (ii)(I). No other State may be considered to meet such standard.

"(II) RELEVANT STATES.—For purposes of subclause (I), the States specified in this subclause are the following: Alaska, Alabama, Arkansas, Arizona, Colorado, Florida, Indiana, Iowa, Idaho, Kansas, Louisiana, Michigan, Minnesota, Missouri, Mississippi, North Carolina, North Dakota, Nebraska, New Jersey, New Mexico, New York, Nevada, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Wisconsin, West Virginia, Wyoming, Guam, and the Virgin Islands.

"(viii) RULES OF CONSTRUCTION REGARDING ACCEPTANCE OF REPORTS.—

"(I) CASES OF AIDS.—With respect to a State that is subject to the requirement under clause (i) and is not in compliance with the requirement for names-based reporting of living non-AIDS cases of HIV, the Secretary shall, notwithstanding such noncompliance, accept reports of living cases of AIDS that are in accordance with such clause.

"(II) APPLICABILITY OF EXEMPTION REQUIREMENTS.—The provisions of clauses (ii) through (vii) may not be construed as having any legal effect for fiscal year 2010 or any subsequent fiscal year, and accordingly, the status of a State for purposes of such clauses may not be considered after fiscal year 2009.

"(ix) PROGRAM FOR DETECTING INACCURATE OR FRAUDULENT COUNTING.—The Secretary shall carry out a program to monitor the reporting of names-based cases for purposes of this subparagraph and to detect instances of inaccurate reporting, including fraudulent reporting.".

(2) NON-EMA DISTRIBUTION FACTOR.—Section 2618(a)(2)(C) of the Public Health Service Act (42 U.S.C. 300ff–28(a)(2)(C)) is amended—

(A) in clause (i), by striking "estimated number of living cases of acquired immune deficiency syndrome" each place such term appears and inserting "number of living cases of HIV/AIDS"; and

(B) in clause (ii), by amending such clause to read as follows:

"(ii) a number equal to the sum of—

"(I) the total number of living cases of HIV/AIDS that are within areas in such State that are eligible areas under subpart I of part A for the fiscal year involved, which individual number for an area is the number that applies under section 2601 for the area for such fiscal year; and

"(II) the total number of such cases that are within areas in such State that are transitional areas under section 2609 for such fiscal year, which individual number for an area is the number that applies under such section for the fiscal year.".

(b) FORMULA AMENDMENTS GENERALLY.—Section 2618(a)(2) of the Public Health Service Act (42 U.S.C. 300ff–28(a)(2)) is amended—

(1) in subparagraph (A)—

(A) by striking "The amount referred to" in the matter preceding clause (i) and all that follows through the end of clause (i) and inserting the following: "For purposes of paragraph (1), the amount referred to in this paragraph for a State (including a territory) for a fiscal year is, subject to subparagraphs (E) and (F)—

"(i) an amount equal to the amount made available under section 2623 for the fiscal year involved for grants pursuant to paragraph (1), subject to subparagraph (G); and"; and

(B) in clause (ii)—

(i) in subclause (I)—

(I) by striking ".80" and inserting "0.75"; and

(II) by striking "and" at the end;

(ii) in subclause (II)—

(I) by inserting "non-EMA" after "respective"; and

(II) by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(III) if the State does not for such fiscal year contain any area that is an eligible area under subpart I of part A or any area that is a transitional area under section 2609 (referred to in this subclause as a 'no-EMA State'), the product of 0.05 and the ratio of the number of cases that applies for the State under subparagraph (D) to the sum of the respective numbers of cases that so apply for all no-EMA States.";

(2) by striking subparagraphs (E) through (H);

(3) by inserting after subparagraph (D) the following subparagraphs:

"(E) CODE-BASED STATES; LIMITATION ON INCREASE IN GRANT.—

"(i) IN GENERAL.—For each of the fiscal years 2007 through 2009, if code-based reporting (within the meaning of subparagraph (D)(vi)) applies in a State as of the beginning of the fiscal year involved, then notwithstanding any other provision of this paragraph, the amount of the grant pursuant to paragraph (1) for the State may not for the fiscal year involved exceed by more than 5 percent the amount of the grant pursuant to this paragraph for the State for the preceding fiscal year, except that the limitation under this clause may not result in a grant pursuant to paragraph (1) for a fiscal year that is less than the minimum amount that applies to the State under such paragraph for such fiscal year.

"(ii) USE OF AMOUNTS INVOLVED.—For each of the fiscal years 2007 through 2009, amounts available as a result of the limitation under clause (i) shall be made available by the Secretary as additional amounts for grants pursuant to section 2620, subject to subparagraph (H)."; and

(4) by redesignating subparagraph (I) as subparagraph (F).

(c) SEPARATE ADAP GRANTS.—Section 2618(a)(2)(G) of the Public Health Service Act (42 U.S.C. 300ff–28(a)(2)(G)), as redesignated by subsection (b)(4) of this section, is amended—

(1) in clause (i)—

(A) in the matter preceding subclause (I), by striking "section 2677" and inserting "section 2623";

(B) in subclause (II), by striking the period at the end and inserting a semicolon; and

(C) by adding after and below subclause (II) the following:

"which product shall then, as applicable, be increased under subparagraph (H).";

(2) in clause (ii)—

(A) by striking subclauses (I) through (III) and inserting the following:

"(I) IN GENERAL.—From amounts made available under subclause (V), the Secretary shall award supplemental grants to States described in subclause (II) to enable such States to purchase and distribute to eligible individuals under section 2616(b) pharmaceutical therapeutics described under subsections (c)(2) and (e) of such section.

"(II) ELIGIBLE STATES.—For purposes of subclause (I), a State shall be an eligible State if the State did not have unobligated funds subject to reallocation under section 2618(d) in the previous fiscal year and, in accordance with criteria established by the Secretary, demonstrates a severe need for a grant under this clause. For purposes of determining severe need, the Secretary shall consider eligibility standards, formulary composition, the number of eligible individuals to whom a State is unable to provide therapeutics described in section 2616(a), and an unanticipated increase of eligible individuals with HIV/AIDS.

"(III) STATE REQUIREMENTS.—The Secretary may not make a grant to a State under this clause unless the State agrees that the State will make available (directly or through donations of public or private entities) non-Federal contributions toward the activities to be carried out under the grant in an amount equal to $1 for each $4 of Federal funds provided in the grant, except that the Secretary may waive this subclause if the State has otherwise fully complied with section 2617(d) with respect to the grant year involved. The provisions of this subclause shall apply to States that are not required to comply with such section 2617(d).".

(B) in subclause (IV), by moving the subclause two ems to the left;

(C) in subclause (V), by striking "3 percent" and inserting "5 percent"; and

(D) by striking subclause (VI); and

(3) by adding at the end the following clause:

"(iii) CODE-BASED STATES; LIMITATION ON INCREASE IN FORMULA GRANT.—The limitation under subparagraph (E)(i) applies to grants pursuant to clause (i) of this subparagraph to the same extent and in the same manner as such limitation applies to grants pursuant to paragraph (1), except that the reference to minimum grants does not apply for purposes of this clause. Amounts available as a result of the limitation under the preceding sentence shall be made available by the Secretary as additional amounts for grants under clause (ii) of this subparagraph.".

(d) HOLD HARMLESS.—Section 2618(a)(2) of the Public Health Service Act (42 U.S.C. 300ff-28(a)(2)), as amended by subsection (b)(4) of this section, is amended by adding at the end the following subparagraph:

"(H) INCREASE IN FORMULA GRANTS.—

"(i) ASSURANCE OF AMOUNT.—

"(I) GENERAL RULE.—For fiscal year 2007, the Secretary shall ensure, subject to clauses (ii) through (iv), that the total for a State of the grant pursuant to paragraph (1) and the grant pursuant to subparagraph (G) is not less than 95 percent of such total for the State for fiscal year 2006.

"(II) RULE OF CONSTRUCTION.—With respect to the application of subclause (I), the 95 percent requirement under such subclause shall apply with respect to each grant awarded under paragraph (1) and with respect to each grant awarded under subparagraph (G).

"(ii) FISCAL YEAR 2007.—For purposes of clause (i) as applied for fiscal year 2007, the references in such clause to subparagraph (G) are deemed to be references to subparagraph (I) as such subparagraph was in effect for fiscal year 2006.

"(iii) FISCAL YEARS 2008 AND 2009.—For each of the fiscal years 2008 and 2009, the Secretary shall ensure that the total for a State of the grant pursuant to paragraph (1) and the grant pursuant to subparagraph (G) is not less than 100 percent of such total for the State for fiscal year 2007.

"(iv) SOURCE OF FUNDS FOR INCREASE.—

"(I) IN GENERAL.—From the amount reserved under section 2623(b)(2) for a fiscal year, and from amounts available for such section pursuant to subsection (d) of this section, the Secretary shall make available such amounts as may be necessary to comply with clause (i).

"(II) PRO RATA REDUCTION.—If the amounts referred to in subclause (I) for a fiscal year are insufficient to fully comply with clause (i) for the year, the Secretary, in order to provide the additional funds necessary for such compliance, shall reduce on a pro rata basis the amount of each grant pursuant to paragraph (1) for the fiscal year, other than grants for States for which increases under clause (i) apply and other than States described in paragraph (1)(A)(i)(I). A reduction under the preceding sentence may not be made in an amount that would result in the State involved becoming eligible for such an increase.

"(v) APPLICABILITY.—This paragraph may not be construed as having any applicability after fiscal year 2009.".

(e) ADMINISTRATIVE EXPENSES; CLINICAL QUALITY MANAGEMENT.—Section 2618(b) of the Public Health Service Act (42 U.S.C. 300ff-28(b)) is amended—

(1) by redesignating paragraphs (2) through (7) as paragraphs (1) through (6);

(2) in paragraph (2) (as so redesignated)—

(A) by striking "paragraph (5)" and inserting "paragraph (4)"; and

(B) by striking "paragraph (6)" and inserting "paragraph (5)";

(3) in paragraph (3) (as so redesignated)—

(A) by amending subparagraph (A) to read as follows:

"(A) IN GENERAL.—Subject to paragraph (4,) and except as provided in paragraph (5), a State may not use more than 10 percent of amounts received under a grant awarded under section 2611 for administration.";

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively;

(C) by inserting after subparagraph (A) the following:

"(B) ALLOCATIONS.—In the case of entities and subcontractors to which a State allocates amounts received by the State under a grant under section 2611, the State shall ensure that, of the aggregate amount so allocated, the total of the expenditures by such entities for administrative expenses does not exceed 10 percent (without regard to whether particular entities expend more than 10 percent for such expenses).";

(D) in subparagraph (C) (as so redesignated), by inserting before the period the following: ", including a clinical quality management program under subparagraph (E)"; and

(E) by adding at the end the following:

"(E) CLINICAL QUALITY MANAGEMENT.—

"(i) REQUIREMENT.—Each State that receives a grant under section 2611 shall provide for the establishment of a clinical quality management program to assess the extent to which HIV health services provided to patients under the grant are consistent with the most recent Public Health Service guidelines for the treatment of HIV/AIDS and related opportunistic infection, and as applicable, to develop strategies for ensuring that such services are consistent with the guidelines for improvement in the access to and quality of HIV health services.

"(ii) USE OF FUNDS.—

"(I) IN GENERAL.—From amounts received under a grant awarded under section 2611 for a fiscal year, a State may use for activities associated with the clinical quality management program required in clause (i) not to exceed the lesser of—

"(aa) 5 percent of amounts received under the grant; or

"(bb) $3,000,000.

"(II) RELATION TO LIMITATION ON ADMINISTRATIVE EXPENSES.—The costs of a clinical quality management program under clause (i) may not be considered administrative expenses for purposes of the limitation established in subparagraph (A).";

(4) in paragraph (4) (as so redesignated)—

(A) by striking "paragraph (6)" and inserting "paragraph (5)"; and

(B) by striking "paragraphs (3) and (4)" and inserting "paragraphs (2) and (3)"; and

(5) in paragraph (5) (as so redesignated), by striking "paragraphs (3)" and all that follows through "(5)," and inserting the following: "paragraphs (2) and (3), may, notwithstanding paragraphs (2) through (4),".

(f) REALLOCATION FOR SUPPLEMENTAL GRANTS.—Section 2618(d) of the Public Health Service Act (42 U.S.C. 300ff-28(d)) is amended to read as follows:

"(d) REALLOCATION.—Any portion of a grant made to a State under section 2611 for a fiscal year that has not been obligated as described in subsection (c) ceases to be available to the State and shall be made available by the Secretary for grants under section 2620, in addition to amounts made available for such grants under section 2623(b)(2).".

(g) DEFINITIONS; OTHER TECHNICAL AMENDMENTS.—Section 2618(a) of the Public Health Service Act (42 U.S.C. 300ff-28(a)) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking "section 2677" and inserting "section 2623";

(2) in paragraph (1)(A)—

(A) in the matter preceding clause (i), by striking "each of the several States and the District of Columbia" and inserting "each of the 50 States, the District of Columbia, Guam, and the Virgin Islands (referred to in this paragraph as a 'covered State')"; and

(B) in clause (i)—

(i) in subclause (I), by striking "State or District" and inserting "covered State"; and

(ii) in subclause (II)—

(I) by striking "State or District" and inserting "covered State"; and

(II) by inserting "and" after the semicolon; and

(3) in paragraph (1)(B), by striking "each territory of the United States, as defined in paragraph (3)," and inserting "each territory other than Guam and the Virgin Islands";

(4) in paragraph (2)(C)(i), by striking "or territory"; and

(5) by striking paragraph (3).

SEC. 204. ADDITIONAL AMENDMENTS TO SUBPART I OF PART B.

(a) REFERENCES TO PART B.—Subpart I of part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff-21 et seq.) is amended by striking "this part" each place such term appears and inserting "section 2611".

(b) HEPATITIS.—Section 2614(a)(3) of the Public Health Service Act (42 U.S.C. 300ff-24(a)(3)) is amended by inserting ", including specialty care and vaccinations for hepatitis co-infection," after "health services".

(c) APPLICATION FOR GRANT.—

(1) COORDINATION.—Section 2617(b) of the Public Health Service Act (42 U.S.C. 300ff-27(b)) is amended—

(A) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively;

(B) by inserting after paragraph (3), the following:

"(4) the designation of a lead State agency that shall—

"(A) administer all assistance received under this part;

"(B) conduct the needs assessment and prepare the State plan under paragraph (3);

"(C) prepare all applications for assistance under this part;

"(D) receive notices with respect to programs under this title;

"(E) every 2 years, collect and submit to the Secretary all audits, consistent with Office of Management and Budget circular A133, from grantees within the State, including audits regarding funds expended in accordance with this part; and

"(F) carry out any other duties determined appropriate by the Secretary to facilitate the coordination of programs under this title.";

(C) in paragraph (5) (as so redesignated)—

(i) in subparagraph (E), by striking "and" at the end; and

(ii) by inserting after subparagraph (F) the following:

"(G) includes key outcomes to be measured by all entities in the State receiving assistance under this title; and"; and

(D) in paragraph (7) (as so redesignated), in subparagraph (A)—

(i) by striking "paragraph (5)" and inserting "paragraph (6)"; and

(ii) by striking "paragraph (4)" and inserting "paragraph (5)".

(2) NATIVE AMERICAN REPRESENTATION.—Section 2617(b)(6) of the Public Health Service Act, as redesignated by paragraph (1)(A) of this subsection, is amended by inserting before "representatives of grantees" the following: "members of a Federally recognized Indian tribe as represented in the State,".

(3) PAYER OF LAST RESORT.—Section 2617(b)(7)(F)(ii) of the Public Health Service Act, as redesignated by paragraph (1)(A) of

this subsection, is amended by inserting before the semicolon the following: “(except for a program administered by or providing the services of the Indian Health Service)”.

(d) Matching Funds; Applicability of Requirement.—Section 2617(d)(3) of the Public Health Service Act (42 U.S.C. 300ff-27(d)(3)) is amended—

(1) in subparagraph (A), by striking “acquired immune deficiency syndrome” and inserting “HIV/AIDS”; and

(2) in subparagraph (C), by striking “acquired immune deficiency syndrome” and inserting “HIV/AIDS”.

SEC. 205. SUPPLEMENTAL GRANTS ON BASIS OF DEMONSTRATED NEED.

Subpart I of part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff-21 et seq.) is amended—

(1) by redesignating section 2620 as section 2621; and

(2) by inserting after section 2619 the following:

“SEC. 2620. SUPPLEMENTAL GRANTS.

“(a) In General.—For the purpose of providing services described in section 2612(a), the Secretary shall make grants to States—

“(1) whose applications under section 2617 have demonstrated the need in the State, on an objective and quantified basis, for supplemental financial assistance to provide such services; and

“(2) that did not, for the most recent grant year pursuant to section 2618(a)(1) or 2618(a)(2)(G)(i) for which data is available, have more than 2 percent of grant funds under such sections canceled or covered by any waivers under section 2622(c).

“(b) Demonstrated Need.—The factors considered by the Secretary in determining whether an eligible area has a demonstrated need for purposes of subsection (a)(1) may include any or all of the following:

“(1) The unmet need for such services, as determined under section 2617(b).

“(2) An increasing need for HIV/AIDS-related services, including relative rates of increase in the number of cases of HIV/AIDS.

“(3) The relative rates of increase in the number of cases of HIV/AIDS within new or emerging subpopulations.

“(4) The current prevalence of HIV/AIDS.

“(5) Relevant factors related to the cost and complexity of delivering health care to individuals with HIV/AIDS in the eligible area.

“(6) The impact of co-morbid factors, including co-occurring conditions, determined relevant by the Secretary.

“(7) The prevalence of homelessness.

“(8) The prevalence of individuals described under section 2602(b)(2)(M).

“(9) The relevant factors that limit access to health care, including geographic variation, adequacy of health insurance coverage, and language barriers.

“(10) The impact of a decline in the amount received pursuant to section 2618 on services available to all individuals with HIV/AIDS identified and eligible under this title.

“(c) Priority in Making Grants.—The Secretary shall provide funds under this section to a State to address the decline in services related to the decline in the amounts received pursuant to section 2618 consistent with the grant award to the State for fiscal year 2006, to the extent that the factor under subsection (b)(10) (relating to a decline in funding) applies to the State.

“(d) Report on the Awarding of Supplemental Funds.—Not later than 45 days after the awarding of supplemental funds under this section, the Secretary shall submit to Congress a report concerning such funds. Such report shall include information detailing—

“(1) the total amount of supplemental funds available under this section for the year involved;

“(2) the amount of supplemental funds used in accordance with the hold harmless provisions of section 2618(a)(2);

“(3) the amount of supplemental funds disbursed pursuant to subsection (c);

“(4) the disbursement of the remainder of the supplemental funds after taking into account the uses described in paragraphs (2) and (3); and

“(5) the rationale used for the amount of funds disbursed as described under paragraphs (2), (3), and (4).

“(e) Core Medical Services.—The provisions of section 2612(b) apply with respect to a grant under this section to the same extent and in the same manner as such provisions apply with respect to a grant made pursuant to section 2618(a)(1).

“(f) Applicability of Grant Authority.—The authority to make grants under this section applies beginning with the first fiscal year for which amounts are made available for such grants under section 2623(b)(1).”.

SEC. 206. EMERGING COMMUNITIES.

Section 2621 of the Public Health Service Act, as redesignated by section 205(1) of this Act, is amended—

(1) in the heading for the section, by striking “**SUPPLEMENTAL GRANTS**” and inserting “**EMERGING COMMUNITIES**”;

(2) in subsection (b)—

(A) in paragraph (2), by striking “and” at the end;

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

“(3) agree that the grant will be used to provide funds directly to emerging communities in the State, separately from other funds under this title that are provided by the State to such communities; and”.

(3) by striking subsections (d) and (e) and inserting the following:

“(d) Definitions of Emerging Community.—For purposes of this section, the term ‘emerging community’ means a metropolitan area (as defined in section 2607) for which there has been reported to and confirmed by the Director of the Centers for Disease Control and Prevention a cumulative total of at least 500, but fewer than 1,000, cases of AIDS during the most recent period of 5 calendar years for which such data are available.

“(e) Continued Status as Emerging Community.—Notwithstanding any other provision of this section, a metropolitan area that is an emerging community for a fiscal year continues to be an emerging community until the metropolitan area fails, for three consecutive fiscal years—

“(1) to meet the requirements of subsection (d); and

“(2) to have a cumulative total of 750 or more living cases of AIDS (reported to and confirmed by the Director of the Centers for Disease Control and Prevention) as of December 31 of the most recent calendar year for which such data is available.

“(f) Distribution.—The amount of a grant under subsection (a) for a State for a fiscal year shall be an amount equal to the product of—

“(1) the amount available under section 2623(b)(1) for the fiscal year; and

“(2) a percentage equal to the ratio constituted by the number of living cases of HIV/AIDS in emerging communities in the State to the sum of the respective numbers of such cases in such communities for all States.”.

SEC. 207. TIMEFRAME FOR OBLIGATION AND EXPENDITURE OF GRANT FUNDS.

Subpart I of part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff-21 et seq.), as amended by section 205, is further amended by adding at the end the following:

“SEC. 2622. TIMEFRAME FOR OBLIGATION AND EXPENDITURE OF GRANT FUNDS.

“(a) Obligation by End of Grant Year.—Effective for fiscal year 2007 and subsequent fiscal years, funds from a grant award made to a State for a fiscal year pursuant to section 2618(a)(1) or 2618(a)(2)(G), or under section 2620 or 2621, are available for obligation by the State through the end of the one-year period beginning on the date in such fiscal year on which funds from the award first become available to the State (referred to in this section as the ‘grant year for the award’), except as provided in subsection (c)(1).

“(b) Supplemental Grants; Cancellation of Unobligated Balance of Grant Award.—Effective for fiscal year 2007 and subsequent fiscal years, if a grant award made to a State for a fiscal year pursuant to section 2618(a)(2)(G)(ii), or under section 2620 or 2621, has an unobligated balance as of the end of the grant year for the award—

“(1) the Secretary shall cancel that unobligated balance of the award, and shall require the State to return any amounts from such balance that have been disbursed to the State; and

“(2) the funds involved shall be made available by the Secretary as additional amounts for grants pursuant to section 2620 for the first fiscal year beginning after the fiscal year in which the Secretary obtains the information necessary for determining that the balance is required under paragraph (1) to be canceled, except that the availability of the funds for such grants is subject to section 2618(a)(2)(H) as applied for such year.

“(c) Formula Grants; Cancellation of Unobligated Balance of Grant Award; Waiver Permitting Carryover.—

“(1) In general.—Effective for fiscal year 2007 and subsequent fiscal years, if a grant award made to a State for a fiscal year pursuant to section 2618(a)(1) or 2618(a)(2)(G)(i) has an unobligated balance as of the end of the grant year for the award, the Secretary shall cancel that unobligated balance of the award, and shall require the State to return any amounts from such balance that have been disbursed to the State, unless—

“(A) before the end of the grant year, the State submits to the Secretary a written application for a waiver of the cancellation, which application includes a description of the purposes for which the State intends to expend the funds involved; and

“(B) the Secretary approves the waiver.

“(2) Expenditure by end of carryover year.—With respect to a waiver under paragraph (1) that is approved for a balance that is unobligated as of the end of a grant year for an award:

“(A) The unobligated funds are available for expenditure by the State involved for the one-year period beginning upon the expiration of the grant year (referred to in this section as the ‘carryover year’).

“(B) If the funds are not expended by the end of the carryover year, the Secretary shall cancel that unexpended balance of the award, and shall require the State to return any amounts from such balance that have been disbursed to the State.

“(3) Use of cancelled balances.—In the case of any balance of a grant award that is cancelled under paragraph (1) or (2)(B), the grant funds involved shall be made available by the Secretary as additional amounts for grants under section 2620 for the first fiscal year beginning after the fiscal year in which the Secretary obtains the information necessary for determining that the balance is required under such paragraph to be canceled, except that the availability of the funds for such grants is subject to section 2618(a)(2)(H) as applied for such year.

"(4) CORRESPONDING REDUCTION IN FUTURE GRANT.—

"(A) IN GENERAL.—In the case of a State for which a balance from a grant award made pursuant to section 2618(a)(1) or 2618(a)(2)(G)(i) is unobligated as of the end of the grant year for the award—

"(i) the Secretary shall reduce, by the same amount as such unobligated balance, the amount of the grant under such section for the first fiscal year beginning after the fiscal year in which the Secretary obtains the information necessary for determining that such balance was unobligated as of the end of the grant year (which requirement for a reduction applies without regard to whether a waiver under paragraph (1) has been approved with respect to such balance); and

"(ii) the grant funds involved in such reduction shall be made available by the Secretary as additional funds for grants under section 2620 for such first fiscal year, subject to section 2618(a)(2)(H);

except that this subparagraph does not apply to the State if the amount of the unobligated balance was 2 percent or less.

"(B) RELATION TO INCREASES IN GRANT.—A reduction under subparagraph (A) for a State for a fiscal year may not be taken into account in applying section 2618(a)(2)(H) with respect to the State for the subsequent fiscal year.

"(d) TREATMENT OF DRUG REBATES.—For purposes of this section, funds that are drug rebates referred to in section 2616(g) may not be considered part of any grant award referred to in subsection (a).".

SEC. 208. AUTHORIZATION OF APPROPRIATIONS FOR SUBPART I OF PART B.

Subpart I of part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–21 et seq.), as amended by section 207, is further amended by adding at the end the following:

"SEC. 2623. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—For the purpose of carrying out this subpart, there are authorized to be appropriated $1,195,500,000 for fiscal year 2007, $1,239,500,000 for fiscal year 2008, and $1,285,200,000 for fiscal year 2009. Amounts appropriated under the preceding sentence for a fiscal year are available for obligation by the Secretary until the end of the second succeeding fiscal year.

"(b) RESERVATION OF AMOUNTS.—

"(1) EMERGING COMMUNITIES.—Of the amount appropriated under subsection (a) for a fiscal year, the Secretary shall reserve $5,000,000 for grants under section 2621.

"(2) SUPPLEMENTAL GRANTS.—

"(A) IN GENERAL.—Of the amount appropriated under subsection (a) for a fiscal year in excess of the 2006 adjusted amount, the Secretary shall reserve ⅓ for grants under section 2620, except that the availability of the reserved funds for such grants is subject to section 2618(a)(2)(H) as applied for such year, and except that any amount appropriated exclusively for carrying out section 2616 (and, accordingly, distributed under section 2618(a)(2)(G)) is not subject to this subparagraph.

"(B) 2006 ADJUSTED AMOUNT.—For purposes of subparagraph (A), the term '2006 adjusted amount' means the amount appropriated for fiscal year 2006 under section 2677(b) (as such section was in effect for such fiscal year), excluding any amount appropriated for such year exclusively for carrying out section 2616 (and, accordingly, distributed under section 2618(a)(2)(I), as so in effect).".

SEC. 209. EARLY DIAGNOSIS GRANT PROGRAM.

Section 2625 of the Public Health Service Act (42 U.S.C. 300ff–33) is amended to read as follows:

"SEC. 2625. EARLY DIAGNOSIS GRANT PROGRAM.

"(a) IN GENERAL.—In the case of States whose laws or regulations are in accordance with subsection (b), the Secretary, acting through the Centers for Disease Control and Prevention, shall make grants to such States for the purposes described in subsection (c).

"(b) DESCRIPTION OF COMPLIANT STATES.—For purposes of subsection (a), the laws or regulations of a State are in accordance with this subsection if, under such laws or regulations (including programs carried out pursuant to the discretion of State officials), both of the policies described in paragraph (1) are in effect, or both of the policies described in paragraph (2) are in effect, as follows:

"(1)(A) Voluntary opt-out testing of pregnant women.

"(B) Universal testing of newborns.

"(2)(A) Voluntary opt-out testing of clients at sexually transmitted disease clinics.

"(B) Voluntary opt-out testing of clients at substance abuse treatment centers.

The Secretary shall periodically ensure that the applicable policies are being carried out and recertify compliance.

"(c) USE OF FUNDS.—A State may use funds provided under subsection (a) for HIV/AIDS testing (including rapid testing), prevention counseling, treatment of newborns exposed to HIV/AIDS, treatment of mothers infected with HIV/AIDS, and costs associated with linking those diagnosed with HIV/AIDS to care and treatment for HIV/AIDS.

"(d) APPLICATION.—A State that is eligible for the grant under subsection (a) shall submit an application to the Secretary, in such form, in such manner, and containing such information as the Secretary may require.

"(e) LIMITATION ON AMOUNT OF GRANT.—A grant under subsection (a) to a State for a fiscal year may not be made in an amount exceeding $10,000,000.

"(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to pre-empt State laws regarding HIV/AIDS counseling and testing.

"(g) DEFINITIONS.—In this section:

"(1) The term 'voluntary opt-out testing' means HIV/AIDS testing—

"(A) that is administered to an individual seeking other health care services; and

"(B) in which—

"(i) pre-test counseling is not required but the individual is informed that the individual will receive an HIV/AIDS test and the individual may opt out of such testing; and

"(ii) for those individuals with a positive test result, post-test counseling (including referrals for care) is provided and confidentiality is protected.

"(2) The term 'universal testing of newborns' means HIV/AIDS testing that is administered within 48 hours of delivery to—

"(A) all infants born in the State; or

"(B) all infants born in the State whose mother's HIV/AIDS status is unknown at the time of delivery.

"(h) AUTHORIZATION OF APPROPRIATIONS.—Of the funds appropriated annually to the Centers for Disease Control and Prevention for HIV/AIDS prevention activities, $30,000,000 shall be made available for each of the fiscal years 2007 through 2009 for grants under subsection (a), of which $20,000,000 shall be made available for grants to States with the policies described in subsection (b)(1), and $10,000,000 shall be made available for grants to States with the policies described in subsection (b)(2). Funds provided under this section are available until expended.".

SEC. 210. CERTAIN PARTNER NOTIFICATION PROGRAMS; AUTHORIZATION OF APPROPRIATIONS.

Section 2631(d) of the Public Health Service Act (42 U.S.C. 300ff–38(d)) is amended by striking "there are" and all that follows and inserting the following: "there is authorized to be appropriated $10,000,000 for each of the fiscal years 2007 through 2009.".

TITLE III—EARLY INTERVENTION SERVICES

SEC. 301. ESTABLISHMENT OF PROGRAM; CORE MEDICAL SERVICES.

(a) IN GENERAL.—Section 2651 of the Public Health Service Act (42 U.S.C. 300ff–51) is amended to read as follows:

"SEC. 2651. ESTABLISHMENT OF A PROGRAM.

"(a) IN GENERAL.—For the purposes described in subsection (b), the Secretary, acting through the Administrator of the Health Resources and Services Administration, may make grants to public and nonprofit private entities specified in section 2652(a).

"(b) REQUIREMENTS.—

"(1) IN GENERAL.—The Secretary may not make a grant under subsection (a) unless the applicant for the grant agrees to expend the grant only for—

"(A) core medical services described in subsection (c);

"(B) support services described in subsection (d); and

"(C) administrative expenses as described in section 2664(g)(3).

"(2) EARLY INTERVENTION SERVICES.—An applicant for a grant under subsection (a) shall expend not less than 50 percent of the amount received under the grant for the services described in subparagraphs (B) through (E) of subsection (e)(1) for individuals with HIV/AIDS.

"(c) REQUIRED FUNDING FOR CORE MEDICAL SERVICES.—

"(1) IN GENERAL.—With respect to a grant under subsection (a) to an applicant for a fiscal year, the applicant shall, of the portion of the grant remaining after reserving amounts for purposes of paragraphs (3) and (5) of section 2664(g), use not less than 75 percent to provide core medical services that are needed in the area involved for individuals with HIV/AIDS who are identified and eligible under this title (including services regarding the co-occurring conditions of the individuals).

"(2) WAIVER.—

"(A) The Secretary shall waive the application of paragraph (1) with respect to an applicant for a grant if the Secretary determines that, within the service area of the applicant—

"(i) there are no waiting lists for AIDS Drug Assistance Program services under section 2616; and

"(ii) core medical services are available to all individuals with HIV/AIDS identified and eligible under this title.

"(B) NOTIFICATION OF WAIVER STATUS.—When informing an applicant that a grant under subsection (a) is being made for a fiscal year, the Secretary shall inform the applicant whether a waiver under subparagraph (A) is in effect for the fiscal year.

"(3) CORE MEDICAL SERVICES.—For purposes of this subsection, the term 'core medical services', with respect to an individual with HIV/AIDS (including the co-occurring conditions of the individual) means the following services:

"(A) Outpatient and ambulatory health services.

"(B) AIDS Drug Assistance Program treatments under section 2616.

"(C) AIDS pharmaceutical assistance.

"(D) Oral health care.

"(E) Early intervention services described in subsection (e).

"(F) Health insurance premium and cost sharing assistance for low-income individuals in accordance with section 2615.

"(G) Home health care.

"(H) Medical nutrition therapy.

"(I) Hospice services.

"(J) Home and community-based health services as defined under section 2614(c).

"(K) Mental health services.

"(L) Substance abuse outpatient care.

"(M) Medical case management, including treatment adherence services.

"(d) SUPPORT SERVICES.—

"(1) IN GENERAL.—For purposes of this section, the term 'support services' means services, subject to the approval of the Secretary, that are needed for individuals with HIV/AIDS to achieve their medical outcomes (such as respite care for persons caring for individuals with HIV/AIDS, outreach services, medical transportation, linguistic services, and referrals for health care and support services).

"(2) DEFINITION OF MEDICAL OUTCOMES.—In this section, the term 'medical outcomes' means those outcomes affecting the HIV-related clinical status of an individual with HIV/AIDS.

"(e) SPECIFICATION OF EARLY INTERVENTION SERVICES.—

"(1) IN GENERAL.—The early intervention services referred to in this section are—

"(A) counseling individuals with respect to HIV/AIDS in accordance with section 2662;

"(B) testing individuals with respect to HIV/AIDS, including tests to confirm the presence of the disease, tests to diagnose the extent of the deficiency in the immune system, and tests to provide information on appropriate therapeutic measures for preventing and treating the deterioration of the immune system and for preventing and treating conditions arising from HIV/AIDS;

"(C) referrals described in paragraph (2);

"(D) other clinical and diagnostic services regarding HIV/AIDS, and periodic medical evaluations of individuals with HIV/AIDS; and

"(E) providing the therapeutic measures described in subparagraph (B).

"(2) REFERRALS.—The services referred to in paragraph (1)(C) are referrals of individuals with HIV/AIDS to appropriate providers of health and support services, including, as appropriate—

"(A) to entities receiving amounts under part A or B for the provision of such services;

"(B) to biomedical research facilities of institutions of higher education that offer experimental treatment for such disease, or to community-based organizations or other entities that provide such treatment; or

"(C) to grantees under section 2671, in the case of a pregnant woman.

"(3) REQUIREMENT OF AVAILABILITY OF ALL EARLY INTERVENTION SERVICES THROUGH EACH GRANTEE.—

"(A) IN GENERAL.—The Secretary may not make a grant under subsection (a) unless the applicant for the grant agrees that each of the early intervention services specified in paragraph (2) will be available through the grantee. With respect to compliance with such agreement, such a grantee may expend the grant to provide the early intervention services directly, and may expend the grant to enter into agreements with public or nonprofit private entities, or private for-profit entities if such entities are the only available provider of quality HIV care in the area, under which the entities provide the services.

"(B) OTHER REQUIREMENTS.—Grantees described in—

"(i) subparagraphs (A), (D), (E), and (F) of section 2652(a)(1) shall use not less than 50 percent of the amount of such a grant to provide the services described in subparagraphs (A), (B), (D), and (E) of paragraph (1) directly and on-site or at sites where other primary care services are rendered; and

"(ii) subparagraphs (B) and (C) of section 2652(a)(1) shall ensure the availability of early intervention services through a system of linkages to community-based primary care providers, and to establish mechanisms for the referrals described in paragraph (1)(C), and for follow-up concerning such referrals.".

(b) ADMINISTRATIVE EXPENSES; CLINICAL QUALITY MANAGEMENT PROGRAM.—Section 2664(g) of the Public Health Service Act (42 U.S.C. 300ff–64(g)) is amended—

(1) in paragraph (3), by amending the paragraph to read as follows:

"(3) the applicant will not expend more than 10 percent of the grant for administrative expenses with respect to the grant, including planning and evaluation, except that the costs of a clinical quality management program under paragraph (5) may not be considered administrative expenses for purposes of such limitation;"; and

(2) in paragraph (5), by inserting "clinical" before "quality management".

SEC. 302. ELIGIBLE ENTITIES; PREFERENCES; PLANNING AND DEVELOPMENT GRANTS.

(a) MINIMUM QUALIFICATION OF GRANTEES.—Section 2652(a) of the Public Health Service Act (42 U.S.C. 300ff–52(a)) is amended to read as follows:

"(a) ELIGIBLE ENTITIES.—

"(1) IN GENERAL.—The entities referred to in section 2651(a) are public entities and nonprofit private entities that are—

"(A) federally-qualified health centers under section 1905(l)(2)(B) of the Social Security Act;

"(B) grantees under section 1001 (regarding family planning) other than States;

"(C) comprehensive hemophilia diagnostic and treatment centers;

"(D) rural health clinics;

"(E) health facilities operated by or pursuant to a contract with the Indian Health Service;

"(F) community-based organizations, clinics, hospitals and other health facilities that provide early intervention services to those persons infected with HIV/AIDS through intravenous drug use; or

"(G) nonprofit private entities that provide comprehensive primary care services to populations at risk of HIV/AIDS, including faith-based and community-based organizations.

"(2) UNDERSERVED POPULATIONS.—Entities described in paragraph (1) shall serve underserved populations which may include minority populations and Native American populations, ex-offenders, individuals with comorbidities including hepatitis B or C, mental illness, or substance abuse, low-income populations, inner city populations, and rural populations.".

(b) PREFERENCES IN MAKING GRANTS.—Section 2653 of the Public Health Service Act (42 U.S.C. 300ff–53) is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (A), by striking "acquired immune deficiency syndrome" and inserting "HIV/AIDS"; and

(B) in subparagraph (D), by inserting before the semicolon the following: "and the number of cases of individuals co-infected with HIV/AIDS and hepatitis B or C"; and

(2) in subsection (d)(2), by striking "special consideration" and inserting "preference".

(c) PLANNING AND DEVELOPMENT GRANTS.—Section 2654(c) of the Public Health Service Act (42 U.S.C. 300ff–54(c)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "HIV"; and

(B) in subparagraph (B), by striking "HIV" and inserting "HIV/AIDS"; and

(2) in paragraph (3), by striking "or underserved communities" and inserting "areas or to underserved populations".

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

Section 2655 of the Public Health Service Act (42 U.S.C. 300ff–55) is amended by striking "such sums" and all that follows through "2005" and inserting ", $218,600,000 for fiscal year 2007, $226,700,000 for fiscal year 2008, and $235,100,000 for fiscal year 2009".

SEC. 304. CONFIDENTIALITY AND INFORMED CONSENT.

Section 2661 of the Public Health Service Act (42 U.S.C. 300ff–61) is amended to read as follows:

"SEC. 2661. CONFIDENTIALITY AND INFORMED CONSENT.

"(a) CONFIDENTIALITY.—The Secretary may not make a grant under this part unless, in the case of any entity applying for a grant under section 2651, the entity agrees to ensure that information regarding the receipt of early intervention services pursuant to the grant is maintained confidentially in a manner not inconsistent with applicable law.

"(b) INFORMED CONSENT.—The Secretary may not make a grant under this part unless the applicant for the grant agrees that, in testing an individual for HIV/AIDS, the applicant will test an individual only after the individual confirms that the decision of the individual with respect to undergoing such testing is voluntarily made.".

SEC. 305. PROVISION OF CERTAIN COUNSELING SERVICES.

Section 2662 of the Public Health Service Act (42 U.S.C. 300ff–62) is amended to read as follows:

"SEC. 2662. PROVISION OF CERTAIN COUNSELING SERVICES.

"(a) COUNSELING OF INDIVIDUALS WITH NEGATIVE TEST RESULTS.—The Secretary may not make a grant under this part unless the applicant for the grant agrees that, if the results of testing conducted for HIV/AIDS indicate that an individual does not have such condition, the applicant will provide the individual information, including—

"(1) measures for prevention of, exposure to, and transmission of HIV/AIDS, hepatitis B, hepatitis C, and other sexually transmitted diseases;

"(2) the accuracy and reliability of results of testing for HIV/AIDS, hepatitis B, and hepatitis C;

"(3) the significance of the results of such testing, including the potential for developing AIDS, hepatitis B, or hepatitis C;

"(4) the appropriateness of further counseling, testing, and education of the individual regarding HIV/AIDS and other sexually transmitted diseases;

"(5) if diagnosed with chronic hepatitis B or hepatitis C co-infection, the potential of developing hepatitis-related liver disease and its impact on HIV/AIDS; and

"(6) information regarding the availability of hepatitis B vaccine and information about hepatitis treatments.

"(b) COUNSELING OF INDIVIDUALS WITH POSITIVE TEST RESULTS.—The Secretary may not make a grant under this part unless the applicant for the grant agrees that, if the results of testing for HIV/AIDS indicate that the individual has such condition, the applicant will provide to the individual appropriate counseling regarding the condition, including—

"(1) information regarding—

"(A) measures for prevention of, exposure to, and transmission of HIV/AIDS, hepatitis B, and hepatitis C;

"(B) the accuracy and reliability of results of testing for HIV/AIDS, hepatitis B, and hepatitis C; and

"(C) the significance of the results of such testing, including the potential for developing AIDS, hepatitis B, or hepatitis C;

"(2) reviewing the appropriateness of further counseling, testing, and education of the individual regarding HIV/AIDS and other sexually transmitted diseases; and

"(3) providing counseling—

"(A) on the availability, through the applicant, of early intervention services;

"(B) on the availability in the geographic area of appropriate health care, mental health care, and social and support services, including providing referrals for such services, as appropriate;

"(C)(i) that explains the benefits of locating and counseling any individual by whom the infected individual may have been exposed to HIV/AIDS, hepatitis B, or hepatitis C and any individual whom the infected individual may have exposed to HIV/AIDS, hepatitis B, or hepatitis C; and

"(ii) that emphasizes it is the duty of infected individuals to disclose their infected status to their sexual partners and their partners in the sharing of hypodermic needles; that provides advice to infected individuals on the manner in which such disclosures can be made; and that emphasizes that it is the continuing duty of the individuals to avoid any behaviors that will expose others to HIV/AIDS, hepatitis B, or hepatitis C; and

"(D) on the availability of the services of public health authorities with respect to locating and counseling any individual described in subparagraph (C);

"(4) if diagnosed with chronic hepatitis B or hepatitis C co-infection, the potential of developing hepatitis-related liver disease and its impact on HIV/AIDS; and

"(5) information regarding the availability of hepatitis B vaccine.

"(c) ADDITIONAL REQUIREMENTS REGARDING APPROPRIATE COUNSELING.—The Secretary may not make a grant under this part unless the applicant for the grant agrees that, in counseling individuals with respect to HIV/AIDS, the applicant will ensure that the counseling is provided under conditions appropriate to the needs of the individuals.

"(d) COUNSELING OF EMERGENCY RESPONSE EMPLOYEES.—The Secretary may not make a grant under this part to a State unless the State agrees that, in counseling individuals with respect to HIV/AIDS, the State will ensure that, in the case of emergency response employees, the counseling is provided to such employees under conditions appropriate to the needs of the employees regarding the counseling.

"(e) RULE OF CONSTRUCTION REGARDING COUNSELING WITHOUT TESTING.—Agreements made pursuant to this section may not be construed to prohibit any grantee under this part from expending the grant for the purpose of providing counseling services described in this section to an individual who does not undergo testing for HIV/AIDS as a result of the grantee or the individual determining that such testing of the individual is not appropriate.".

SEC. 306. GENERAL PROVISIONS.

(a) APPLICABILITY OF CERTAIN REQUIREMENTS.—Section 2663 of the Public Health Service Act (42 U.S.C. 300ff-63) is amended by striking "will, without" and all that follows through "be carried" and inserting "with funds appropriated through this Act will be carried".

(b) ADDITIONAL REQUIRED AGREEMENTS.—Section 2664(a) of the Public Health Service Act (42 U.S.C. 300ff-64(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "and" at the end;

(B) in subparagraph (B), by striking "and" at the end; and

(C) by adding at the end the following:

"(C) information regarding how the expected expenditures of the grant are related to the planning process for localities funded under part A (including the planning process described in section 2602) and for States funded under part B (including the planning process described in section 2617(b)); and

"(D) a specification of the expected expenditures and how those expenditures will improve overall client outcomes, as described in the State plan under section 2617(b);";

(2) in paragraph (2), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

"(3) the applicant agrees to provide additional documentation to the Secretary regarding the process used to obtain community input into the design and implementation of activities related to such grant; and

"(4) the applicant agrees to submit, every 2 years, to the lead State agency under section 2617(b)(4) audits, consistent with Office of Management and Budget circular A133, regarding funds expended in accordance with this title and shall include necessary client level data to complete unmet need calculations and Statewide coordinated statements of need process.".

(c) PAYER OF LAST RESORT.—Section 2664(f)(1)(A) of the Public Health Service Act (42 U.S.C. 300ff-64(f)(1)(A)) is amended by inserting "(except for a program administered by or providing the services of the Indian Health Service)" before the semicolon.

TITLE IV—WOMEN, INFANTS, CHILDREN, AND YOUTH

SEC. 401. WOMEN, INFANTS, CHILDREN, AND YOUTH.

Part D of title XXVI of the Public Health Service Act (42 U.S.C. 300ff-71 et seq.) is amended to read as follows:

"PART D—WOMEN, INFANTS, CHILDREN, AND YOUTH

"SEC. 2671. GRANTS FOR COORDINATED SERVICES AND ACCESS TO RESEARCH FOR WOMEN, INFANTS, CHILDREN, AND YOUTH.

"(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall award grants to public and nonprofit private entities (including a health facility operated by or pursuant to a contract with the Indian Health Service) for the purpose of providing family-centered care involving outpatient or ambulatory care (directly or through contracts) for women, infants, children, and youth with HIV/AIDS.

"(b) ADDITIONAL SERVICES FOR PATIENTS AND FAMILIES.—Funds provided under grants awarded under subsection (a) may be used for the following support services:

"(1) Family-centered care including case management.

"(2) Referrals for additional services including—

"(A) referrals for inpatient hospital services, treatment for substance abuse, and mental health services; and

"(B) referrals for other social and support services, as appropriate.

"(3) Additional services necessary to enable the patient and the family to participate in the program established by the applicant pursuant to such subsection including services designed to recruit and retain youth with HIV.

"(4) The provision of information and education on opportunities to participate in HIV/AIDS-related clinical research.

"(c) COORDINATION WITH OTHER ENTITIES.—A grant awarded under subsection (a) may be made only if the applicant provides an agreement that includes the following:

"(1) The applicant will coordinate activities under the grant with other providers of health care services under this Act, and under title V of the Social Security Act, including programs promoting the reduction and elimination of risk of HIV/AIDS for youth.

"(2) The applicant will participate in the statewide coordinated statement of need under part B (where it has been initiated by the public health agency responsible for administering grants under part B) and in revisions of such statement.

"(3) The applicant will every 2 years submit to the lead State agency under section 2617(b)(4) audits regarding funds expended in accordance with this title and shall include necessary client-level data to complete unmet need calculations and Statewide coordinated statements of need process.

"(d) ADMINISTRATION; APPLICATION.—A grant may only be awarded to an entity under subsection (a) if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section. Such application shall include the following:

"(1) Information regarding how the expected expenditures of the grant are related to the planning process for localities funded under part A (including the planning process outlined in section 2602) and for States funded under part B (including the planning process outlined in section 2617(b)).

"(2) A specification of the expected expenditures and how those expenditures will improve overall patient outcomes, as outlined as part of the State plan (under section 2617(b)) or through additional outcome measures.

"(e) ANNUAL REVIEW OF PROGRAMS; EVALUATIONS.—

"(1) REVIEW REGARDING ACCESS TO AND PARTICIPATION IN PROGRAMS.—With respect to a grant under subsection (a) for an entity for a fiscal year, the Secretary shall, not later than 180 days after the end of the fiscal year, provide for the conduct and completion of a review of the operation during the year of the program carried out under such subsection by the entity. The purpose of such review shall be the development of recommendations, as appropriate, for improvements in the following:

“(A) Procedures used by the entity to allocate opportunities and services under subsection (a) among patients of the entity who are women, infants, children, or youth.

“(B) Other procedures or policies of the entity regarding the participation of such individuals in such program.

“(2) EVALUATIONS.——The Secretary shall, directly or through contracts with public and private entities, provide for evaluations of programs carried out pursuant to subsection (a).

“(f) ADMINISTRATIVE EXPENSES.—

“(1) LIMITATION.—A grantee may not use more than 10 percent of amounts received under a grant awarded under this section for administrative expenses.

“(2) CLINICAL QUALITY MANAGEMENT PROGRAM.—A grantee under this section shall implement a clinical quality management program to assess the extent to which HIV health services provided to patients under the grant are consistent with the most recent Public Health Service guidelines for the treatment of HIV/AIDS and related opportunistic infection, and as applicable, to develop strategies for ensuring that such services are consistent with the guidelines for improvement in the access to and quality of HIV health services.

“(g) TRAINING AND TECHNICAL ASSISTANCE.—From the amounts appropriated under subsection (i) for a fiscal year, the Secretary may use not more than 5 percent to provide, directly or through contracts with public and private entities (which may include grantees under subsection (a)), training and technical assistance to assist applicants and grantees under subsection (a) in complying with the requirements of this section.

“(h) DEFINITIONS.—In this section:

“(1) ADMINISTRATIVE EXPENSES.—The term ‘administrative expenses’ means funds that are to be used by grantees for grant management and monitoring activities, including costs related to any staff or activity unrelated to services or indirect costs.

“(2) INDIRECT COSTS.—The term ‘indirect costs’ means costs included in a Federally negotiated indirect rate.

“(3) SERVICES.—The term ‘services’ means—

“(A) services that are provided to clients to meet the goals and objectives of the program under this section, including the provision of professional, diagnostic, and therapeutic services by a primary care provider or a referral to and provision of specialty care; and

“(B) services that sustain program activity and contribute to or help improve services under subparagraph (A).

“(i) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated, $71,800,000 for each of the fiscal years 2007 through 2009.”.

SEC. 402. GAO REPORT.

Not later than 24 months after the date of enactment of this Act, the Comptroller General of the Government Accountability Office shall conduct an evaluation, and submit to Congress a report, concerning the funding provided for under part D of title XXVI of the Public Health Service Act to determine—

(1) how funds are used to provide the administrative expenses, indirect costs, and services, as defined in section 2671(h) of such title, for individuals with HIV/AIDS;

(2) how funds are used to provide the administrative expenses, indirect costs, and services, as defined in section 2671(h) of such title, to family members of women, infants, children, and youth infected with HIV/AIDS;

(3) how funds are used to provide family-centered care involving outpatient or ambulatory care authorized under section 2671(a) of such title;

(4) how funds are used to provide additional services authorized under section 2671(b) of such title; and

(5) how funds are used to help identify HIV-positive pregnant women and their children who are exposed to HIV and connect them with care that can improve their health and prevent perinatal transmission.

TITLE V—GENERAL PROVISIONS

SEC. 501. GENERAL PROVISIONS.

Part E of title XXVI of the Public Health Service Act (42 U.S.C. 300ff-80 et seq.) is amended to read as follows:

“PART E—GENERAL PROVISIONS

“SEC. 2681. COORDINATION.

“(a) REQUIREMENT.—The Secretary shall ensure that the Health Resources and Services Administration, the Centers for Disease Control and Prevention, the Substance Abuse and Mental Health Services Administration, and the Centers for Medicare & Medicaid Services coordinate the planning, funding, and implementation of Federal HIV programs (including all minority AIDS initiatives of the Public Health Service, including under section 2693) to enhance the continuity of care and prevention services for individuals with HIV/AIDS or those at risk of such disease. The Secretary shall consult with other Federal agencies, including the Department of Veterans Affairs, as needed and utilize planning information submitted to such agencies by the States and entities eligible for assistance under this title.

“(b) REPORT.—The Secretary shall biennially prepare and submit to the appropriate committees of the Congress a report concerning the coordination efforts at the Federal, State, and local levels described in this section, including a description of Federal barriers to HIV program integration and a strategy for eliminating such barriers and enhancing the continuity of care and prevention services for individuals with HIV/AIDS or those at risk of such disease.

“(c) INTEGRATION BY STATE.—As a condition of receipt of funds under this title, a State shall provide assurances to the Secretary that health support services funded under this title will be integrated with other such services, that programs will be coordinated with other available programs (including Medicaid), and that the continuity of care and prevention services of individuals with HIV/AIDS is enhanced.

“(d) INTEGRATION BY LOCAL OR PRIVATE ENTITIES.—As a condition of receipt of funds under this title, a local government or private nonprofit entity shall provide assurances to the Secretary that services funded under this title will be integrated with other such services, that programs will be coordinated with other available programs (including Medicaid), and that the continuity of care and prevention services of individuals with HIV is enhanced.

“SEC. 2682. AUDITS.

“(a) IN GENERAL.—For fiscal year 2009, and each subsequent fiscal year, the Secretary may reduce the amounts of grants under this title to a State or political subdivision of a State for a fiscal year if, with respect to such grants for the second preceding fiscal year, the State or subdivision fails to prepare audits in accordance with the procedures of section 7502 of title 31, United States Code. The Secretary shall annually select representative samples of such audits, prepare summaries of the selected audits, and submit the summaries to the Congress.

“(b) POSTING ON THE INTERNET.—All audits that the Secretary receives from the State lead agency under section 2617(b)(4) shall be posted, in their entirety, on the Internet website of the Health Resources and Services Administration.

“SEC. 2683. PUBLIC HEALTH EMERGENCY.

“(a) IN GENERAL.—In an emergency area and during an emergency period, the Secretary shall have the authority to waive such requirements of this title to improve the health and safety of those receiving care under this title and the general public, except that the Secretary may not expend more than 5 percent of the funds allocated under this title for sections 2620 and section 2603(b).

“(b) EMERGENCY AREA AND EMERGENCY PERIOD.—In this section:

“(1) EMERGENCY AREA.—The term ‘emergency area’ means a geographic area in which there exists—

“(A) an emergency or disaster declared by the President pursuant to the National Emergencies Act or the Robert T. Stafford Disaster Relief and Emergency Assistance Act; or

“(B) a public health emergency declared by the Secretary pursuant to section 319.

“(2) EMERGENCY PERIOD.—The term ‘emergency period’ means the period in which there exists—

“(A) an emergency or disaster declared by the President pursuant to the National Emergencies Act or the Robert T. Stafford Disaster Relief and Emergency Assistance Act; or

“(B) a public health emergency declared by the Secretary pursuant to section 319.

“(c) UNOBLIGATED FUNDS.—If funds under a grant under this section are not expended for an emergency in the fiscal year in which the emergency is declared, such funds shall be returned to the Secretary for reallocation under sections 2603(b) and 2620.

“SEC. 2684. PROHIBITION ON PROMOTION OF CERTAIN ACTIVITIES.

“None of the funds appropriated under this title shall be used to fund AIDS programs, or to develop materials, designed to promote or encourage, directly, intravenous drug use or sexual activity, whether homosexual or heterosexual. Funds authorized under this title may be used to provide medical treatment and support services for individuals with HIV.

“SEC. 2685. PRIVACY PROTECTIONS.

“(a) IN GENERAL.—The Secretary shall ensure that any information submitted to, or collected by, the Secretary under this title excludes any personally identifiable information.

“(b) DEFINITION.—In this section, the term ‘personally identifiable information’ has the meaning given such term under the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996.

“SEC. 2686. GAO REPORT.

“The Comptroller General of the Government Accountability Office shall biennially submit to the appropriate committees of Congress a report that includes a description of Federal, State, and local barriers to HIV program integration, particularly for racial and ethnic minorities, including activities carried out under subpart III of part F, and recommendations for enhancing the continuity of care and the provision of prevention services for individuals with HIV/AIDS or those at risk for such disease. Such report shall include a demonstration of the manner in which funds under this subpart are being expended and to what extent the services provided with such funds increase access to prevention and care services for individuals with HIV/AIDS and build stronger community linkages to address HIV prevention and care for racial and ethnic minority communities.

"SEC. 2687. SEVERITY OF NEED INDEX.

"(a) Development of Index.—Not later than September 30, 2008, the Secretary shall develop and submit to the appropriate committees of Congress a severity of need index in accordance with subsection (c).

"(b) Definition of Severity of Need Index.—In this section, the term 'severity of need index' means the index of the relative needs of individuals within a State or area, as identified by a number of different factors, and is a factor or set of factors that is multiplied by the number of living HIV/AIDS cases in a State or area, providing different weights to those cases based on needs. Such factors or set of factors may be different for different components of the provisions under this title.

"(c) Requirements for Secretarial Submission.—When the Secretary submits to the appropriate committees of Congress the severity of need index under subsection (a), the Secretary shall provide the following:

"(1) Methodology for and rationale behind developing the severity of need index, including information related to the field testing of the severity of need index.

"(2) An independent contractor analysis of activities carried out under paragraph (1).

"(3) Information regarding the process by which the Secretary received community input regarding the application and development of the severity of need index.

"(d) Annual Reports.—If the Secretary fails to submit the severity of need index under subsection (a) in either of fiscal years 2007 or 2008, the Secretary shall prepare and submit to the appropriate committees of Congress a report for such fiscal year—

"(1) that updates progress toward having client level data;

"(2) that updates the progress toward having a severity of need index, including information related to the methodology and process for obtaining community input; and

"(3) that, as applicable, states whether the Secretary could develop a severity of need index before fiscal year 2009.

"SEC. 2688. DEFINITIONS.

"For purposes of this title:

"(1) AIDS.—The term 'AIDS' means acquired immune deficiency syndrome.

"(2) Co-occurring conditions.—The term 'co-occurring conditions' means one or more adverse health conditions in an individual with HIV/AIDS, without regard to whether the individual has AIDS and without regard to whether the conditions arise from HIV.

"(3) Counseling.—The term 'counseling' means such counseling provided by an individual trained to provide such counseling.

"(4) Family-centered care.—The term 'family-centered care' means the system of services described in this title that is targeted specifically to the special needs of infants, children, women and families. Family-centered care shall be based on a partnership between parents, professionals, and the community designed to ensure an integrated, coordinated, culturally sensitive, and community-based continuum of care for children, women, and families with HIV/AIDS.

"(5) Families with HIV/AIDS.—The term 'families with HIV/AIDS' means families in which one or more members have HIV/AIDS.

"(6) HIV.—The term 'HIV' means infection with the human immunodeficiency virus.

"(7) HIV/AIDS.—

"(A) In general.—The term 'HIV/AIDS' means HIV, and includes AIDS and any condition arising from AIDS.

"(B) Counting of cases.—The term 'living cases of HIV/AIDS', with respect to the counting of cases in a geographic area during a period of time, means the sum of—

"(i) the number of living non-AIDS cases of HIV in the area; and

"(ii) the number of living cases of AIDS in the area.

"(C) Non-AIDS cases.—The term 'non-AIDS', with respect to a case of HIV, means that the individual involved has HIV but does not have AIDS.

"(8) Human immunodeficiency virus.—The term 'human immunodeficiency virus' means the etiologic agent for AIDS.

"(9) Official poverty line.—The term 'official poverty line' means the poverty line established by the Director of the Office of Management and Budget and revised by the Secretary in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981.

"(10) Person.—The term 'person' includes one or more individuals, governments (including the Federal Government and the governments of the States), governmental agencies, political subdivisions, labor unions, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, receivers, trustees, and trustees in cases under title 11, United States Code.

"(11) State.—

"(A) In general.—The term 'State' means each of the 50 States, the District of Columbia, and each of the territories.

"(B) Territories.—The term 'territory' means each of American Samoa, Guam, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau.

"(12) Youth with HIV.—The term 'youth with HIV' means individuals who are 13 through 24 years old and who have HIV/AIDS.".

TITLE VI—DEMONSTRATION AND TRAINING

SEC. 601. DEMONSTRATION AND TRAINING.

Subpart I of part F of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–101 et seq.) is amended to read as follows:

"Subpart I—Special Projects of National Significance

"SEC. 2691. SPECIAL PROJECTS OF NATIONAL SIGNIFICANCE.

"(a) In General.—Of the amount appropriated under each of parts A, B, C, and D for each fiscal year, the Secretary shall use the greater of $20,000,000 or an amount equal to 3 percent of such amount appropriated under each such part, but not to exceed $25,000,000, to administer special projects of national significance to—

"(1) quickly respond to emerging needs of individuals receiving assistance under this title; and

"(2) to fund special programs to develop a standard electronic client information data system to improve the ability of grantees under this title to report client-level data to the Secretary.

"(b) Grants.—The Secretary shall award grants under subsection (a) to entities eligible for funding under parts A, B, C, and D based on—

"(1) whether the funding will promote obtaining client level data as it relates to the creation of a severity of need index, including funds to facilitate the purchase and enhance the utilization of qualified health information technology systems;

"(2) demonstrated ability to create and maintain a qualified health information technology system;

"(3) the potential replicability of the proposed activity in other similar localities or nationally;

"(4) the demonstrated reliability of the proposed qualified health information technology system across a variety of providers, geographic regions, and clients; and

"(5) the demonstrated ability to maintain a safe and secure qualified health information system; or

"(6) newly emerging needs of individuals receiving assistance under this title.

"(c) Coordination.—The Secretary may not make a grant under this section unless the applicant submits evidence that the proposed program is consistent with the statewide coordinated statement of need, and the applicant agrees to participate in the ongoing revision process of such statement of need.

"(d) Privacy Protection.—The Secretary may not make a grant under this section for the development of a qualified health information technology system unless the applicant provides assurances to the Secretary that the system will, at a minimum, comply with the privacy regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996.

"(e) Replication.—The Secretary shall make information concerning successful models or programs developed under this part available to grantees under this title for the purpose of coordination, replication, and integration. To facilitate efforts under this subsection, the Secretary may provide for peer-based technical assistance for grantees funded under this part.".

SEC. 602. AIDS EDUCATION AND TRAINING CENTERS.

(a) Amendments Regarding Schools and Centers.—Section 2692(a)(2) of the Public Health Service Act (42 U.S.C. 300ff–111(a)(2)) is amended—

(1) in subparagraph (A)—

(A) by inserting "and Native Americans" after "minority individuals"; and

(B) by striking "and" at the end;

(2) in subparagraph (B), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(C) train or result in the training of health professionals and allied health professionals to provide treatment for hepatitis B or C co-infected individuals.".

(b) Authorizations of Appropriations for Schools, Centers, and Dental Programs.—Section 2692(c) of the Public Health Service Act (42 U.S.C. 300ff–111(c)) is amended to read as follows:

"(c) Authorization of Appropriations.—

"(1) Schools; centers.—For the purpose of awarding grants under subsection (a), there is authorized to be appropriated $34,700,000 for each of the fiscal years 2007 through 2009.

"(2) Dental schools.—For the purpose of awarding grants under subsection (b), there is authorized to be appropriated $13,000,000 for each of the fiscal years 2007 through 2009.".

SEC. 603. CODIFICATION OF MINORITY AIDS INITIATIVE.

Part F of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–101 et seq.) is amended by adding at the end the following:

"Subpart III—Minority AIDS Initiative

"SEC. 2693. MINORITY AIDS INITIATIVE.

"(a) IN GENERAL.—For the purpose of carrying out activities under this section to evaluate and address the disproportionate impact of HIV/AIDS on, and the disparities in access, treatment, care, and outcomes for, racial and ethnic minorities (including African Americans, Alaska Natives, Latinos, American Indians, Asian Americans, Native Hawaiians, and Pacific Islanders), there are authorized to be appropriated $131,200,000 for fiscal year 2007, $135,100,000 for fiscal year 2008, and $139,100,000 for fiscal year 2009.

"(b) CERTAIN ACTIVITIES.—

"(1) IN GENERAL.—In carrying out the purpose described in subsection (a), the Secretary shall provide for—

"(A) emergency assistance under part A;

"(B) care grants under part B;

"(C) early intervention services under part C;

"(D) services through projects for HIV-related care under part D; and

"(E) activities through education and training centers under section 2692.

"(2) ALLOCATIONS AMONG ACTIVITIES.—Activities under paragraph (1) shall be carried out by the Secretary in accordance with the following:

"(A) For competitive, supplemental grants to improve HIV-related health outcomes to reduce existing racial and ethnic health disparities, the Secretary shall, of the amount appropriated under subsection (a) for a fiscal year, reserve the following, as applicable:

"(i) For fiscal year 2007, $43,800,000.

"(ii) For fiscal year 2008, $45,400,000.

"(iii) For fiscal year 2009, $47,100,000.

"(B) For competitive grants used for supplemental support education and outreach services to increase the number of eligible racial and ethnic minorities who have access to treatment through the program under section 2616 for therapeutics, the Secretary shall, of the amount appropriated for a fiscal year under subsection (a), reserve the following, as applicable:

"(i) For fiscal year 2007, $7,000,000.

"(ii) For fiscal year 2008, $7,300,000.

"(iii) For fiscal year 2009, $7,500,000.

"(C) For planning grants, capacity-building grants, and services grants to health care providers who have a history of providing culturally and linguistically appropriate care and services to racial and ethnic minorities, the Secretary shall, of the amount appropriated for a fiscal year under subsection (a), reserve the following, as applicable:

"(i) For fiscal year 2007, $53,400,000.

"(ii) For fiscal year 2008, $55,400,000.

"(iii) For fiscal year 2009, $57,400,000.

"(D) For eliminating racial and ethnic disparities in the delivery of comprehensive, culturally and linguistically appropriate care services for HIV disease for women, infants, children, and youth, the Secretary shall, of the amount appropriated under subsection (a), reserve $18,500,000 for each of the fiscal years 2007 through 2009.

"(E) For increasing the training capacity of centers to expand the number of health care professionals with treatment expertise and knowledge about the most appropriate standards of HIV disease-related treatments and medical care for racial and ethnic minority adults, adolescents, and children with HIV disease, the Secretary shall, of the amount appropriated under subsection (a), reserve $8,500,000 for each of the fiscal years 2007 through 2009.

"(c) CONSISTENCY WITH PRIOR PROGRAM.—With respect to the purpose described in subsection (a), the Secretary shall carry out this section consistent with the activities carried out under this title by the Secretary pursuant to the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2002 (Public Law 107-116).".

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 701. HEPATITIS; USE OF FUNDS.

Section 2667 of the Public Health Service Act (42 U.S.C. 300ff-67) is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(4) shall provide information on the transmission and prevention of hepatitis A, B, and C, including education about the availability of hepatitis A and B vaccines and assisting patients in identifying vaccination sites.".

SEC. 702. CERTAIN REFERENCES.

Title XXVI of the Public Health Service Act (42 U.S.C. 300ff et seq.) is amended—

(1) by striking "acquired immune deficiency syndrome" each place such term appears, other than in section 2687(1) (as added by section 501 of this Act), and inserting "AIDS";

(2) by striking "such syndrome" and inserting "AIDS"; and

(3) by striking "HIV disease" each place such term appears and inserting "HIV/AIDS".

SEC. 703. REPEAL.

Effective on October 1, 2009, title XXVI of the Public Health Service Act (42 U.S.C. 300ff et seq.) is repealed.

SA 5213. Mr. FRIST (for Mr. INHOFE (for himself, Mr. CHAFEE, and Mr. JEFFORDS)) proposed an amendment to bill H.R. 4588, to reauthorize grants for and require applied water supply research regarding the water resources research and technology institutes established under the Water Resources Research Act of 1984; as follows:

On page 2, strike line 6 and insert the following:

"(B) the exploration of new ideas that—

"(i) address water problems; or

"(ii) expand understanding of water and water-related phenomena;

On page 3, line 24, strike "and".

On page 4, strike lines 1 and 2 and insert the following:

"(C) advances in water infrastructure and water quality improvements; and

"(D) methods for identifying, and determining the effectiveness of, treatment technologies and efficiencies.".

On page 4, line 5, strike "5" and insert "7.5".

SA 5214. Mr. FRIST (for Mr. INHOFE (for himself, Mr. JEFFORDS, Mr. BOND and Mr. BAUCUS)) proposed an amendment to bill S. 2735, to amend the National Dam Safety Program Act to reauthorize the national dam safety program, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. DAM SAFETY.

(a) SHORT TITLE.—This section may be cited as the "Dam Safety Act of 2006".

(b) NATIONAL DAM INVENTORY.—Section 6 of the National Dam Safety Program Act (33 U.S.C. 467d) is amended to read as follows:

"SEC. 6. NATIONAL DAM INVENTORY.

"The Secretary of the Army shall maintain and update information on the inventory of dams in the United States. Such inventory of dams shall include any available information assessing each dam based on inspections completed by either a Federal agency or a State dam safety agency.".

(c) NATIONAL DAM SAFETY PROGRAM.—

(1) DUTIES.—Section 8(b)(1) of the National Dam Safety Program Act (33 U.S.C. 467f(b)(1)) is amended by striking "and target dates to" and inserting "performance measures, and target dates toward effectively administering this Act in order to".

(2) ASSISTANCE FOR STATE DAM SAFETY PROGRAMS.—Section 8(e)(2)(A) of the National Dam Safety Program Act (33 U.S.C. 467f(e)(2)(A)) is amended—

(A) in the matter preceding clause (i), by striking "substantially";

(B) by redesignating clauses (iv) through (x) as clauses (v) through (xi), respectively;

(C) by inserting after clause (iii) the following:

"(iv) the authority to require or perform periodic evaluations of all dams and reservoirs to determine the extent of the threat to human life and property in case of failure;"; and

(D) in clause (vii) (as redesignated by subparagraph (B)), by inserting "install and monitor instrumentation," after "remedial work,".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 13 of the National Dam Safety Program Act (33 U.S.C. 467j) is amended—

(1) in subsection (a)(1), by striking "$6,000,000 for each of fiscal years 2003 through 2006" and inserting "$6,500,000 for fiscal year 2007, $7,100,000 for fiscal year 2008, $7,600,000 for fiscal year 2009, $8,300,000 for fiscal year 2010, and $9,200,000 for fiscal year 2011";

(2) in subsection (b), by striking "$500,000 for each fiscal year" and inserting "$650,000 for fiscal year 2007, $700,000 for fiscal year 2008, $750,000 for fiscal year 2009, $800,000 for fiscal year 2010, and $850,000 for fiscal year 2011";

(3) in subsection (c), by striking "$1,500,000 for each of fiscal years 2003 through 2006" and inserting "$1,600,000 for fiscal year 2007, $1,700,000 for fiscal year 2008, $1,800,000 for fiscal year 2009, $1,900,000 for fiscal year 2010, and $2,000,000 for fiscal year 2011";

(4) in subsection (d), by striking "$500,000 for each of fiscal years 2003 through 2006" and inserting "$550,000 for fiscal year 2007, $600,000 for fiscal year 2008, $650,000 for fiscal year 2009, $700,000 for fiscal year 2010, and $750,000 for fiscal year 2011"; and

(5) in subsection (e), by striking "$600,000 for each of fiscal years 2003 through 2006" and inserting "$700,000 for fiscal year 2007, $800,000 for fiscal year 2008, $900,000 for fiscal year 2009, $1,000,000 for fiscal year 2010, and $1,100,000 for fiscal year 2011".

SA 5215. Mr. FRIST proposed an amendment to the concurrent resolution H. Con. Res. 430, recognizing the accomplishments of the American Council of Young Political Leaders for providing 40 years of international exchange programs, increasing international dialogue, and enhancing global understanding, and commemorating its 40th anniversary; as follows:

On page 3, in the third whereas clause, strike "during the hostilities" and insert "following the massacre".

SA 5216. Mr. FRIST (for Mr. AKAKA) proposed an amendment to the bill S. 1876. to provide that attorneys employed by the Department of Justice shall be eligible for compensatory time off for travel under section 5550b of title 5, United States Code; as follows:

In section 1, strike subsection (a) and insert the following:

(a) IN GENERAL.—Attorneys employed by the Department of Justice (including assistant United States attorneys) shall be eligible for compensatory time off for travel under section 5550b of title 5, United States Code, without regard to any provision of section 115 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(1) of Public Law 106-113 and reenacted by section 111 of the Department of Justice Appropriations Act, 2001 (as enacted into law by appendix B of Public Law 106-553)).

SA 5217. Mr. FRIST (for Mr. SPECTER (for himself, Mr. LEAHY, Mr. REID, Mr. CORNYN, and Mr. DURBIN)) proposed an amendment to the bill H.R. 1751, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Court Security Improvement Act of 2006".

TITLE I—JUDICIAL SECURITY IMPROVEMENTS AND FUNDING

SEC. 101. JUDICIAL BRANCH SECURITY REQUIREMENTS.

(a) ENSURING CONSULTATION WITH THE JUDICIARY.—Section 566 of title 28, United States Code, is amended by adding at the end the following:

"(i) The Director of the United States Marshals Service shall consult with the Judicial Conference of the United States on a continuing basis regarding the security requirements for the judicial branch of the United States Government, to ensure that the views of the Judicial Conference regarding the security requirements for the judicial branch of the Federal Government are taken into account when determining staffing levels, setting priorities for programs regarding judicial security, and allocating judicial security resources. In this paragraph, the term 'judicial security' includes the security of buildings housing the judiciary, the personal security of judicial officers, the assessment of threats made to judicial officers, and the protection of all other judicial personnel. The United States Marshals Service retains final authority regarding security requirements for the judicial branch of the Federal Government.".

(b) CONFORMING AMENDMENT.—Section 331 of title 28, United States Code, is amended by adding at the end the following:

"The Judicial Conference shall consult with the Director of United States Marshals Service on a continuing basis regarding the security requirements for the judicial branch of the United States Government, to ensure that the views of the Judicial Conference regarding the security requirements for the judicial branch of the Federal Government are taken into account when determining staffing levels, setting priorities for programs regarding judicial security, and allocating judicial security resources. In this paragraph, the term 'judicial security' includes the security of buildings housing the judiciary, the personal security of judicial officers, the assessment of threats made to judicial officers, and the protection of all other judicial personnel. The United States Marshals Service retains final authority regarding security requirements for the judicial branch of the Federal Government.".

SEC. 102. PROTECTION OF FAMILY MEMBERS.

Section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) in subparagraph (A), by inserting "or a family member of that individual" after "that individual"; and

(2) in subparagraph (B)(i), by inserting "or a family member of that individual" after "the report".

SEC. 103. FINANCIAL DISCLOSURE REPORTS.

(a) EXTENSION OF AUTHORITY.—Section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App) is amended by striking "2005" each place that term appears and inserting "2009".

(b) REPORT CONTENTS.—Section 105(b)(3)(C) of the Ethics in Government Act of 1978 (5 U.S.C. App) is amended—

(1) in clause (ii), by striking "and" at the end;

(2) in clause (iii), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(iv) the nature or type of information redacted;

"(v) what steps or procedures are in place to ensure that sufficient information is available to litigants to determine if there is a conflict of interest;

"(vi) principles used to guide implementation of redaction authority; and

"(vii) any public complaints received in regards to redaction.".

SEC. 104. PROTECTION OF UNITED STATES TAX COURT.

(a) IN GENERAL.—Section 566(a) of title 28, United States Code, is amended by striking "and the Court of International Trade" and inserting ", the Court of International Trade, and any other court, as provided by law".

(b) INTERNAL REVENUE CODE.—Section 7456(c) of the Internal Revenue Code of 1986 (relating to incidental powers of the Tax Court) is amended in the matter following paragraph (3), by striking the period at the end, and inserting "and may otherwise provide for the security of the Tax Court, including the personal protection of Tax Court judges, court officers, witnesses, and other threatened person in the interests of justice, where criminal intimidation impedes on the functioning of the judicial process or any other official proceeding.".

SEC. 105. ADDITIONAL AMOUNTS FOR UNITED STATES MARSHALS SERVICE TO PROTECT THE JUDICIARY.

In addition to any other amounts authorized to be appropriated for the United States Marshals Service, there are authorized to be appropriated for the United States Marshals Service to protect the judiciary, $20,000,000 for each of fiscal years 2006 through 2010 for—

(1) hiring entry-level deputy marshals for providing judicial security;

(2) hiring senior-level deputy marshals for investigating threats to the judiciary and providing protective details to members of the judiciary and assistant United States attorneys; and

(3) for the Office of Protective Intelligence, for hiring senior-level deputy marshals, hiring program analysts, and providing secure computer systems.

TITLE II—CRIMINAL LAW ENHANCEMENTS TO PROTECT JUDGES, FAMILY MEMBERS, AND WITNESSES

SEC. 201. PROTECTIONS AGAINST MALICIOUS RECORDING OF FICTITIOUS LIENS AGAINST FEDERAL JUDGES AND FEDERAL LAW ENFORCEMENT OFFICERS.

(a) OFFENSE.—Chapter 73 of title 18, United States Code, is amended by adding at the end the following:

"SEC. 1521. RETALIATING AGAINST A FEDERAL JUDGE OR FEDERAL LAW ENFORCEMENT OFFICER BY FALSE CLAIM OR SLANDER OF TITLE.

"Whoever files, attempts to file, or conspires to file, in any public record or in any private record which is generally available to the public, any false lien or encumbrance against the real or personal property of an individual described in section 1114, on account of the performance of official duties by that individual, knowing or having reason to know that such lien or encumbrance is false or contains any materially false, fictitious, or fraudulent statement or representation, shall be fined under this title or imprisoned for not more than 10 years, or both.".

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 73 of title 18, United States Code, is amended by adding at the end the following new item:

"1521. Retaliating against a Federal judge or Federal law enforcement officer by false claim or slander of title.".

SEC. 202. PROTECTION OF INDIVIDUALS PERFORMING CERTAIN OFFICIAL DUTIES.

(a) OFFENSE.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

"§ 118. Protection of individuals performing certain official duties

"(a) IN GENERAL.—Whoever knowingly makes restricted personal information about a covered official, or a member of the immediate family of that covered official, publicly available—

"(1) with the intent to threaten, intimidate, or incite the commission of a crime of violence against that covered official, or a member of the immediate family of that covered official; or

"(2) with the intent and knowledge that the restricted personal information will be used to threaten, intimidate, or facilitate the commission of a crime of violence against that covered official, or a member of the immediate family of that covered official,

shall be fined under this title, imprisoned not more than 5 years, or both.

"(b) DEFINITIONS.—In this section—

"(1) the term 'restricted personal information' means, with respect to an individual, the Social Security number, the home address, home phone number, mobile phone number, personal email, or home fax number of, and identifiable to, that individual;

"(2) the term 'covered official' means—

"(A) an individual designated in section 1114; or

"(B) a grand or petit juror, witness, or other officer in or of, any court of the United States, or an officer who may be serving at any examination or other proceeding before any United States magistrate judge or other committing magistrate;

"(3) the term 'crime of violence' has the meaning given the term in section 16; and

"(4) the term 'immediate family' has the meaning given the term in section 115(c)(2).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title

18, United States Code, is amended by adding at the end the following new item:

"118. Protection of individuals performing certain official duties.".

SEC. 203. PROHIBITION OF POSSESSION OF DANGEROUS WEAPONS IN FEDERAL COURT FACILITIES.

Section 930(e)(1) of title 18, United States Code, is amended by inserting "or other dangerous weapon" after "firearm".

SEC. 204. CLARIFICATION OF VENUE FOR RETALIATION AGAINST A WITNESS.

Section 1513 of title 18, United States Code, is amended by adding at the end the following:

"(g) A prosecution under this section may be brought in the district in which the official proceeding (whether pending, about to be instituted, or completed) was intended to be affected, or in which the conduct constituting the alleged offense occurred.".

SEC. 205. MODIFICATION OF TAMPERING WITH A WITNESS, VICTIM, OR AN INFORMANT OFFENSE.

(a) CHANGES IN PENALTIES.—Section 1512 of title 18, United States Code, is amended—

(1) so that subparagraph (A) of subsection (a)(3) reads as follows:

"(A) in the case of a killing, the punishment provided in sections 1111 and 1112;";

(2) in subsection (a)(3)—

(A) in the matter following clause (ii) of subparagraph (B) by striking "20 years" and inserting "30 years"; and

(B) in subparagraph (C), by striking "10 years" and inserting "20 years";

(3) in subsection (b), by striking "ten years" and inserting "20 years"; and

(4) in subsection (d), by striking "one year" and inserting "3 years".

SEC. 206. MODIFICATION OF RETALIATION OFFENSE.

Section 1513 of title 18, United States Code, is amended—

(1) in subsection (a)(1)(B)—

(A) by inserting a comma after "probation"; and

(B) by striking the comma which immediately follows another comma;

(2) in subsection (a)(2)(B), by striking "20 years" and inserting "30 years";

(3) in subsection (b)—

(A) in paragraph (2)—

(i) by inserting a comma after "probation"; and

(ii) by striking the comma which immediately follows another comma; and

(B) in the matter following paragraph (2), by striking "ten years" and inserting "20 years"; and

(4) by redesignating the second subsection (e) as subsection (f).

SEC. 207. GENERAL MODIFICATIONS OF FEDERAL MURDER CRIME AND RELATED CRIMES.

Section 1112(b) of title 18, United States Code, is amended—

(1) by striking "ten years" and inserting "20 years"; and

(2) by striking "six years" and inserting "10 years".

TITLE III—PROTECTING STATE AND LOCAL JUDGES AND RELATED GRANT PROGRAMS

SEC. 301. GRANTS TO STATES TO PROTECT WITNESSES AND VICTIMS OF CRIMES.

(a) IN GENERAL.—Section 31702 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13862) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) in paragraph (4), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(5) by a State, unit of local government, or Indian tribe to create and expand witness and victim protection programs to prevent threats, intimidation, and retaliation against victims of, and witnesses to, violent crimes.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 31707 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13867) is amended to read as follows:

"SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $20,000,000 for each of the fiscal years 2006 through 2010 to carry out this subtitle.".

SEC. 302. ELIGIBILITY OF STATE COURTS FOR CERTAIN FEDERAL GRANTS.

(a) CORRECTIONAL OPTIONS GRANTS.—Section 515 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3762a) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(4) grants to State courts to improve security for State and local court systems."; and

(2) in subsection (b), by inserting after the period the following:

"Priority shall be given to State court applicants under subsection (a)(4) that have the greatest demonstrated need to provide security in order to administer justice.".

(b) ALLOCATIONS.—Section 516(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3762b) is amended by—

(1) striking "80" and inserting "70";

(2) striking "and 10" and inserting "10"; and

(3) inserting before the period the following: ", and 10 percent for section 515(a)(4)".

(c) STATE AND LOCAL GOVERNMENTS TO CONSIDER COURTS.—The Attorney General may require, as appropriate, that whenever a State or unit of local government or Indian tribe applies for a grant from the Department of Justice, the State, unit, or tribe demonstrate that, in developing the application and distributing funds, the State, unit, or tribe—

(1) considered the needs of the judicial branch of the State, unit, or tribe, as the case may be;

(2) consulted with the chief judicial officer of the highest court of the State, unit, or tribe, as the case may be; and

(3) consulted with the chief law enforcement officer of the law enforcement agency responsible for the security needs of the judicial branch of the State, unit, or tribe, as the case may be.

(d) ARMOR VESTS.—Section 2501 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll) is amended—

(1) in subsection (a), by inserting "and State and local court officers" after "tribal law enforcement officers"; and

(2) in subsection (b), by inserting "State or local court," after "government,".

TITLE IV—LAW ENFORCEMENT OFFICERS

SEC. 401. AMENDMENTS TO LAW ENFORCEMENT OFFICER SAFETY PROVISIONS OF TITLE 18.

(a) IN GENERAL.—Section 926B of title 18, United States Code, is amended by adding at the end the following:

"(f) For purposes of this section, a law enforcement officer of the Amtrak Police Department or a law enforcement or police officer of the executive branch of the Federal Government qualifies as an employee of a governmental agency who is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers of arrest.".

(b) RETIRED LAW ENFORCEMENT OFFICERS.—Section 926C of title 18, United States Code, is amended—

(1) in subsection (c)—

(A) in paragraph (3)(A), by striking "was regularly employed as a law enforcement officer for an aggregate of 15 years or more" and inserting "served as a law enforcement officer for an aggregate of 10 years or more";

(B) by striking paragraphs (4) and (5) and inserting the following:

"(4) during the most recent 12-month period, has met, at the expense of the individual, the standards for qualification in firearms training for active law enforcement officers as set by the officer's former agency, the State in which the officer resides or a law enforcement agency within the State in which the officer resides;"; and

(C) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively;

(2) in subsection (d)—

(A) in paragraph (1), by striking "to meet the standards established by the agency for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm; or" and inserting "to meet the active duty standards for qualification in firearms training as established by the agency to carry a firearm of the same type as the concealed firearm or"; and

(B) in paragraph (2)(B), by striking "otherwise found by the State to meet the standards established by the State for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm." and inserting "otherwise found by the State or a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State to have met—

"(i) the active duty standards for qualification in firearms training as established by the State to carry a firearm of the same type as the concealed firearm; or

"(ii) if the State has not established such standards, standards set by a law enforcement agency within that State to carry a firearm of the same type as the concealed firearm."; and

(3) by adding at the end the following:

"(f) In this section, the term 'service with a public agency as a law enforcement officer' includes service as a law enforcement officer of the Amtrak Police Department or as a law enforcement or police officer of the executive branch of the Federal Government.".

SEC. 402. REPORT ON SECURITY OF FEDERAL PROSECUTORS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the security of assistant United States attorneys and other Federal attorneys arising from the prosecution of terrorists, violent criminal gangs, drug traffickers, gun traffickers, white supremacists, those who commit fraud and other white-collar offenses, and other criminal cases.

(b) CONTENTS.—The report submitted under subsection (a) shall describe each of the following:

(1) The number and nature of threats and assaults against attorneys handling prosecutions described in subsection (a) and the reporting requirements and methods.

(2) The security measures that are in place to protect the attorneys who are handling prosecutions described in subsection (a), including threat assessments, response procedures, availability of security systems and other devices, firearms licensing (deputations), and other measures designed to protect the attorneys and their families.

(3) The firearms deputation policies of the Department of Justice, including the number of attorneys deputized and the time between receipt of threat and completion of the deputation and training process.

(4) For each requirement, measure, or policy described in paragraphs (1) through (3), when the requirement, measure, or policy was developed and who was responsible for developing and implementing the requirement, measure, or policy .

(5) The programs that are made available to the attorneys for personal security training, including training relating to limitations on public information disclosure, basic home security, firearms handling and safety, family safety, mail handling, counter-surveillance, and self-defense tactics.

(6) The measures that are taken to provide attorneys handling prosecutions described in subsection (a) with secure parking facilities, and how priorities for such facilities are established—

(A) among Federal employees within the facility;

(B) among Department of Justice employees within the facility; and

(C) among attorneys within the facility.

(7) The frequency attorneys handling prosecutions described in subsection (a) are called upon to work beyond standard work hours and the security measures provided to protect attorneys at such times during travel between office and available parking facilities.

(8) With respect to attorneys who are licensed under State laws to carry firearms, the policy of the Department of Justice as to—

(A) carrying the firearm between available parking and office buildings;

(B) securing the weapon at the office buildings; and

(C) equipment and training provided to facilitate safe storage at Department of Justice facilities.

(9) The offices in the Department of Justice that are responsible for ensuring the security of attorneys handling prosecutions described in subsection (a), the organization and staffing of the offices, and the manner in which the offices coordinate with offices in specific districts.

(10) The role, if any, that the United States Marshals Service or any other Department of Justice component plays in protecting, or providing security services or training for, attorneys handling prosecutions described in subsection (a).

SEC. 403. GOVERNMENT ACCOUNTABILITY OFFICE STUDY OF QUALIFIED ACTIVE AND RETIRED LAW ENFORCEMENT OFFICERS.

(a) In General.—Not later than 6 months after the date of the enactment of this Act, the Comptroller General of the United States shall begin a study of the number of active and retired law enforcement officers carrying concealed firearms pursuant to sections 926B and 926C of title 18, United States Code.

(b) Contents.—The study shall determine and analyze the following:

(1) The number of qualified law enforcement officers in each State or any political subdivision thereof carrying a concealed firearm under section 926B of title 18, United States Code.

(2) The number of qualified retired law enforcement officers in each State or any political subdivision thereof carrying a concealed firearm under section 926C of title 18, United States Code.

(3) The number of qualified retired law enforcement officers with less than 15 years of service carrying a concealed firearm.

(4) The number of qualified retired law enforcement officers obtaining certification from a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State to have met the active duty standards for qualification in firearms training as established by the State or, if the State has not established such standards, standards set by a law enforcement agency for training and qualification for active duty law enforcement officers within that State, to carry a firearm of the same type as the concealed firearm. The report shall also include detailed information on the differences between the certification requirements set forth by each State and each law enforcement agency within that State authorized to issue certifications for concealed weapons under sections 926B and 926C of title 18, United States Code.

(5) A detailed analysis and comparison of the criteria used in each State or any political subdivision thereof to determine whether an individual is qualified to carry a concealed weapon under section 926C(c)(5) of title 18, United States Code.

(c) Opportunity for Public Comment.—The Comptroller General shall provide an opportunity for public comment on the proposed scope and methodology for the report required by subsections (a) and (b), making such modifications in response to such comments as he deems appropriate.

(d) Report.—Not later than 15 months after the date of the enactment of this Act, the Comptroller General shall complete the study under this section and submit a report to the Committees on the Judiciary the Senate and the Committee on the Judiciary of the House of Representatives regarding the findings of the study.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. EXPANDED PROCUREMENT AUTHORITY FOR THE UNITED STATES SENTENCING COMMISSION.

(a) In General.—Section 995 of title 28, United States Code, is amended by adding at the end the following:

"(f) The Commission may—

"(1) use available funds to enter into contracts for the acquisition of severable services for a period that begins in 1 fiscal year and ends in the next fiscal year, to the same extent as executive agencies may enter into such contracts under the authority of section 303L of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 2531);

"(2) enter into multi-year contracts for the acquisition of property or services to the same extent as executive agencies may enter into such contracts under the authority of section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c); and

"(3) make advance, partial, progress, or other payments under contracts for property or services to the same extent as executive agencies may make such payments under the authority of section 305 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 255).".

(b) Sunset.—The amendment made by subsection (a) shall cease to have force and effect on September 30, 2010.

SEC. 502. BANKRUPTCY, MAGISTRATE, AND TERRITORIAL JUDGES LIFE INSURANCE.

(a) In General.—Section 604(a)(5) of title 28, United States Code, is amended by inserting after "hold office during good behavior," the following: "bankruptcy judges appointed under section 152 of this title, magistrate judges appointed under section 631 of this title, and territorial district court judges appointed under section 24 of the Organic Act of Guam (48 U.S.C. 1424b), section 1(b) of the Act of November 8, 1877 (48 U.S.C. 1821), or section 24(a) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1614(a)),".

(b) Effective Date.—The amendment made by subsection (a) shall apply with respect to any payment made on or after the first day of the first applicable pay period beginning on or after the date of enactment of this Act.

SEC. 503. ASSIGNMENT OF JUDGES.

Section 296 of title 28, United States Code, is amended by inserting at the end of the second undesignated paragraph the following new sentence: "However, a judge who has retired from regular active service under section 371(b) of this title, when designated and assigned to the court to which such judge was appointed, shall have all the powers of a judge of that court, including participation in appointment of court officers and magistrates, rulemaking, governance, and administrative matters.".

SEC. 504. SENIOR JUDGE PARTICIPATION IN THE SELECTION OF MAGITRATES.

Section 631(a) of title 28, United States Code, is amended by striking "Northern Mariana Islands" the first place it appears and inserting "Northern Mariana Islands (including any judge in regular active service and any judge who has retired from regular active service under section 371(b) of this title, when designated and assigned to the court to which such judge was appointed)".

SEC. 505. REAUTHORIZATION OF THE ETHICS IN GOVERNMENT ACT.

Section 405 of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking "2006" and inserting "2011".

SEC. 506. ELDERLY NONVIOLENT OFFENDER PILOT PROGRAM.

(a) Program Established.—

(1) In general.—Notwithstanding section 3624 of title 18, United States Code, or any other provision of law, the Director of the Bureau of Prisons shall conduct a pilot program to determine the effectiveness of removing each eligible elderly offender from a Bureau of Prison facility and placing such offender on home detention until the date on which the term of imprisonment to which the offender was sentenced expires.

(2) Timing of placement in home detention.—

(A) In general.—In carrying out the pilot program under paragraph (1), the Director of the Bureau of Prisons shall—

(i) in the case of an offender who is determined to be an eligible elderly offender on or before the date specified in subparagraph (B), place such offender on home detention not later than 180 days after the date of the enactment of this Act; and

(ii) in the case of an offender who is determined to be an eligible elderly offender after the date specified in subparagraph (B) and before the date that is 3 years and 91 days after the date of the enactment of this Act, place such offender on home detention not later than 90 days after the date of such determination.

(B) DATE SPECIFIED.—For purposes of subparagraph (A), the date specified in this subparagraph is the date that is 90 days after the date of the enactment of this Act.

(3) VIOLATION OF TERMS OF HOME DETENTION.—A violation by an eligible elderly offender of the terms of the home detention involved, including the commission of another Federal, State, or local crime, shall result in the removal of the offender from home detention and the return of the offender to the form of custody in which the offender was imprisoned immediately before placement on home detention under paragraph (1).

(b) SCOPE OF PILOT PROGRAM.—

(1) PARTICIPATING DESIGNATED FACILITIES.—The pilot program under subsection (a) shall be conducted through at least 1 Federal facility designated by the Director of the Bureau of Prisons as appropriate for the pilot program.

(2) DURATION.—The pilot program shall be conducted during each of fiscal years 2007 and 2008.

(c) PROGRAM EVALUATION.—

(1) IN GENERAL.—The Director of the Bureau of Prisons shall contract with an independent organization to monitor and evaluate the progress of each eligible elderly offender placed on home detention under subsection (a)(1) for the period such offender is on home detention during the duration described in subsection (b)(2).

(2) ANNUAL REPORT.—The organization described in paragraph (1) shall annually submit to the Director and to Congress a report on the pilot program under subsection (a)(1), which shall include—

(A) an evaluation of the effectiveness of the pilot program in providing a successful transition to eligible elderly offenders from incarceration to the community, including data relating to the recidivism rates for those offenders; and

(B) the cost savings to the Federal Government resulting from the early removal of such offenders from incarceration.

(3) PROGRAM ADJUSTMENTS.—Upon review of the report submitted under paragraph (2), the Director shall submit recommendations to Congress for adjustments to the pilot program, including, its expansion to additional facilities.

(d) DEFINITIONS.—In this section:

(1) ELIGIBLE ELDERLY OFFENDER.—The term "eligible elderly offender" means an offender in the custody of the Bureau of Prisons who—

(A) is not less than 60 years of age;

(B) is serving a term of imprisonment after conviction for an offense other than a crime of violence and has served the greater of 10 years or ½ of the term of imprisonment;

(C) has not been convicted in the past of any Federal or State crime of violence;

(D) has not been determined by the Bureau of Prisons, on the basis of information the Bureau uses to make custody classifications, and in the sole discretion of the Bureau, to have a history of violence;

(E) has not escaped, or attempted to escape, from the Bureau of Prisons facility; and

(F) has not been determined by the Director, pursuant to the disciplinary system of the Bureau of Prisons, to have committed an infraction involving an act of violence.

(2) HOME DETENTION.—The term "home detention" has the same meaning given the term in the Federal Sentencing Guidelines, and includes detention in a nursing home or other residential long-term care facility.

(3) TERM OF IMPRISONMENT.—The term "term of imprisonment" includes multiple terms of imprisonment ordered to run consecutively or concurrently, which shall be treated as a single, aggregate term of imprisonment for purposes of this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2007 and 2008.

SA 5218. Mr. FRIST (for Mr. STEVENS) proposed an amendment to the bill S. 2653, to direct the Federal Communications Commission to make efforts to reduce telephone rates for Armed Forces personnel deployed overseas; as follows:

At the appropriate place, insert the following:

SEC. PUBLIC SAFETY INTEROPERABLE COMMUNICATIONS GRANTS.

Pursuant to section 3006 of Public Law 109-171 (47 U.S.C. 309 note), the Assistant Secretary for Communications and Information of the Department of Commerce, in consultation with the Secretary of the Department of Homeland Security, shall award no less than $1,000,000,000 for public safety interoperable communications grants no later than September 30, 2007 subject to the receipt of qualified applications as determined by the Assistant Secretary.

SA 5219. Mr. FRIST (for Mr. ENZI) proposed an amendment to the bill H.R. 864, to provide for programs and activities with respect to the prevention of underage drinking; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sober Truth on Preventing Underage Drinking Act" or the "STOP Act".

SEC. 2. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

Section 519B of the Public Health Service Act (42 U.S.C. 290bb-25b) is amended by striking subsections (a) through (f) and inserting the following:

"(a) DEFINITIONS.—For purposes of this section:

"(1) The term 'alcohol beverage industry' means the brewers, vintners, distillers, importers, distributors, and retail or online outlets that sell or serve beer, wine, and distilled spirits.

"(2) The term 'school-based prevention' means programs, which are institutionalized, and run by staff members or school-designated persons or organizations in any grade of school, kindergarten through 12th grade.

"(3) The term 'youth' means persons under the age of 21.

"(4) The term 'IOM report' means the report released in September 2003 by the National Research Council, Institute of Medicine, and entitled 'Reducing Underage Drinking: A Collective Responsibility'.

"(b) SENSE OF CONGRESS.—It is the sense of the Congress that:

"(1) A multi-faceted effort is needed to more successfully address the problem of underage drinking in the United States. A coordinated approach to prevention, intervention, treatment, enforcement, and research is key to making progress. This Act recognizes the need for a focused national effort, and addresses particulars of the Federal portion of that effort, as well as Federal support for State activities.

"(2) The Secretary of Health and Human Services shall continue to conduct research and collect data on the short and long-range impact of alcohol use and abuse upon adolescent brain development and other organ systems.

"(3) States and communities, including colleges and universities, are encouraged to adopt comprehensive prevention approaches, including—

"(A) evidence-based screening, programs and curricula;

"(B) brief intervention strategies;

"(C) consistent policy enforcement; and

"(D) environmental changes that limit underage access to alcohol.

"(4) Public health groups, consumer groups, and the alcohol beverage industry should continue and expand evidence-based efforts to prevent and reduce underage drinking.

"(5) The entertainment industries have a powerful impact on youth, and they should use rating systems and marketing codes to reduce the likelihood that underage audiences will be exposed to movies, recordings, or television programs with unsuitable alcohol content.

"(6) The National Collegiate Athletic Association, its member colleges and universities, and athletic conferences should affirm a commitment to a policy of discouraging alcohol use among underage students and other young fans.

"(7) Alcohol is a unique product and should be regulated differently than other products by the States and Federal Government. States have primary authority to regulate alcohol distribution and sale, and the Federal Government should support and supplement these State efforts. States also have a responsibility to fight youth access to alcohol and reduce underage drinking. Continued State regulation and licensing of the manufacture, importation, sale, distribution, transportation and storage of alcoholic beverages are clearly in the public interest and are critical to promoting responsible consumption, preventing illegal access to alcohol by persons under 21 years of age from commercial and non-commercial sources, maintaining industry integrity and an orderly marketplace, and furthering effective State tax collection.

"(c) INTERAGENCY COORDINATING COMMITTEE; ANNUAL REPORT ON STATE UNDERAGE DRINKING PREVENTION AND ENFORCEMENT ACTIVITIES.—

"(1) INTERAGENCY COORDINATING COMMITTEE ON THE PREVENTION OF UNDERAGE DRINKING.—

"(A) IN GENERAL.—The Secretary, in collaboration with the Federal officials specified in subparagraph (B), shall formally establish and enhance the efforts of the interagency coordinating committee, that began operating in 2004, focusing on underage drinking (referred to in this subsection as the 'Committee').

"(B) OTHER AGENCIES.—The officials referred to in paragraph (1) are the Secretary of Education, the Attorney General, the Secretary of Transportation, the Secretary of the Treasury, the Secretary of Defense, the Surgeon General, the Director of the Centers for Disease Control and Prevention, the Director of the National Institute on Alcohol Abuse and Alcoholism, the Administrator of the Substance Abuse and Mental Health Services Administration, the Director of the National Institute on Drug Abuse, the Assistant Secretary for Children and Families, the Director of the Office of National Drug

Control Policy, the Administrator of the National Highway Traffic Safety Administration, the Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Chairman of the Federal Trade Commission, and such other Federal officials as the Secretary of Health and Human Services determines to be appropriate.

"(C) CHAIR.—The Secretary of Health and Human Services shall serve as the chair of the Committee.

"(D) DUTIES.—The Committee shall guide policy and program development across the Federal Government with respect to underage drinking, provided, however, that nothing in this section shall be construed as transferring regulatory or program authority from an Agency to the Coordinating Committee.

"(E) CONSULTATIONS.—The Committee shall actively seek the input of and shall consult with all appropriate and interested parties, including States, public health research and interest groups, foundations, and alcohol beverage industry trade associations and companies.

"(F) ANNUAL REPORT.—

"(i) IN GENERAL.—The Secretary, on behalf of the Committee, shall annually submit to the Congress a report that summarizes—

"(I) all programs and policies of Federal agencies designed to prevent and reduce underage drinking;

"(II) the extent of progress in preventing and reducing underage drinking nationally;

"(III) data that the Secretary shall collect with respect to the information specified in clause (ii); and

"(IV) such other information regarding underage drinking as the Secretary determines to be appropriate.

"(ii) CERTAIN INFORMATION.—The report under clause (i) shall include information on the following:

"(I) Patterns and consequences of underage drinking as reported in research and surveys such as, but not limited to Monitoring the Future, Youth Risk Behavior Surveillance System, the National Survey on Drug Use and Health, and the Fatality Analysis Reporting System.

"(II) Measures of the availability of alcohol from commercial and non-commercial sources to underage populations.

"(III) Measures of the exposure of underage populations to messages regarding alcohol in advertising and the entertainment media as reported by the Federal Trade Commission.

"(IV) Surveillance data, including information on the onset and prevalence of underage drinking, consumption patterns and the means of underage access. The Secretary shall develop a plan to improve the collection, measurement and consistency of reporting Federal underage alcohol data.

"(V) Any additional findings resulting from research conducted or supported under subsection (f).

"(VI) Evidence-based best practices to prevent and reduce underage drinking and provide treatment services to those youth who need them.

"(2) ANNUAL REPORT ON STATE UNDERAGE DRINKING PREVENTION AND ENFORCEMENT ACTIVITIES.—

"(A) IN GENERAL.—The Secretary shall, with input and collaboration from other appropriate Federal agencies, States, Indian tribes, territories, and public health, consumer, and alcohol beverage industry groups, annually issue a report on each State's performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking.

"(B) STATE PERFORMANCE MEASURES.—

"(i) IN GENERAL.—The Secretary shall develop, in consultation with the Committee, a set of measures to be used in preparing the report on best practices.

"(ii) CATEGORIES.—In developing these measures, the Secretary shall consider categories including, but not limited to:

"(I) Whether or not the State has comprehensive anti-underage drinking laws such as for the illegal sale, purchase, attempt to purchase, consumption, or possession of alcohol; illegal use of fraudulent ID; illegal furnishing or obtaining of alcohol for an individual under 21 years; the degree of strictness of the penalties for such offenses; and the prevalence of the enforcement of each of these infractions.

"(II) Whether or not the State has comprehensive liability statutes pertaining to underage access to alcohol such as dram shop, social host, and house party laws, and the prevalence of enforcement of each of these laws.

"(III) Whether or not the State encourages and conducts comprehensive enforcement efforts to prevent underage access to alcohol at retail outlets, such as random compliance checks and shoulder tap programs, and the number of compliance checks within alcohol retail outlets measured against the number of total alcohol retail outlets in each State, and the result of such checks.

"(IV) Whether or not the State encourages training on the proper selling and serving of alcohol for all sellers and servers of alcohol as a condition of employment.

"(V) Whether or not the State has policies and regulations with regard to direct sales to consumers and home delivery of alcoholic beverages.

"(VI) Whether or not the State has programs or laws to deter adults from purchasing alcohol for minors; and the number of adults targeted by these programs.

"(VII) Whether or not the State has programs targeted to youths, parents, and caregivers to deter underage drinking; and the number of individuals served by these programs.

"(VIII) Whether or not the State has enacted graduated drivers licenses and the extent of those provisions.

"(IX) The amount that the State invests, per youth capita, on the prevention of underage drinking, further broken down by the amount spent on—

"(aa) compliance check programs in retail outlets, including providing technology to prevent and detect the use of false identification by minors to make alcohol purchases;

"(bb) checkpoints and saturation patrols that include the goal of reducing and deterring underage drinking;

"(cc) community-based, school-based, and higher-education-based programs to prevent underage drinking;

"(dd) underage drinking prevention programs that target youth within the juvenile justice and child welfare systems; and

"(ee) other State efforts or programs as deemed appropriate.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $1,000,000 for fiscal year 2007, and $1,000,000 for each of the fiscal years 2008 through 2010.

"(d) NATIONAL MEDIA CAMPAIGN TO PREVENT UNDERAGE DRINKING.—

"(1) SCOPE OF THE CAMPAIGN.—The Secretary shall continue to fund and oversee the production, broadcasting, and evaluation of the national adult-oriented media public service campaign if the Secretary determines that such campaign is effective in achieving the media campaign's measurable objectives.

"(2) REPORT.—The Secretary shall provide a report to the Congress annually detailing the production, broadcasting, and evaluation of the campaign referred to in paragraph (1), and to detail in the report the effectiveness of the campaign in reducing underage drinking, the need for and likely effectiveness of an expanded adult-oriented media campaign, and the feasibility and the likely effectiveness of a national youth-focused media campaign to combat underage drinking.

"(3) CONSULTATION REQUIREMENT.—In carrying out the media campaign, the Secretary shall direct the entity carrying out the national adult-oriented media public service campaign to consult with interested parties including both the alcohol beverage industry and public health and consumer groups. The progress of this consultative process is to be covered in the report under paragraph (2).

"(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, $1,000,000 for fiscal year 2007 and $1,000,000 for each of the fiscal years 2008 through 2010.

"(e) INTERVENTIONS.—

"(1) COMMUNITY-BASED COALITION ENHANCEMENT GRANTS TO PREVENT UNDERAGE DRINKING.—

"(A) AUTHORIZATION OF PROGRAM.—The Administrator of the Substance Abuse and Mental Health Services Administration, in consultation with the Director of the Office of National Drug Control Policy, shall award, if the Administrator determines that the Department of Health and Human Services is not currently conducting activities that duplicate activities of the type described in this subsection, 'enhancement grants' to eligible entities to design, test, evaluate and disseminate effective strategies to maximize the effectiveness of community-wide approaches to preventing and reducing underage drinking. This subsection is subject to the availability of appropriations.

"(B) PURPOSES.—The purposes of this paragraph are to—

"(i) prevent and reduce alcohol use among youth in communities throughout the United States;

"(ii) strengthen collaboration among communities, the Federal Government, and State, local, and tribal governments;

"(iii) enhance intergovernmental cooperation and coordination on the issue of alcohol use among youth;

"(iv) serve as a catalyst for increased citizen participation and greater collaboration among all sectors and organizations of a community that first demonstrates a long-term commitment to reducing alcohol use among youth;

"(v) disseminate to communities timely information regarding state-of-the-art practices and initiatives that have proven to be effective in preventing and reducing alcohol use among youth; and

"(vi) enhance, not supplant, effective local community initiatives for preventing and reducing alcohol use among youth.

"(C) APPLICATION.—An eligible entity desiring an enhancement grant under this paragraph shall submit an application to the Administrator at such time, and in such manner, and accompanied by such information as the Administrator may require. Each application shall include—

"(i) a complete description of the entity's current underage alcohol use prevention initiatives and how the grant will appropriately enhance the focus on underage drinking issues; or "(ii) a complete description of the entity's current initiatives, and how it will use this grant to enhance those initiatives by adding a focus on underage drinking prevention.

"(D) USES OF FUNDS.—Each eligible entity that receives a grant under this paragraph shall use the grant funds to carry out the activities described in such entity's application submitted pursuant to subparagraph (C). Grants under this paragraph shall not exceed $50,000 per year and may not exceed four years.

"(E) SUPPLEMENT NOT SUPPLANT.—Grant funds provided under this paragraph shall be used to supplement, not supplant, Federal and non-Federal funds available for carrying out the activities described in this paragraph.

"(F) EVALUATION.—Grants under this paragraph shall be subject to the same evaluation requirements and procedures as the evaluation requirements and procedures imposed on recipients of drug free community grants.

"(G) DEFINITIONS.—For purposes of this paragraph, the term 'eligible entity' means an organization that is currently receiving or has received grant funds under the Drug-Free Communities Act of 1997 (21 U.S.C. 1521 et seq.).

"(H) ADMINISTRATIVE EXPENSES.—Not more than 6 percent of a grant under this paragraph may be expended for administrative expenses.

"(I) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph $5,000,000 for fiscal year 2007, and $5,000,000 for each of the fiscal years 2008 through 2010.

"(2) GRANTS DIRECTED AT PREVENTING AND REDUCING ALCOHOL ABUSE AT INSTITUTIONS OF HIGHER EDUCATION.—

"(A) AUTHORIZATION OF PROGRAM.—The Secretary shall award grants to eligible entities to enable the entities to prevent and reduce the rate of underage alcohol consumption including binge drinking among students at institutions of higher education.

"(B) APPLICATIONS.—An eligible entity that desires to receive a grant under this paragraph shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each application shall include—

"(i) a description of how the eligible entity will work to enhance an existing, or where none exists to build a, statewide coalition;

"(ii) a description of how the eligible entity will target underage students in the State;

"(iii) a description of how the eligible entity intends to ensure that the statewide coalition is actually implementing the purpose of this section and moving toward indicators described in subparagraph (D);

"(iv) a list of the members of the statewide coalition or interested parties involved in the work of the eligible entity;

"(v) a description of how the eligible entity intends to work with State agencies on substance abuse prevention and education;

"(vi) the anticipated impact of funds provided under this paragraph in preventing and reducing the rates of underage alcohol use;

"(vii) outreach strategies, including ways in which the eligible entity proposes to—

"(I) reach out to students and community stakeholders;

"(II) promote the purpose of this paragraph;

"(III) address the range of needs of the students and the surrounding communities; and

"(IV) address community norms for underage students regarding alcohol use; and

"(viii) such additional information as required by the Secretary.

"(C) USES OF FUNDS.—Each eligible entity that receives a grant under this paragraph shall use the grant funds to carry out the activities described in such entity's application submitted pursuant to subparagraph (B).

"(D) ACCOUNTABILITY.—On the date on which the Secretary first publishes a notice in the Federal Register soliciting applications for grants under this paragraph, the Secretary shall include in the notice achievement indicators for the program authorized under this paragraph. The achievement indicators shall be designed—

"(i) to measure the impact that the statewide coalitions assisted under this paragraph are having on the institutions of higher education and the surrounding communities, including changes in the number of incidents of any kind in which students have abused alcohol or consumed alcohol while under the age of 21 (including violations, physical assaults, sexual assaults, reports of intimidation, disruptions of school functions, disruptions of student studies, mental health referrals, illnesses, or deaths);

"(ii) to measure the quality and accessibility of the programs or information offered by the eligible entity; and

"(iii) to provide such other measures of program impact as the Secretary determines appropriate.

"(E) SUPPLEMENT NOT SUPPLANT.—Grant funds provided under this paragraph shall be used to supplement, and not supplant, Federal and non-Federal funds available for carrying out the activities described in this paragraph.

"(F) DEFINITIONS.—For purposes of this paragraph:

"(i) ELIGIBLE ENTITY.—The term 'eligible entity' means a State, institution of higher education, or nonprofit entity.

"(ii) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

"(iii) SECRETARY.—The term 'Secretary' means the Secretary of Education.

"(iv) STATE.—The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(v) STATEWIDE COALITION.—The term 'statewide coalition' means a coalition that—

"(I) includes, but is not limited to—

"(aa) institutions of higher education within a State; and

"(bb) a nonprofit group, a community underage drinking prevention coalition, or another substance abuse prevention group within a State; and

"(II) works toward lowering the alcohol abuse rate by targeting underage students at institutions of higher education throughout the State and in the surrounding communities.

"(vi) SURROUNDING COMMUNITY.—The term 'surrounding community' means the community—

"(I) that surrounds an institution of higher education participating in a statewide coalition;

"(II) where the students from the institution of higher education take part in the community; and

"(III) where students from the institution of higher education live in off-campus housing.

"(G) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of a grant under this paragraph may be expended for administrative expenses.

"(H) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph $5,000,000 for fiscal year 2007, and $5,000,000 for each of the fiscal years 2008 through 2010.

"(f) ADDITIONAL RESEARCH.—

"(1) ADDITIONAL RESEARCH ON UNDERAGE DRINKING.—

"(A) IN GENERAL.—The Secretary shall, subject to the availability of appropriations, collect data, and conduct or support research that is not duplicative of research currently being conducted or supported by the Department of Health and Human Services, on underage drinking, with respect to the following:

"(i) Comprehensive community-based programs or strategies and statewide systems to prevent and reduce underage drinking, across the underage years from early childhood to age 21, including programs funded and implemented by government entities, public health interest groups and foundations, and alcohol beverage companies and trade associations.

"(ii) Annually obtain and report more precise information than is currently collected on the scope of the underage drinking problem and patterns of underage alcohol consumption, including improved knowledge about the problem and progress in preventing, reducing and treating underage drinking; as well as information on the rate of exposure of youth to advertising and other media messages encouraging and discouraging alcohol consumption.

"(iii) Compiling information on the involvement of alcohol in unnatural deaths of persons ages 12 to 20 in the United States, including suicides, homicides, and unintentional injuries such as falls, drownings, burns, poisonings, and motor vehicle crash deaths.

"(B) CERTAIN MATTERS.—The Secretary shall carry out activities toward the following objectives with respect to underage drinking:

"(i) Obtaining new epidemiological data within the national or targeted surveys that identify alcohol use and attitudes about alcohol use during pre- and early adolescence, including harm caused to self or others as a result of adolescent alcohol use such as violence, date rape, risky sexual behavior, and prenatal alcohol exposure.

"(ii) Developing or identifying successful clinical treatments for youth with alcohol problems.

"(C) PEER REVIEW.—Research under subparagraph (A) shall meet current Federal standards for scientific peer review.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $6,000,000 for fiscal year 2007, and $6,000,000 for each of the fiscal years 2008 through 2010.".

SA 5220. Mr. FRIST (for Mr. STEVENS) proposed an amendment to the bill H.R. 4075, to amend the Marine Mammal Protection Act of 1972 to provide for better understanding and protection of marine mammals, and for other purposes; as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States-Russia Polar Bear Conservation and Management Act of 2006".

SEC. 2. AMENDMENT OF MARINE MAMMAL PROTECTION ACT OF 1972.

(a) IN GENERAL.—The Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) is amended by adding at the end thereof the following:

"TITLE V—POLAR BEARS

"SEC. 501. DEFINITIONS.

"In this title:

"(1) Agreement.—The term "Agreement" means the Agreement Between the Government of the United States of America and the Government of the Russian Federation on the Conservation and Management of the Alaska-Chukotka Polar Bear Population, signed at Washington, D.C., on October 16, 2000.

"(2) Alaska Nanuuq Commission.—The term "Alaska Nanuuq Commission" means the Alaska Native entity, in existence on the date of enactment of the United States-Russia Polar Bear Conservation and Management Act of 2006, that represents all villages in the State of Alaska that engage in the annual subsistence taking of polar bears from the Alaska-Chukotka population and any successor entity.

"(3) Import.—The term "import" means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, without regard to whether the landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States.

"(4) Polar bear part or product.—The term "part or product of a polar bear" means any polar bear part or product, including the gall bile and gall bladder.

"(5) Secretary.—The term "Secretary" means the Secretary of the Interior.

"(6) Taking.—The term "taking" has the meaning given the term in the Agreement.

"(7) Commission.—The term "Commission" means the commission established under article 8 of the Agreement.

"SEC. 502. PROHIBITIONS.

"(a) In General.—It is unlawful for any person who is subject to the jurisdiction of the United States or any person in waters or on lands under the jurisdiction of the United States—

"(1) to take any polar bear in violation of the Agreement;

"(2) to take any polar bear in violation of the Agreement or any annual taking limit or other restriction on the taking of polar bears that is adopted by the Commission pursuant to the Agreement;

"(3) to import, export, possess, transport, sell, receive, acquire, or purchase, exchange, barter, or offer to sell, purchase, exchange, or barter any polar bear, or any part or product of a polar bear, that is taken in violation of paragraph (2);

"(4) to import, export, sell, purchase, exchange, barter, or offer to sell, purchase, exchange, or barter, any polar bear gall bile or polar bear gall bladder;

"(5) to attempt to commit, solicit another person to commit, or cause to be committed, any offense under this subsection; or

"(6) to violate any regulation promulgated by the Secretary to implement any of the prohibitions established in this subsection.

"(b) Exceptions.—For the purpose of forensic testing or any other law enforcement purpose, the Secretary, and Federal law enforcement officials, and any State or local law enforcement official authorized by the Secretary, may import a polar bear or any part or product of a polar bear.

"SEC. 503. ADMINISTRATION.

"(a) In General.—The Secretary, acting through the Director of the United States Fish and Wildlife Service, shall do all things necessary and appropriate, including the promulgation of regulations, to implement, enforce, and administer the provisions of the Agreement on behalf of the United States. The Secretary shall consult with the Secretary of State and the Alaska Nanuuq Commission on matters involving the implementation of the Agreement.

"(b) Utilization of Other Government Resources and Authorities.—

"(1) Other government resources.—The Secretary may utilize by agreement, with or without reimbursement, the personnel, services, and facilities of any other Federal agency, any State agency, or the Alaska Nanuuq Commission for purposes of carrying out this title or the Agreement.

"(2) Other powers and authorities.—Any person authorized by the Secretary under this subsection to enforce this title or the Agreement shall have the authorities that are enumerated in section 6(b) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(b)).

"(c) Ensuring Compliance.—

"(1) Title I authorities.—The Secretary may use authorities granted under title I for enforcement, imposition of penalties, and the seizure of cargo for violations under this title, provided that any polar bear or any part or product of a polar bear taken, imported, exported, possessed, transported, sold, received, acquired, purchased, exchanged, or bartered, or offered for sale, purchase, exchange, or barter in violation of this title, shall be subject to seizure and forfeiture to the United States without any showing that may be required for assessment of a civil penalty or for criminal prosecution under this Act.

"(2) Additional authorities.—Any gun, trap, net, or other equipment used, and any vessel, aircraft, or other means of transportation used, to aid in the violation or attempted violation of this title shall be subject to seizure and forfeiture under section 106.

"(d) Regulations.—

"(1) In general.—The Secretary shall promulgate such regulations as are necessary to carry out this title and the Agreement.

"(2) Ordinances and regulations.—If necessary to carry out this title and the Agreement, and to improve compliance with any annual taking limit or other restriction on taking adopted by the Commission and implemented by the Secretary in accordance with this title, the Secretary may promulgate regulations that adopt any ordinance or regulation that restricts the taking of polar bears for subsistence purposes if the ordinance or regulation has been promulgated by the Alaska Nanuuq Commission.

"SEC. 504. COOPERATIVE MANAGEMENT AGREEMENT; AUTHORITY TO DELEGATE ENFORCEMENT AUTHORITY.

"(a) In General.—The Secretary, acting through the Director of the United States Fish and Wildlife Service, may share authority under this title for the management of the taking of polar bears for subsistence purposes with the Alaska Nanuuq Commission if such commission is eligible under subsection (b).

"(b) Delegation.—To be eligible for the management authority described in subsection (a), the Alaska Nanuuq Commission shall—

"(1) enter into a cooperative agreement with the Secretary under section 119 for the conservation of polar bears;

"(2) meaningfully monitor compliance with this title and the Agreement by Alaska Natives; and

"(3) administer its co-management program for polar bears in accordance with—

"(A) this title; and

"(B) the Agreement.

"SEC. 505. COMMISSION APPOINTMENTS; COMPENSATION, TRAVEL EXPENSES, AND CLAIMS.

"(a) Appointment of U.S. Commissioners.—

"(1) Appointment.—The United States commissioners on the Commission shall be appointed by the President, in accordance with paragraph 2 of article 8 of the Agreement, after taking into consideration the recommendations of—

"(A) the Secretary;

"(B) the Secretary of State; and

"(C) the Alaska Nanuuq Commission.

"(2) Qualifications.—With respect to the United States commissioners appointed under this subsection, in accordance with paragraph 2 of article 8 of the Agreement—

"(A) 1 United States commissioner shall be an official of the Federal Government;

"(B) 1 United States commissioner shall be a representative of the Native people of Alaska, and, in particular, the Native people for whom polar bears are an integral part of their culture; and

"(C) both commissioners shall be knowledgeable of, or have expertise in, polar bears.

"(3) Service and term.—Each United States commissioner shall serve—

"(A) at the pleasure of the President; and

"(B) for an initial 4-year term and such additional terms as the President shall determine.

"(4) Vacancies.—

"(A) In general.—Any individual appointed to fill a vacancy occurring before the expiration of any term of office of a United States commissioner shall be appointed for the remainder of that term.

"(B) Manner.—Any vacancy on the Commission shall be filled in the same manner as the original appointment.

"(b) Alternate Commissioners.—

"(1) In general.—The Secretary, in consultation with the Secretary of State and the Alaska Nanuuq Commission, shall designate an alternate commissioner for each member of the United States section.

"(2) Duties.—In the absence of a United States commissioner, an alternate commissioner may exercise all functions of the United States commissioner at any meetings of the Commission or of the United States section.

"(3) Reappointment.—An alternate commissioner—

"(A) shall be eligible for reappointment by the President; and

"(B) may attend all meetings of the United States section.

"(c) Duties.—The members of the United States section may carry out the functions and responsibilities described in article 8 of the Agreement in accordance with this title and the Agreement.

"(d) Compensation and Expenses.—

"(1) Compensation.—A member of the United States section shall serve without compensation.

"(2) Travel expenses.—A member of the United States section shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the United States-Russia Polar Bear Commission.

"(e) Agency Designation.—The United States section shall, for the purpose of title 28, United States Code, relating to claims against the United States and tort claims procedure, be considered to be a Federal agency.

"SEC. 506. VOTES TAKEN BY THE UNITED STATES SECTION ON MATTERS BEFORE THE COMMISSION.

"In accordance with paragraph 3 of article 8 of the Agreement, the United States section, made up of commissioners appointed by the President, shall vote on any issue before the United States-Russia Polar Bear Commission only if there is no disagreement between the United States commissioners regarding the vote.

"SEC. 507. IMPLEMENTATION OF ACTIONS TAKEN BY THE COMMISSION.

"(a) In General.—The Secretary shall take all necessary actions to implement the decisions and determinations of the Commission under paragraph 7 of article 8 of the Agreement.

"(b) Taking Limitation.—Not later than 60 days after the date on which the Secretary receives notice of the determination of the Commission of an annual taking limit, or of the adoption by the Commission of other restriction on the taking of polar bears for subsistence purposes, the Secretary shall publish a notice in the Federal Register announcing the determination or restriction.

"SEC. 508. APPLICATION WITH OTHER TITLES OF ACT.

"(a) In general.—The authority of the Secretary under this title is in addition to, and shall not affect—

"(1) the authority of the Secretary under the other titles of this Act or the Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.) or the exemption for Alaskan natives under section 101(b) of this Act as applied to other marine mammal populations; or

"(2) the authorities provided under title II of this Act.

"(b) Certain Provisions Inapplicable.—The provisions of titles I through IV of this Act do not apply with respect to the implementation or administration of this title, except as specified in section 503.

"SEC. 509. AUTHORIZATION OF APPROPRIATIONS.

"(a) In General.—There are authorized to be appropriated to the Secretary to carry out the functions and responsibilities of the Secretary under this title and the Agreement $1,000,000 for each of fiscal years 2006 through 2010.

"(b) Commission.—There are authorized to be appropriated to the Secretary to carry out functions and responsibilities of the United States Section $150,000 for each of fiscal years 2006 through 2010.

"(c) Alaskan Cooperative Management Program.—There are authorized to be appropriated to the Secretary to carry out this title and the Agreement in Alaska $150,000 for each of fiscal years 2006 through 2010.".

(b) Clerical Amendment.—The table of contents in the first section of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) is amended by adding at the end the following:

"TITLE V—POLAR BEARS

"Sec. 501. Definitions.
"Sec. 502. Prohibitions.
"Sec. 503. Administration.
"Sec. 504. Cooperative management agreement; authority to delegate enforcement authority.
"Sec. 505. Commission appointments; compensation, travel expenses, and claims.
"Sec. 506. Votes taken by the United States Section on matters before the Commission.
"Sec. 507. Implementation of actions taken by the Commission.
"Sec. 508. Application with other titles of Act.
"Sec. 509. Authorization of appropriations.".

(c) Treatment of Containers.—Section 107(d)(2) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1377(d)(2)) is amended by striking "vessel or other conveyance" each place it appears and inserting "vessel, other conveyance, or container".

SA 5221. Mr. FRIST (for Mr. Stevens) proposed an amendment to the bill H.R. 4075, to amend the Marine Mammal Protection Act of 1972 to provide for better understanding and protection of marine mammals, and for other purposes; as follows:

Amend the title so as to read "An Act to amend the Marine Mammal Protection Act of 1972 in order to implement the Agreement on the Conservation and Management of the Alaska-Chukotka Polar Bear Population.".

SA 5222. Mr. WYDEN (for himself, Ms. Cantwell, Mr. Smith, and Mrs. Murray) submitted an amendment intended to be proposed by him to the bill H.R. 4388, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . FUNDING SOURCE FOR RURAL SCHOOLS AND COMMUNITIES PAYMENTS.

(a) Rural Schools and Communities Trust Fund.—

(1) In general.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

"SEC. 9511. RURAL SCHOOLS AND COMMUNITIES TRUST FUND.

"(a) Creation of Trust Fund.—There is established in the Treasury of the United States a trust fund to be known as the 'Rural Schools and Communities Trust Fund', consisting of such amounts as may be appropriated or credited to such Trust Fund as provided in this section or section 9602(b).

"(b) Transfers to Trust Fund.—There are hereby appropriated to the Rural Schools and Communities Trust Fund amounts equivalent to the amounts estimated by the Secretary by which Federal revenues are increased, before January 1, 2011, as a result of the provisions of section 3402(t).

"(c) Expenditures From Trust Fund.—Amounts in the Rural Schools and Communities Trust Fund shall be available only for—

"(1) payments to eligible States under section 102(a)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000; and

"(2) payments to eligible counties under section 103(a)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000.".

(2) Conforming amendments.—

(A) Payments to states.—Paragraph (3) of section 102(b) of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note) is amended by striking "out of any funds in the Treasury not otherwise appropriated" and inserting "out of the Rural Schools and Communities Trust Fund under section 9511 of the Internal Revenue Code of 1986".

(B) Payments to counties.—Paragraph (2) of section 103(b) of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note) is amended by striking "out of any funds in the Treasury not otherwise appropriated" and inserting "out of the Rural Schools and Communities Trust Fund under section 9511 of the Internal Revenue Code of 1986".

(3) Clerical amendment.—The table of sections for subchapter A of chapter 98 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 9511. Rural Schools and Communities Trust Fund.".

(4) Effective date.—The amendments made by this subsection shall take effect on January 1, 2007.

(b) Imposition of Withholding on Certain Payments Made by Government Entities.—

(1) Acceleration of effective date.—Section 511(b) of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking "December 31, 2010" and inserting "December 31, 2006".

(2) Exclusion for payments to small businesses before 2011.—Paragraph (2) of section 3402(t) of the Internal Revenue Code of 1986 is amended by striking "and" at the end of subparagraph (H), by striking the period at the end of subparagraph (I) and inserting ", and", and by adding at the end the following :

"(J) made before January 1, 2011, to any business which employed fewer than 50 employees during the preceding taxable year.

For purposes of subparagraph (J), rules similar to the rules of paragraphs (2)(A) and (6) of section 44(d) shall apply.".

(3) Effective date.—The amendment made by this subsection shall take effect as if included in the Tax Increase Prevention and Reconciliation Act of 2005.

(c) Extension of Secure Rural Schools and Community Self-Determination Act.—The Secure Rural Schools and Community Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note) is amended—

(1) in sections 208 and 303, by striking "2007" both places it appears and inserting "2008"; and

(2) in sections 101(a), 102(b)(2), 103(b)(1), 203(a)(1), 207(a), 208, 303, and 401, by striking "2006" each place it appears and inserting "2007".

SA 5223. Mr. FRIST (for Ms. Collins) proposed an amendment to the bill S. 3821, to authorize certain athletes to be admitted temporarily into the United States to compete or perform in an athletic league, competition, or performance; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as either the "Creating Opportunities for Minor League Professionals, Entertainers, and Teams through Legal Entry Act of 2006" or the "COMPETE Act of 2006".

SEC. 2. NONIMMIGRANT ALIEN STATUS FOR CERTAIN ATHLETES.

(a) In General.—Section 214(c)(4)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(4)(A)) is amended by striking clauses (i) and (ii) and inserting the following:

"(i)(I) performs as an athlete, individually or as part of a group or team, at an internationally recognized level of performance;

"(II) is a professional athlete, as defined in section 204(i)(2);

"(III) performs as an athlete, or as a coach, as part of a team or franchise that is located in the United States and a member of a foreign league or association of 15 or more amateur sports teams, if—

"(aa) the foreign league or association is the highest level of amateur performance of that sport in the relevant foreign country;

"(bb) participation in such league or association renders players ineligible, whether on a temporary or permanent basis, to earn a scholarship in, or participate in, that sport at a college or university in the United States under the rules of the National Collegiate Athletic Association; and

"(cc) a significant number of the individuals who play in such league or association are drafted by a major sports league or a minor league affiliate of such a sports league; or

"(IV) is a professional athlete or amateur athlete who performs individually or as part of a group in a theatrical ice skating production; and

"(ii) seeks to enter the United States temporarily and solely for the purpose of performing—

"(I) as such an athlete with respect to a specific athletic competition; or

"(II) in the case of an individual described in clause (i)(IV), in a specific theatrical ice skating production or tour.".

(b) LIMITATION.—Section 214(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(4)) is amended by adding at the end the following:

"(F)(i) No nonimmigrant visa under section 101(a)(15)(P)(i)(a) shall be issued to any alien who is a national of a country that is a state sponsor of international terrorism unless the Secretary of State determines, in consultation with the Secretary of Homeland Security and the heads of other appropriate United States agencies, that such alien does not pose a threat to the safety, national security, or national interest of the United States. In making a determination under this subparagraph, the Secretary of State shall apply standards developed by the Secretary of State, in consultation with the Secretary of Homeland Security and the heads of other appropriate United States agencies, that are applicable to the nationals of such states.

"(ii) In this subparagraph, the term 'state sponsor of international terrorism' means any country the government of which has been determined by the Secretary of State under any of the laws specified in clause (iii) to have repeatedly provided support for acts of international terrorism.

"(iii) The laws specified in this clause are the following:

"(I) Section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)) (or successor statute).

"(II) Section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)).

"(III) Section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)).".

(c) PETITIONS FOR MULTIPLE ALIENS.—Section 214(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(4)), as amended by subsection (b), is further amended by adding at the end the following:

"(G) The Secretary of Homeland Security shall permit a petition under this subsection to seek classification of more than 1 alien as a nonimmigrant under section 101(a)(15)(P)(i)(a).".

(d) RELATIONSHIP TO OTHER PROVISIONS OF THE IMMIGRATION AND NATIONALITY ACT.—Section 214(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(4)), as amended by subsections (b) and (c), is further amended by adding at the end the following:

"(H) The Secretary of Homeland Security shall permit an athlete, or the employer of an athlete, to seek admission to the United States for such athlete under a provision of this Act other than section 101(a)(15)(P)(i) if the athlete is eligible under such other provision.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry be authorized to conduct a hearing during the session of the Senate on Wednesday, December 6, 2006 at 9:30 a.m. in SR–328A, Russell Senate Office Building. The purpose of this hearing will be to consider the following nominations: Leland A. Strom, of Illinois, to be a member of the Farm Credit Administration Board; Jill E. Sommers, of Kansas, to be a Commissioner on the Commodity Futures Trading Commission; and Mark Everett Keenum, of Mississippi, to be Under Secretary of Agriculture for Farm and Foreign Agricultural Services and a member of the Board of Directors of the Commodity Credit Corporation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. WARNER. Mr. President, I ask unanimous consent that on Wednesday, December 6, 2006, at 9:15 a.m. the Committee on Environment and Public Works be authorized to hold a Business Meeting to consider the following agenda: Alex Beehler to be Inspector General of the Environmental Protection Agency; Eric D. Eberhard to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation; Diane Humetewa to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. WARNER. Mr. President, I ask unanimous consent that on December 6, 2006, at 9:30 a.m. the Committee on Environment and Public Works be authorized to hold a hearing on Climate Change and the Media.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, December 6, 2006, at 10 a.m. for a hearing titled, "Hurricane Katrina: Stopping the Flood of Fraud, Waste, and Abuse."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, December 6, 2006, at 3 p.m. to consider the nomination of Paul A. Schneider to be Under Secretary for Management, U.S. Department of Homeland Security.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on "FBI Oversight" for Wednesday, December 6, 2006 at 9:30 a.m. in Dirksen Senate Office Building room 226.

Witness List

Panel I: The Honorable Robert S. Mueller III, Director, Federal Bureau of Investigation, U.S. Department of Justice, Washington, DC.

The PRESIDENT OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a hearing entitled, "The Nomination of Jovita Carranza to be Deputy Administrator of the Small Business Administration" on Wednesday, December 6, 2006, beginning at 2:30 p.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary Subcommittee on Administrative Oversight and the Courts be authorized to meet to conduct a hearing on "Oversight of the Implementation of the Bankruptcy Abuse Prevention and Consumer Protection Act" on Wednesday, December 6, 2006 at 2:30 p.m. in Room 226 of the Dirksen Senate Office Building. The witness:

Panel I: Cliff White, Acting Director, Executive Office of the U.S. Trustees [EOUST], Washington, DC.

Panel II: Todd Zywicki, Professor, George Mason University School of Law, Washington, DC; Steve Bartlett, President & CEO, Financial Services Roundtable, Washington, DC; David Jones, President, Association of Independent Consumer Credit Counseling Agencies, Poinciana, FL; The Honorable Randall J. Newsome, Chief Judge, U.S. Bankruptcy Court for the Northern District of California, Oakland, CA; Robert Lawless, Professor, University of Illinois College of Law, Champaign, IL; Henry E. Hildebrand, III, Chapter 13 Standing Trustee, Middle District of Tennessee, Nashville, TN.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. REED. I ask unanimous consent a fellow from my office, Kenyon Kilber, be granted the privilege of the floor for the remainder of today's session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

STOP UNDERAGE DRINKING ACT

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 864, which we received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 864) to provide for programs and activities with respect to the prevention of underage drinking.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent the Enzi amendment at the desk be agreed to, that the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5219) was agreed to.

(The amendment is printed in today's RECORD under "Text of amendments.")

The amendment was ordered to be engrossed and the bill read the third time.

The bill (H.R. 864), as amended, was read the third time and passed.

UNANIMOUS-CONSENT AGREEMENT

Mr. FRIST. Mr. President, I ask unanimous consent the Homeland Security and Governmental Affairs Committee be discharged and the Senate proceed to the immediate en bloc consideration of the following postal naming bills:

S. 4050, H.R. 1472, H.R. 4246, H.R. 4720, H.R 5108, H.R. 5736, H.R. 5857, H.R. 5923, H.R. 5989, H.R. 5990, H.R. 6078, H.R. 6102, H.R. 6151.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the Senate proceeded to consider the bills en bloc.

SERGEANT FIRST CLASS ROBERT LEE "BOBBY" HOLLAR, JR. POST OFFICE BUILDING

The bill (S. 4050) to designate the facility of the United States Postal Service located at 103 East Thompson Street in Thomaston, Georgia, as the "Sergeant First Class Robert Lee 'Bobby' Hollar, Jr. Post Office Building" was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 4050

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SERGEANT FIRST CLASS ROBERT LEE "BOBBY" HOLLAR, JR. POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 103 East Thompson Street in Thomaston, Georgia, shall be known and designated as the "Sergeant First Class Robert Lee 'Bobby' Hollar, Jr. Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Sergeant First Class Robert Lee 'Bobby' Hollar, Jr. Post Office Building".

TITO PUENTE POST OFFICE BUILDING

A bill (H.R. 1472) to designate the facility of the United States Postal Service located at 167 East 124th Street in New York, New York, as the "Tito Puente Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

DR. ROBERT E. PRICE POST OFFICE BUILDING

A bill (H.R. 4246) to designate the facility of the United States Postal Service located at 8135 Forest Lane in Dallas, Texas, as the "Dr. Robert E. Price Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

BEVERLY J. WILSON POST OFFICE BUILDING

A bill (H.R. 4720) to designate the facility of the United States Postal Service located at 200 Gateway Drive in Lincoln, California, as the "Beverly J. Wilson Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

LANCE CORPORAL ROBERT A. MARTINEZ POST OFFICE BUILDING

A bill (H.R. 5108) to designate the facility of the United States Postal Service located at 1213 East Houston Street in Cleveland, Texas, as the "Lance Corporal Robert A. Martinez Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

VINCENT J. WHIBBS, SR. POST OFFICE BUILDING

A bill (H.R. 5736) to designate the facility of the United States Postal Service located at 101 Palafox Place in Pensacola, Florida, as the "Vincent J. Whibbs, Sr. Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

MORRIS K. "MO" UDALL POST OFFICE BUILDING

The bill (H.R. 5857) to designate the facility of the United States Postal Service located at 1501 South Cherrybell Avenue in Tucson, Arizona, as the "Morris K. 'Mo' Udall Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

DR. LEONARD PRICE STAVISKY POST OFFICE BUILDING

The bill (H.R. 5923) to designate the facility of the United States Postal Service located at 29-50 Union Street in Flushing, New York, as the "Dr. Leonard Price Stavisky Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

JOHN J. SINDE POST OFFICE BUILDING

The bill (H.R. 5989) to designate the facility of the United States Postal Service located at 10240 Roosevelt Road in Westchester, Illinois, as the "John J. Sinde Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

WALLACE W. SYKES POST OFFICE BUILDING

The bill (H.R. 5990) to designate the facility of the United States Postal Service located at 415 South 5th Avenue in Maywood, Illinois, as the "Wallace W. Sykes Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

CHUCK FORTENBERRY POST OFFICE BUILDING

The bill (H.R. 6078) to designate the facility of the United States Postal Service located at 307 West Wheat Street in Woodville, Texas, as the "Chuck Fortenberry Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

CAPTAIN CHRISTOPHER PETTY POST OFFICE BUILDING

The bill (H.R. 6102) to designate the facility of the United States Postal Service located at 200 Lawyers Road, NW in Vienna, Virginia, as the "Captain Christopher Petty Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

HAMILTON H. JUDSON POST OFFICE BUILDING

The bill (H.R. 6151) to designate the facility of the United States Postal Service located at 216 Oak Street in Farmington, Minnesota, as the "Hamilton H. Judson Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

MEASURE DISCHARGED AND PLACED ON THE CALENDAR—S. 3990

Mr. FRIST. Mr. President, I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged from further consideration of S. 3990 and the bill be placed on the Senate Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

DIETARY SUPPLEMENT AND NONPRESCRIPTION DRUG CONSUMER PROTECTION ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 586, S. 3546.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3546) to amend the Federal Food, Drug, and Cosmetic Act with respect to serious adverse event reporting for dietary supplements and nonprescription drugs, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Dietary Supplement and Nonprescription Drug Consumer Protection Act".

SEC. 2. SERIOUS ADVERSE EVENT REPORTING FOR NONPRESCRIPTION DRUGS.

(a) IN GENERAL.—Chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371 et seq.) is amended by adding at the end the following:

"Subchapter H—Serious Adverse Event Reports

"SEC. 760. SERIOUS ADVERSE EVENT REPORTING FOR NONPRESCRIPTION DRUGS.

"(a) DEFINITIONS.—In this section:

"(1) ADVERSE EVENT.—The term 'adverse event' means any health-related event associated with the use of a nonprescription drug that is adverse, including—

"(A) an event occurring from an overdose of the drug, whether accidental or intentional;

"(B) an event occurring from abuse of the drug;

"(C) an event occurring from withdrawal from the drug; and

"(D) any failure of expected pharmacological action of the drug.

"(2) NONPRESCRIPTION DRUG.—The term 'nonprescription drug' means a drug that is—

"(A) not subject to section 503(b); and

"(B) not subject to approval in an application submitted under section 505.

"(3) SERIOUS ADVERSE EVENT.—The term 'serious adverse event' is an adverse event that—

"(A) results in—

"(i) death;

"(ii) a life-threatening experience;

"(iii) inpatient hospitalization;

"(iv) a persistent or significant disability or incapacity; or

"(v) a congenital anomaly or birth defect; or

"(B) requires, based on reasonable medical judgment, a medical or surgical intervention to prevent an outcome described under subparagraph (A).

"(4) SERIOUS ADVERSE EVENT REPORT.—The term 'serious adverse event report' means a report that is required to be submitted to the Secretary under subsection (b).

"(b) REPORTING REQUIREMENT.—The manufacturer, packer, or distributor whose name (pursuant to section 502(b)(1)) appears on the label of a nonprescription drug marketed in the United States (referred to in this section as the 'responsible person') shall submit to the Secretary any report received of a serious adverse event associated with such drug when used in the United States, accompanied by a copy of the label on or within the retail package of such drug.

"(c) SUBMISSION OF REPORTS.—

"(1) TIMING OF REPORTS.—The responsible person shall submit to the Secretary a serious adverse event report no later than 15 business days after the report is received through the address or phone number described in section 502(x).

"(2) NEW MEDICAL INFORMATION.—The responsible person shall submit to the Secretary any new medical information, related to a submitted serious adverse event report that is received by the responsible person within 1 year of the initial report, no later than 15 business days after the new information is received by the responsible person.

"(3) CONSOLIDATION OF REPORTS.—The Secretary shall develop systems to ensure that duplicate reports of, and new medical information related to, a serious adverse event shall be consolidated into a single report.

"(4) EXEMPTION.—The Secretary, after providing notice and an opportunity for comment from interested parties, may establish an exemption to the requirements under paragraphs (1) and (2) if the Secretary determines that such exemption would have no adverse effect on public health.

"(d) CONTENTS OF REPORTS.—Each serious adverse event report under this section shall be submitted to the Secretary using the MedWatch form, which may be modified by the Secretary for nonprescription drugs, and may be accompanied by additional information.

"(e) MAINTENANCE AND INSPECTION OF RECORDS.—

"(1) MAINTENANCE.—The responsible person shall maintain records related to each report of an adverse event received by the responsible person for a period of 6 years.

"(2) RECORDS INSPECTION.—

"(A) IN GENERAL.—The responsible person shall permit an authorized person to have access to records required to be maintained under this section, during an inspection pursuant to section 704.

"(B) AUTHORIZED PERSON.—For purposes of this paragraph, the term 'authorized person' means an officer or employee of the Department of Health and Human Services who has—

"(i) appropriate credentials, as determined by the Secretary; and

"(ii) been duly designated by the Secretary to have access to the records required under this section.

"(f) PROTECTED INFORMATION.—A serious adverse event report submitted to the Secretary under this section, including any new medical information submitted under subsection (c)(2), or an adverse event report voluntarily submitted to the Secretary shall be considered to be—

"(1) a safety report under section 756 and may be accompanied by a statement, which shall be a part of any report that is released for public disclosure, that denies that the report or the records constitute an admission that the product involved caused or contributed to the adverse event; and

"(2) a record about an individual under section 552a of title 5, United States Code (commonly referred to as the 'Privacy Act of 1974') and a medical or similar file the disclosure of which would constitute a violation of section 552 of such title 5 (commonly referred to as the 'Freedom of Information Act'), and shall not be publicly disclosed unless all personally identifiable information is redacted.

"(g) RULE OF CONSTRUCTION.—The submission of any adverse event report in compliance with this section shall not be construed as an admission that the nonprescription drug involved caused or contributed to the adverse event.

"(h) PREEMPTION.—

"(1) IN GENERAL.—No State or local government shall establish or continue in effect any law, regulation, order, or other requirement, related to a mandatory system for adverse event reports for nonprescription drugs, that is different from, in addition to, or otherwise not identical to, this section.

"(2) EFFECT OF SECTION.—

"(A) IN GENERAL.—Nothing in this section shall affect the authority of the Secretary to provide adverse event reports and information to any health, food, or drug officer or employee of any State, territory, or political subdivision of a State or territory, under a memorandum of understanding between the Secretary and such State, territory, or political subdivision.

"(B) PERSONALLY-IDENTIFIABLE INFORMATION.—Notwithstanding any other provision of law, personally-identifiable information in adverse event reports provided by the Secretary to any health, food, or drug officer or employee of any State, territory, or political subdivision of a State or territory, shall not—

"(i) be made publicly available pursuant to any State or other law requiring disclosure of information or records; or

"(ii) otherwise be disclosed or distributed to any party without the written consent of the Secretary and the person submitting such information to the Secretary.

"(C) USE OF SAFETY REPORTS.—Nothing in this section shall permit a State, territory, or political subdivision of a State or territory, to use any safety report received from the Secretary in a manner inconsistent with subsection (g) or section 756.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.".

(b) MODIFICATIONS.—The Secretary of Health and Human Services may modify requirements under the amendments made by this section in accordance with section 553 of title 5, United States Code, to maintain consistency with international harmonization efforts over time.

(c) PROHIBITED ACT.—Section 301(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(e)) is amended by—

(1) striking ", or 704(a);" and inserting ", 704(a), or 760;"; and

(2) striking ", or 564" and inserting ", 564, or 760".

(d) MISBRANDING.—Section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352) is amended by adding at the end the following:

"(x) If it is a nonprescription drug (as defined in section 760) that is marketed in the United

States, unless the label of such drug includes an address or phone number through which the responsible person (as described in section 760) may receive a report of a serious adverse event (as defined in section 760) with such drug.".

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect 1 year after the date of enactment of this Act.

(2) MISBRANDING.—Section 502(x) of the Federal Food, Drug, and Cosmetic Act (as added by this section) shall apply to any nonprescription drug (as defined in such section 502(x)) labeled on or after the date that is 1 year after the date of enactment of this Act.

(3) GUIDANCE.—Not later than 270 days after the date of enactment of this Act, the Secretary of Health and Human Services shall issue guidance on the minimum data elements that should be included in a serious adverse event report described under the amendments made by this Act.

SEC. 3. SERIOUS ADVERSE EVENT REPORTING FOR DIETARY SUPPLEMENTS.

(a) IN GENERAL.—Chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371 et seq.) is amended by adding at the end the following:

"SEC. 761. SERIOUS ADVERSE EVENT REPORTING FOR DIETARY SUPPLEMENTS.

"(a) DEFINITIONS.—In this section:

"(1) ADVERSE EVENT.—The term 'adverse event' means any health-related event associated with the use of a dietary supplement that is adverse.

"(2) SERIOUS ADVERSE EVENT.—The term 'serious adverse event' is an adverse event that—

"(A) results in—

"(i) death;

"(ii) a life-threatening experience;

"(iii) inpatient hospitalization;

"(iv) a persistent or significant disability or incapacity; or

"(v) a congenital anomaly or birth defect; or

"(B) requires, based on reasonable medical judgment, a medical or surgical intervention to prevent an outcome described under subparagraph (A).

"(3) SERIOUS ADVERSE EVENT REPORT.—The term 'serious adverse event report' means a report that is required to be submitted to the Secretary under subsection (b).

"(b) REPORTING REQUIREMENT.—

"(1) IN GENERAL.—The manufacturer, packer, or distributor of a dietary supplement whose name (pursuant to section 403(e)(1)) appears on the label of a dietary supplement marketed in the United States (referred to in this section as the 'responsible person') shall submit to the Secretary any report received of a serious adverse event associated with such dietary supplement when used in the United States, accompanied by a copy of the label on or within the retail packaging of such dietary supplement.

"(2) RETAILER.—A retailer whose name appears on the label described in paragraph (1) as a distributor may, by agreement, authorize the manufacturer or packer of the dietary supplement to submit the required reports for such dietary supplements to the Secretary so long as the retailer directs to the manufacturer or packer all adverse events associated with such dietary supplement that are reported to the retailer through the address or telephone number described in section 403(y).

"(c) SUBMISSION OF REPORTS.—

"(1) TIMING OF REPORTS.—The responsible person shall submit to the Secretary a serious adverse event report no later than 15 business days after the report is received through the address or phone number described in section 403(y).

"(2) NEW MEDICAL INFORMATION.—The responsible person shall submit to the Secretary any new medical information, related to a submitted serious adverse event report that is received by the responsible person within 1 year of the initial report, no later than 15 business days after the new information is received by the responsible person.

"(3) CONSOLIDATION OF REPORTS.—The Secretary shall develop systems to ensure that duplicate reports of, and new medical information related to, a serious adverse event shall be consolidated into a single report.

"(4) EXEMPTION.—The Secretary, after providing notice and an opportunity for comment from interested parties, may establish an exemption to the requirements under paragraphs (1) and (2) if the Secretary determines that such exemption would have no adverse effect on public health.

"(d) CONTENTS OF REPORTS.—Each serious adverse event report under this section shall be submitted to the Secretary using the MedWatch form, which may be modified by the Secretary for dietary supplements, and may be accompanied by additional information.

"(e) MAINTENANCE AND INSPECTION OF RECORDS.—

"(1) MAINTENANCE.—The responsible person shall maintain records related to each report of an adverse event received by the responsible person for a period of 6 years.

"(2) RECORDS INSPECTION.—

"(A) IN GENERAL.—The responsible person shall permit an authorized person to have access to records required to be maintained under this section during an inspection pursuant to section 704.

"(B) AUTHORIZED PERSON.—For purposes of this paragraph, the term 'authorized person' means an officer or employee of the Department of Health and Human Services, who has—

"(i) appropriate credentials, as determined by the Secretary; and

"(ii) been duly designated by the Secretary to have access to the records required under this section.

"(f) PROTECTED INFORMATION.—A serious adverse event report submitted to the Secretary under this section, including any new medical information submitted under subsection (c)(2), or an adverse event report voluntarily submitted to the Secretary shall be considered to be—

"(1) a safety report under section 756 and may be accompanied by a statement, which shall be a part of any report that is released for public disclosure, that denies that the report or the records constitute an admission that the product involved caused or contributed to the adverse event; and

"(2) a record about an individual under section 552a of title 5, United States Code (commonly referred to as the 'Privacy Act of 1974') and a medical or similar file the disclosure of which would constitute a violation of section 552 of such title 5 (commonly referred to as the 'Freedom of Information Act'), and shall not be publicly disclosed unless all personally identifiable information is redacted.

"(g) RULE OF CONSTRUCTION.—The submission of any adverse event report in compliance with this section shall not be construed as an admission that the dietary supplement involved caused or contributed to the adverse event.

"(h) PREEMPTION.—

"(1) IN GENERAL.—No State or local government shall establish or continue in effect any law, regulation, order, or other requirement, related to a mandatory system for adverse event reports for dietary supplements, that is different from, in addition to, or otherwise not identical to, this section.

"(2) EFFECT OF SECTION.—

"(A) IN GENERAL.—Nothing in this section shall affect the authority of the Secretary to provide adverse event reports and information to any health, food, or drug officer or employee of any State, territory, or political subdivision of a State or territory, under a memorandum of understanding between the Secretary and such State, territory, or political subdivision.

"(B) PERSONALLY-IDENTIFIABLE INFORMATION.—Notwithstanding any other provision of law, personally-identifiable information in adverse event reports provided by the Secretary to any health, food, or drug officer or employee of any State, territory, or political subdivision of a State or territory, shall not—

"(i) be made publicly available pursuant to any State or other law requiring disclosure of information or records; or

"(ii) otherwise be disclosed or distributed to any party without the written consent of the Secretary and the person submitting such information to the Secretary.

"(C) USE OF SAFETY REPORTS.—Nothing in this section shall permit a State, territory, or political subdivision of a State or territory, to use any safety report received from the Secretary in a manner inconsistent with subsection (g) or section 756.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.".

(b) PROHIBITED ACT.—Section 301(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(e)) is amended by—

(1) striking ", or 760;" and inserting ", 760, or 761;"; and

(2) striking ", or 760" and inserting ", 760, or 761".

(c) MISBRANDING.—Section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended by adding at the end the following:

"(y) If it is a dietary supplement that is marketed in the United States, unless the label of such dietary supplement includes an address or phone number through which the responsible person (as described in section 761) may receive a report of a serious adverse event with such dietary supplement.".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect 1 year after the date of enactment of this Act.

(2) MISBRANDING.—Section 403(y) of the Federal Food, Drug, and Cosmetic Act (as added by this section) shall apply to any dietary supplement labeled on or after the date that is 1 year after the date of enactment of this Act.

(3) GUIDANCE.—Not later than 270 days after the date of enactment of this Act, the Secretary of Health and Human Services shall issue guidance on the minimum data elements that should be included in a serious adverse event report as described under the amendments made by this Act.

SEC. 4. PROHIBITION OF FALSIFICATION OF REPORTS.

(a) IN GENERAL.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by adding at the end the following:

"(ii) The falsification of a report of a serious adverse event submitted to a responsible person (as defined under section 760 or 761) or the falsification of a serious adverse event report (as defined under section 760 or 761) submitted to the Secretary.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect 1 year after the date of enactment of this Act.

SEC. 5. IMPORTATION OF CERTAIN NONPRESCRIPTION DRUGS AND DIETARY SUPPLEMENTS.

(a) IN GENERAL.—Section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381) is amended—

(1) in subsection (a), by inserting after the third sentence the following: "If such article is

subject to a requirement under section 760 or 761 and if the Secretary has credible evidence or information indicating that the responsible person (as defined in such section 760 or 761) has not complied with a requirement of such section 760 or 761 with respect to any such article, or has not allowed access to records described in such section 760 or 761, then such article shall be refused admission, except as provided in subsection (b) of this section.''; and

(2) in the second sentence of subsection (b)—

(A) by inserting ''(1)'' before ''an article included'';

(B) by inserting before ''final determination'' the following: ''or (2) with respect to an article included within the provision of the fourth sentence of subsection (a), the responsible person (as defined in section 760 or 761) can take action that would assure that the responsible person is in compliance with section 760 or 761, as the case may be,''; and

(C) by inserting '', or, with respect to clause (2), the responsible person,'' before ''to perform''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the date of enactment of this Act.

Mr. HATCH. Mr. President, the Dietary Supplement and Nonprescription Drug Consumer Protection Act represents a too-rare-but-productive alliance between Democrats and Republicans and between consumer groups and FDA-regulated products manufacturers. This is a significant consumer protection measure. On behalf of my cosponsors, Senators DURBIN, HARKIN, ENZI, KENNEDY, and CORNYN, I want to express our enthusiasm that the bill will be approved by the Senate tonight.

Senator DURBIN, Senator HARKIN, and I have been working on this legislation for more than 2 years. Our effort has been enhanced by the expertise of Chairman ENZI and Senator KENNEDY. More recently, we were pleased that Senator CORNYN joined our ranks. I must also pay great tribute to our lead House sponsor, Representative CHRIS CANNON.

We have consulted broadly with all who have an interest in this issue—dietary supplement and nonprescription drug manufacturers, consumer and public health groups, retailers, wholesalers, and, of course, their lawyers.

We have had meeting after meeting with the Food and Drug Administration.

Wherever possible, we have incorporated provisions to address their concerns.

The result—some 24 months and 21 drafts later—is the bill we consider tonight.

Some of my colleagues may ask, "Why is this bill necessary?" Let me answer that question.

Over half our population regularly uses dietary supplements. In fact, one government survey in 2004 indicated that nearly 60 percent of Americans regularly use dietary supplements to maintain or improve their healthy lifestyles.

Millions more use nonprescription or over-the-counter drugs, such as aspirin or cold tablets.

Although the FDA has a voluntary system to receive reports of problems with dietary supplements, and a mandatory system that covers some OTC drugs, there is no requirement for mandatory reporting for all of these products, as there is for prescription drugs and medical devices.

I happen to believe supplements are vastly more safe than prescription drugs. Indeed, the law which sets out the regulatory framework for supplements—the Dietary Supplement Health and Education Act, DSHEA, which Senator HARKIN and I authored with then-Representative Bill Richardson, explicitly treats most supplement products as foods. So, I in no way am suggesting that supplement products should be treated the same as prescription medications.

When we enacted DSHEA, we separated supplements into two categories—those that were on the market in the United States at the time of enactment, and those which would be marketed in the future—new dietary ingredients". The presumption of DSHEA, which by and large has worked well, is that products already on the market were being used safely. Some of these products, in fact, have been used safely for decades, if not millennia.

Those "grandfathered" products are not subject to any kind of premarket clearance by the FDA.

And for good reason.

The cost and time alone required to see a product through FDA approval would sound the death knell for this industry. Most supplement products cannot be patented, and there is no incentive for a manufacturer to put its product through this costly and onerous process when any other manufacturer could benefit equally from the fruits of the research and investment.

Finally, we also authorized the FDA to establish good manufacturing practice standards, GMPs, for supplements. Unfortunately, some 12 years later, those GMPs are still in the development stage, even though they were first finalized by the Clinton administration.

Senator HARKIN and I have spent several years trying to free them up, but that is a story for another time.

So, in essence, grandfathered products are assumed to be safe. But, in case some may not be, we inserted in the law a strong safety provision and we also added an "imminent hazard" authority so that FDA can immediately remove from marketing a product it suspects to be unsafe, no questions asked.

In 1994, we had no way of knowing what products would be marketed in the future. But to allay any concerns about the safety of new products, we required all manufacturers to submit information about new ingredients to the FDA before they are marketed. This NDI provision has by and large has worked well. It does allow the FDA premarket review for new products.

The reason I mention this is to explain the regulatory framework we set up in 1994 to help assure supplements are manufactured and marketed safely. We provided the FDA with an arsenal of tools to enforce the law. Some they have used, others not.

Since that time, the industry has grown. By some estimates, it is a $20 billion industry today.

Critics of the industry have decried this growth as a negative development, and they have repeatedly said that the industry is "unregulated." Every time I read that in the paper, or see it on TV, I cringe. And I know Senator HARKIN does as well. For it is simply wrong to suggest the industry is unregulated.

Indeed, under DSHEA, we set out a legal definition of what could be marketed as a dietary supplement. We set out a safety standard that products must have to meet. We allowed the FDA to develop good manufacturing process standards for supplements, and we have repeatedly asked the agency to issue those standards so they can be applied to products as they are being manufactured. We clarified what types of claims could be made about the products and what could not. We said these statements must be truthful and not misleading.

All of these requirements are set out in the law and are to be administered by the regulatory agency, the FDA.

And while the great, great majority of supplement products are used safely, there have been problems with some products. Some of these problems relate to manufacturing. Some relate to labeling.

Critics of supplements attribute any problem which might crop up to the fact that the industry is "unregulated."

As I have proven, the industry is indeed regulated. It is just not regulated in the same fashion as drugs or devices. And it is worth highlighting that this is an industry largely comprised of men and women of good will, who want to provide the public with health enhancing products.

Let me hasten to add that we all recognize there are bad actors in the supplement industry, those who break the law and mislead consumers. They should be subject of swift and sure punishment by the FDA and the Federal Trade Commission, FTC. Their products should be removed from the marketplace and the full weight of the law should be brought down on these bad actors.

It is no secret that the FDA is a woefully underfunded agency, which will be the first to admit that its oversight of the dietary supplement industry is hampered by a lack of resources. For several years, Senator HARKIN and I have worked to rectify that short-coming, and we are gratified that our Utah colleague, Senator BENNETT, chairman of the Agriculture Appropriations Subcommittee, has joined hands with us to infuse some badly needed resources into the FDA.

For those who are new to this body, let me mention that in 1994, the Senate agreed not once, but twice, to approve DSHEA by unanimous consent. The House also passed this bill by UC. It was not controversial.

Members recognized then, as they should now, that supplements are largely safe. But just to make doubly sure there was adequate regulation, we provided the FDA with an arsenal of tools to take action against problematic products.

Then comes ephedra.

I do not think it is a constructive exercise to rehash the history of ephedra. There were mistakes and problems all around in how this product's safety was evaluated and addressed.

But something did stand out: one company had literally hundreds, if not thousands, of reports about products with this product, none of which were revealed to Federal authorities.

There is no question in my mind that the too-long safety evaluation of ephedra would have been shortened considerably had we known earlier about these reports.

Two years ago, I began discussing with those who are interested in dietary supplement regulation whether it would be wise to implement a system of mandatory adverse event reporting, AER, for those products.

While I am reluctant to argue for greater government regulation, in this case it seemed to me a good case could be made that an AER system for supplements could complement the work we achieved with DSHEA and improve the government's ability to address the relatively few problems which arose.

Senator DURBIN and Senator HARKIN were also having similar thoughts.

We joined forces and after much study, discussion and negotiation, produced S. 3546.

It may be surprising to many of our colleagues that Senators HATCH, DURBIN, HARKIN, ENZI and KENNEDY stand together on this legislation—we come from very different perspectives on dietary supplement regulation.

And while we are each very passionate about our views, we are united in a common goal: improving the public health.

The premise for this bill is simple: mandating a system to provide the government with information about serious adverse events associated with the use of two types of FDA-regulated products—dietary supplements and over-the-counter drugs—provides Federal authorities with a better tool to respond to any problems which might occur. This is an important public health initiative, which at the same time safeguards access to dietary supplements and over-the-counter drugs.

There is currently a voluntary reporting system for supplements and some OTC drugs our bill would replace that with a mandatory system.

Senator HARKIN and I have a longstanding interest in regulation of these products; stemming back to our work on DSHEA.

Senator DURBIN, as the former chair of the House Agriculture Appropriations Subcommittee, is one of the most knowledgeable senators in this body when it comes to FDA matters.

Our collaboration on this legislation, along with the distinguished chairman and ranking minority member of the committee of jurisdiction, the Health, Education, Labor and Pensions Committee, both of whom were integral to this process, has produced a bill which strikes the right balance between necessary regulation and over-regulation.

This is how the new system will work:

Manufacturers, packers or distributors of OTC drugs or dietary supplements marketed in the United States must provide to the FDA within 15 business days any reports of a serious adverse event associated with their products. Accompanying that report must be a copy of the label on or within the retail packaging of the supplement.

The definition of serious event is proscribed within the legislation. It is either an event that results in a death, life-threatening experience, inpatient hospitalization, persistent or significant disability or incapacity, or congenital anomaly or birth defect... or it is an event that requires based on reasonable medical judgment a medical or surgical intervention to prevent one of the outcomes I have just listed.

The bill requires that those reporting must, for one year, provide any new medical information related to the serious adverse event report. Again, that information must be submitted within 15 days.

In addition, manufacturers, packers and distributors must keep for 6 years records of any adverse event associated with the product, even though there is no reporting requirement unless the event meets the definition of serious.

For over-the-counter drugs, the definition of "adverse event" is a health-related event associated with the use of a nonprescription drug that is adverse, including: an event occurring from an overdose, whether accidental or intentional; an event occurring from abuse of the drug, or withdrawal from the drug; or any failure of pharmacological action.

For dietary supplements, an "adverse event" means any health-related event associated with the use of a dietary supplement that is adverse.

The reports will be submitted on the current MedWatch form, unless the Secretary of Health and Human Services chooses to modify that form at some point.

The bill makes clear that State health officials may have access to the adverse event reports, but that the Federal reporting system would supersede any state reporting laws.

As we met to develop this legislation, one thing we struggled with was the need to encourage responsible reporting in a way that manufacturers could implement. Some manufacturers indicated to us, for example, that they were not medical experts and could not determine in every case if a reporter's problem met the definition of "serious" contained in the bill.

To address this, we allow manufacturers to contract with third parties to handle the collection of reports. The manufacturers, of course, would still be ultimately responsible for reporting.

Another concern was making certain we appropriately defined the role of retailers, who are selling a range of products, some supplements, some OTCs, some not. We determined that retailers would not be considered reporting parties. If, however, a retailer contracts with manufacturers to distribute "private label" products, they may authorize the manufacturer or packer to submit reports, as long as the retailer directors to the manufacturer all reports it receives.

We also wanted to allow the FDA the flexibility to manage this program. At its request, we made the program self-implementing. We also included a provision to allow the Secretary, after notice and comment from interested parties, to establish an exemption to the reporting requirements if there would be no adverse effect on public health.

Finally, there are provisions in the bill to impose penalties for not reporting, not providing on the product label an address or phone number for reporting, and for providing a false report.

The law will go into effect one year after the date of enactment.

Before I close, I want to address some of the concerns that representatives of the dietary supplement industry have voiced with this legislation.

First, some have suggested there is no need for this legislation from a public policy or a consumer safety perspective. I disagree.

Many have unfairly criticized the industry over media reports that supplements are unsafe because there is no pre-market approval. While I can never support any system that requires pre-market approval for supplements, I have become convinced that having a system in place to identify problems quickly can only enhance the authorities we gave the FDA with DSHEA.

It is also good policy. As the industry matures, we need to separate out the good actors from the bad. This is one way to show that this industry is a respectable, mainstream industry. Other major industries, e.g. pharmaceuticals, devices, are subject to mandatory AER reporting. Supplements are only handled through the voluntary reporting system.

And, I disagree with you those who avow there is no consumer safety benefit. Let's take an easy case—where there is a bad batch of a product. Enabling the FDA to know quickly there is a problem can help industry and the public.

Other critics note that the FDA fails to pursue egregious violations of DSHEA. They question why this program will help. As I discussed earlier, Senator HARKIN and I have been working to increase FDA's funding for responsible enforcement of DSHEA. I have also discussed this with the Commissioner-nominee, Dr. Andrew von Eschenbach, whom I expect we will confirm tomorrow.

I listened carefully to one of my constituents who opposes this effort. He suggested that the FDA's voluntary system, the CAERS system, should be able to handle any reports of problems. Public health experts will agree that a voluntary system is not as good a sentinel as a mandatory system. In addition, those who report under the voluntary system are more likely to be physicians. Encouraging consumers to report to manufacturers through a phone number or address on the product's label will ensure a more thorough reporting system.

Yet another concern I have heard is that this bill has a significant economic impact that has not been studied appropriately. One estimate I have heard is that it could cost tens of millions of dollars a year to industry and consumers.

I have to say that these estimates do not seem to be supported by other industry representatives who already are instituting reporting systems of their own. During the drafting of this bill, we worked very hard to keep requirements to the minimum that would be necessary for a complete and full reporting of serious adverse events.

In addition, I have heard a suggestions that a better alternative to this bill would be a 1-800 number that consumers can use to contact FDA directly to report complaints. I discussed this idea with my colleagues and the FDA and found little support for this idea. What this could do is shift onto FDA the majority of reports about product problems. In other words, FDA fears that consumers would start phoning the agency, rather than the manufacturer, to report complaints for things like broken bottles or tablets, or to answer questions about usage. It is easy to see how this could end up relieving manufacturers of some of their consumer-related responsibilities and shift that onto the FDA.

Let me hasten to add that I understand the motivation behind these concerns. I will keep a close watch on this new program as it is implemented, and pledge to reexamine it should problems of implementation arise.

In closing, I want to thank my colleagues for the spirit of collaboration which led to development of this legislation. In particular, I want to thank Senator DURBIN for his leadership on this issue. While we may not have always agreed on every provision, we did forge a bill on which we can agree. His top-notch staffer, now a distinguished professor, Krista Donahue, worked with us every step of the way.

Senator HARKIN is a steadfast supporter of the dietary supplement industry, and his guidance undoubtedly made this bill a better product. We benefitted greatly from the counsel of his legislative director, Pam Smith, and before her, Peter Reinecke, his former chief of staff. Peter was instrumental in drafting DSHEA as well.

Senator ENZI and Senator KENNEDY, both long-time experts in food and drug law, have both been most generous in their time and in moving the process forward. Chairman ENZI's FDA expert, Amy Muhlberg, helped guide us through this process and was key in our success. Senator KENNEDY's staffer, David Dorsey, once a top FDA. lawyer, was instrumental in the drafting and made countless invaluable suggestions.

I will take this opportunity to thank my own staff—Patti DeLoatche, who always stood for common sense and reason during heated arguments, the elusive Bruce Artim, now a top staffer at Eli Lilley, and of course, Patricia Knight, who helped draft DSHEA with me as well.

Finally, we couldn't have done it without Liz King and Stacey Kern-Scheerer in Legislative Counsel, who patiently produced the 21 drafts leading to the bill today.

I must also note the groups that also support the bill—the Consumer's Union, the Center for Science in the Public Interest, the Consumer Healthcare Products Association, the Natural Products Association, the Council for Responsible Nutrition, the American Herbal Products Association, and finally and most importantly, the Utah Natural Products Association.

That these groups, not often united—at least on this subject—can rally around our bill today is a testament to good policy, good politics, and a surviving bipartisan spirit.

It is my hope the Senate will give swift approval to this bipartisan measure and that the House will shortly thereafter do the same.

Mr. DURBIN. Mr. President, today, the Senate adopted a bipartisan bill that provides the Food and Drug Administration with the tools it needs to help monitor the safety of dietary supplements.

Dietary supplements are safely consumed by millions of Americans every day. I myself take a multivitamin every morning. The vast majority of these supplements do not result in harm to the consumer.

Unfortunately, this is not the case for all supplements. Some cause dangerous health problems: increased blood pressure, heart attack, stroke, seizures and liver failure. Ephedra is the most well-known among these.

Under the Dietary Supplement Heath and Education Act, DSHEA, which passed in 1994, supplement manufacturers are not required to prove their products are safe or effective before they are marketed: supplements are assumed safe until proven unsafe.

The bill we passed today will help the FDA identify products that may be causing harm to consumers.

In 2000, the FDA contracted with the Institute of Medicine at the National Academies of Science to develop a scientific framework for the evaluation of dietary supplements under DSHEA.

IOM's proposals flowed from their first and essential recommendation to Congress: Make adverse event reporting mandatory. They asserted that "adverse event reports have considerable strength as potential warning signals of problems requiring attention, making monitoring by the FDA worthwhile."

Unfortunately, under current law, reporting is voluntary and it is not working. The Office of the Inspector General at the Department of Health and Human Services, HHS, estimated in 2001 that less than 1 percent of all adverse events associated with dietary supplements are reported to the FDA.

My own experience reinforces the need for a mandatory system of reporting. Metabolife told the FDA in February of 1999 that, "Metabolife has never been made aware of any adverse health events by consumers of its products. Metabolife has never received a notice from a consumer that any serious adverse health event has occurred because of ingestion of Metabolife 356."

The Justice Department began investigating the truthfulness of that statement and found that Metabolife was holding 16,500 adverse event reports, including almost 2,000 significant cardiac, neurological and psychiatric reports.

The Dietary Supplement and Nonprescription Drug Consumer Protection Act will prevent this scenario from ever happening again. Manufacturers of over-the-counter drugs and dietary supplements will be required to send these reports to the FDA.

I would like to thank Senators HATCH, HARKIN, ENZI and KENNEDY, who have worked with me for the last 3 years on this important issue.

Mr. FRIST. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 3546), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

PROVIDING FOR CERTAIN LANDS TO BE HELD IN TRUST FOR THE UTU UTU GWAITU PAIUTE TRIBE

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 622, H.R. 854.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 854) to provide for certain lands to be held in trust for the Utu Utu Gwaitu Paiute Tribe.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 854) was read the third time and passed.

WATER RESOURCES RESEARCH ACT AMENDMENTS OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 641, H.R. 4588.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4588) to reauthorize grants for and require applied water supply research regarding the water resources research and technology institutes established under the Water Resources Research Act of 1984.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5213) was agreed to, as follows:

AMENDMENT NO. 5213

(Purpose: To modify provisions relating to scope of research, other activities, and cooperation and coordination)

On page 2, strike line 6 and insert the following:

"(B) the exploration of new ideas that—

"(i) address water problems; or

"(ii) expand understanding of water and water-related phenomena;

On page 3, line 24, strike "and".

On page 4, strike lines 1 and 2 and insert the following:

"(C) advances in water infrastructure and water quality improvements; and

"(D) methods for identifying, and determining the effectiveness of, treatment technologies and efficiencies.".

On page 4, line 5, strike "5" and insert "7.5".

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 4588), as amended, was read the third time and passed.

CLARIFYING CERTAIN LAND USE IN JEFFERSON COUNTY, COLORADO

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 4092, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 4092) to clarify certain land use in Jefferson County, Colorado.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 4092) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 4092

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARIFICATION OF CERTAIN LAND USE IN JEFFERSON COUNTY, COLORADO.

Notwithstanding any applicable State or local land use or condemnation laws or regulations, and subject to all applicable Federal laws and regulations, any person that holds an approved Federal Communications Commission permit to construct or install either a digital television broadcast station antenna or tower, or both, located on Lookout Mountain in Jefferson County in the State of Colorado, may, at such location, construct, install, use, modify, replace, repair, or consolidate such antenna or tower, or both, and all accompanying facilities and services associated with such digital television broadcasts, if such antenna or tower is of the same height or lower than the tallest existing analog broadcast antenna or tower at such location.

AMENDING THE FARM SECURITY AND RURAL INVESTMENT ACT OF 2002

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 4093, introduced earlier today by Senator HARKIN.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 4093) to amend the Farm Security and Rural Investment Act of 2002 to extend a suspension of limitation on the period for which certain borrowers are eligible for guaranteed assistance.

There being no objection, the Senate proceeded to consider the bill.

Mr. HARKIN. Mr. President, today I introduced along with several colleagues legislation that will extend the current waiver of the 15-year term limit on USDA guaranteed loans which will expire on December 31, 2006. Starting January 1, 2007, many producers nationwide will become ineligible for Farm Service Agency, FSA, guaranteed loans. These loan guarantees enable producers to obtain credit to purchase farmland, livestock, feed, seed, farm equipment, and fuel essential to their farming operations. Without the Government guarantee many farmers will be unable to secure operating credit and will be forced out of their livelihood.

The FSA guarantee loan allows lenders to make agricultural credit available to farmers who may not meet the lenders' normal underwriting criteria. Borrowers apply for a guaranteed loan through an agricultural lender who then secures a guarantee from FSA. The guarantee covers up to 95 percent of the loss to the lender of principal and interest on a loan in case of default. Admirably, default rates on these loans are very low at 1.4 percent.

While the 15-year limit on eligibility is intended to graduate producers to commercial credit, we have found that in many cases producers simply are unable to meet lenders' standards without the guarantee. Term limits on guaranteed loans do not adequately take into consideration economic and weather conditions. In recent years, many of America's producers have suffered through high energy costs, droughts and hurricanes. Without this legislation, producers who have suffered through bad years due to these weather and economic conditions will no longer be eligible for loan guarantees they need to continue their operations.

Our bill will extend the term limit waiver until September 30, 2007. This step will help farmers and ranchers nationwide and allow Congress to address term limits on FSA guaranteed loans in the coming farm bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 4093) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 4093

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SUSPENSION OF LIMITATION ON PERIOD FOR WHICH BORROWERS ARE ELIGIBLE FOR GUARANTEED ASSISTANCE.

Section 5102 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1949 note; Public Law 107–171) is amended by striking "December 31, 2006" and inserting "September 30, 2007".

NATIONAL SECURITY WORKING GROUP

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 625 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 625) extending the authority for the Senate National Security Working Group.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 625) was agreed to, as follows:

S. Res. 625

Resolved, That Senate Resolution 105 of the One Hundred First Congress, 1st session (agreed to on April 13, 1989), as amended by Senate Resolution 149 of the One Hundred Third Congress, 1st session (agreed to on October 5, 1993), as further amended by Senate Resolution 75 of the One Hundred Sixth Congress, 1st session (agreed to on March 25, 1999), as further amended by Senate Resolution 383 of the One Hundred Sixth Congress, 2d session (agreed to on October 27, 2000), as further amended by Senate Resolution 355 of the One Hundred Seventh Congress, 2d session (agreed to on November 13, 2002), and as further amended by Senate Resolution 480 of the One Hundred Eighth Congress, 2d session (agreed to November 20, 2004), is further amended in section 4 by striking "2006" and inserting "2008".

DAM SAFETY ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 511, S. 2735.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2735) to amend the National Dam Safety Program Act to reauthorize the national dam safety program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been from the Committee on Environment and Public Works with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Dam Safety Act of 2006".

SEC. 2. NATIONAL DAM INVENTORY.

Section 6 of the National Dam Safety Program Act (33 U.S.C. 467d) is amended to read as follows:

"SEC. 6. NATIONAL DAM INVENTORY.

"(a) IN GENERAL.—The Secretary of the Army, acting through the Chief of Engineers, shall maintain and update information on the inventory of dams in the United States.

"(b) REQUIREMENT.—The inventory of dams described in subsection (a) shall include a summary of the results of any inspection completed by either a Federal agency or a State dam safety agency.".

SEC. 3. NATIONAL DAM SAFETY PROGRAM.

(a) DUTIES.—Section 8(b)(1) of the National Dam Safety Program Act (33 U.S.C. 467f(b)(1)) is amended by striking "and target dates to" and inserting "performance measures, and target dates toward effectively administering this Act in order to".

(b) ASSISTANCE FOR STATE DAM SAFETY PROGRAMS.—Section 8(e)(2)(A) of the National Dam Safety Program Act (33 U.S.C. 467f(e)(2)(A)) is amended—

(1) in the matter preceding clause (i), by striking "substantially";

(2) by redesignating clauses (iv) through (x) as clauses (v) through (xi), respectively;

(3) by inserting after clause (iii) the following:

"(iv) the authority to require or perform periodic evaluations of all dams and reservoirs to determine the extent of the threat to human life and property in case of failure;"; and

(4) in clause (vii) (as redesignated by paragraph (2)), by inserting "install and monitor instrumentation," after "remedial work,".

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

Section 13 of the National Dam Safety Program Act (33 U.S.C. 467j) is amended—

(1) in subsection (a)(1), by striking "$6,000,000 for each of fiscal years 2003 through 2006" and inserting "$8,000,000 for each of fiscal years 2007 through 2011";

(2) in subsection (b), by striking "$500,000 for each fiscal year" and inserting "$1,000,000 for each of fiscal yeats 2007 through 2011";

(3) in subsection (c), by striking "$1,500,000 for each of fiscal years 2003 through 2006" and inserting "$2,000,000 for each of fiscal years 2007 through 2011";

(4) in subsection (d), by striking "$500,000 for each of fiscal years 2003 through 2006" and inserting "$700,000 for each of fiscal years 2007 through 2011"; and

(5) in subsection (e), by striking "$600,000 for each of fiscal years 2003 through 2006" and inserting "$1,000,000 for each of fiscal years 2007 through 2011".

Mr. FRIST. I ask unanimous consent that the amendment at the desk be agreed to, the committee-reported amendment, as amended, be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5214) was agreed to, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. DAM SAFETY.

(a) SHORT TITLE.—This section may be cited as the "Dam Safety Act of 2006".

(b) NATIONAL DAM INVENTORY.—Section 6 of the National Dam Safety Program Act (33 U.S.C. 467d) is amended to read as follows:

"SEC. 6. NATIONAL DAM INVENTORY.

"The Secretary of the Army shall maintain and update information on the inventory of dams in the United States. Such inventory of dams shall include any available information assessing each dam based on inspections completed by either a Federal agency or a State dam safety agency.".

(c) NATIONAL DAM SAFETY PROGRAM.—

(1) DUTIES.—Section 8(b)(1) of the National Dam Safety Program Act (33 U.S.C. 467f(b)(1)) is amended by striking "and target dates to" and inserting "performance measures, and target dates toward effectively administering this Act in order to".

(2) ASSISTANCE FOR STATE DAM SAFETY PROGRAMS.—Section 8(e)(2)(A) of the National Dam Safety Program Act (33 U.S.C. 467f(e)(2)(A)) is amended—

(A) in the matter preceding clause (i), by striking "substantially";

(B) by redesignating clauses (iv) through (x) as clauses (v) through (xi), respectively;

(C) by inserting after clause (iii) the following:

"(iv) the authority to require or perform periodic evaluations of all dams and reservoirs to determine the extent of the threat to human life and property in case of failure;"; and

(D) in clause (vii) (as redesignated by subparagraph (B)), by inserting "install and monitor instrumentation," after "remedial work,".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 13 of the National Dam Safety Program Act (33 U.S.C. 467j) is amended—

(1) in subsection (a)(1), by striking "$6,000,000 for each of fiscal years 2003 through 2006" and inserting "$6,500,000 for fiscal year 2007, $7,100,000 for fiscal year 2008, $7,600,000 for fiscal year 2009, $8,300,000 for fiscal year 2010, and $9,200,000 for fiscal year 2011";

(2) in subsection (b), by striking "$500,000 for each fiscal year" and inserting "$650,000 for fiscal year 2007, $700,000 for fiscal year 2008, $750,000 for fiscal year 2009, $800,000 for fiscal year 2010, and $850,000 for fiscal year 2011";

(3) in subsection (c), by striking "$1,500,000 for each of fiscal years 2003 through 2006" and inserting "$1,600,000 for fiscal year 2007, $1,700,000 for fiscal year 2008, $1,800,000 for fiscal year 2009, $1,900,000 for fiscal year 2010, and $2,000,000 for fiscal year 2011";

(4) in subsection (d), by striking "$500,000 for each of fiscal years 2003 through 2006" and inserting "$550,000 for fiscal year 2007, $600,000 for fiscal year 2008, $650,000 for fiscal year 2009, $700,000 for fiscal year 2010, and $750,000 for fiscal year 2011"; and

(5) in subsection (e), by striking "$600,000 for each of fiscal years 2003 through 2006" and inserting "$700,000 for fiscal year 2007, $800,000 for fiscal year 2008, $900,000 for fiscal year 2009, $1,000,000 for fiscal year 2010, and $1,100,000 for fiscal year 2011".

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 2735), as amended, was ordered to be engrossed for a third reading, read the third time and passed.

POOL AND SPA SAFETY ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 654, S. 3718.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3718) to increase the safety of swimming pools and spas by requiring the use of proper anti-entrapment drain covers and pool and spa drainage systems, by establishing a swimming pool safety grant program administered by the Consumer Product Safety Commission to encourage States to improve their pool and spa safety laws and to educate the public about pool and spa safety, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Pool and Spa Safety Act".

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Federal swimming pool and spa drain cover standard.
Sec. 4. State swimming pool safety grant program.
Sec. 5. Minimum State law requirements.
Sec. 6. Education program.
Sec. 7. Definitions.
Sec. 8. CPSC report.

SEC. 2. FINDINGS.

The Congress finds that—

(1) of injury-related deaths, drowning is the second leading cause of death in children aged 1 to 14 in the United States;

(2) many children die due to pool and spa drowning and entrapment, such as Virginia Graeme Baker, who at age 7 drowned by entrapment in a residential spa;

(3) in 2003, 782 children ages 14 and under died as a result of unintentional drowning;

(4) adult supervision at all aquatic venues is a critical safety factor in preventing children from drowning; and

(5) research studies show that the installation and proper use of barriers or fencing, as well as additional layers of protection, could substantially reduce the number of childhood residential swimming pool drownings and near drownings.

SEC. 3. FEDERAL SWIMMING POOL AND SPA DRAIN COVER STANDARD.

(a) Consumer Product Safety Rule.—The provisions of subsection (b) shall be considered to be a consumer product safety rule issued by the Consumer Product Safety Commission under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058).

(b) Drain Cover Standard.—Effective 1 year after the date of enactment of this Act, each swimming pool or spa drain cover manufactured, distributed, or entered into commerce in the United States shall conform to the entrapment protection standards of the ASME/ANSI A112.19.8 performance standard, or any successor standard regulating the same.

SEC. 4. STATE SWIMMING POOL SAFETY GRANT PROGRAM.

(a) In General.—Subject to the availability of appropriations authorized by subsection (e), the Commission shall establish a grant program to provide assistance to eligible States.

(b) Eligibility.—To be eligible for a grant under the program, a State shall—

(1) demonstrate to the satisfaction of the Commission that it has a State statute, or that, after the date of enactment of this Act, it has enacted a statute, or amended an existing statute, and provides for the enforcement of, a law that—

(A) except as provided in section 5(a)(1)(A)(i), applies to all swimming pools in the State; and

(B) meets the minimum State law requirements of section 5; and

(2) submit an application to the Commission at such time, in such form, and containing such additional information as the Commission may require.

(c) Amount of Grant.—The Commission shall determine the amount of a grant awarded under this Act, and shall consider—

(1) the population and relative enforcement needs of each qualifying State; and

(2) allocation of grant funds in a manner designed to provide the maximum benefit from the program in terms of protecting children from drowning or entrapment, and, in making that allocation, shall give priority to States that have not received a grant under this Act in a preceding fiscal year.

(d) Use of Grant Funds.—A State receiving a grant under this section shall use—

(1) at least 50 percent of amount made available to hire and train enforcement personnel for implementation and enforcement of standards under the State swimming pool and spa safety law; and

(2) the remainder—

(A) to educate pool construction and installation companies and pool service companies about the standards;

(B) to educate pool owners, pool operators, and other members of the public about the standards under the swimming pool and spa safety law and about the prevention of drowning or entrapment of children using swimming pools and spas; and

(C) to defray administrative costs associated with such training and education programs.

(e) Authorization of Appropriations.—There are authorized to be appropriated to the Commission for each of fiscal years 2008 through 2012 $10,000,000 to carry out this section, such sums to remain available until expended.

SEC. 5. MINIMUM STATE LAW REQUIREMENTS.

(a) In General.—

(1) Safety Standards.—A State meets the minimum State law requirements of this section if—

(A) the State requires by statute—

(i) the enclosure of all residential pools and spas by barriers to entry that will effectively prevent small children from gaining unsupervised and unfettered access to the pool or spa;

(ii) that all pools and spas be equipped with devices and systems designed to prevent entrapment by pool or spa drains;

(iii) that pools and spas built more than 1 year after the date of enactment of such statute have—

(I) more than 1 drain;

(II) 1 or more unblockable drains; or

(III) no main drain; and

(iv) every swimming pool and spa that has a main drain, other than an unblockable drain, be equipped with a drain cover that meets the consumer product safety standard established by section 3; and

(B) the State meets such additional State law requirements for pools and spas as the Commission may establish after public notice and a 30-day public comment period.

(2) Use of Minimum State Law Requirements.—The Commission—

(A) shall use the minimum State law requirements under paragraph (1) solely for the purpose of determining the eligibility of a State for a grant under section 4 of this Act; and

(B) may not enforce any requirement under paragraph (1) except for the purpose of determining the eligibility of a State for a grant under section 4 of this Act.

(3) Requirements to Reflect National Performance Standards and Commission Guidelines.—In establishing minimum State law requirements under paragraph (1), the Commission shall—

(A) consider current or revised national performance standards on pool and spa barrier protection and entrapment prevention; and

(B) ensure that any such requirements are consistent with the guidelines contained in the Commission's publication 362, entitled "Safety Barrier Guidelines for Home Pools", the Commission's publication entitled "Guidelines for Entrapment Hazards: Making Pools and Spas Safer", and any other pool safety guidelines established by the Commission.

(b) Standards.—Nothing in this section prevents the Commission from promulgating standards regulating pool and spa safety or from relying on an applicable national performance standard.

(c) Basic Access-Related Safety Devices and Equipment Requirements To Be Considered.—In establishing minimum State law requirements for swimming pools and spas under subsection (a)(1), the Commission shall consider the following requirements:

(1) Covers.—A safety pool cover.

(2) Gates.—A gate with direct access to the swimming pool that is equipped with a self-closing, self-latching device.

(3) Doors.—Any door with direct access to the swimming pool that is equipped with an audible alert device or alarm which sounds when the door is opened.

(4) Pool alarm.—A device designed to provide rapid detection of an entry into the water of a swimming pool or spa.

(d) Entrapment, Entanglement, and Evisceration Prevention Standards To Be Required.—

(1) In general.—In establishing additional minimum State law requirements for swimming pools and spas under subsection (a)(1), the Commission shall require, at a minimum, 1 or more of the following (except for pools constructed without a single main drain):

(A) Safety vacuum release system.—A safety vacuum release system which ceases operation of the pump, reverses the circulation flow, or otherwise provides a vacuum release at a suction outlet when a blockage is detected, that has been tested by an independent third party and found to conform to ASME/ANSI standard A112.19.17 or ASTM standard F2387.

(B) Suction-limiting vent system.—A suction-limiting vent system with a tamper-resistant atmospheric opening.

(C) Gravity drainage system.—A gravity drainage system that utilizes a collector tank.

(D) Automatic pump shut-off system.—An automatic pump shut-off system.

(E) Drain disablement.—A device or system that disables the drain.

(F) Other systems.—Any other system determined by the Commission to be equally effective as, or better than, the systems described in subparagraphs (A) through (E) of this paragraph at preventing or eliminating the risk of injury or death associated with pool drainage systems.

(2) Applicable standards.—Any device or system described in subparagraphs (B) through (E) of paragraph (1) shall meet the requirements of any ASME/ANSI or ASTM performance standard if there is such a standard for such a device or system, or any applicable consumer product safety standard.

SEC. 6. EDUCATION PROGRAM.

(a) In General.—The Commission shall establish and carry out an education program to inform the public of methods to prevent drowning and entrapment in swimming pools and spas. In carrying out the program, the Commission shall develop—

(1) educational materials designed for pool manufacturers, pool service companies, and pool supply retail outlets;

(2) educational materials designed for pool owners and operators; and

(3) a national media campaign to promote awareness of pool and spa safety.

(b) Authorization of Appropriations.—There are authorized to be appropriated to the

Commission for each of fiscal years 2008 through 2012 $5,000,000 to carry out the education program authorized by subsection (a).

SEC. 7. DEFINITIONS.

In this Act:

(1) ASME/ANSI STANDARD.—The term "ASME/ANSI standard" means a safety standard accredited by the American National Standards Institute and published by the American Society of Mechanical Engineers.

(2) ASTM STANDARD.—The term "ASTM standard" means a safety standard issued by ASTM International, formerly known as the American Society for Testing and Materials.

(3) BARRIER.—The term "barrier" includes a natural or constructed topographical feature that prevents unpermitted access by children to a swimming pool, and, with respect to a hot tub, a lockable cover.

(4) COMMISSION.—The term "Commission" means the Consumer Product Safety Commission.

(5) MAIN DRAIN.—The term "main drain" means a submerged suction outlet typically located at the bottom of a pool or spa to conduct water to a re-circulating pump.

(6) SAFETY VACUUM RELEASE SYSTEM.—The term "safety vacuum release system" means a vacuum release system capable of providing vacuum release at a suction outlet caused by a high vacuum occurrence due to a suction outlet flow blockage.

(7) UNBLOCKABLE DRAIN.—The term "unblockable drain" means a drain of any size and shape that a human body cannot sufficiently block to create a suction entrapment hazard.

(8) SWIMMING POOL; SPA.—The term "swimming pool" or "spa" means any outdoor or indoor structure intended for swimming or recreational bathing, including in-ground and above-ground structures, and includes hot tubs, spas, portable spas, and non-portable wading pools.

SEC. 8. CPSC REPORT.

Within 1 year after the close of each fiscal year for which grants are made under section 4, the Commission shall submit a report to the Congress evaluating the effectiveness of the grant program authorized by that section.

Mr. FRIST. I ask unanimous consent that the committee-reported amendment be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 3718), as amended, was ordered to be engrossed for a third reading, read the third time and passed.

IRAQ RECONSTRUCTION ACCOUNTABILITY ACT OF 2006

The PRESIDING OFFICER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 666, S. 4046.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 4046) to extend oversight and accountability related to United States reconstruction funds and efforts in Iraq by extending the termination date of the Office of the Special Inspector General for Iraq Reconstruction.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 4046) was ordered to be engrossed for a third reading, read the third time and passed, as follows:

S. 4046

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Iraq Reconstruction Accountability Act of 2006".

SEC. 2. MODIFICATION OF THE TERMINATION DATE FOR THE OFFICE OF THE SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION.

Section 3001(o) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1238; 5 U.S.C. App., note to section 8G of Public Law 95–452), as amended by section 1054(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364), is amended to read as follows:

"(o) TERMINATION.—(1)(A) The Office of the Inspector General shall terminate 10 months after 80 percent of the funds appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund have been expended.

"(B) For purposes of calculating the termination of the Office of the Inspector General under this subsection, any United States funds appropriated or otherwise made available for fiscal year 2006 for the reconstruction of Iraq, irrespective of the designation of such funds, shall be deemed to be amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund.

"(2) The Special Inspector General for Iraq Reconstruction shall, prior to the termination of the Office of the Special Inspector General under paragraph (1), prepare a final forensic audit report on all funds deemed to be amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund.".

HONORING THE LIFE AND WORK OF WILLIAM WILBERFORCE

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate proceed to the consideration of S. Res. 613.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 613) honoring the life and work of William Wilberforce and commemorating the 200th anniversary of the abolition of the slave trade in Great Britain.

There being no objection, the Senate proceeded to the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 613) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 613

Whereas William Wilberforce, born August 25, 1759, used his position as a Member of Parliament in the House of Commons to stop the slave trade in Great Britain, proclaiming, "I [will] never rest until I have effected [slavery's] abolition.";

Whereas William Wilberforce displayed remarkable perserverance in answering the call of social justice and fought the slave trade in Great Britain and slavery itself for 46 years, despite the national and personal financial interests aligned against him, the public criticism and slander he endured, and the stress and pain placed on his family;

Whereas William Wilberforce rested his political career on the ideals of stewardship, respect for the rights of others, advancing the views of others, and promoting the happiness of others, and proclaimed, "Let every one . . . regulate his conduct by the golden rule . . . and the path of duty will be clear before him.";

Whereas William Wilberforce defended the rights of slaves who had no voice in the legislature of Great Britain and committed himself to sweeping social reform in his country;

Whereas William Wilberforce joined with Sir Thomas Fowell Buxton, Thomas Clarkson, Olaudah Equiano, Harriet Martineau, Hannah More, and other great abolitionists in Great Britain;

Whereas William Wilberforce inspired abolitionists in the United States, including William Lloyd Garrison, John Greenleaf Whittier, Ralph Waldo Emerson, Henry David Thoreau, and Harriet Beecher Stowe;

Whereas William Wilberforce also influenced John Quincy Adams, James Monroe, John Jay, Abraham Lincoln, and Benjamin Franklin, along with many leaders in the African-American community, among them William Wells Brown, Paul Cuffe, and Benjamin Hughes;

Whereas Frederick Douglass said, "it was the faithful, persistent and enduring enthusiasm of . . . William Wilberforce . . . and [his] noble co-workers, that finally thawed the British heart into sympathy for the slave, and moved the strong arm of the government in mercy to put an end to his bondage."; and

Whereas March 25, 2007 marks the 200th anniversary of the abolition of the slave trade in Great Britain: Now, therefore, be it

Resolved, That the Senate—

(1) honors the life and work of William Wilberforce; and

(2) commemorates the 200th anniversary of the abolition of the slave trade in Great Britain and its impact on similar efforts in the United States.

SUPPORTING THE STATE OF NEW YORK TO DEVELOP THE NATIONAL PURPLE HEART HALL OF HONOR

Mr. FRIST. Mr. President, I ask unanimous consent that the Armed

Services Committee be discharged from further consideration of H. Con. Res 419 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res 419) recognizing and supporting the efforts of the State of New York to develop the National Purple Heart Hall of Honor in New Windsor, New York, and for other purposes.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 419) was agreed to.

The preamble was agreed to.

RECOGNIZING THE ACCOMPLISHMENT OF THE AMERICAN COUNCIL OF YOUNG POLITICAL LEADERS

Mr. FRIST. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration and the Senate proceed to the immediate consideration of H. Con. Res 430.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 430) recognizing the accomplishments of the American Council of Young Political Leaders for providing 40 years of international exchange programs, increasing international dialogue, and enhancing global understanding, and commemorating its 40th anniversary.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the concurrent resolution be agreed to, the preamble, as amended, be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5215) was agreed to, as follows:

AMENDMENT NO. 5215

On page 3, in the third whereas clause, strike "during the hostilities" and insert "following the massacre"

The concurrent resolution (H. Con. Res. 430) was agreed to.

The preamble, as amended, was agreed to.

AMENDING THE WOOL PRODUCTS LABELING ACT OF 1939

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Commerce be discharged from further consideration of H.R. 4583 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4583) to amend the Wool Products Labeling Act of 1939 to revise the requirements for labeling of certain wool and cashmere products.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The bill (H.R. 4583) was ordered to a third reading, was read the third time, and passed.

ESTABLISHING AN INTERAGENCY AEROSPACE REVITALIZATION TASK FORCE

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Commerce be discharged from further consideration of H.R. 758 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 758) to establish an interagency aerospace revitalization task force to develop a national strategy for aerospace workforce recruitment, training, and cultivation.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 758) was ordered to a third reading, was read the third time, and passed.

NURSING RELIEF FOR DISADVANTAGED AREAS REAUTHORIZATION ACT OF 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 1285 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1285) to extend for 3 years changes to requirements for admission of non-immigrant nurses in health professional shortage areas made by the Nursing Relief for Disadvantaged Areas Act of 1999.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, without intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1285) was ordered to a third reading, was read the third time, and passed.

PROVIDING FOR COMPENSATORY TIME OFF FOR TRAVEL

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be discharged from further consideration of S. 1876 and H.R. 4057, and that the Senate proceed to their immediate consideration en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I ask unanimous consent that the amendment that is at the desk be agreed to, that the bills, as amended, if amended, be passed, the motions to reconsider be laid upon the table, and that any statements relating to the measures be printed in the RECORD en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5216) was agreed to, as follows:

(Purpose: To revise the description of a certain citation)

In section 1, strike subsection (a) and insert the following:

(a) IN GENERAL.—Attorneys employed by the Department of Justice (including assistant United States attorneys) shall be eligible for compensatory time off for travel under section 5550b of title 5, United States Code, without regard to any provision of section 115 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(1) of Public Law 106-113 and reenacted by section 111 of the Department of Justice Appropriations Act, 2001 (as enacted into law by appendix B of Public Law 106-553)).

The bill (S. 1876) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

The bill (H.R. 4057) was ordered to a third reading, was read the third time, and passed.

SECURE ACCESS TO JUSTICE AND COURT PROTECTION ACT OF 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 1751 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1751) to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, it has been a difficult struggle to pass a measure to improve court security. It should not have been. This bill should have been enacted months ago with bipartisan support. I thank the Democratic leader, Senator REID, the Senate Judiciary chairman, Senator SPECTER, and the assistant Democratic leader, Senator DURBIN, for their leadership and hard work in finally passing the Court Security Improvement Act of 2006, to increase protections for the dedicated women and men throughout the Judiciary in this country.

I hope the House of Representatives will take up and pass this measure. By so doing, they can bring to fruition before the end of this Congress our efforts to provide increased security, an effort that gained new urgency after the tragedy that befell Judge Joan Lefkow of Chicago. She is the Federal judge whose mother and husband were murdered in their home. As we heard in her courageous testimony in May 2005 before the Judiciary Committee, this tragedy provided a terrible reminder not only of the vulnerable position of our judges and their families, but of the critical importance of protecting judges both where they work and where they and their families live. The shooting last summer of a State judge in Nevada provided another terrible reminder of the vulnerable position of our Nation's State and Federal judges. We cannot tolerate or excuse or justify violence or the threat of violence against judges.

It is most unfortunate that some in this country have chosen to use dangerous and irresponsible rhetoric when talking about judges, comparing judges to terrorists and threatening judges with punishment for decisions they do not like. This rhetoric can only foster unacceptable violence against judges and it must stop, for the sake of our judges and the independence of the judiciary. Judicial fairness and independence are essential if we are to maintain our freedoms. Let no one say things that might bring about further threats against our judges. We ought to be protecting them physically and institutionally. Easy rhetorical pot shots put judges in real danger.

The bill that passes today is a consensus, bipartisan bill. I hope it is a model for what we can achieve with bipartisan cooperation in the 110th Congress. Its core provisions, which previously passed the Senate in June as part of the managers' package of the John Warner National Defense Authorization Act for Fiscal Year 2007, S. 2766, come from S. 1968, the streamlined Court Security Improvement Act of 2005, CSIA, which Chairman SPECTER and I introduced last November.

The bill responds to requests by the Federal judiciary for a greater voice in working with the United States Marshals Service to determine their security needs. It enacts new criminal penalties for the misuse of restricted personal information to harm or threaten to harm Federal judges, their families or other individuals performing official duties. It enacts criminal penalties for threatening Federal judges and Federal law enforcement officials by the malicious filing of false liens, and provides increased protections for witnesses. The bill also contains provisions making available to states new resources to improve security for State and local court systems as well as providing additional protections for law enforcement officers. In particular, I thank Chairman SPECTER for agreeing to include in the bill an extension of life insurance benefits to bankruptcy, magistrate and territorial judges.

Finally, the bill contains provisions that have passed the Senate several times extending and expanding to family members the authority of the Judicial Conference to redact certain information from a Federal judge's mandatory financial disclosure. This expired redaction authority was used in circumstances in which the release of the information could endanger the filer or the filer's family. I hope that the House of Representatives finally takes up and passes this much needed extension and expansion of redaction authority.

We owe it to our judges to better protect them and their families from violence and to ensure they have the peace of mind necessary to do their vital and difficult jobs.

Mr. FRIST. Mr. President, I ask unanimous consent that the Specter substitute amendment that is at the desk be agreed to; that the bill, as amended, be read a third time, passed, the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5217) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The amendment was ordered to be engrossed and the bill to be read a third time. The bill (H.R. 1751), as amended, was read the third time and passed.

ESTHER MARTINEZ NATIVE AMERICAN LANGUAGES PRESERVATION ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be discharged from further consideration of H.R. 4766 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will read the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4766) to amend the Native American Programs Act of 1974 to provide for the revitalization of Native American languages through Native American language immersion programs, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statement relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4766) was ordered to a third reading, was read the third time, and passed.

CALL HOME ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Commerce be discharged from further consideration of S. 2653 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will read the bill by title.

The legislative clerk read as follows:

A bill (S. 2653) to direct the Federal Communications Commission to make efforts to reduce telephone rates for Armed Forces personnel deployed overseas.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the Stevens amendment that is at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5218) was agreed to, as follows:

At the appropriate place, insert the following:

SEC. ___. PUBLIC SAFETY INTEROPERABLE COMMUNICATIONS GRANTS.

Pursuant to section 3006 of Public Law 109-171 (47 U.S.C. 309 note), the Assistant Secretary for Communications and Information of the Department of Commerce, in consultation with the Secretary of the Department of

Homeland Security, shall award no less than $1,000,000,000 for public safety interoperable communications grants no later than September 30, 2007 subject to the receipt of qualified applications as determined by the Assistant Secretary.

The bill (S. 2653) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

MARINE MAMMAL PROTECTION ACT AMENDMENTS OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Commerce be discharged from further consideration of H.R. 4075 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4075) to amend the Marine Mammal Protection Act of 1972, to provide for better understanding and protection of marine mammals, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the bill, as amended, be read the third time and passed, the title amendment be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5220) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The amendment (No. 5221) was agreed to as follows:

Amend the title so as to read "An Act to amend the Marine Mammal Protection Act of 1972 in order to implement the Agreement on the Conservation and Management of the Alaska-Chukotka Polar Bear Population.".

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 4075), as amended, was read the third time and passed.

EXTENDING AUTHORITY TO THE SECRETARY OF THE ARMY

Mr. FRIST. Mr. President, I ask unanimous consent for the immediate consideration of H.R. 6316 which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6316) to extend through December 31, 2008 the authority of the Secretary of the Army to accept and extend funds contributed by non-Federal public entities to expedite the processing of permits.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent the bill be read the third time and passed, a motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6316) was ordered to a third reading, was read the third time, and passed.

CREATING OPPORTUNITIES FOR MINOR LEAGUE PROFESSIONALS, ENTERTAINERS, AND TEAMS THROUGH LEGAL ENTRY ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 3821 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3821) to authorize certain athletes to be admitted temporarily into the United States to compete or perform in an athletic league, competition, or performance.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I ask unanimous consent that a Collins amendment at the desk be agreed to; the bill, as amended, be read the third time and passed, a motion to reconsider be laid upon the table with no intervening action or debate, and that any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5223) was agreed to as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as either the "Creating Opportunities for Minor League Professionals, Entertainers, and Teams through Legal Entry Act of 2006" or the "COMPETE Act of 2006".

SEC. 2. NONIMMIGRANT ALIEN STATUS FOR CERTAIN ATHLETES.

(a) IN GENERAL.—Section 214(c)(4)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(4)(A)) is amended by striking clauses (i) and (ii) and inserting the following:

"(i)(I) performs as an athlete, individually or as part of a group or team, at an internationally recognized level of performance;

"(II) is a professional athlete, as defined in section 204(i)(2);

"(III) performs as an athlete, or as a coach, as part of a team or franchise that is located in the United States and a member of a foreign league or association of 15 or more amateur sports teams, if—

"(aa) the foreign league or association is the highest level of amateur performance of that sport in the relevant foreign country;

"(bb) participation in such league or association renders players ineligible, whether on a temporary or permanent basis, to earn a scholarship in, or participate in, that sport at a college or university in the United States under the rules of the National Collegiate Athletic Association; and

"(cc) a significant number of the individuals who play in such league or association are drafted by a major sports league or a minor league affiliate of such a sports league; or

"(IV) is a professional athlete or amateur athlete who performs individually or as part of a group in a theatrical ice skating production; and

"(ii) seeks to enter the United States temporarily and solely for the purpose of performing—

"(I) as such an athlete with respect to a specific athletic competition; or

"(II) in the case of an individual described in clause (i)(IV), in a specific theatrical ice skating production or tour.".

(b) LIMITATION.—Section 214(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(4)) is amended by adding at the end the following:

"(F)(i) No nonimmigrant visa under section 101(a)(15)(P)(i)(a) shall be issued to any alien who is a national of a country that is a state sponsor of international terrorism unless the Secretary of State determines, in consultation with the Secretary of Homeland Security and the heads of other appropriate United States agencies, that such alien does not pose a threat to the safety, national security, or national interest of the United States. In making a determination under this subparagraph, the Secretary of State shall apply standards developed by the Secretary of State, in consultation with the Secretary of Homeland Security and the heads of other appropriate United States agencies, that are applicable to the nationals of such states.

"(ii) In this subparagraph, the term 'state sponsor of international terrorism' means any country the government of which has been determined by the Secretary of State under any of the laws specified in clause (iii) to have repeatedly provided support for acts of international terrorism.

"(iii) The laws specified in this clause are the following:

"(I) Section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)) (or successor statute).

"(II) Section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)).

"(III) Section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)).".

(c) PETITIONS FOR MULTIPLE ALIENS.—Section 214(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(4)), as amended by subsection (b), is further amended by adding at the end the following:

"(G) The Secretary of Homeland Security shall permit a petition under this subsection to seek classification of more than 1 alien as a nonimmigrant under section 101(a)(15)(P)(i)(a).".

(d) RELATIONSHIP TO OTHER PROVISIONS OF THE IMMIGRATION AND NATIONALITY ACT.—Section 214(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(4)), as amended by subsections (b) and (c), is further amended by adding at the end the following:

"(H) The Secretary of Homeland Security shall permit an athlete, or the employer of an athlete, to seek admission to the United States for such athlete under a provision of this Act other than section 101(a)(15)(P)(i) if the athlete is eligible under such other provision.".

The bill (S. 3821) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

ADMONISHING THE STATEMENTS MADE BY PRESIDENT HUGO CHAVEZ AT THE UNITED NATIONS GENERAL ASSEMBLY

EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD PROMOTE THE ADOPTION OF A RESOLUTION PROTECTING LIVING RESOURCES OF THE HIGH SEAS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration and the Senate proceed to the immediate consideration of S. Res. 607 and S. Res. 610 en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolutions by title.

The legislative clerk read as follows:

A resolution (S. Res. 607) admonishing the statements made by President Hugo Chavez at the United Nations General Assembly on September 20, 2006, and the undemocratic actions of President Chavez.

A resolution (S. Res. 610) expressing the sense of the Senate that the United States should promote the adoption of, and the United Nations should adopt, a resolution at its October meeting to protect the living resources of the high seas from destructive, illegal, unreported, and unregulated fishing practices.

There being no objection, the Senate proceeded to consider the resolutions.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be laid upon the table, all en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 607) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 607

Whereas President Chavez referred to the President of the United States as "the devil", and referred to the President as "the spokesman of imperialism" for the efforts of the United States to aid the citizens of Afghanistan and Iraq in the goal of those citizens to create a permanent and viable representative government;

Whereas President Chavez made unsubstantiated claims that the United States had set in motion a coup in Venezuela on April 11, 2002, and continues to support coup attempts in Venezuela and elsewhere;

Whereas, to consolidate his powers, President Chavez—

(1) continues to weaken the separation of powers and democratic institutions of the Government of Venezuela;

(2) survived a recall vote in August 2004 through questionably undemocratic actions;

(3) decreed that all private property deemed "not in productive use" will be confiscated by the Government of Venezuela and redistributed to third parties;

(4) enacted a media responsibility law that—

(A) placed restrictions on broadcast media coverage; and

(B) imposed severe penalties for violators of that law;

(5) used other legal methods to silence media outlets that criticized his government; and

(6) changed the penal code of Venezuela—

(A) to restrict the rights of freedom of expression and freedom of association once enjoyed by the citizens of Venezuela; and

(B) to increase jail terms for those convicted of criticizing the government of that country;

Whereas, in an effort to destabilize the democratic governments of other countries in that region, President Chavez continues to support anti-democratic forces in Colombia, Ecuador, Peru, and Nicaragua, as well as radical and extremist parties in those countries;

Whereas President Chavez has repeatedly stated his desire to unite Latin America to serve as a buffer against the people and interests of the United States;

Whereas President Chavez has aligned himself with countries that are classified by the Department of State as state sponsors of terrorism; and

Whereas President Chavez has developed a close relationship with the totalitarian regime in Cuba, led by Fidel Castro, and has also associated himself with other authoritarian leaders, including Kim Jong Il of North Korea and Mahmoud Ahmadinejad in Iran: Now, therefore, be it

Resolved, That the Senate condemns—

(1) the statements made by President Hugo Chavez at the United Nations General Assembly on September 20, 2006; and

(2) the undemocratic actions of President Chavez.

The resolution (S. Res. 610) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 610

Whereas it is of paramount importance to the United States and all nations to ensure the protection, conservation, and sustainable management of high seas living marine resources;

Whereas fisheries of the high seas annually generate hundreds of millions of dollars in economic activity and support thousands of jobs in the United States and its territories as well as nations throughout the world;

Whereas the high seas constitute a globally significant reservoir of marine biodiversity, and compounds derived from organisms found on the high seas show promise for the treatment of deadly diseases such as cancer and asthma;

Whereas the United Nations Food and Agriculture Organization reports that a growing number of high seas fish stocks important to the United States and the world are overfished or depleted;

Whereas the United Nations has called for urgent action to address the impact of high seas fishing practices that have adverse impacts on vulnerable marine species and habitats;

Whereas destructive, illegal, unreported, and unregulated fishing by vessels flying non-United States flags threatens high seas fisheries and the habitats that support them;

Whereas nations whose fleets conduct destructive, illegal, unreported, and unregulated high seas fishing enjoy an unfair competitive advantage over United States fishermen, who must comply with the rigorous conservation and management requirements of the Magnuson Stevens Fishery Conservation and Management Act and other laws in order to conserve exhaustible natural resources; and

Whereas international cooperation is necessary to address destructive, illegal, unreported, and unregulated fishing which harms the sustainability of high seas living marine resources and the United States fishing industry: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States should continue to demonstrate international leadership and responsibility regarding the conservation and sustainable use of high seas living marine resources by vigorously promoting the adoption of a resolution at this year's 61st session of the United Nations General Assembly calling on all nations to protect vulnerable marine habitats by prohibiting their vessels from engaging in destructive fishing activity in areas of the high seas where there are no applicable conservation or management measures or in areas with no applicable international fishery management organization or agreement, until such time as conservation and management measures consistent with the Magnuson-Stevens Act, the United Nations Fish Stocks Agreement, and other relevant instruments are adopted and implemented to regulate such vessels and fisheries; and

(2) the United States calls upon the member nations of the United Nations to adopt a resolution at its October meeting to protect the living resources of the high seas from destructive, illegal, unreported, and unregulated fishing practices.

CONSUMER ASSURANCE OF RADIOLOGIC EXCELLENCE ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 668, S. 2322.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2322) to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

There being no objection, the Senate proceed to consider the bill which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

S. 2322

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the "Consumer Assurance of Radiologic Excellence Act of 2006".

[SEC. 2. PURPOSE.

[The purpose of this Act is to improve the quality and value of healthcare by increasing the safety and accuracy of medical imaging examinations and radiation therapy treatments, thereby reducing duplication of services and decreasing costs.

[SEC. 3. QUALITY OF MEDICAL IMAGING AND RADIATION THERAPY.

[Part F of title III of the Public Health Service Act (42 U.S.C. 262 et seq.) is amended by adding at the end the following:

[“Subpart 4—Medical Imaging and Radiation Therapy

[“SEC. 355. QUALITY OF MEDICAL IMAGING AND RADIATION THERAPY.

[“(a) ESTABLISHMENT OF STANDARDS.—

[“(1) IN GENERAL.—The Secretary, in consultation with recognized experts in the technical provision of medical imaging and radiation therapy services, shall establish standards to ensure the safety and accuracy of medical imaging studies and radiation therapy treatments. Such standards shall pertain to the personnel who perform, plan, evaluate, or verify patient dose for medical imaging studies and radiation therapy procedures and not to the equipment used.

[“(2) EXPERTS.—The Secretary shall select expert advisers under paragraph (1) to reflect a broad and balanced input from all sectors of the health care community that are involved in the provision of such services to avoid undue influence from any single sector of practice on the content of such standards.

[“(3) LIMITATION.—The Secretary shall not take any action under this subsection that would require licensure by a State of those who provide the technical services referred to in this subsection.

[“(b) EXEMPTIONS.—The standards established under subsection (a) shall not apply to physicians (as defined in section 1861(r) of the Social Security Act (42 U.S.C. 1395x(r))), nurse practitioners and physician assistants (as defined in section 1861(aa)(5) of the Social Security Act (42 U.S.C. 1395x(aa)(5))).

[“(c) REQUIREMENTS.—

[“(1) IN GENERAL.—Under the standards established under subsection (a), the Secretary shall ensure that individuals, prior to performing or planning medical imaging and radiation therapy services, demonstrate compliance with the standards established under subsection (a) through successful completion of certification by a professional organization, licensure, completion of an examination, pertinent coursework or degree program, verified pertinent experience, or through other ways determined appropriate by the Secretary, or through some combination thereof.

[“(2) MISCELLANEOUS PROVISIONS.—The standards established under subsection (a)—

[“(A) may vary from discipline to discipline, reflecting the unique and specialized nature of the technical services provided, and shall represent expert consensus as to what constitutes excellence in practice and be appropriate to the particular scope of care involved;

[“(B) may vary in form for each of the covered disciplines; and

[“(C) may exempt individual providers from meeting certain standards based on their scope of practice.

[“(3) RECOGNITION OF INDIVIDUALS WITH EXTENSIVE PRACTICAL EXPERIENCE.—For purposes of this section, the Secretary shall, through regulation, provide a method for the recognition of individuals whose training or experience are determined to be equal to, or in excess of, those of a graduate of an accredited educational program in that specialty, or of an individual who is regularly eligible to take the licensure or certification examination for that discipline.

[“(d) APPROVED BODIES.—

[“(1) IN GENERAL.—Not later than the date described in subsection (j)(2), the Secretary shall begin to certify qualified entities as approved bodies with respect to the accreditation of the various mechanisms by which an individual can demonstrate compliance with the standards promulgated under subsection (a), if such organizations or agencies meet the standards established by the Secretary under paragraph (2) and provide the assurances required under paragraph (3).

[“(2) STANDARDS.—The Secretary shall establish minimum standards for the certification of approved bodies under paragraph (1) (including standards for recordkeeping, the approval of curricula and instructors, the charging of reasonable fees for certification or for undertaking examinations, and standards to minimize the possibility of conflicts of interest), and other additional standards as the Secretary may require.

[“(3) ASSURANCES.—To be certified as an approved body under paragraph (1), an organization or agency shall provide the Secretary satisfactory assurances that the body will—

[“(A) be a nonprofit organization;

[“(B) comply with the standards described in paragraph (2);

[“(C) notify the Secretary in a timely manner if the body fails to comply with the standards described in paragraph (2); and

[“(D) provide such other information as the Secretary may require.

[“(4) WITHDRAWAL OF APPROVAL.—

[“(A) IN GENERAL.—The Secretary may withdraw the certification of an approved body if the Secretary determines the body does not meet the standards under paragraph (2).

[“(B). EFFECT OF WITHDRAWAL.—The withdrawal of the certification of an approved body under subparagraph (A) shall have no effect on the certification status of any individual or person that was certified by that approved body prior to the date of such withdrawal.

[“(e) EXISTING STATE STANDARDS.—Standards established by a State for the licensure or certification of personnel, accreditation of educational programs, or administration of examinations shall be deemed to be in compliance with the standards of this section unless the Secretary determines that such State standards do not meet the minimum standards prescribed by the Secretary or are inconsistent, with the purposes of this section.

[“(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit a State or other approved body from requiring compliance with a higher standard of education and training than that specified by this section.

[“(g) EVALUATION AND REPORT.—The Secretary shall periodically evaluate the performance of each approved body under subsection (d) at an interval determined appropriate by the Secretary. The results of such evaluations shall be included as part of the report submitted to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives in accordance with 354(e)(6)(B).

[“(h) DELIVERY OF AND PAYMENT FOR SERVICES.—Not later than the date described in subsection (j)(3), the Secretary shall promulgate regulations to ensure that all programs under the authority of the Secretary that involve the performance of or payment for medical imaging or radiation therapy, are performed in accordance with the standards established under this section.

[“(i) ALTERNATIVE STANDARDS FOR RURAL AND UNDERSERVED AREAS.—The Secretary shall determine whether the standards established under subsection (a) must be met in their entirety for medical imaging or radiation therapy that is performed in a geographic area that is determined by the Medicare Geographic Classification Review Board to be a ‘rural area’ or that is designated as a health professional shortage area. If the Secretary determines that alternative standards for such rural areas or health professional shortage areas are appropriate to assure access to quality medical imaging, the Secretary is authorized to develop such alternative standards.

[“(j) APPLICABLE TIMELINES.—

[“(1) GENERAL IMPLEMENTATION REGULATIONS.—Not later than 18 months after the date of enactment of this section, the Secretary shall promulgate such regulations as may be necessary to implement all standards in this section except those provided for in subsection (d)(2).

[“(2) MINIMUM STANDARDS FOR CERTIFICATION OF APPROVED BODIES.—Not later than 24 months after the date of enactment of this section, the Secretary shall establish the standards regarding approved bodies referred to in subsection (d)(2) and begin certifying approved bodies under such subsection.

[“(3) REGULATIONS FOR DELIVERY OF OR PAYMENT FOR SERVICES.—Not later than 36 months after the date of enactment of this section, the Secretary shall promulgate the regulations described in subsection (h). The Secretary may withhold the provision of Federal assistance as provided for in subsection (h) beginning on the date that is 48 months after the date of enactment of this section.

[“(k) DEFINITIONS.—In this section:

[“(1) APPROVED BODY.—The term ‘approved body’ means an entity that has been certified by the Secretary under subsection (d)(1) to accredit the various mechanisms by which an individual can demonstrate compliance with the standards promulgated under subsection (a) with respect to performing, planning, evaluating, or verifying patient dose for medical imaging or radiation therapy.

[“(2) MEDICAL IMAGING.—The term ‘medical imaging’ means any procedure used to visualize tissues, organs, or physiologic processes in humans for the purpose of diagnosing illness or following the progression of disease. Images may be produced utilizing ionizing radiation, radiopharmaceuticals, magnetic resonance, or ultrasound and image production may include the use of contrast media or computer processing. For purposes of this section, such term does not include routine dental diagnostic procedures.

[“(3) PERFORM.—The term ‘perform’, with respect to medical imaging or radiation therapy, means—

[“(A) the act of directly exposing a patient to radiation via ionizing or radio frequency radiation, to ultrasound, or to a magnetic field for purposes of medical imaging or for purposes of radiation therapy; and

[“(B) the act of positioning a patient to receive such an exposure.

[“(4) PLAN.—The term ‘plan’, with respect to medical imaging or radiation therapy, means the act of preparing for the performance of such a procedure to a patient by evaluating site-specific information, based on measurement and verification of radiation dose distribution, computer analysis, or direct measurement of dose, in order to customize the procedure for the patient.

[“(5) RADIATION THERAPY.—The term ‘radiation therapy’ means any procedure or article intended for use in the cure, mitigation, treatment, or prevention of disease in humans that achieves its intended purpose through the emission of radiation.".

[SEC. 4. REPORT ON THE EFFECTS OF THIS ACT.

[(a) Not later than 5 years after the date of enactment of this Act, the Secretary of Health and Human Services, acting through the Director of the Agency for Healthcare Research and Quality, shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the effects of this Act. Such report shall include the types and numbers of providers for whom standards have been developed, the impact of such standards on diagnostic accuracy and patient safety, and the availability and cost of services. Entities reimbursed for technical services through programs operating under the authority of the Secretary of Health and Human Services shall be required to contribute data to such report.]

SECTION 1. SHORT TITLE.

This Act may be cited as the "Consumer Assurance of Radiologic Excellence Act of 2006".

SEC. 2. PURPOSE.

The purpose of this Act is to improve the quality and value of healthcare by increasing the safety and accuracy of medical imaging examinations and radiation therapy treatments, thereby reducing duplication of services and decreasing costs.

SEC. 3. QUALITY OF MEDICAL IMAGING AND RADIATION THERAPY.

Part F of title III of the Public Health Service Act (42 U.S.C. 262 et seq.) is amended by adding at the end the following:

"Subpart 4—Medical Imaging and Radiation Therapy

"SEC. 355. QUALITY OF MEDICAL IMAGING AND RADIATION THERAPY.

"(a) ESTABLISHMENT OF STANDARDS.—

"(1) IN GENERAL.—The Secretary, in consultation with recognized experts in the technical provision of medical imaging and radiation therapy services, shall establish standards to ensure the safety and accuracy of medical imaging studies and radiation therapy treatments. Such standards shall pertain to the personnel who perform, plan, evaluate, or verify patient dose for medical imaging studies and radiation therapy procedures and not to the equipment used.

"(2) EXPERTS.—The Secretary shall select expert advisers under paragraph (1) to reflect a broad and balanced input from all sectors of the health care community that are involved in the provision of such services to avoid undue influence from any single sector of practice on the content of such standards.

"(3) LIMITATION.—The Secretary shall not take any action under this subsection that would require licensure by a State of those who provide the technical services referred to in this subsection.

"(b) EXEMPTIONS.—The standards established under subsection (a) shall not apply to physicians (as defined in section 1861(r) of the Social Security Act (42 U.S.C. 1395x(r))), nurse practitioners and physician assistants (as defined in section 1861(aa)(5) of the Social Security Act (42 U.S.C. 1395x(aa)(5))).

"(c) REQUIREMENTS.—

"(1) IN GENERAL.—Under the standards established under subsection (a), the Secretary shall ensure that individuals, prior to performing or planning medical imaging and radiation therapy services, demonstrate compliance with the standards established under subsection (a) through successful completion of certification by a professional organization, licensure, completion of an examination, pertinent coursework or degree program, verified pertinent experience, or through other ways determined appropriate by the Secretary, or through some combination thereof.

"(2) MISCELLANEOUS PROVISIONS.—The standards established under subsection (a)—

"(A) may vary from discipline to discipline, reflecting the unique and specialized nature of the technical services provided, and shall represent expert consensus as to what constitutes excellence in practice and be appropriate to the particular scope of care involved;

"(B) may vary in form for each of the covered disciplines; and

"(C) may exempt individual providers from meeting certain standards based on their scope of practice.

"(3) RECOGNITION OF INDIVIDUALS WITH EXTENSIVE PRACTICAL EXPERIENCE.—For purposes of this section, the Secretary shall, through regulation, provide a method for the recognition of individuals whose training or experience are determined to be equal to, or in excess of, those of a graduate of an accredited educational program in that specialty, or of an individual who is regularly eligible to take the licensure or certification examination for that discipline.

"(d) APPROVED BODIES.—

"(1) IN GENERAL.—Not later than the date described in subsection (j)(2), the Secretary shall begin to certify qualified entities as approved bodies with respect to the accreditation of the various mechanisms by which an individual can demonstrate compliance with the standards promulgated under subsection (a), if such organizations or agencies meet the standards established by the Secretary under paragraph (2) and provide the assurances required under paragraph (3).

"(2) STANDARDS.—The Secretary shall establish minimum standards for the certification of approved bodies under paragraph (1) (including standards for recordkeeping, the approval of curricula and instructors, the charging of reasonable fees for certification or for undertaking examinations, and standards to minimize the possibility of conflicts of interest), and other additional standards as the Secretary may require.

"(3) ASSURANCES.—To be certified as an approved body under paragraph (1), an organization or agency shall provide the Secretary satisfactory assurances that the body will—

"(A) be a nonprofit organization;

"(B) comply with the standards described in paragraph (2);

"(C) notify the Secretary in a timely manner if the body fails to comply with the standards described in paragraph (2); and

"(D) provide such other information as the Secretary may require.

"(4) WITHDRAWAL OF APPROVAL.—

"(A) IN GENERAL.—The Secretary may withdraw the certification of an approved body if the Secretary determines the body does not meet the standards under paragraph (2).

"(B) EFFECT OF WITHDRAWAL.—The withdrawal of the certification of an approved body under subparagraph (A) shall have no effect on the certification status of any individual or person that was certified by that approved body prior to the date of such withdrawal.

"(e) EXISTING STATE STANDARDS.—Standards established by a State for the licensure or certification of personnel, accreditation of educational programs, or administration of examinations shall be deemed to be in compliance with the standards of this section unless the Secretary determines that such State standards do not meet the minimum standards prescribed by the Secretary or are inconsistent with the purposes of this section. The Secretary shall establish a process by which a State may respond to or appeal a determination made by the Secretary under the preceding sentence.

"(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit a State or other approved body from requiring compliance with a higher standard of education and training than that specified by this section. Notwithstanding any other provision of this section, individuals who provide medical imaging services relating to mammograms shall continue to meet the standards applicable under the Mammography Quality Standards Act of 1992.

"(g) EVALUATION AND REPORT.—The Secretary shall periodically evaluate the performance of each approved body under subsection (d) at an interval determined appropriate by the Secretary. The results of such evaluations shall be included as part of the report submitted to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives in accordance with 354(e)(6)(B).

"(h) DELIVERY OF AND PAYMENT FOR SERVICES.—Not later than the date described in subsection (j)(3), the Secretary shall promulgate regulations to ensure that all programs under the authority of the Secretary that involve the performance of or payment for medical imaging or radiation therapy, are performed in accordance with the standards established under this section.

"(i) ALTERNATIVE STANDARDS FOR RURAL AND UNDERSERVED AREAS.—

"(1) IN GENERAL.—The Secretary shall determine whether the standards established under subsection (a) must be met in their entirety for medical imaging or radiation therapy that is performed in a geographic area that is determined by the Medicare Geographic Classification Review Board to be a 'rural area' or that is designated as a health professional shortage area. If the Secretary determines that alternative standards for such rural areas or health professional shortage areas are appropriate to assure access to quality medical imaging, the Secretary is authorized to develop such alternative standards.

"(2) STATE DISCRETION.—The chief executive officer of a State may submit to the Secretary a statement declaring that an alternative standard developed under paragraph (1) is inappropriate for application to such State, and such alternative standard shall not apply in such submitting State. The chief executive officer of a State may rescind a statement described in this paragraph following the provision of appropriate notice to the Secretary.

"(j) APPLICABLE TIMELINES.—

"(1) GENERAL IMPLEMENTATION REGULATIONS.—Not later than 18 months after the date of enactment of this section, the Secretary shall promulgate such regulations as may be necessary to implement all standards in this section except those provided for in subsection (d)(2).

"(2) MINIMUM STANDARDS FOR CERTIFICATION OF APPROVED BODIES.—Not later than 24 months after the date of enactment of this section, the Secretary shall establish the standards regarding approved bodies referred to in subsection (d)(2) and begin certifying approved bodies under such subsection.

"(3) REGULATIONS FOR DELIVERY OF OR PAYMENT FOR SERVICES.—Not later than 36 months after the date of enactment of this section, the Secretary shall promulgate the regulations described in subsection (h). The Secretary may withhold the provision of Federal assistance as provided for in subsection (h) beginning on the date that is 48 months after the date of enactment of this section.

"(k) DEFINITIONS.—In this section:

"(1) APPROVED BODY.—The term 'approved body' means an entity that has been certified by the Secretary under subsection (d)(1) to accredit the various mechanisms by which an individual can demonstrate compliance with the standards promulgated under subsection (a) with respect to performing, planning, evaluating, or

verifying patient dose for medical imaging or radiation therapy.

"(2) MEDICAL IMAGING.—The term 'medical imaging' means any procedure used to visualize tissues, organs, or physiologic processes in humans for the purpose of diagnosing illness or following the progression of disease. Images may be produced utilizing ionizing radiation, radiopharmaceuticals, magnetic resonance, or ultrasound and image production may include the use of contrast media or computer processing. For purposes of this section, such term does not include routine dental diagnostic procedures.

"(3) PERFORM.—The term 'perform', with respect to medical imaging or radiation therapy, means—

"(A) the act of directly exposing a patient to radiation via ionizing or radio frequency radiation, to ultrasound, or to a magnetic field for purposes of medical imaging or for purposes of radiation therapy; and

"(B) the act of positioning a patient to receive such an exposure.

"(4) PLAN.—The term 'plan', with respect to medical imaging or radiation therapy, means the act of preparing for the performance of such a procedure to a patient by evaluating site-specific information, based on measurement and verification of radiation dose distribution, computer analysis, or direct measurement of dose, in order to customize the procedure for the patient.

"(5) RADIATION THERAPY.—The term 'radiation therapy' means any procedure or article intended for use in the cure, mitigation, treatment, or prevention of disease in humans that achieves its intended purpose through the emission of radiation.

"(l) SUNSET.—This section shall have no force or effect after September 30, 2016.".

SEC. 4. REPORT ON THE EFFECTS OF THIS ACT.

(a) Not later than 5 years after the date of enactment of this Act, the Secretary of Health and Human Services, acting through the Director of the Agency for Healthcare Research and Quality, shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the effects of this Act. Such report shall include the types and numbers of providers for whom standards have been developed, the impact of such standards on diagnostic accuracy and patient safety, and the availability and cost of services. Entities reimbursed for technical services through programs operating under the authority of the Secretary of Health and Human Services shall be required to contribute data to such report.

Mr. FRIST. I ask unanimous consent the committee-reported amendment be agreed to, the bill as amended be read a third time and passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2322) was ordered to be engrossed for a third reading, was read the third time, and passed.

NATIONAL INTEGRATED DROUGHT INFORMATION SYSTEM ACT OF 2006

Mr. FRIST. I ask unanimous consent the Committee on Commerce be discharged from further consideration of H.R. 5136 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5136) to establish a National Integrated Drought Information System within the National Oceanic and Atmospheric Administration to improve drought monitoring and forecasting capabilities.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5136) was ordered to a third reading, was read the third time, and passed.

REAUTHORIZING THE EXPORT-IMPORT BANK OF THE UNITED STATES

Mr. FRIST. I ask unanimous consent the Chair now lay before the Senate the House measure to accompany S. 3938.

The Chair laid before the Senate the following message from the House of Representatives:

S. 3938

Resolved, That the bill from the Senate (S. 3938) entitled "An Act to reauthorize the Export-Import Bank of the United States.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Export-Import Bank Reauthorization Act of 2006".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Extension of authority.
Sec. 3. Sub-Saharan Africa Advisory Committee.
Sec. 4. Extension of authority to provide financing for the export of nonlethal defense articles or services the primary end use of which will be for civilian purposes.
Sec. 5. Designation of sensitive commercial sectors and products.
Sec. 6. Increasing exports by small business.
Sec. 7. Anti-circumvention.
Sec. 8. Transparency.
Sec. 9. Aggregate loan, guarantee, and insurance authority.
Sec. 10. Tied aid credit program.
Sec. 11. Prohibition on assistance to develop or promote certain railway connections and railway-related connections.
Sec. 12. Process for notifying applicants of application status; implementation of Ex-Im Online.
Sec. 13. Competitiveness initiatives.
Sec. 14. Office of financing for socially and economically disadvantaged small business concerns and small business concerns owned by women.
Sec. 15. Governance.
Sec. 16. Sense of Congress regarding multi-buyer insurance and capital guarantee programs.
Sec. 17. Sense of Congress regarding office of renewable energy promotion.
Sec. 18. Environmental matters.
Sec. 19. Government Accountability Office study of bank performance standards for assistance to small businesses, especially those owned by social and economically disadvantaged individuals and those owned by women.
Sec. 20. Reports.
Sec. 21. Study of how Export-Import Bank could assist United States exporters to meet import needs of new or impoverished democracies; report.

SEC. 2. EXTENSION OF AUTHORITY.

Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) is amended by striking "2006" and inserting "2011".

SEC. 3. SUB-SAHARAN AFRICA ADVISORY COMMITTEE.

(a) EXTENSION OF AUTHORITY.—Section 2(b)(9)(B)(iii) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(9)(B)(iii)) is amended by striking "2006" and inserting "2011".

(b) IMPROVED LIAISON WITH AFRICAN REGIONAL FINANCIAL INSTITUTIONS.—

(1) MASTER GUARANTEE AGREEMENTS.—Within 1 year after the date of the enactment of this Act, the Export-Import Bank of the United States shall seek to ensure that there is in effect a contract between each approved lender in Africa and the Bank, which sets forth the Bank's guarantee undertakings and related obligations between the Bank and each lender.

(2) REPORT ON WORKING RELATIONSHIPS WITH THE AFRICAN DEVELOPMENT BANK, THE AFRICAN EXPORT-IMPORT BANK, AND OTHER INSTITUTIONS.—Section 2(b)(9) of such Act (12 U.S.C. 635(b)(9)) is amended by adding at the end the following:

"(C) The Bank shall include in the annual report to the Congress submitted under section 8(a) a separate section that contains a report on the efforts of the Bank to—

"(i) improve its working relationships with the African Development Bank, the African Export-Import Bank, and other institutions in the region that are relevant to the purposes of subparagraph (A) of this paragraph; and

"(ii) coordinate closely with the United States Foreign Service and Foreign Commercial Service, and with the overall strategy of the United States Government for economic engagement with Africa pursuant to the African Growth and Opportunity Act.".

(c) INCREASING THE NUMBER OF QUALIFIED AFRICAN ENTITIES.—Section 2(b)(9) of such Act (12 U.S.C. 635(b)(9)), as amended by subsection (b), is amended by adding at the end the following:

"(D) Consistent with the requirement that the Bank obtain a reasonable assurance of repayment in connection with each transaction the Bank supports, the Bank shall, in consultation with the entities described in subparagraph (C), seek to qualify a greater number of appropriate African entities for participation in programs of the Bank.".

SEC. 4. EXTENSION OF AUTHORITY TO PROVIDE FINANCING FOR THE EXPORT OF NONLETHAL DEFENSE ARTICLES OR SERVICES THE PRIMARY END USE OF WHICH WILL BE FOR CIVILIAN PURPOSES.

Section 1(c) of Public Law 103–428 (12 U.S.C. 635 note; 108 Stat. 4376) is amended by striking "2001" and inserting "2011".

SEC. 5. DESIGNATION OF SENSITIVE COMMERCIAL SECTORS AND PRODUCTS.

Section 2(e) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(e)) is amended by adding at the end the following new paragraph:

"(5) DESIGNATION OF SENSITIVE COMMERCIAL SECTORS AND PRODUCTS.—Not later than 120 days after the date of the enactment of this Act,

the Bank shall submit a list to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, which designates sensitive commercial sectors and products with respect to which the provision of financing support by the Bank is deemed unlikely by the President of the Bank due to the significant potential for a determination that such financing support would result in an adverse economic impact on the United States. The President of the Bank shall review on an annual basis thereafter the list of sensitive commercial sectors and products and the Bank shall submit an updated list to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives of such sectors and products.''.

SEC. 6. INCREASING EXPORTS BY SMALL BUSINESS.

(a) IN GENERAL.—Section 3 of the Export-Import Bank Act of 1945 (12 U.S.C. 635a) is amended by adding at the end the following:

''(f) SMALL BUSINESS DIVISION.—

''(1) ESTABLISHMENT.—There is established a Small Business Division (in this subsection referred to as the 'Division') within the Bank in order to—

''(A) carry out the provisions of subparagraphs (E) and (I) of section 2(b)(1) relating to outreach, feedback, product improvement, and transaction advocacy for small business concerns (as defined in section 3(a) of the Small Business Act);

''(B) advise and seek feedback from small business concerns on the opportunities and benefits for small business concerns in the financing products offered by the Bank, with particular emphasis on conducting outreach, enhancing the tailoring of products to small business needs and increasing loans to small business concerns;

''(C) maintain liaison with the Small Business Administration and other departments and agencies in matters affecting small business concerns; and

''(D) provide oversight of the development, implementation, and operation of technology improvements to strengthen small business outreach, including the technology improvement required by section 2(b)(1)(E)(x).

''(2) MANAGEMENT.—The President of the Bank shall appoint an officer, who shall rank not lower than senior vice president and whose sole executive function shall be to manage the Division. The officer shall—

''(A) have substantial recent experience in financing exports by small business concerns; and

''(B) advise the Board, particularly the director appointed under section 3(c)(8)(B) to represent the interests of small business, on matters of interest to, and concern for, small business.

''(g) SMALL BUSINESS SPECIALISTS.—

''(1) DEDICATED PERSONNEL.—The President of the Bank shall ensure that each operating division within the Bank has staff that specializes in processing transactions that primarily benefit small business concerns (as defined in section 3(a) of the Small Business Act).

''(2) RESPONSIBILITIES.—The small business specialists shall be involved in all aspects of processing applications for loans, guarantees, and insurance to support exports by small business concerns, including the approval or disapproval, or staff recommendations of approval or disapproval, as applicable, of such applications. In carrying out these responsibilities, the small business specialists shall consider the unique business requirements of small businesses and shall develop exporter performance criteria tailored to small business exporters.

''(3) APPROVAL AUTHORITY.—In an effort to maximize the speed and efficiency with which the Bank processes transactions primarily benefitting small business concerns, the small business specialists shall be authorized to approve applications for working capital loans and guarantees, and insurance in accordance with policies and procedures established by the Board. It is the sense of Congress that the policies and procedures should not prohibit, where appropriate, small business specialists from approving applications for working capital loans and guarantees, and for insurance, in support of exports which have a value of less than $10,000,000.

''(4) IDENTIFICATION.—The Bank shall prominently identify the small business specialists on its website and in promotional material.

''(5) EMPLOYEE EVALUATIONS.—The evaluation of staff designated by the President of the Bank under paragraph (1), including annual reviews of performance of duties related to transactions in support of exports by small business concerns, and any resulting recommendations for salary adjustments, promotions, and other personnel actions, shall address the criteria established pursuant to subsection (h)(2)(B)(iii) and shall be conducted by the manager of the relevant operating division following consultation with the officer appointed to manage the Small Business Division pursuant to subsection (f)(2).

''(6) STAFF RECOMMENDATIONS.—Staff recommendations of denial or withdrawal for medium-term applications, exporter held multi-buyer policies, single buyer policies, and working capital applications processed by the Bank shall be transmitted to the officer appointed to manage the Small Business Division pursuant to subsection (f)(2) not later than 2 business days before a final decision.

''(7) RULE OF INTERPRETATION.—Nothing in this Act shall be construed to prevent the delegation to the Division of any authority necessary to carry out subparagraphs (E) and (I) of section 2(b)(1).

''(h) SMALL BUSINESS COMMITTEE.—

''(1) ESTABLISHMENT.—There is established a management committee to be known as the 'Small Business Committee'.

''(2) PURPOSE AND DUTIES.—

''(A) PURPOSE.—The purpose of the Small Business Committee shall be to coordinate the Bank's initiatives and policies with respect to small business concerns (as defined in section 3(a) of the Small Business Act), including the timely processing and underwriting of transactions involving direct exports by small business concerns, and the development and coordination of efforts to implement new or enhanced Bank products and services pertaining to small business concerns.

''(B) DUTIES.—The duties of the Small Business Committee shall be determined by the President of the Bank and shall include the following:

''(i) Assisting in the development of the Bank's small business strategic plans, including the Bank's plans for carrying out section 2(b)(1)(E) (v) and (x), and measuring and reporting in writing to the President of the Bank, at least once a year, on the Bank's progress in achieving the goals set forth in the plans.

''(ii) Evaluating and reporting in writing to the President of the Bank, at least once a year, with respect to—

''(I) the performance of each operating division of the Bank in serving small business concerns;

''(II) the impact of processing and underwriting standards on transactions involving direct exports by small business concerns; and

''(III) the adequacy of the staffing and resources of the Small Business Division.

''(iii) Establishing criteria for evaluating the performance of staff designated by the President of the Bank under subsection (g)(1).

''(iv) Coordinating the provision of services with other United States Government departments and agencies to small business concerns.

''(3) COMPOSITION.—

''(A) CHAIRPERSON.—The Chairperson of the Small Business Committee shall be the officer appointed to manage the Small Business Division pursuant to subsection (f)(2). The Chairperson shall have the authority to call meetings of the Small Business Committee, set the agenda for Committee meetings, and request policy recommendations from the Committee's members.

''(B) OTHER MEMBERS.—Except as otherwise provided in this subsection, the President of the Bank shall determine the composition of the Small Business Committee, and shall appoint or remove the members of the Small Business Committee. In making such appointments, the President of the Bank shall ensure that the Small Business Committee is comprised of—

''(i) the senior managing officers responsible for underwriting and processing transactions; and

''(ii) other officers and employees of the Bank with responsibility for outreach to small business concerns and underwriting and processing transactions that involve small business concerns.

''(4) REPORTING.—The Chairperson shall provide to the President of the Bank minutes of each meeting of the Small Business Committee, including any recommendations by the Committee or its individual members.''.

(b) ENHANCE DELEGATED LOAN AUTHORITY FOR MEDIUM TERM TRANSACTIONS.—

(1) IN GENERAL.—The Export-Import Bank of the United States shall seek to expand the exercise of authority under section 2(b)(1)(E)(vii) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(E)(vii)) with respect to medium term transactions for small business concerns.

(2) CONFORMING AMENDMENT.—Section 2(b)(1)(E)(vii)(III) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(E)(vii)(III)) is amended by inserting ''or other financing institutions or entities'' after ''consortia''.

(3) DEADLINE.—Not later than 180 days after the date of the enactment of this Act, the Export-Import Bank of the United States shall make available lines of credit and guarantees to carry out section 2(b)(1)(E)(vii) of the Export-Import Bank Act of 1945 pursuant to policies and procedures established by the Board of Directors of the Export-Import Bank of the United States.

SEC. 7. ANTI-CIRCUMVENTION.

Section 2(e) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(e)), as amended by section 5 of this Act, is amended—

(1) by inserting after paragraph (1), the following flush paragraph:

''In making the determination under subparagraph (B), the Bank shall determine whether the facility that would benefit from the extension of a credit or guarantee is reasonably likely to produce a commodity in addition to, or other than, the commodity specified in the application and whether the production of the additional commodity may cause substantial injury to United States producers of the same, or a similar or competing, commodity.'';

(2) in paragraph (2), by adding at the end the following:

''(E) ANTI-CIRCUMVENTION.—The Bank shall not provide a loan or guarantee if the Bank determines that providing the loan or guarantee will facilitate circumvention of an order or determination referred to in subparagraph (A).''; and

(3) by adding at the end the following:

''(6) FINANCIAL THRESHOLD DETERMINATIONS.—For purposes of determining whether a

proposed transaction exceeds a financial threshold under this subsection or under the procedures or rules of the Bank, the Bank shall aggregate the dollar amount of the proposed transaction and the dollar amounts of all loans and guarantees, approved by the Bank in the preceding 24-month period, that involved the same foreign entity and substantially the same product to be produced.".

SEC. 8. TRANSPARENCY.

(a) IN GENERAL.—Section 2(e) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(e)), as amended by sections 5 and 7 of this Act, is amended by adding at the end the following:

"(7) PROCEDURES TO REDUCE ADVERSE EFFECTS OF LOANS AND GUARANTEES ON INDUSTRIES AND EMPLOYMENT IN UNITED STATES.—

"(A) CONSIDERATION OF ECONOMIC EFFECTS OF PROPOSED TRANSACTIONS.—If, in making a determination under this paragraph with respect to a loan or guarantee, the Bank conducts a detailed economic impact analysis or similar study, the analysis or study, as the case may be, shall include consideration of—

"(i) the factors set forth in subparagraphs (A) and (B) of paragraph (1); and

"(ii) the views of the public and interested parties.

"(B) NOTICE AND COMMENT REQUIREMENTS.—

"(i) IN GENERAL.—If, in making a determination under this subsection with respect to a loan or guarantee, the Bank intends to conduct a detailed economic impact analysis or similar study, the Bank shall publish in the Federal Register a notice of the intent, and provide a period of not less than 14 days (which, on request by any affected party, shall be extended to a period of not more than 30 days) for the submission to the Bank of comments on the economic effects of the provision of the loan or guarantee, including comments on the factors set forth in subparagraphs (A) and (B) of paragraph (1). In addition, the Bank shall seek comments on the economic effects from the Department of Commerce, the Office of Management and Budget, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives.

"(ii) CONTENT OF NOTICE.—The notice shall include appropriate, nonproprietary information about—

"(I) the country to which the goods involved in the transaction will be shipped;

"(II) the type of goods being exported;

"(III) the amount of the loan or guarantee involved;

"(IV) the goods that would be produced as a result of the provision of the loan or guarantee;

"(V) the amount of increased production that will result from the transaction;

"(VI) the potential sales market for the resulting goods; and

"(VII) the value of the transaction.

"(iii) PROCEDURE REGARDING MATERIALLY CHANGED APPLICATIONS.—

"(I) IN GENERAL.—If a material change is made to an application for a loan or guarantee from the Bank after a notice with respect to the intent described in clause (i) is published under this subparagraph, the Bank shall publish in the Federal Register a revised notice of the intent, and shall provide for a comment period, as provided in clauses (i) and (ii).

"(II) MATERIAL CHANGE DEFINED.—As used in subclause (I), the term 'material change', with respect to an application, includes—

"(aa) a change of at least 25 percent in the amount of a loan or guarantee requested in the application; and

"(bb) a change in the principal product to be produced as a result of any transaction that would be facilitated by the provision of the loan or guarantee.

"(C) REQUIREMENT TO ADDRESS VIEWS OF ADVERSELY AFFECTED PERSONS.—Before taking final action on an application for a loan or guarantee to which this section applies, the staff of the Bank shall provide in writing to the Board of Directors the views of any person who submitted comments pursuant to subparagraph (B).

"(D) PUBLICATION OF CONCLUSIONS.—Within 30 days after a party affected by a final decision of the Board of Directors with respect to a loan or guarantee makes a written request therefor, the Bank shall provide to the affected party a non-confidential summary of the facts found and conclusions reached in any detailed economic impact analysis or similar study conducted pursuant to subparagraph (B) with respect to the loan or guarantee, that were submitted to the Board of Directors.

"(E) RULE OF INTERPRETATION.—This paragraph shall not be construed to make subchapter II of chapter 5 of title 5, United States Code, applicable to the Bank.

"(F) REGULATIONS.—The Bank shall implement such regulations and procedures as may be appropriate to carry out this paragraph.".

(b) CONFORMING AMENDMENT.—Section 2(e)(2)(C) of such Act (12 U.S.C. 635(e)(2)(C)) is amended by inserting "of not less than 14 days (which, on request of any affected party, shall be extended to a period of not more than 30 days)" after "comment period".

SEC. 9. AGGREGATE LOAN, GUARANTEE, AND INSURANCE AUTHORITY.

Subparagraph (E) of section 6(a)(2) of the Export-Import Bank Act of 1945 (12 U.S.C. 635e(a)(2)) is amended to read as follows:

"(E) during fiscal year 2006, and each fiscal year thereafter through fiscal year 2011,".

SEC. 10. TIED AID CREDIT PROGRAM.

(a) IN GENERAL.—Section 10(b)(5)(B)(ii) of the Export-Import Bank Act of 1945 (12 U.S.C. 635i-3(b)(5)(B)(ii)) is amended to read as follows:

"(ii) PROCESS.—In handling individual applications involving the use or potential use of the Tied Aid Credit Fund the following process shall exclusively apply pursuant to subparagraph (A):

"(I) The Bank shall process an application for tied aid in accordance with the principles and standards developed pursuant to subparagraph (A) and clause (i) of this subparagraph.

"(II) Twenty days prior to the scheduled meeting of the Board of Directors at which an application will be considered (unless the Bank determines that an earlier discussion is appropriate based on the facts of a particular financing), the Bank shall brief the Secretary on the application and deliver to the Secretary such documents, information, or data as may reasonably be necessary to permit the Secretary to review the application to determine if the application complies with the principles and standards developed pursuant to subparagraph (A) and clause (i) of this subparagraph.

"(III) The Secretary may request a single postponement of the consideration by the Board of Directors of the application for up to 14 days to allow the Secretary to submit to the Board of Directors a memorandum objecting to the application.

"(IV) Case-by-case decisions on whether to approve the use of the Tied Aid Credit Fund shall be made by the Board of Directors, except that the approval of the Board of Directors (or a commitment letter based on that approval) shall not become final (except as provided in subclause (V)), if the Secretary indicates to the President of the Bank in writing the Secretary's intention to appeal the decision of the Board of Directors to the President of the United States and makes the appeal in writing not later than 20 days after the meeting at which the Board of Directors considered the application.

"(V) The Bank shall not grant final approval of an application for any tied aid credit (or a commitment letter based on that approval) if the President of the United States, after consulting with the President of the Bank and the Secretary, determines within 30 days of an appeal by the Secretary under subclause (IV) that the extension of the tied aid credit would materially impede achieving the purposes described in subsection (a)(6). If no such Presidential determination is made during the 30-day period, the approval by the Bank of the application (or related commitment letter) that was the subject of such appeal shall become final.".

(b) CLARIFICATION OF USE OF TIED AID CREDIT FUND TO MATCH.—Section 10 of the Export-Import Bank Act of 1945 (12 U.S.C. 635i-3) is amended—

(1) in subsection (a), in paragraph (6)—

(A) in the matter preceding subparagraph (A), by inserting ", including those that are not a party to the Arrangement," after "countries";

(B) in subparagraph (B), by adding "and" at the end; and

(C) by inserting after subparagraph (B) the following:

"(C) promoting compliance with Arrangement rules among foreign export credit agencies that are not a party to the Arrangement;"; and

(2) in subsection (b), in paragraph (5)(B)—

(A) in clause (i)—

(i) in subclause (I), by striking "and" and by inserting ", and to seek compliance by those countries that are not a party to the Arrangement" before the period; and

(ii) in subclause (III), by adding at the end the following: "In cases where information about a specific offer of foreign tied aid (or untied aid used to promote exports as if it were tied aid) is not available in a timely manner, or is unavailable because the foreign export credit agency involved is not subject to the reporting requirements under the Arrangement, then the Bank may decide to use the Tied Aid Credit Fund based on credible evidence of a history of such offers under similar circumstances or other forms of credible evidence.".

SEC. 11. PROHIBITION ON ASSISTANCE TO DEVELOP OR PROMOTE CERTAIN RAILWAY CONNECTIONS AND RAILWAY-RELATED CONNECTIONS.

Section 2(b) of the Export-Import Act of 1945 (12 U.S.C. 635(b)) is amended by adding at the end the following new paragraph:

"(13) PROHIBITION ON ASSISTANCE TO DEVELOP OR PROMOTE CERTAIN RAILWAY CONNECTIONS AND RAILWAY-RELATED CONNECTIONS.—The Bank shall not guarantee, insure, or extend (or participate in the extension of) credit in connection with the export of any good or service relating to the development or promotion of any railway connection or railway-related connection that does not traverse or connect with Armenia and does traverse or connect Baku, Azerbaijan, Tbilisi, Georgia, and Kars, Turkey.".

SEC. 12. PROCESS FOR NOTIFYING APPLICANTS OF APPLICATION STATUS; IMPLEMENTATION OF EX-IM ONLINE.

Section 2 of the Export-Import Bank Act of 1945 (12 U.S.C. 635) is amended by adding at the end the following:

"(g) PROCESS FOR NOTIFYING APPLICANTS OF APPLICATION STATUS.—The Bank shall establish and adhere to a clearly defined process for—

"(1) acknowledging receipt of applications;

"(2) informing applicants that their applications are complete or, if incomplete or containing a minor defect, of the additional material or changes that, if supplied or made, would make the application eligible for consideration; and

"(3) keeping applicants informed of the status of their applications, including a clear and timely notification of approval or disapproval, and, in the case of disapproval, the reason for disapproval, as appropriate.

“(h) RESPONSE TO APPLICATION FOR FINANCING; IMPLEMENTATION OF ONLINE LOAN REQUEST AND TRACKING PROCESS.—

“(1) RESPONSE TO APPLICATIONS.—Within 5 days after the Bank receives an application for financing, the Bank shall notify the applicant that the application has been received, and shall include in the notice—

“(A) a request for such additional information as may be necessary to make the application complete;

“(B) the name of a Bank employee who may be contacted with questions relating to the application; and

“(C) a unique identification number which may be used to review the status of the application at a website established by the Bank.

“(2) WEBSITE.—Not later than September 1, 2007, the Bank shall exercise the authority granted by subparagraphs (E)(x) and (J) of subsection (b)(1) to establish, and thereafter to maintain, a website through which—

“(A) Bank products may be applied for; and

“(B) information may be obtained with respect to—

“(i) the status of any such application;

“(ii) the Small Business Division of the Bank; and

“(iii) incentives, preferences, targets, and goals relating to small business concerns (as defined in Section 3(a) of the Small Business Act), including small business concerns exporting to Africa.”.

SEC. 13. COMPETITIVENESS INITIATIVES.

(a) EXPANSION OF SCOPE OF ANNUAL COMPETITIVENESS REPORT.—The Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.) is amended by inserting after section 8 the following:

“SEC. 8A. ANNUAL COMPETITIVENESS REPORT.

“(a) IN GENERAL.—Not later than June 30 of each year, the Bank shall submit to the appropriate congressional committees a report that includes the following:

“(1) ACTIONS OF BANK IN PROVIDING FINANCING ON A COMPETITIVE BASIS, AND TO MINIMIZE COMPETITION IN GOVERNMENT-SUPPORTED EXPORT FINANCING.—A description of the actions of the Bank in complying with the second and third sentences of section 2(b)(1)(A). In this part of the report, the Bank shall include a survey of all other major export-financing facilities available from other governments and government-related agencies through which foreign exporters compete with United States exporters (including through use of market windows (as defined pursuant to section 10(h)(7))) and, to the extent such information is available to the Bank, indicate in specific terms the ways in which the Bank's rates, terms, and other conditions compare with those offered from such other governments directly or indirectly. With respect to the preceding sentence, the Bank shall use all available information to estimate the annual amount of export financing available from each such government and government-related agency. In this part of the report, the Bank shall include a survey of a representative number of United States exporters and United States commercial lending institutions which provide export credit on the experience of the exporters and institutions in meeting financial competition from other countries whose exporters compete with United States exporters.

“(2) ROLE OF BANK IN IMPLEMENTING STRATEGIC PLAN PREPARED BY THE TRADE PROMOTION COORDINATING COMMITTEE.—A description of the role of the Bank in implementing the strategic plan prepared by the Trade Promotion Coordinating Committee in accordance with section 2312 of the Export Enhancement Act of 1988.

“(3) TIED AID CREDIT PROGRAM AND FUND.—The report required by section 10(g).

“(4) PURPOSE OF ALL BANK TRANSACTIONS.—A description of all Bank transactions which shall be classified according to their principal purpose, such as to correct a market failure or to provide matching support.

“(5) EFFORTS OF BANK TO PROMOTE EXPORT OF GOODS AND SERVICES RELATED TO RENEWABLE ENERGY SOURCES.—A description of the activities of the Bank with respect to financing renewable energy projects undertaken under section 2(b)(1)(K), and an analysis comparing the level of credit extended by the Bank for renewable energy projects with the level of credit so extended for the preceding fiscal year.

“(6) SIZE OF BANK PROGRAM ACCOUNT.—A separate section which—

“(A) compares, to the extent practicable, the size of the Bank program account with the size of the program accounts of the other major export-financing facilities referred to in paragraph (1); and

“(B) makes recommendations, if appropriate, with respect to the relative size of the Bank program account, based on factors including whether the size differences are in the best interests of the United States taxpayer.

“(7) CO-FINANCING PROGRAMS OF THE BANK AND OF OTHER EXPORT CREDIT AGENCIES.—A description of the co-financing programs of the Bank and of the other major export-financing facilities referred to in paragraph (1), which includes a list of countries with which the United States has in effect a memorandum of understanding relating to export credit agency co-financing and, if such a memorandum is not in effect with any country with a major export credit-financing facility, an explanation of why such a memorandum is not in effect.

“(8) SERVICES SUPPORTED BY THE BANK AND BY OTHER EXPORT CREDIT AGENCIES.—A separate section which describes the participation of the Bank in providing funding, guarantees, or insurance for services, which shall include appropriate information on the involvement of the other major export-financing facilities referred to in paragraph (1) in providing such support for services, and an explanation of any differences among the facilities in providing the support.

“(9) EXPORT FINANCE CASES NOT IN COMPLIANCE WITH THE ARRANGEMENT.—Detailed information on cases reported to the Bank of export financing that appear not to comply with the Arrangement (as defined in section 10(h)(3)) or that appear to exploit loopholes in the Arrangement for the purpose of obtaining a commercial competitive advantage. The President of the Bank, in consultation with the Secretary of the Treasury, may provide to the appropriate congressional committees the information required by this subsection in a separate and confidential report, instead of providing such information in the report required by this subsection.

“(10) FOREIGN EXPORT CREDIT AGENCY ACTIVITIES NOT CONSISTENT WITH THE WTO AGREEMENT ON SUBSIDIES AND COUNTERVAILING MEASURES.—A description of the extent to which the activities of foreign export credit agencies and other entities sponsored by a foreign government, particularly those that are not members of the Arrangement (as defined in section 10(h)(3)), appear not to comply with the Arrangement and appear to be inconsistent with the terms of the Agreement on Subsidies and Countervailing Measures referred to in section 101(d)(12) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(12)), and a description of the actions taken by the United States Government to address the activities. The President of the Bank, in consultation with the Secretary of the Treasury, may provide to the appropriate congressional committees, the information required by this subsection in a separate and confidential report, instead of providing such information in the report required by this subsection.

“(b) INCLUSION OF ADDITIONAL COMMENTS.—The report required by subsection (a) shall include such additional comments as any member of the Board of Directors may submit to the Board for inclusion in the report.

“(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.”.

(b) CONFORMING AMENDMENT.—Section 2(b)(1)(A) of such Act (12 U.S.C. 635(b)(1)(A)) is amended by striking all that follows the third sentence.

(c) EXPANSION OF COUNTRIES IN COMPETITION WITH WHICH THE BANK IS TO PROVIDE EXPORT FINANCING.—Section 2(b)(1)(A) of such Act (12 U.S.C. 635(b)(1)(A)) is amended in the second sentence by inserting “, including countries the governments of which are not members of the Arrangement (as defined in section 10(h)(3))” before the period.

(d) SENSE OF CONGRESS REGARDING NEGOTIATION OF THE OECD ARRANGEMENT.—It is the sense of Congress that in the negotiation of the Arrangement (as defined in section 10(h)(3) of the Export-Import Bank Act of 1945) the goals of the United States include the following:

(1) Seeking compliance with the Arrangement among countries with significant export credit programs who are not members of the Arrangement.

(2) Seeking to identify within the World Trade Organization the extent to which countries that are not a party to the Arrangement are not in compliance with the terms of the Agreement on Subsidies and Countervailing Measures referred to in section 101(d)(12) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(12)) with respect to export finance, and seeking appropriate action within the World Trade Organization for each country that is not in such compliance.

(3) Implementing new disciplines on the use of untied aid, market windows, and other forms of export finance that seek to exploit loopholes in the Arrangement for purposes of obtaining a commercial competitive advantage.

SEC. 14. OFFICE OF FINANCING FOR SOCIALLY AND ECONOMICALLY DISADVANTAGED SMALL BUSINESS CONCERNS AND SMALL BUSINESS CONCERNS OWNED BY WOMEN.

(a) IN GENERAL.—Section 3 of the Export-Import Bank Act of 1945 (12 U.S.C. 635a), as added by section 6, is amended by adding at the end the following:

“(i) OFFICE OF FINANCING FOR SOCIALLY AND ECONOMICALLY DISADVANTAGED SMALL BUSINESS CONCERNS AND SMALL BUSINESS CONCERNS OWNED BY WOMEN.—

“(1) ESTABLISHMENT.—The President of the Bank shall establish in the Small Business Division an office whose sole functions shall be to continue and enhance the outreach activities of the Bank with respect to, and increase the total amount of loans, guarantees, and insurance provided by the Bank to support exports by, socially and economically disadvantaged small business concerns (as defined in section 8(a)(4) of the Small Business Act) and small business concerns owned by women.

“(2) MANAGEMENT.—The office shall be managed by a Bank officer of appropriate rank who shall report to the Bank officer designated under subsection (f)(2).

“(3) STAFFING.—To the maximum extent practicable, the President of the Bank shall ensure that qualified minority and women applicants are considered when filling any position in the office.”.

(b) FINANCING DIRECTED TOWARD SMALL BUSINESSES OWNED BY MINORITIES OR WOMEN.—Section 2(b)(1)(E)(v) of such Act (12 U.S.C. 635(b)(1)(E)(v)) is amended by adding at the end the following: “From the amount made available under the preceding sentence, it shall be a

goal of the Bank to increase the amount made available to finance exports directly by small business concerns referred to in section 3(i)(1).".

SEC. 15. GOVERNANCE.

Section 3(c) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(c)) is amended by adding at the end the following:

"(9) At the request of any 2 members of the Board of Directors, the Chairman of the Board shall place an item pertaining to the policies or procedures of the Bank on the agenda for discussion by the Board. Within 30 days after the date such a request is made, the Chairman shall hold a meeting of the Board at which the item shall be discussed.".

SEC. 16. SENSE OF CONGRESS REGARDING MULTI-BUYER INSURANCE AND WORKING CAPITAL GUARANTEE PROGRAMS.

It is the sense of Congress that the Export-Import Bank of the United States should seek to expand the number and size of the regional multi-buyer insurance programs and working capital guarantee programs operated by, through, or in conjunction with the Bank.

SEC. 17. SENSE OF CONGRESS REGARDING AN OFFICE OF RENEWABLE ENERGY PROMOTION.

It is the sense of Congress that—

(1) the Export-Import Bank of the United States should establish, within 2 years of the date of the enactment of this Act, an Office of Renewable Energy Promotion staffed by individuals with appropriate expertise in renewable energy technologies to proactively identify new opportunities for renewable energy financing and to carry out section 2(b)(1)(K) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(K));

(2) in carrying out the purposes of such an Office of Renewable Energy Promotion, the head of such Office should consider the recommendations of the Renewable Energy Exports Advisory Committee of the Bank to promote renewable energy technologies; and

(3) the Bank should include in its annual report a description of the activities carried out by such an Office of Renewable Energy Promotion, including for each year a description of the amount of credit extended by the Bank for renewable energy technologies during that year and a comparison between that amount and the amount of such credit extended by the Bank in previous years.

SEC. 18. ENVIRONMENTAL MATTERS.

(a) ENVIRONMENTAL REPRESENTATIVES ON THE ADVISORY COMMITTEE.—Section 3(d) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(d)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "15" and inserting "17"; and

(B) in subparagraph (B), by inserting "environment," before "production,"; and

(2) in paragraph (2), by adding at the end the following:

"(C) Not less than 2 members appointed to the Advisory Committee shall be representative of the environmental nongovernmental organization community, except that no 2 of the members shall be from the same environmental organization.".

(b) PUBLIC DISCLOSURE OF CERTAIN DOCUMENTS.—Section 11(a)(1) of the Export-Import Bank of 1945 (12 U.S.C. 635i-5(a)(1)) is amended by inserting after the first sentence the following: "Such procedures shall provide for the public disclosure of environmental assessments and supplemental environmental reports required to be submitted to the Bank, including remediation or mitigation plans and procedures, and related monitoring reports. The preceding sentence shall not be interpreted to require the public disclosure of any information described in section 1905 of title 18, United States Code.".

SEC. 19. GOVERNMENT ACCOUNTABILITY OFFICE STUDY OF BANK PERFORMANCE STANDARDS FOR ASSISTANCE TO SMALL BUSINESSES, ESPECIALLY THOSE OWNED BY SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS AND THOSE OWNED BY WOMEN.

(a) PERFORMANCE STANDARDS.—The Bank shall develop a set of performance standards for determining the extent to which the Bank has carried out successfully subparagraphs (E) and (I) of section 2(b)(1) of the Export-Import Bank Act of 1945, and the functions described in subsections (f)(1), (g)(1), (h)(1), and (i)(1) of section 3 of such Act.

(b) ASSESSMENT OF STANDARDS.—Within 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall transmit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate—

(1) an assessment of the performance standards developed by the Bank pursuant to subsection (a); and

(2) using the performance standards developed pursuant to subsection (a), an assessment of the Bank's efforts to carry out subparagraphs (E) and (I) of section 2(b)(1) of the Export-Import Bank Act of 1945, and the functions described in subsections (f)(1), (g)(1), (h)(1), and (i)(1) of section 3 of such Act.

SEC. 20. REPORTS.

Section 8 of the Export-Import Bank Act of 1945 (12 U.S.C. 635g) is amended by adding at the end the following:

"(f) ADDITIONAL REPORTS.—Not later than March 31 of each year, the Bank shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate reports on—

"(1) the extent to which the Bank has been able to use the authority provided, and has complied with the mandates contained, in section 2(b)(1)(E), and to the extent the Bank has been unable to fully use such authority and comply with such mandates, a report on the reasons for the Bank's inability to do so and the steps the Bank is taking to remedy such inability;

"(2) the extent to which financing has been made available to small business concerns (described in subsection (e)) to enable them to participate in exports by major contractors, including through access to the supply chains of the contractors through direct or indirect funding;

"(3) the specific measures the Bank will take in the upcoming year to achieve the small business objectives of the Bank, including expanded outreach, product improvements, and related actions;

"(4) the progress made by the Bank in supporting exports by socially and economically disadvantaged small business concerns (defined in section 8(a)(4) of the Small Business Act) and small business concerns (as defined in section 3(a) of the Small Business Act) owned by women, including estimates of the amounts made available to finance exports directly by such small business concerns, a comparison of these amounts with the amounts made available to all small business concerns, and a comparison of such amounts with the amounts so made available during the 2 preceding years;

"(5) with respect to each type of transaction, the interest and fees charged by the Bank to exporters (including a description of fees and interest, if any, charged to small business concerns), buyers, and other applicants in connection with each financing program of the Bank, and the highest, lowest, and average fees charged by the Bank for short term insurance transactions;

"(6) the effects of the fees on the ability of the Bank to achieve the objectives of the Bank relating to small business;

"(7) the fee structure of the Bank as compared with those of foreign export credit agencies; and

"(8)(A) the efforts made by the Bank to carry out subparagraphs (E)(x) and (J) of section 2(b)(1) of the Export-Import Bank Act of 1945, including the total amount expended by the Bank to do so; and

"(B) if the Bank has been unable to comply with such subparagraphs—

"(i) an analysis of the reasons therefor; and

"(ii) what the Bank is doing to achieve, and the date by which the Bank expects to have achieved such compliance.".

SEC. 21. STUDY OF HOW EXPORT-IMPORT BANK COULD ASSIST UNITED STATES EXPORTERS TO MEET IMPORT NEEDS OF NEW OR IMPOVERISHED DEMOCRACIES; REPORT.

(a) STUDY.—The Export-Import Bank of the United States shall conduct a study designed to assess the needs of new or impoverished democracies, such as Liberia and Haiti, for imports from the United States, and shall determine what role the Bank can play a role in helping United States exporters seize the opportunities presented by the need for such imports.

(b) REPORT TO CONGRESS.—Within 12 months after the date of the enactment of this Act, the Bank shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, in writing, a final report that contains the results of the study required by subsection (a).

Mr. FRIST. I ask unanimous consent the Senate concur in the House amendment, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF KENT A. JORDAN TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT

Mr. FRIST. I ask unanimous consent the Senate proceed to executive session to consider Calendar No. 924.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the nomination.

The legislative clerk read the nomination of Kent A. Jordan, of Delaware, to be United States Circuit Judge for the Third Circuit.

CLOTURE MOTION

Mr. FRIST. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

> We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Kent A. Jordan, of Delaware, to be United States Circuit Judge for the Third District.
>
> Bill Frist, Robert Bennett, Arlen Specter, Tom Coburn, Kit Bond, George Allen, Lindsey Graham, Trent Lott, Mel Martinez, Gordon Smith, Sam Brownback, Rick Santorum, Richard Burr, Hillary Clinton, Johnny Isakson, Jim DeMint.

Mr. FRIST. I ask unanimous consent that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, this circuit court nomination was reported unanimously out of the Judiciary Committee. I do not believe there is any controversy with this nomination. I hope we could vitiate this cloture motion and proceed to an up-or-down vote during tomorrow's session. In the meantime, I have filed cloture to ensure a vote this week on this circuit court nominee.

LEGISLATIVE SESSION

Mr. FRIST. I now ask that we resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, DECEMBER 7, 2006

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, December 7. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate resume executive session for the consideration of the nomination of Andrew von Eschenbach; I further ask consent that there be 60 minutes equally divided for debate prior to the cloture vote, with the time equally divided as follows: Chairman ENZI or his designee, 30 minutes; Senator GRASSLEY, 30 minutes; Senator VITTER, 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, the Senate overwhelmingly confirmed Robert Gates as Secretary of Defense today. I thank Chairman WARNER, once again, and Senator LEVIN for their tremendous work in expediting this nomination through the committee.

Tomorrow, the Senate will have a cloture vote on the nomination of the FDA Commissioner. I previously pointed out how important it is that we have a confirmed Commissioner there and thus I did file cloture to ensure that we did have before the end of this year. Senators can expect that vote somewhere around 10:30 to 10:45 tomorrow morning. If cloture is invoked, which I expect it to be, it is my hope that we will be able to get an agreement on scheduling a vote on confirmation at a reasonable hour.

We have several outstanding legislative and executive items to complete before we close out this Congress, so Senators should be prepared to be here until we get our work done.

ORDER FOR ADJOURNMENT

Mr. FRIST. If there is no further business to come before the Senate, I ask that the Senate stand in adjournment under the previous order, following the remarks of Senator DEWINE.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio is recognized.

HONORING OUR ARMED FORCES

SERGEANT JEREMY E. MURRAY

Mr. DEWINE. Mr. President, I rise today to honor the Marine SGT Jeremy E. Murray, from Atwater, OH. On November 16, 2005, Sergeant Murray was killed when a roadside bomb hit his military vehicle in Iraq. He is survived by his wife Megan and his young son, Ian. Twenty-eight-year-old Sergeant Murray was also the devoted son of Harold and Pam Murray, and the brother of Lisa Murray.

Jeremy lived a life that was a model of commitment and bravery. At the time of his death, Jeremy was serving his third tour of duty in Iraq. But before leaving, this is what he told his father Harold:

> If I don't come home, Dad, you know I died proudly. I died for what I wanted to do. This is my lifetime dream.

Serving his Nation in the military was, indeed, the childhood dream of SGT Jeremy Murray—something that had been ingrained in him at a young age through a love of the outdoors. Born on February 5, 1978, Jeremy was only 2 years old when his father started taking him into the woods. From there, he never once looked back.

Jeremy's strong appreciation for and love of the outdoors translated into a childhood obsession with all things Daniel Boone—who Jeremy believed was the greatest hunter of all time. Indeed, Jeremy wanted to be Daniel Boone.

His parents made him a Daniel Boone hunting outfit, complete with a raccoon skin cap and a rabbit pelt vest. A family friend contributed by making Jeremy a metal Bowie knife. And, his dad even made a replica flintlock for him.

Jeremy loved his Daniel Boone outfit. But, when he outgrew it, he found another uniform waiting for him—military fatigues. And according to his father, Jeremy "never was out of those. Never."

Jeremy's mother remembers that her son grew up talking constantly about joining the military. He joined the Army after graduating from Waterloo High School in 1996. After his enlistment ended, Jeremy came home and worked for awhile. But, only a few months later, he joined the Marines. It was simply the career Jeremy was meant to have. According to his father, Jeremy "wasn't happy with anything but the military."

Jeremy's mother agrees. "He really joined [the military] at birth," she said. Pam also remembers how ready her son was for the military. She tells the following story:

> [Jeremy] was so prepared for military service that when he entered boot camp, he broke down a rifle faster than his drill sergeant. The drill sergeant didn't like that!

Jeremy made the military his career, and he gave it his all. He was serving his third tour of duty in Iraq when he died. SGT John McLemore was a friend of Jeremy's who served with him in Iraq. This is what John had to say about Jeremy's service overseas:

> He was an uncompromising legend. We live in a world today where people compromise for their own comfort and give in just to accommodate other people. My friend Jeremy didn't do that. When we were in Iraq, he was by far the most competent leader for our section. He didn't hesitate to take the lead, and he definitely went out there and put himself directly in the line of fire on every patrol. . . . He knew what he had to do, and he got out there and did it. That's what makes him a legend. He'll be remembered forever.

Indeed, Jeremy served his country with heroic bravery. His leadership has earned him more awards than I could name here, but they include the Purple Heart, a Navy and Marine Corps Achievement Medal with a Gold Star for heroic achievement.

But Jeremy was much more than a dedicated marine. He was also a devoted husband, father, son, and brother, who loved his family deeply. His 10-year-old niece Torey showed her love by writing Jeremy the following in a letter, "I know he's a hero in my heart. I will always miss you." And his sister Lisa wrote: Jeremy was my hero all my life. I looked up to him my whole life and miss him greatly every day.

Jeremy's wife Megan was simply his soul mate. And his mother remembers that Jeremy's son Ian could always make him laugh. Perhaps Jeremy's love for his wife and son is best captured in a picture that was displayed at his funeral. In it, he could not stop gazing at Ian, who was then a newborn, and his wife Megan—not even to look at the camera. You can just see the deep devotion he felt for them.

Jeremy's funeral was held at his old high school on a Monday when it was already closed for the first day of hunting season—fitting, considering Jeremy's great love for the outdoors. Along with her class, his niece Torey decorated the cafeteria and auditorium with colored flags and yellow ribbons. On that day, Jeremy's dad took time to watch the tree line of the woods he had once scouted with Jeremy. He said:

> I told my wife if any deer came up, I would pull up a chair beside him and watch it. Jeremy would have liked that.

Jeremy's dad presided over his son's funeral. In his eulogy, he remembered both Jeremy's strong faith and his love of the outdoors. He said:

> I know right now, as he's standing at the right hand of God, he's looking down on his grandfather and me because today is the first day of hunting season, and we're not out. He's gonna give me heck for that next time I see him.

Jeremy was a young husband and father with a bright future ahead of him. He was a shining example of not only a marine but also of a human being. He will always be remembered.

My wife Fran and I continue to keep the family of SGT Jeremy Murray in our thoughts and prayers.

SERGEANT JEREMY M. HODGE

Mr. President, I rise today to pay tribute to a fallen hero, Army SGT Jeremy Michael Hodge from Rushsylvania, OH. On October 5, 2005, Sergeant Hodge died in Iraq in a suicide bomber attack. He was just 20 years old.

As a member of the National Guard, Jeremy was an unselfish, hardworking leader, whose life exemplified the values of honor and duty. On dangerous missions, he was always the one wanting to take the lead. Growing up in Rushsylvania—a small Ohio village of 530 residents—Jeremy became known as a young man who would drop whatever he was doing to help with community tasks, like setting up for events at the school gym.

A sports enthusiast, he became a member of the baseball, football, and track-and-field teams at Ridgemont High School. A well-rounded student with many talents, he was also a member of the school choir and performed in musicals.

Principal Chad Cunningham remembers that Jeremy was the type of person who was always offering to help his fellow students and the school faculty. This is what he said about him:

> Jeremy's positive outlook was evident in all he did. If Jeremy was sitting on the bench, he wasn't pouting. He was cheering on his teammates and helping encourage them.

Jeremy graduated from high school in 2003, and soon after the National Guard. By joining the military, he was following in family footsteps. His father, Mike, was an Air Force veteran, and Jeremy had been born on an Air Force Base in Japan.

In Iraq, Jeremy's mission was to patrol the streets of Baghdad to find and destroy roadside bombs. According to military officials, the lives of three servicemen are saved by every bomb rendered useless. Command Sergeant Major Paul Trickett served with Jeremy in Iraq. He said that "by my count, Jeremy saved the lives of 225 other soldiers. He put himself in the line of danger to save others. To me, that's a hero."

At Jeremy's funeral, Sergeant Major Trickett also spoke proudly of serving with Jeremy, and of the young soldier's bravery:

> He volunteered to lead. He wanted to lead—he wanted to be out front. Without hesitation, he took on the challenge to protect his brothers in arms.

Jeremy's service to our Nation did not go unnoticed. A Specialist at the time of his death, the Army honored him with a posthumous promotion to Sergeant. Jeremy's bravery also earned him the Purple Heart, the Bronze Star, and the Ohio Distinguished Service Medal.

"He was a fighter, all right," Jeremy's father said. "Whatever he did, he did full bore—non-stop since almost the day he was born."

Jeremy was a young man with a bright future before him. He had hoped to go to college and play football again after serving in Iraq. He also had dreams of one day becoming a NASCAR driver.

Scott Gillfillan was Jeremy's high school baseball coach, and his son Vince grew up alongside Jeremy. Scott remembers that Jeremy was a "well-liked kid who didn't have a bad bone in his body. He had the biggest heart you'd want to know."

Living only 7 miles apart, Jeremy and Vince played sports together and grew as close as brothers. Scott coached them both in baseball and remembers that they never came straight home after practice. He said, "They'd stay over at the field, going at it over and over until they got it right. That's what Jeremy was about."

Vince graduated from high school and enlisted in the Army just one year before Jeremy did. And on the day Jeremy died, Vince was only one vehicle behind him in the convoy. As Scott said:

> There they were, together, in the same unit, in the same convoy. Now, we're just trying to work through this together. They were practically brothers. How do you get over something like that? I don't think you ever do.

Vince spoke the following words at Jeremy's funeral:

> Jeremy would say how cool it would be to grow up together, to go to school together, join the Army, serve in Iraq together, and then come back home together. What we need to do right now is help each other because I'm sure Jeremy is in Heaven right now probably racing Dale Earnhardt.

Jeremy Hodge was a true patriot. Always willing to be on the front lines, he displayed courage and tenacity. He was also loved and deeply respected by all who knew him. More than 400 hundred family members, friends, and soldiers attended his memorial service at Rushsylvania Church of Christ. After the funeral, more than 100 vehicles led by a camouflage humvee proceeded through the village to the Rushsylvania Cemetery.

Three vehicles from the front, Jeremy's father drove his son's 1999 Dodge Ram 1500 four-wheel drive pickup truck. It was adorned with both a U.S. flag and a flag for NASCAR driver Mark Martin.

Jeremy will always be remembered as an all-American boy who loved four-wheeling, motorcycles, hunting and fishing, watching NASCAR and rooting for Mark Martin. He dearly loved his family and made his parents, family, and community very proud. He had a big heart was tremendously dedicated to his family, friends, and country.

My wife Fran and I will continue to keep Jeremy's father Mike; his mother and step-father Michelle and Steve Norris, and his sisters Alyssa, Nicole, and Denise in our thoughts and in our prayers.

PRIVATE FIRST CLASS ADAM JOHNSON

Mr. President, I rise today to pay tribute to a fallen soldier—Army PFC Adam Robert Johnson. Private First Class Johnson, from Clayton, OH, died on October 31, 2005, when a roadside bomb detonated near his military vehicle in Iraq. Three other members of his unit—the 101st Airborne—also lost their lives that day. Private First Class Johnson was 22 years old and had been in Iraq for just 5 weeks.

A.J.—as he was known to family and friends—was an outgoing and optimistic young man, who always had a smile on his face. His positive attitude and love for others will be missed by all who knew him.

Growing up, A.J. loved nothing more than playing soccer. It was his passion. He became a star player for Northmont High School's varsity team. As a senior, his hard work and dedication earned him the starting goalkeeper position. He had an extraordinarily successful season. Not only was he selected as the Goalie of the Year for the Greater Miami Valley Conference, but he was also selected as the overall Player of the Year. A.J. was also honored as a student-athlete when he was selected as a first-team pick on the Miami Valley Scholastic Soccer Coaches Association All-Dayton North Team.

A.J. enjoyed sharing his passion for soccer with others. After graduating from Northmont in 2001, he volunteered as an assistant coach for the next two years, helping the players who came after him become better athletes and team members.

A.J. is deeply missed by those who knew him through soccer. Mark Spirk, Northmont's head coach, watched A.J. grow up playing soccer. He remembers how much A.J. enjoyed working with others. "He had helped out every year at our Northmont soccer camp, working with the younger kids," he recalls. "He worked hard at that just like he had as a player."

When A.J. joined the Army, he brought with him that same dedication and work ethic that had made him a star soccer player. Joining the Army was something he had always dreamed of doing. He enlisted without telling his parents. Afterward, he told his father Randy Johnson that this was what he had always wanted to do. "He didn't want me to talk him out of it," Randy said. "He said it was something he always wanted to do." Randy said he was proud of his son, who was always smiling and showing a positive attitude.

A.J.'s mother Fran recalls that "we all supported Adam's decision, even though, especially for me, it was very, very hard to do. I am proud of the man he became."

After joining the Army, A.J. was stationed at Fort Campbell in Kentucky. He was deployed to Iraq in September 2005. He carried his positive spirit with him into the Army. According to a sergeant who was his team leader in Iraq, A.J. fit right in "with his easygoing personality, sense of humor, and never-quit attitude."

The members of A.J.'s community have rallied around his family. Five hundred mourners attended his funeral at the Salem Church of God, and the procession from the church to the cemetery stretched a mile long. Along the way, an elementary school class and its teacher stood quietly to pay their silent respect, and cars pulled over. Some motorists got out and covered their hearts.

Army BG John R. Bartley spoke at A.J.'s funeral, saying that the young soldier was an American hero who understood the meaning of duty, honor, and country. "All of us in uniform share your sorrow," he said. "We, too, are grieving."

Displayed at A.J.'s funeral, in a wooden box before his flag-draped coffin, were the ribbons and medals he had earned. They included a Combat Infantry Badge, a Bronze Star, and a Purple Heart.

Indeed, A.J. is missed by his entire community. Abbie Harrison, who—along with her parents, Doug and Theresa, and her sister Natalie—were like a "second family" to A.J. Abbie wrote the following in his memory on an Internet tribute Web site:

> A.J. was my best friend. We shared so many happy memories. I miss him so much, and I know we will all see him again. He brought out the best in everyone, and he loved with all his heart. I wish I could be at least half the person he was. I will never forget him, and he will always be in my heart.

A.J.'s high school observed a schoolwide moment of silence to honor his memory. Robin Spiller, the district's athletic director and an assistant principal at the high school, had A.J.'s name added to a memorial outside the high school stadium. It is a memorial honoring all of the community's fallen servicemembers from past wars. "It's impacted us all," she said.

I would like to conclude my remarks with the words of A.J.'s former roommate, Bryan, from Englewood, OH. This is what he said:

> Adam—we all miss you dearly. You're the truest American Hero. Thank you and all the soldiers who have paid "the ultimate price" for our freedom. You will live forever in the hearts and minds of all of your friends. We all have lots of great stories to tell to remember you by . . . and we will never forget.

Indeed, we will never forget Army PFC Adam Johnson. He was a good soldier and a young man who exemplified a great spirit of caring and sacrifice.

My wife Fran and I keep his parents Randy and Fran, his brothers Matthew, Brad, and Ryan, and his grandparents Robert and Lois Marcus in our thoughts and prayers.

LANCE CORPORAL JOSEPH NICE

Mr. President, I rise today to honor a young man who lost his life in service of our Nation. LCpl Joseph Nice, from Newark, OH, was killed by enemy fire during Operation Iraqi Freedom. He was serving in the 3rd Battalion, 7th Marines, 1st Division, Expeditionary Force; Marines Air Corps Ground Combat division at Twenty-nine Palms, CA. He was 19 years old.

In the pursuit of his dream and in the footsteps of his relatives, Joseph Nice carved out a path for himself while serving the country he loved. Left to cherish his memory are his father Lloyd Nice III, his mother Marilyn Nice, his five sisters, his two brothers, his grandparents, and his aunts and uncles.

Today, we remember Joseph Nice—who was know as "Joey" to his family and friends. Joey was born in Newark on April 6, 1985. As a young boy, he was interested in football, soccer, baseball, cars, and the military. As a young boy, Joey loved to ask his grandfather about his own service in the Marines. From a very early age, Joey was interested in serving his country.

In 1998, Joey and his five siblings moved to Oklahoma for a time. There, Joey attended Choctaw High School, where he was well liked and involved in many activities. He was a straight-A student, worked in the school library, played saxophone in the band, and taught himself the drums. He played on the soccer team and loved to draw landscapes.

Joey was also known as a great friend. Teammate and fellow band member Cody Largent had this to say about Joey: "If you had a problem, he was always there for you. He was very brave, and I'm proud that he was my best friend." Joey used to tell Cody that he wanted to be a lawyer so that he could help his friends get out of trouble in the future.

Joey was very close to his grandmother Mary. One of her favorite memories of Joey is how she would joke with her grandson about how much time he spent in the bathroom, making sure he looked "just so." She remembers his polite and easy-going nature—and his cooking talents.

When Joey decided to enlist after high school, it did not surprise anyone. After all, he had made his intentions known since he was a little boy. High school classmates recall that while watching coverage of Operation Iraqi Freedom at school, Joey would tell them that he couldn't wait to fight for his country.

Joey loved being a marine—something his grandmother quickly noticed: "The Marines were his life," she said. "If you didn't know any better, you'd think he'd been in the Marines for 30 or 40 years. That's how devoted he was."

Joey was, indeed, a devoted marine, and he did not shy away from serving in Iraq. His Aunt Susan remembers a phone conversation she had with her nephew before he left. Joey told her:

> I know it's not easy. I know I might not make it back. But, I want to do this for you, our family, and our country.

Joey wanted to make his family proud—and he did. His grandmother described the feeling she got whenever she saw her grandson—it made her chest swell "200 miles."

Joey was stationed near Baghdad, and although he was on the other side of the world, he made sure to keep in touch with his family at home. He called his grandfather, Lloyd Nice, Jr., to tell him how happy he was to have qualified for the military law program. Joey also made sure to call his grandmother every few weeks, and the two were making plans for his return home. Joey couldn't wait to buy a car and have a belated birthday celebration.

Tragically, Joey did not celebrate his birthday with his family. He was killed by an enemy sniper on August 4, 2004, in Al Anbar Province, Iraq.

At the memorial service held in his honor, friends and family remembered Joey as a patriot—a man who put his country ahead of himself. They remembered that he was quick to smile and eager to raise the spirits of all those around him. They remembered a young man full of love for his family and for his country. As Reverend Robert Knox said so well at a ceremony for Joey at the American Legion Post 85, "A lot of people say they believe in our Nation. This man proved he did."

LCpl Joseph Nice was an extraordinary marine, but more than that, he was an extraordinary person. Though he is truly missed, I know that Joey will live on in the hearts and minds of all those who had the privilege of knowing him.

My wife Fran and I continue to keep the family of Marine LCpl Joseph Nice in our thoughts and prayers.

MASTER SERGEANT JOSEPH J. ANDRES, JR.

Mr. President, I rise today to pay tribute to Army MSG Joseph J. Andres, Jr., of Seven Hills, OH. On December 24, 2005, Master Sergeant Andres was wounded when his Special Operations Unit came under small arms fire in Iraq. He died later that day. He was 34 years old.

Joe, as he was known by family and friends, was a selfless man, deeply devoted to his family, friends, and community. Joe was always there for someone who needed him, whether it was to talk over the big issues of life or simply to fix a friend's computer.

Joe's generosity was truly exceptional and rare. Once, shortly after buying his first house, he insisted that a comrade's family stay there while closing on their own home. According to Joe, it was they who would be doing him a favor. This is simply the kind of man Joe was—he always wanted to lend a hand to those who needed it.

Joe grew up surrounded by family and friends. He was the only boy in a family with five sisters. He liked being outdoors, fishing with friends and riding his dirt bike through the woods. His father, Joseph, Sr., said that his son was "adventurous," but also responsible. Joe rode dirt bikes, skateboarded, and snowboarded, but he was also on the honor roll, played drums in the symphony orchestra, wrestled, and ran track. He was fun-loving but also hard working.

Tim Vojta had been a friend of Joe's since third grade and ran track with him at Padua Franciscan High School. Tim remembers his friend's strong work ethic. He said that Joe "wasn't the fastest guy on the team, but he was the one who worked hard and was really dedicated." According to Tim, Joe displayed a capacity for commitment and enthusiasm as a child that followed him throughout life.

It was these qualities of commitment and enthusiasm that made Joe such an excellent serviceman. After graduating from high school in 1989, he studied materials engineering at the University of Cincinnati for 2 years before deciding that he had another calling in life. For Joe, that meant serving his country in the Army. According to his father, "Joe decided he didn't want to spend his life behind a desk."

Joe enlisted in the Army Reserve as a combat medic in February 1992. The following April, he volunteered for active duty, eventually serving as a medic and medical noncommissioned officer at Fort Bliss, Texas, and in Germany. When he died, Joe was serving with the U.S. Army Special Operations Command, based in Fort Bragg, NC.

One of the most remarkable things about Joe was his simple bravery. He shrugged off the dangers of his job, often telling strangers that he was a greeter at Wal-Mart. But Joe also knew there was nothing funny about anything he did. According to his family, he knew and appreciated the risks of his job. If the worst should happen, he told them, he wanted to be buried at Arlington National Cemetery, which, indeed, became his final resting place.

Joe's bravery and dedication to the Army have been recognized with numerous awards, including the Bronze Star, a Meritorious Service Medal, and an Army Commendation Medal. He was also posthumously promoted to the rank of master sergeant.

Joe's family was making preparations for his return when he died. His sister Sharon says that he had spoken to their mother just a few days before his death. "She told him she was praying for him," Sharon remembers.

Although it was expected that Joe would return to Iraq, he was scheduled to be home for New Year's Eve 2005. Plans were being made to celebrate in Cleveland's Warehouse District and to attend a Cleveland Brown's game the following day. And almost daily, Joe was e-mailing his best friend Chuck Carlin, making plans for what they would do over the holidays.

Tragically, these plans were never realized. The Christmas decorations were already up, but new ones were then added. Six small American flags joined the manger scene, the snowman, and a Merry Christmas sign. And other houses throughout the Seven Hills community displayed flags and red bows honoring Joe's memory.

Joe was a young man who was deeply connected to his church and community. Before his burial at Arlington, a memorial mass was held in his honor at St. Columbkille Roman Catholic Church. An unofficial honor guard of school children lined a street as the procession drove past.

During the ceremony, family and friends fondly recalled Joe's playful side. They remembered that he loved cartoons, fluffy towels, hot tubs, and hot sauce. They remembered that Joe would bring his laundry home when on leave and would call ahead to make sure that his favorite takeout sandwich was waiting for him.

Family and friends also paid tribute to Joe's love for and dedication to his country. "He was the best of the best," declared his sister Pamela. "He really believed in what he did," said his sister Debbi. And sister Maureen added, "Reflect and remember why men like my brother serve this great country with such passion and conviction."

Joe made friends easily—and then kept those friends for his whole life. His Internet tribute pages are filled with messages from those who knew him from as far back as elementary school. All of these messages are incredibly moving. They speak of Joe's bravery, his dedication, and the simple way in which he could make anything fun. There is one message, in particular, that I would like to share today. A childhood friend, Michael Stutz, wrote the following in a message addressed to Joe:

> To anyone who would ever hear the half of it, our time together over years long gone sounds like a giant roll call of the idylls of youth: scouting, fishing, swimming, biking, the autumn football games, camping at the lake, our first band, that double-date to the ice cream stand, mopeds, skateboarding, shooting rifles, exploring the woods, riding in the Triumph Spitfire, wandering out among the Erie islands.
>
> But today, what I remember most is one brief moment on our eighth grade field trip to Washington, where you stood next to me at Arlington. We paid our respects and thought of the long glory of the nation and for just a moment everything was quiet. In my heart, I stand by you there again, but you are suddenly a whole lot taller, and I am looking up to you.
>
> I salute you, pal.

Joe Andres was an exceptional soldier and an exceptional human being—someone who knew the importance of both service and generosity. He will never be forgotten.

He is survived by his parents Joseph and Sandra and by his five sisters Deborah, Pamela, Christine, Maureen, and Sharon. My wife Fran and I continue to keep his family and his friends in our thoughts and in our prayers.

SERGEANT LARRY R. KUHNS, JR.

Mr. President, this evening, I rise to honor Army SGT Larry R. Kuhns, Jr., from Austintown, OH. On June 13, 2005, Sergeant Kuhns died when his military vehicle came under a grenade attack during combat operations in Iraq. He was 24 years of age at the time.

Born on April 9, 1981, Larry grew up an avid fan of the Cleveland Browns and was a lover of the outdoors. His father Larry, Sr., remembers him as a big, rambunctious boy, who was patriotic and adventurous—the type of person who was always looking for new ways to challenge himself. And in the Army, Larry always found new challenges.

After graduating from Fitch High School, Larry worked driving a tractor-trailer truck before joining the Army Reserves, where he became a heavy equipment operator. While in the Reserves, Larry also worked at an Army recruiting office in Boardman, OH, during late 2003. SFC Anthony Catrucco, who worked at the recruiting office with Larry, said this about him:

> It's a sad moment every time we hear something like this. [Larry] knew what he was getting into. He accepted it, and he was proud to serve his country.

Larry enlisted for active duty with the Army in February 2004. According to his father, Larry enjoyed serving in the military so very much. In his dad's words:

> [Larry] was a very dedicated soldier. All he thought about was the Army. He wanted to make it his life.

By joining the Army, Larry was also carrying forward his family's long tradition of military service. Larry's grandfather had served in World War II. and his great-grandfather had served in World War I. But, the family history went back even further—Larry's great-great grandfather fought in the Civil War. As Larry's grandmother Norma said, "We were very proud of him."

Larry. himself, took great pride in his military service. He joined the Army and simply loved what he was doing. His father remembers talking to his son at Christmas 2004. and even though Larry had shrapnel in his shoulder at the time, he was still positive and remained proud of what he was doing in Iraq.

When Larry died, he was a 7-year veteran, who was serving his second tour in Iraq and had been recently promoted to sergeant. SFC Herb Campbell remembers the dedication with which Larry served his country. He wrote the following in Larry's memory on an Internet tribute Web site:

> I was there as [Larry's] recruiter when he joined, and he could not have been prouder to serve his country. I will never forget Larry as we formed a close bond—as soldiers and friends. He had the biggest heart, the greatest sense of humor, but was ultimately dedicated to what he believed in. serving his country.

And, SPC Eric Rodman wrote this, as well on the Web site, in remembrance of his friend:

> I served with Sergeant Kuhns in the same platoon in Ramadi. Iraq. It was hard for me to deal with the loss. He was like a brother to me. I miss him so much.

Not only was Larry Kuhns a dedicated soldier, he was a devoted son, husband, and father. He loved his wife Courtney and their daughter Mackenzie more than anything else in the world. According to his dad, Larry thought and talked constantly about his family. Mackenzie was always uppermost in his mind. As Larry, Sr., said, "That little girl was his pride and joy."

Larry's devotion to his family was also clear to his comrades in Iraq, who saw everyday the love he had for his wife and daughter. His room in Iraq was simply plastered with pictures of his family—most of them featuring Mackenzie and Courtney. PFC Jason McCully, who served with Larry in Iraq, remembers how excited his friend was whenever he heard from those he loved and how he shared that excitement with his fellow soldiers. Private First Class McCully said that "every time [Larry] received a letter from home, everybody knew about it."

Even while serving in Iraq, Larry's family came first to him. The day before he died, he talked to his grandmother Norma. She recalls that the only thing Larry wanted to talk about was those he loved. "He didn't talk much about the war," she remembers. "He talked about family."

To Larry's cousins, he was like a brother. His cousin Jennifer Myers remembers both his strong belief in service and his wonderful sense of humor. She wrote the following in tribute to her beloved cousin:

> The last time I saw Larry. he was home between assignments in Iraq, and a big group of us all went out. I remember how proud he was of his service, how much he loved being in the Army and serving his country. I remember how much fun we all had that night, and seeing him laughing and just being good ol' Larry. That's how I will always remember Larry—my cousin, my friend.
>
> [He was] a great guy, with a great smile and a beautiful heart. When I think of him, I think of him as he was that night—happy, smiling, laughing.

Indeed, Larry is missed by everyone who knew and loved him. Family members always fondly remember Larry the sports lover, Larry the outdoorsman, and Larry the devoted husband, father, and son. They will never forget him. As his father said, "I know the Army didn't make a mistake, but I still keep thinking the phone will ring and I'll hear him say, 'Hey, old man.'"

Army SGT Larry Kuhns lived a life that was a model of service and dedication. He was devoted to his family, his fellow soldiers, and his Nation. As a soldier, he served with conviction and honor. My wife Fran and I will continue to keep his family in our thoughts and in our prayers.

Mr. President, I have one final tribute tonight and appreciate the Chair's generosity and time.

SENIOR AIRMAN ALECIA S. GOOD

Mr. President, I rise today to honor the life of Air Force Senior Amn Alecia Sabrina Good. Alecia was assigned to the 92nd Communications Squadron, Fairchild Air Force Base in the State of Washington. On February 17, 2006, Alecia lost her life from injuries sustained in a helicopter collision while on assignment in the Gulf of Aden off the coast of Djibouti, Africa. She was 23 years old.

She is survived by her 2-year-old daughter Tabatha, her twin sister Ashley, her brother Paul, and her parents, Paul and Claire.

Alecia grew up in Ohio and joined the Air Force 1 month after the September 11 terrorist attacks. After basic training and technical school, she was assigned to Fairchild's 92nd Communications Squadron as a tactical radio operator and maintainer.

In early February, Alecia was deployed to the Combined Joint Task Force Horn of Africa mission, supporting Operation Enduring Freedom. The Combined Joint Task Force Horn of Africa was set up in Djibouti in 2002 and is responsible for fighting terrorism in eight African countries and in Yemen.

Alecia was flying her first training mission when she was killed in the helicopter crash. The training mission involved two Marine transport helicopters in the Aden Sea. Alecia was on board the helicopter to provide satellite communication back to the Joint Operations Center at Camp Lemonier.

Alecia's death has been felt by many. She was a devoted, compassionate, and vivacious young woman, and possessed all the qualities that make a servicemember exceptional.

Alecia's twin sister Ashley described her sister as a vibrant, outgoing, young woman, who was full of fun and lived life to the fullest. "She was the silliest, quirkiest person. . . . She really knew how to cut loose," Ashley said. "We'd go dancing and she'd make up these really crazy dances. There was one she called the 'Pepper Grinder' and [one she called] the 'Lawn Mower.' She was very hard not to love."

Ashley also said that Alecia was extremely devoted to her family, especially her 2-year-old daughter Tabatha. Alecia wished the absolute best for her family," Ashley said. She wanted her little girl to grow up in a world that was safe and a world that was free.

Friends, family, and comrades recall Alecia's passion for living. But, they also recognize her dedication and perseverance. U.S. Air Force Chaplain MAJ Donald Hoffman noted how Alecia enlisted in the Air Force exactly 1 month to the day after the September 11 attacks. "By her mother's own words, she was not afraid," Hoffman said.

Pastor Bruce Gallaher said that people should remember Alecia's spirit and make the most of their own lives. "She looked at life adventurously and wanted to live passionately," Gallagher said. The energy and spirit that drove Alecia Good shall remain an inspiration to many long after her death. We owe it to Alecia to celebrate her life.

I would like to conclude my remarks with a message that was posted on an Internet tribute website in honor of Alecia. A man named Leo Titus of Grayslake, Illnois—someone who never met Alecia or her family—recognized her service and bravery. He wrote the following eloquent words:

> Thank you Alecia Good. You will not be forgotten. Your bravery goes beyond words. I want to express my deepest gratitude for your sacrifice. To [your] family and friends, [I send] my prayers and deep condolences in your loss. May God strengthen you from knowing that fellow Americans and people around the world care about you and grieve with you in your loss. God bless you all.

This message is signed simply—"A very appreciative fellow American."

Airman Good was buried with full military honors in Dixon, CA, on February 28, 2006. My wife Fran and I continue to keep her family and friends in our thoughts and in our prayers.

I thank the Chair and the staff and yield the floor.

ADJOURNMENT UNTIL 9:30 TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. on Thursday, December 7, 2006.

Thereupon, the Senate, at 9:30 p.m., adjourned until Thursday, December 7, 2006, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate December 6, 2006:

DEPARTMENT OF DEFENSE

MICHAEL J. BURNS, OF NEW MEXICO, TO BE ASSISTANT TO THE SECRETARY OF DEFENSE FOR NUCLEAR AND CHEMICAL AND BIOLOGICAL DEFENSE PROGRAMS, VICE DALE KLEIN, RESIGNED.

UNITED STATES SENTENCING COMMISSION

BERYL A. HOWELL, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2011. (REAPPOINTMENT)

JOHN R. STEER, OF VIRGINIA, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2011. (REAPPOINTMENT)

ELECTION ASSISTANCE COMMISSION

ROSEMARY E. RODRIGUEZ, OF COLORADO, TO BE A MEMBER OF THE ELECTION ASSISTANCE COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 12, 2007, VICE RAYMUNDO MARTINEZ, III, RESIGNED.

CONFIRMATION

Executive nomination confirmed by the Senate Wednesday, December 6, 2006:

DEPARTMENT OF DEFENSE

ROBERT M. GATES, OF TEXAS, TO BE SECRETARY OF DEFENSE.

WITHDRAWALS

Executive message transmitted by the President to the Senate on December 6, 2006 withdrawing from further Senate consideration the following nominations:

DAVID H. LAUFMAN, OF TEXAS, TO BE INSPECTOR GENERAL, DEPARTMENT OF DEFENSE, VICE JOSEPH E. SCHMITZ, RESIGNED, WHICH WAS SENT TO THE SENATE ON JUNE 5, 2006.

TRACY A. HENKE, OF MISSOURI, TO BE EXECUTIVE DIRECTOR OF THE OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS, DEPARTMENT OF HOMELAND SECURITY, VICE C. SUZANNE MENCER, RESIGNED, WHICH WAS SENT TO THE SENATE ON SEPTEMBER 5, 2006.